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**AIRCRAFT  
ACCIDENT INVESTIGATION BOARD  
REPORT**

**US ARMY UH-60  
BLACK HAWK HELICOPTERS  
87-26000 AND 88-26060**

**VOLUME 16**

**TABS V-090 thru V-104**

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**AIRCRAFT  
ACCIDENT INVESTIGATION BOARD  
REPORT**

**COPY**

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**CLASSIFIED ADDENDUM WITNESSES**  
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| <u>NAME</u>                 | <u>RANK</u>               | <u>TAB</u> | <u>CLASSIFIED<br/>ADDENDUM</u> |
|-----------------------------|---------------------------|------------|--------------------------------|
| MATTHEWS, PERRY J.....      | CW2 .....                 | V-001      |                                |
| MURREY, DANIEL P. ....      | Second Lieutenant .....   | V-002      |                                |
| MURREY, DANIEL P. ....      | Second Lieutenant .....   | V-002A     |                                |
| MURREY, DANIEL P. ....      | Second Lieutenant .....   | V-002B     |                                |
| BONG, JAMES I. ....         | First Lieutenant .....    | V-003      |                                |
| BONG, JAMES I. ....         | First Lieutenant .....    | V-003A     |                                |
| BONG, JAMES I. ....         | First Lieutenant .....    | V-003B     |                                |
| DAWSON, KENNETH D. ....     | Captain.....              | V-004      |                                |
| CONTROL WITNESS 02 .....    | AWACS Co-Pilot.....       | V-005      |                                |
| CONTROL WITNESS 03 .....    | AWACS Flight Engineer ... | V-006      |                                |
| CONTROL WITNESS 04.....     | AWACS Instr Comm Tech     | V-007      |                                |
| CONTROL WITNESS 05.....     | AWACS Instr Navigator ... | V-008      |                                |
| CONTROL WITNESS 06.....     | AWACS Aircraft CC.....    | V-009      |                                |
| CONTROL WITNESS 07. ....    | AWACS Inst Com Syst Op.   | V-010      |                                |
| CONTROL WITNESS 08.....     | AWACS Comm Tech.....      | V-011      |                                |
| CONTROL WITNESS 09.....     | AWACS MCC .....           | V-012      |                                |
| CONTROL WITNESS 10.....     | AWACS Instr MCC .....     | V-013      | pgs 22,46                      |
| CONTROL WITNESS 10 .....    |                           | V-013A     |                                |
| CONTROL WITNESS 11 .....    | AWACS Senior Director ... | V-014      |                                |
| CONTROL WITNESS 11.....     | AWACS Instr WD .....      | V-014A     |                                |
| CONTROL WITNESS 12 .....    |                           | V-015      |                                |
| CONTROL WITNESS 13 .....    | AWACS Enroute WD .....    | V-016      | pgs 8, 26                      |
| CONTROL WITNESS 13 .....    |                           | V-016A     |                                |
| CONTROL WITNESS 14.....     | AWACS Tanker WD.....      | V-017      |                                |
| CONTROL WITNESS 14 .....    |                           | V-017A     |                                |
| CONTROL WITNESS 15 .....    | AWACS Air Surv Officer .. | V-018      | pgs 7,12,19                    |
| CONTROL WITNESS 16.....     | AWACS Air Surv Tech.....  | V-019      |                                |
| CONTROL WITNESS 17 .....    | AWACS Air Surv Tech.....  | V-020      |                                |
| CONTROL WITNESS 18 .....    | AWACS Air Surv Tech.....  | V-021      |                                |
| CONTROL WITNESS 19 .....    | AWACS Air Surv Tech.....  | V-022      |                                |
| CONTROL WITNESS 20 .....    | AWACS Comp/Disp Tech.     | V-023      |                                |
| CONTROL WITNESS 21 .....    | AWACS Radar Tech.....     | V-024      |                                |
| CONTROL WITNESS 22.....     | AWACS Radar Op.....       | V-025      |                                |
| CONTROL WITNESS 23 .....    | ACE/DUKE .....            | V-026      |                                |
| CONTROL WITNESS 23 .....    |                           | V-026A     | pgs 19,20                      |
| CONTROL WITNESS 24 .....    | AWACS TAOR WD .....       | V-027      | pg 7                           |
| CONTROL WITNESS 25 .....    | F-15 Wingman.....         | V-028      | pgs 6,7,16,41                  |
| CONTROL WITNESS 25 .....    |                           | V-028A     |                                |
| CONTROL WITNESS 26 .....    | F-15 Lead.....            | V-029      | pgs 21,37,44,49,63             |
| FOSTER, CHRISTOPHER T ..... | Captain.....              | V-030      | pgs 1-6                        |

**CLASSIFIED ADDENDUM WITNESSES**  
(Arranged in Tab Order)

| <u>NAME</u>             | <u>RANK</u>             | <u>TAB</u> | <u>CLASSIFIED<br/>ADDENDUM</u> |
|-------------------------|-------------------------|------------|--------------------------------|
| SCHULZ, JOSEPH W.       | Captain                 | V-031      | pgs 4,5,10                     |
| RICHARDSON, DOUGLAS J.  | Colonel                 | V-032      | pgs 21-24                      |
| PILKINGTON, JEFFREY S.  | B-Gen                   | V-033      |                                |
| KULA, JAMES D.          | Colonel                 | V-034      |                                |
| KULA, JAMES D.          | Colonel                 | V-034A     |                                |
| BICKET, JOHN S.         | Major                   | V-035      |                                |
| WHITE, BARTON W.        | Senior Airman           | V-036      |                                |
| SCHMITT, MICHAEL N.     | Lt Colonel              | V-037      |                                |
| ROCHEN, JERRY G., JR.   | Chief Master Sergeant   | V-038      |                                |
| RIVERS, GLORIA H.       | Civilian                | V-039      |                                |
| NORMAN, TODD B.         | Airman First Class      | V-040      |                                |
| THOMAS, BENNIE, JR.     | Sergeant                | V-041      |                                |
| ZAHRT, JOHN W.          | Lieutenant Colonel      | V-042      |                                |
| SONNENBERG, DAVID L.    | Colonel                 | V-043      |                                |
| (RESERVED)              |                         | V-044      |                                |
| COGGINS, LYNDON R.      | Sergeant                | V-045      |                                |
| YOUNG, LAVERM           | Major                   | V-046      |                                |
| NETHERLAND, SCOTT R.    | Major                   | V-047      |                                |
| MENARD, MICHAEL J.      | Chief Warrant Officer 4 | V-048      |                                |
| HENRY, WILLIAM E.       | Chief Warrant Officer 3 | V-049      |                                |
| HOLDEN, KENNETH D.      | Chief Warrant Officer 3 | V-050      |                                |
| HOLDEN, KENNETH D.      | Chief Warrant Officer 3 | V-050A     |                                |
| HOLDEN, KENNETH D.      | Chief Warrant Officer 3 | V-050B     |                                |
| KOCH, KENNETH J.        | Chief Warrant Officer 2 | V-051      |                                |
| BOULEY, WILLIAM R.      | Staff Sergeant          | V-052      |                                |
| PATTERSON, SCOTT F.     | Staff Sergeant          | V-053      |                                |
| BEACHLER, CORY C.       | Sergeant                | V-054      |                                |
| BOWEN, DEON M.          | Sergeant                | V-055      |                                |
| MCCARTHY, JOHN A.       | Specialist              | V-056      |                                |
| MONSULICK, CHRISTINA M. | Specialist              | V-057      |                                |
| MCCARTHY, RUSSELL P.    | Specialist              | V-058      |                                |
| INGRAM, JOHN            | Civilian                | V-059      |                                |
| PAGE, GILMAN WILLIAM    | Civilian                | V-060      |                                |
| STREET, TERRY W.        | Civilian                | V-061      |                                |
| NEUSER, STEVEN T.       | Captain                 | V-062      | pgs 19-22,24,26,30,37,51       |
| JOLY, MICHELE           | Captain                 | V-063      |                                |
| TAHSIN, MOWFIK          | Civilian                | V-064      |                                |
| AMIN, HADI MOHAMMED     | Civilian                | V-065      |                                |
| AMIN, AZIZ MOHAMMED     | Civilian                | V-066      |                                |

**CLASSIFIED ADDENDUM WITNESSES**  
(Arranged in Tab Order)

| <u>NAME</u>                      | <u>RANK</u>                 | <u>TAB</u> | <u>CLASSIFIED<br/>ADDENDUM</u> |
|----------------------------------|-----------------------------|------------|--------------------------------|
| AMIN, MOHAMMED                   | Civilian                    | V-067      |                                |
| CARLSON, MICHAEL A.              | Chief Warrant Officer 2     | V-068      |                                |
| SANDERS, DONALD L.               | Major                       | V-069      |                                |
| SANDERS, DONALD L.               | Major                       | V-069A     |                                |
| SANDERS, DONALD L.               | Major                       | V-069B     |                                |
| FRASER, GEORGE M.                | Captain                     | V-070      |                                |
| GANZE, ELIZABETH                 | Captain                     | V-071      |                                |
| SHORT, JOHN E.                   | Staff Sergeant              | V-072      |                                |
| LARREAU, ROD P.                  | Staff Sergeant              | V-073      |                                |
| DAIGLE, CONNIE S.                | PFC                         | V-074      |                                |
| DEWITT, TERRY A.                 | Staff Sergeant              | V-075      |                                |
| CONTROL WITNESS 34               | CFACC Mission Dir (Mad Dog) | V-076      | pgs 44-46                      |
| CONTROL WITNESS 34               |                             | V-076A     |                                |
| DONOVAN, JOHN C.                 | Staff Sergeant              | V-077      |                                |
| WALKER, ROBERT HUGHES            | Captain                     | V-078      |                                |
| WALKER, ROBERT HUGHES            | Captain                     | V-078A     |                                |
| KENT, JEFFREY L.                 | Captain                     | V-079      |                                |
| DOUGHERTY, MARK E.               | Lieutenant Colonel          | V-080      | pgs 39-41                      |
| CATLETT, CHARLES E., JR.         | Technical Sergeant          | V-081      |                                |
| NOLAN, WILLIAM C. III            | First Lieutenant            | V-082      | pgs 4,6,7                      |
| MANION, KEVIN J.                 | Captain                     | V-083      | pgs 5,7                        |
| NILSEN, CARL R., JR.             | Staff Sergeant              | V-084      |                                |
| SCHNEIDMULLER,<br>GEORGE C., JR. | Staff Sergeant              | V-085      |                                |
| LINDAMOOD, DONNA G.              | Technical Sergeant          | V-086      |                                |
| GODIN, ROBERT A.                 | Technical Sergeant          | V-087      |                                |
| MARCIK, ROBERT J. II             | Master Sergeant             | V-088      |                                |
| ZIMMERMAN, GARY R.               | Captain                     | V-089      |                                |
| FEMENELLA, JAMES C.              | Senior Airman               | V-090      |                                |
| HUNT, JOSEPH F.                  | Colonel                     | V-091      |                                |
| EMERY, CURTIS H. II              | Colonel                     | V-092      | pgs 4, 21, 24, 30, 31          |
| FELS, JAMES D.                   | Lieutenant Colonel          | V-093      | pgs 5,12                       |
| FRECHTLING, ANDREW C.            | Major                       | V-094      | pgs 6-8,14                     |
| MALBROUGH, RODNEY L. JR.         | First Lieutenant            | V-095      |                                |
| PINTER, MICHAEL W.               | Lieutenant Colonel          | V-096      |                                |
| O'BRIEN, JAMES R.                | Colonel                     | V-097      |                                |
| O'BRIEN, JAMES R.                | Colonel                     | V-097A     |                                |
| WIGGINS, BURTON D.               | Major                       | V-098      |                                |
| MUSTAFA, ALI                     | Civilian                    | V-099      |                                |
| THOMPSON, GERALD B.              | Colonel                     | V-100      |                                |

**CLASSIFIED ADDENDUM WITNESSES**  
(Arranged in Tab Order)

| <u>NAME</u>                 | <u>RANK</u>                   | <u>TAB</u> | <u>CLASSIFIED<br/>ADDENDUM</u> |
|-----------------------------|-------------------------------|------------|--------------------------------|
| THOMPSON, GERALD B. ....    | Colonel.....                  | V-100A     |                                |
| ATKINS, BRIAN MICHAEL ..... | Lieutenant Colonel .....      | V-101      |                                |
| BALL, TERRY G. ....         | Chief Warrant Officer 2 ..... | V-102      |                                |
| BROWNE, JAMES S. ....       | Captain.....                  | V-103      | pg 2                           |
| BROWNE, JAMES S. ....       | Captain.....                  | V-103A     |                                |
| NYE, MICHAEL A. ....        | 1st Lieutenant.....           | V-104      |                                |
| NYE, MICHAEL A. ....        | 1st Lieutenant.....           | V-104A     |                                |
| THOMAS, SCOTT ALLEN .....   | Captain.....                  | V-105      |                                |
| PINGEL, STEPHEN R. ....     | Colonel.....                  | V-106      |                                |
| HENSON, ALLEN T. ....       | Chief Warrant Officer 2 ..... | V-107      |                                |
| HASSELL, LEONARD G. ....    | Colonel.....                  | V-108      |                                |
| WHITE, LARRY D. ....        | Major .....                   | V-109      |                                |
| WITCHER, CARL J. ....       | Lieutenant Colonel .....      | V-110      |                                |
| CUMBEE, MARK K. ....        | Lieutenant .....              | V-111      |                                |
| HALL, WILLIAM E., JR. ....  | Colonel.....                  | V-112      |                                |
| BETHEL, PAULETTE M. ....    | Major .....                   | V-113      |                                |
| STEVENS, PHILIP R. ....     | Captain.....                  | V-114      |                                |
| FOLEY, JOHN M. II .....     | Civilian.....                 | V-115      |                                |
| THOMPSON, ALAN.....         | Colonel.....                  | V-116      |                                |
| MASON, WILLIAM D. ....      | Major .....                   | V-117      |                                |
| BERNARD, ANDREW T. ....     | 1st Lieutenant.....           | V-118      |                                |
| BERNARD, ANDREW T. ....     | 1st Lieutenant.....           | V-118A     |                                |
| BRONSON, MATTHEW F .....    | Staff Sergeant.....           | V-119      |                                |
| MAHER, ROGER D. ....        | Colonel.....                  | V-120      |                                |
| ROGERS, JAMES R. ....       | Staff Sergeant.....           | V-121      |                                |



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**TAB V-090**

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**FEMENELLA, JAMES C.**

## **SUMMARIZED TESTIMONY**

**OF**

**JAMES C. FEMENELLA, SRA  
53 FS, SPANGDAHLEM AB, GERMANY**

The interview was conducted by Major Jeffrey Snyder at Incirlik Air Base, Turkey, beginning at 1513 hours, 20 April 1994. The standard witness advisement was given in accordance with AFR 110-14 and the witness was sworn.

### **EXAMINATION**

I am presently assigned to the 53rd Fighter Squadron, Spangdahlem AB, Germany and have been since February 1994. Presently I am deployed to Incirlik AB, Turkey. I have been in the Air Force for four years. I am an Avionics Specialist. When I entered avionics at Bitburg AB, Germany, I was sent here to Incirlik AB, Turkey in support of DESERT STORM. I have worked the flightline since coming into Bitburg. I haven't been assigned any details except for debrief for a few months of last year. The formal training I have had is Field Training Detachment. I have finished my CDCs. I have also been on multiple TDYs and learned most all of the avionics systems.

As an avionics technician I am responsible for the radar system, the lead computing gyro system, the heads up display system, the overload warning system and basically your central computer system. At Bitburg AB, Germany, they stressed learning not just your own AFSC, but also the other shops -- B-Shop and C-Shop. I'm an A-Shopper, but for upgrade training, you learn the other shops on the line. B-Shop involves hydraulic systems and indicating systems. The C-Shop involves the radar warning receiver system, the electronic counter measure system, the internal counter measures system and the identification friend or foe your air-to-air interrogator friend or foe identification system.

The IFF system is designed to reply to an interrogation by another aircraft using their air-to-air interrogation friend or foe system sending a signal to that aircraft asking for a reply of different information such as altitude, type of aircraft and the secure code that validates whether its friend or foe.

The F-15's air-to-air IFF interrogation system or the AAI system purpose is to give the F-15 pilot the opportunity to ask the question of another aircraft whether they are

**FEMENELLA**

friend or foe. In return, that aircraft's IFF system would return a signal to the F-15 replying whether it is friend or foe. The air-to-air gives them the opportunity to discern whether it is friend or foe. I am qualified to work on both the IFF and AAI systems.

As far as what the modes ask for in the two systems, Mode I, II, III, and C, I tend to scramble the three. But I do understand those modes answer specific questions such as altitude, heading and different information to the requester. Also, if the person knows the person questioning, using his AAI, to question if he knows the numbers that the second aircraft being interrogated and he gets those numbers returned he knows that is the correct aircraft. Modes I, II, III and C are contained in the IFF transmitter.

Mode I has a two number dial in the cockpit on the left side console. Mode II is loaded under door 3R on the aircraft transmitter, and is loaded prior to flight. Mode III is loaded on the main communications control panel situated in the center upper area in the cockpit. Mode C is an automatic mode sent and that is for Mode I, II and III and C. Mode IV is loaded by a keying system into what is called the KIT. The KIT is requested by the IFF when an interrogating aircraft calls and asks for that mode.

Mode I and Mode III are loaded by the pilot in the cockpit. Mode II is loaded prior to flight, and Modes I and III can be changed in flight. The pilot either changes Mode II himself or he requests the crew chief to punch in the numbers he's assigned for that day. Mode IV is loaded by the maintenance people prior to flight, and is loaded in two places in the aircraft -- the KIT for IFF and the KIR for AAI.

I'm not familiar with exactly what the acronym "KIR" stands for, but it's a black box which is an exact duplicate of the KIT. Both boxes are loaded by a maintenance person prior to flight. We use the KYK-18 to load them. The KYK-18 is loaded at our secure vault area with the code for the day. We then go to each aircraft and load that code into the KIT and KIR. We have four specialists on days at Incirlik who load the KYK-18 with the codes. Each one keys up on a different day. We're all qualified and familiar with the system, and take turns to key up the KYK and the aircraft. The person who keys the KYK usually is the one who keys the aircraft. We have a representative who acquires the codes, used to load the KYK from base security. The KYK-18 loads the signal into the KIT and the KIR electronically. There is a little unit connected to the KYK which we insert our tapes into, and run our tapes through, that loads the codes into the KYK-18.

As to what the implication could be if the wrong Mode IV were loaded into the aircraft -- as far as verification on our part, each day there is a numbered day for each tape that we run. Each day the number on the tape has to match the actual date of the month.

**FEMENELLA**

There are two persons keying up at one time because we have to destroy the previous day's code. So, there are two people at all times verifying that the day being loaded matches the day of the month. It would be possible for an incorrect code to be loaded if it were confused, but we have a check system having two people back there -- one person keying and the other person more of a witness. The codes used are destroyed the following day.

I was the technician that loaded the codes on aircraft 84-0025 and 79-0025 that flew on 14 April 1994. I did not have any problems that morning loading the KYK-18. When I went out to the aircraft that morning, I did not have any problems loading the codes into any aircraft.

The codes that go into the tester used to verify serviceability of the IFF system are loaded at the same time as the codes that are loaded into the KYK-18. Only one code is loaded into the tester, that is Mode IV. If you inadvertently load the wrong code into KYK-18 and the wrong code into the tester, it could give you the signal everything was all right on the aircraft.

There was nothing unusual concerning the aircraft launch on the morning of 14 April 1994.

(The standard witness caution was given and the witness had no questions.)

I certify that the foregoing is a true and accurate summary of the testimony of JAMES C. FEMENELLA as given to the Aircraft Accident Investigation Board.



BRYAN T. LAWLER, Lt Col, USAF  
Legal Advisor

**FEMENELLA**

AFFADAVIT

I am SrA James C. Femenella. I am assigned to the 53FS at Spangdahlem AB, Germany.

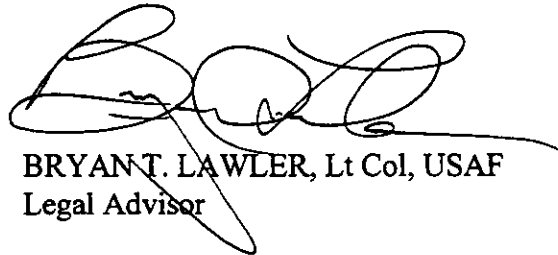
On 20 April 1994 I testified before the Aircraft Accident Investigation Board investigating the crash of two US Army Black Hawk helicopters in the northern No-Fly-Zone of Iraq on 14 April 1994.

My testimony on 20 April 1994 was in error in two respects. First, all my references to KYK-18 should have been KYK-13. Second, my statement that the KYK-18 loads the Mode IV codes into the KIT and KIR electronically should be changed to the KYK-13 loads the Mode IV codes electronically.



JAMES C. FEMENELLA, SrA, USAF  
53FS

Subscribed and sworn before me this 7th day of May 1994.



BRYANT T. LAWLER, Lt Col, USAF  
Legal Advisor

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**TAB V-091**

V-090

**HUNT, JOSEPH F.**

V-091

**SUMMARIZED TESTIMONY**  
**OF**  
**COLONEL JOSEPH F. HUNT**  
**HEADQUARTERS, EUROPEAN COMMAND**

The interview was conducted by Colonel Fain, at Incirlik AB, Turkey, beginning at 1712 hours, 27 April 1994. A standard witness advisement was given in accordance with AFR 110-14, and the witness was sworn.

**EXAMINATION**

I am Colonel Joseph Hunt, United States Army. I am presently the Commander of the JSOTF, Joint Special Operation Task Force, TACOM to the Combined Task Force, OPC II. My permanent job is that of J3 or Director of Operations for the Special Operation Command, Europe, located in Stuttgart, Germany.

I came here the 31st of last month. I've been here approximately a month at this time. The chain of command that I follow while I'm in this temporary duty assignment is, my direct supervisor is the Commanding General, General Pilkington of the CTF. I am a sub-component of his organization.

My relationship to the Military Coordination Center in the beginning was none, other than it is a component of equal stature in the command and control organization of the CTF. Each of us are a sub-component commander.

I had gone down four days prior to become familiar with the operational aspects of the MCC since I had deployed a twenty-one man Special Forces Task Force down there to assist in their security needs. They had specifically requested augmentation of a Special Forces package and I sent twenty-one men with one Turkish LNO down there to assist.

I am aware of the security zone area of Northern Iraq, north of the 36 degree line. The only flight that I was familiar with before the accident, of MCC flights outside of that security zone, was the flight conducted by Brigadier General Pilkington and his counterparts going south of the security zone.

I do not have knowledge of the take off time of that flight, other than the fact that I know it was in the morning hours, because I was there doing a road patrol and had been briefed that the flight was going to happen and who was on there. It was part of the morning meeting there at the MCC in great detail about where it was going, who was going to be on the aircraft. The specific hours that it would be at various locations on the flight route, which is a normal operation that

**HUNT**

would have been briefed and was briefed that morning. I went a different direction with the, what is considered the road patrol by the MCC, three to four vehicle convoy to go out and visit villages by road.

The two times that I flew with Eagle Flight during my three day orientation stay there, I was on the headsets once. They were headsets and "Y" cords, which is the extension cord to connect everyone. Each time I flew, pilots were on the intercom to everyone. Everyone heard what everyone was saying in the aircraft and they were calling back to both AWACS and to MCC, when they took off and when they landed, and where they were at.

Concerning the flight activity on the 14th of April, I knew that the flight had been discussed as an orientation flight to get the new commander down there to meet the political hierarchy of that particular area. I did not know the specifics on what time or where it was stopping, intermittent to the final destination.

I don't think it was more than one or two days before the 14th, that I was aware of that activity, because it was part of some discussion between Colonel Thompson and the POLAD, about wanting to go down there and meet the Kurdish political personnel. But, I can't remember a specific time frame or discussion, I just knew that it was going to happen as part of Colonel Mulhern's inprocessing and indoctrination of who was who, and where was where, and there was no specific date established when I was there and before I left the MCC, and came back to here.

The only other information that I have on a specific incident, prior to my arrival that night was a videotape that was given to me by the Kurdish government. It was of a reporter that had been in the local area for some other reason, taking videotaped pictures of the local area and he had taken a tape of the helicopters flying by, and then took a partial take of the F15 shooting one rocket.

I was advised of the tape when I arrived the night of the 14th. I had asked that, it be obtained and brought to me or the MCC as soon as possible. And I was told by the local Kurdish government official that they would confiscate the tape from the Kurdish TV station and get it to me as expeditiously as possible.

It did not come until the night of the 16th and I may have my dates wrong because it came to me at 3:30 in the morning. It was hand delivered to me personally and the next morning the team arrived, which I then turned it over to the team. It was turned over to the board the next morning upon their arrival.

There was an Eagle Flight with General Pilkington, outside the security zone before the flight on the 14th. It was within a three to four day window prior to that flight on the 14th. I can't remember the exact date that General Pilkington's flight went outside of the security zone.

**HUNT**



The one time that I was able to listen in during an Eagle Flight, I remembered them talking about where they were going next. To what point they were going, but no specific route.

The tape was not altered in any manner while it was in my possession. The tape was in my personal possession until the moment I turned it over. The only people that saw that tape was myself and Lieutenant Colonel Zahrt, my Air Component Commander, because he was with me when I received the thing and I wanted to see that it was, in fact, a valid tape.

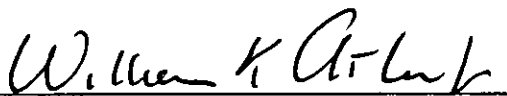
We had some difficulty with the tape initially, because it was an European system and I initially tried to use it on a U.S. tape player and could not get it to work. Then finally thought, having toured in Europe, that I should use the French system that was in another room. Then the tape did, in fact, work and based on the viewing of the tape, I immediately called the CTF and told them that I had it in my possession and it would remain in my possession until General Pilkington instructed me on what to do with it.

I also turned over a letter with the tape and that was the chain of custody of that tape before it had gotten to me.

I have no further statement or evidence to give.

(The standard witness caution was given and the witness had no questions. The interview was concluded at 1726 hours.)

I certify that the foregoing is a true and accurate summary of the testimony of JOSEPH F. HUNT, as given to the Aircraft Accident Investigation Board.

  
WILLIAM K. AT LEE, COLONEL, USAF  
Legal Advisor

HUNT

Authority: 10 U.S.C. 1044A

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**TAB V-092**

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**EMERY, CURTIS H. II**

V-091

V-092

**TESTIMONY OF  
COLONEL CURTIS H. EMERY, II  
39TH WING  
INCIRLIK AIR BASE, TURKEY**

**COL AT LEE:** The time is now 2003 on the 23rd of May 1994. The persons present are the Witness; also Major General Andrus, Mr. Brummell, Colonel Bennett, and I am Colonel At Lee.

This interview is being conducted at Ramstein Air Base, Germany. This is an official AFR 10-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of these helicopters in the northern No-Fly Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINCUSAFE. This investigation is not a Safety Mishap Investigation conducted under AFR 127-4. It is an Aircraft Accident Investigation conducted under AFR 110-14. The purpose of this accident investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary action, adverse administrative proceedings and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes and all witnesses are advised that the testimony will be treated in confidence.

However, testimony given in this accident investigation may be used for any purpose deemed appropriate by competent authority and may be publicly disseminated.

Do you understand the difference between a Safety Mishap Investigation and this Accident Investigation?

**WITNESS:** Yes.

**COL AT LEE:** Do you understand the purpose of this investigation?

**WITNESS:** Yes.

**COL AT LEE:** Do you have any questions?

**WITNESS:** No.

**EMERY**

COL AT LEE: Your testimony will be recorded and transcribed so that a written record can be made available to the appointing or higher authority. For the benefit of the reporter, please avoid the use of acronyms or jargon. Speak slowly, clearly and loudly. Remember to explain your answers carefully so that others who do not have your technical background can understand.

You are advised not to discuss classified information unless necessary to develop your testimony. If it is necessary for you to discuss classified information, you need to identify it as such.

As previously stated, this board is investigating the facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters in the northern No-Fly-Zone of Iraq on 14 April 1994 and the possible involvement of U.S. fighter aircraft. Information gathered to date indicates that you may have been negligent in the performance of your duties as the Combined Forces Air Component Commander. As a result, I must advise you that you are suspected of the following offense: Dereliction of Duty under Article 92 of the Uniform Code of Military Justice.

I advise you under Article 31, Uniform Code of Military Justice, that you have the right to remain silent; that is, to say nothing at all. Anything you say may be used as evidence against you in a trial by court-martial or in other judicial or administrative proceedings. I also advise you that you have the right to consult with a lawyer, if you desire, and to have a lawyer present during this interview. You may obtain a civilian lawyer of your own choosing at no expense to the Government or, if you wish, the Air Force will appoint a military lawyer for you free of charge. You may request a lawyer at any time during the interview; and if you decide to answer questions without a lawyer present, you may stop the questioning at any time.

Before deciding whether you wish to exercise your rights under Article 31 of the Uniform Code of Military Justice, I further advise you that any previous statements made by you under circumstances that may have violated your Article 31 rights may not be used against you. For example, previous statements or notes, written or oral, made by you at the direction or request of the supervisor or other superior officer who suspected you of misconduct cannot be used against you if the individual directing or requesting the statement did not advise you as he was required to do; nor can any statements made in the belief that they were provided under the privilege of a safety investigation be used against you. If you have made any previous statements under these conditions, you should consider that they cannot be used against you.

COL AT LEE: Do you understand your rights?

WITNESS: Yes.

COL AT LEE: Do you wish to remain silent or will you answer our questions?

WITNESS: I do not wish to remain silent.

**EMERY**

COL AT LEE: Do you want a lawyer?

WITNESS: No.

COL AT LEE: Would you please stand and I will swear you in?

(The witness was sworn.)

## **EXAMINATION**

### **Questions by Colonel At Lee:**

1Q: Please state your name and grade.

1A: Curtis H. Emery, II, Colonel.

2Q: Your organization?

2A: I'm currently in between jobs. I am assigned by Manpower to the 39th Wing. I am on temporary duty to Operation PROVIDE COMFORT with a job title Special Assistant to CINCUSAFE.

3Q: Your station of assignment is presently at Incirlik Air Base?

3A: It is at Incirlik, yes.

COL AT LEE: Colonel Bennett.

### **Questions by Colonel Bennett:**

4Q: What was your previous duty position at Operation PROVIDE COMFORT?

4A: From October of 92 through April, I was the Combined Forces Air Component Commander.

5Q: What were your primary responsibilities in that job?

5A: I had three duties in that job. As the Air Component Commander, I was on the Operation PROVIDE COMFORT staff and, as such, was responsible for overall planning and execution of flying operations. I was also the Commander of the 39th Wing. I was also the 7440th Provisional Commander, which is commander of all deployed U.S. forces--U.S. Air Force forces.

6Q: Could you give a brief summation of your primary responsibilities as the 39th Wing Commander and as the 7440 Composite Wing Commander?

6A: As the 39th Commander, the primary--several duties--primary duty is nuclear assurity throughout the Republic of Turkey. That's not classified. It shouldn't be.

**EMERY**

GENERAL ANDRUS: I don't think so.

WITNESS: Nuclear assurity throughout -- which is three different locations. Also responsible for a number of other sites in Turkey--Izmir, Balikishir, Ankara--as it was closing, Murted which is now called Akinci and also Diyarbakir. At each of those bases, there were folks who reported directly to us. There were squadrons of ours. Also, as the 39th Wing Commander, I was responsible for the overall morale and discipline of the folks who were assigned at Incirlik. Also, it's a weapons training site for all fighter forces stationed in Europe. Additionally, it's the [Classified Portion Deleted (15 words)]. The 7440th was established to provide an umbrella organization for all U.S. Air Force folks deployed in support of Operation PROVIDE COMFORT. It was promulgated during DESERT STORM and continued thereafter. Of course, it continues on today. It has with it discipline authority, Article 15 authority, over those U.S. Air Force's folks that are deployed there and operational control of the aircraft.

7Q: What is the chain of command under which you operated? Who did you report to?

7A: As the CFACC, I reported to General Pilkington and his couple successors before. As the 39th Commander, I worked for the 16th Air Force Commander. As the 7440th Commander, it was also a USAFE promulgated organization so that was a double hat that was almost the same hat.

8Q: As the CFAC Commander, what organizations came under your command?

8A: I told you that the 7440th had OPCON of all USAF deployed forces. With the Air Component Command hat on, also came tactical control or scheduling control of the Turkish, British and French forces that are deployed; and of course, I said OPCON of the other U.S. deployed fighters as well as the support aircraft as well for scheduling tactical control purposes.

9Q: So you had then tactical control of the flying forces located at Incirlik?

9A: At Incirlik, correct.

10Q: What about tactical control of the UH-60 helicopters that fly in Operation PROVIDE COMFORT?

10A: No.

11Q: Did you have any responsibility for the UH-60 helicopters based in Diyarbakir?

11A: Yes, absolutely. With my 39th Wing hat on, the squadron commander at Diyarbakir provided beddown for them.

12Q: I was asking--

12A: No--no operational relationship with the UH-60s.

13Q: Did you have tactical control of the UH-60s?

13A: No.

**EMERY**

14Q: With regards to the Operation PROVIDE COMFORT mission, what were the directives under which you operated?

14A: The PROVIDE COMFORT directives--well, I would say that it's OP Order 003 as far as the legal authority for the operation. The ROE was under ED 55-47 which OP 003 also provided information on. That would be the narrow focus if you're asking about Operation PROVIDE COMFORT. So, ROE is a EUCOM regulation--actually it goes to JCS, but EUCOM modifies it there. The 003 is the Air Component Commander. That's where I fit into the organization--yes.

15Q: Do you feel that the directives and the guidance that you received to conduct your duties as CFAC Commander were clear?

15A: As to the CFACC duties, yes.

16Q: Could you expand a little bit and describe for us the various functions that the CFAC staff performs and who performs which function?

16A: The primary job of the Air Component -- after receiving each day a mission-type order, a mission-type order tells you in general terms what the commander would like to happen the next day, we take that and we put it into a schedule. The primary responsibility for the schedule is what we call the scheduling shop or, in military terms, the fragmentary order shop. They put that order into a scheduling of all of the aircraft that are deployed to OPC. That includes the tankers and the fighters and so on. The primary responsibility for that is what's called the CFAC Director of Operations who works directly for the CFACC. Day in and day out, he oversaw that and did that.

The other responsibility is, once the schedule is put out, we're responsible for the execution of that schedule and that chain of command runs from myself to the CFAC DO to a fellow that's in the Command Post which you've learned in the investigation is called the mission director or the Mad Dog. There is also a person aboard the AWACS who is called the Duke. Now, those two people don't have supervisory--they are like airborne managers. They don't have decision-making capability, but as the schedule is flown, the CFAC continues watching the execution with, if it's a simple day, the man aboard the AWACS and the man in the Command Post simply monitor and make minor adjustments to the schedule, if you will. If there are decisions to be made, it has to be pushed back up the chain of command, if there is anything out of the ordinary. The overall primary responsibility for that oversight of execution is the CFAC DO, a very, very busy man. He trains those people and makes sure that he's always available to make the minor decisions that need to be made. The large decisions, of course, would be pushed right up the chain to myself. If it were serious enough, I would report to the CTF Commanding General.

17Q: You mentioned the Mad Dog or the Duke and you referred to Mad Dog, I believe, as the command element on the ground and you mentioned Duke was--

17A: It is not a command element.

18Q: It is not?

**EMERY**

18A: That would be absolutely incorrect because in my mind, to be precise, a commander can make major decisions, make decisions. They are simply supervisors. It's similar to what we do in the Air Force on a daily basis where we will have someone in the squadron who monitors the schedule to make sure that it's flowing okay and if someone doesn't show up flying into Iraq, adjust the schedule a little bit, but he is not allowed to make decisions. He only modifies the schedule and keeps us informed, and I'm sure you learned that through the investigation--no major decisions.

19Q: And the Duke, what is his role?

19A: The same. It's the same guy. One day he is in the Command Post and the next day he is airborne. He maintains contact via either HF but primarily SATCOM with the man aboard the AWACS who is called the Duke and provides him information if he needs it. The weather, if the weather gets bad, he makes sure he knows it. If they need--he's aware--the fellow in the Command Post, the mission director, says the F-15s are going to be late--he lets him know that so he can manage the flow of aircraft into Iraq and he also--the Mad Dog, the mission director in the Command Post keeps the CFAC DO informed of anything out of the ordinary because he has the--he's the first level of decision-making capability.

20Q: You mentioned guidance and mentioned 003, is there any informal guidance or verbal guidance concerning the conduct or command and control of the OPC mission?

WITNESS: You're just focusing on command and control?

COL BENNETT: Yes, for right now.

20A: This may be tangential, but we have CTF CG guidance as to the kinds of forces we need in the AOR such as two Wild Weasels and two air-to-air aircraft. If we don't, we pull back or we reshuffle the schedule. So, we have broad tactical guidance which constrains us properly. As we go about the execution, we may come out of the area, if say, all of the F-15s are aborted for some reason, we wouldn't go into the area.

21Q: Can you mention any other written guidance you may have received from the CTF Commander, in addition to what you've talked about concerning the conduct of the OPC mission?

21A: Not that I can recall, written guidance, not that I can recall.

22Q: What system did you have in place to pass formal guidance down to your subordinate organizations for those units that are attached to the CFAC for OPC operations?

22A: There are two things that we use. One is called the Air Coordination Order which is the unclassified "How We Do It," all the way from the route of flight to the weather requirements to the altitudes that you fly going and coming to air refueling procedures. It's a fairly comprehensive "How We Fly" OPC book. Additionally, we have what's called an Aircrew Read File which we get out--that's where the ROE for the aircrews is put out. If there are other restrictions or

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information that we deem absolutely essential that the crews need to know before they fly, it goes into that pile. Those are the two main written mechanisms to get information to the crews. Now, of immediate interest, we use the SENTINEL BYTE System which is an intel system but it allows, also, you to pass general information, unclassified, for instance. That is located in each of the squadron operations centers, so that when something changes, even the weather, we can immediately get it to all the crews in the squadron operation centers simultaneously--so that ends up to be written as well. That also can pass classified threat information as we debrief the crews and also passes information to the intel, so that the crews fly with the most current information, both unclassified non-intelligence and intelligence information.

23Q: Did you have any system for providing briefings on a regular basis to the units that came in and were attached to the CFAC?

23A: The CFAC DO had weekly meetings with the detachment commanders. All the new personnel that came in were provided--I can't say this for a fact--I did not do that. All people TDY to OPC, in general, got a briefing about their conduct in the Operation PROVIDE COMFORT being TDY there. The CFAC DO was responsible for bringing the new aircrews up to speed, and I'm not sure exactly how we did that. He had multiple meetings each week. One of the reasons that we have more flyers down there than you would normally have at Incirlik during peacetime, if you will--this isn't wartime, but it's somewhere in between--I fly. The Vice Commander flies. The CFAC DO flies. We have a captain--we had a captain, now major, that's left there that flew. The Deputy CFAC DO flies and that's another way that--we fly with everyone and usually we fly on their wing to see what they're briefing so we know and are comfortable with people coming in, knowing what the procedures are.

24Q: If a unit comes in as a full unit, do you conduct, as the CFACC, a unit briefing for a full-up unit?

24A: The CFAC--first of all, a full-up unit is a flow. The only full-up units that we ever had were probably, coming down in mass, that I recall, were the Guard and Reserve folks; and the CFAC DO did, in mass, brief them. I did not personally brief each unit as they came in, on operational procedures, because that's a CFAC DO's responsibility.

25Q: Did you have a system to ensure that the briefings that were given to the different units and different detachments did cover all of the requirements?

25A: Yes, that's the purpose of the ACO and the ARF. They are required to read all of it. You will have to ask the CFAC DO exactly what he covered with each of the incoming detachment commanders.

26Q: Was there any system to go check, other than flying with a crew, to make sure that the knowledge is there?

26A: Oh absolutely. They have to sign off--they have to sign that they read all of the ARF, Aircrew Read File, and the ACO. They had to, in fact, document that they had been through that.

**EMERY**

27Q: So there was no standardization guide for checking that went down, other than reading to see if they had initialed off?

27A: No, no.

28Q: You mentioned the ATO, I believe. Is the CFAC responsible for the ATO?

28A: Absolutely. The CFAC DO is responsible for that.

29Q: Could you please describe the relationship between the Combined Forces Air Component and the MCC? What is the relationship between those two organizations?

29A: We're on the same staff.

COL AT LEE: Excuse me, just to ensure that we're using the same terminology since the letters are used differently.

WITNESS: Okay.

COL AT LEE: Referring to the Military Coordination Center.

WITNESS: At Zakhu?

COL AT LEE: Yes.

WITNESS: Only that we're on the same staff. There is no direct relationship.

30Q: I gather from that, you're saying that you are two separate organizations reporting to the same commander. Is that correct?

30A: Not organizations. You have a wiring diagram--excuse me, you have an organizational diagram that shows you who works for whom. In the CFAC as well as the intelligence guy, the C-2; the Operations guy, the C-3, the CFAC is on the same level as those. The MCC, if I recall correctly, is on that same line, so we are equals in terms of organizational authority, but there is no direct relationship between us. You could call it indirect. We provide air support, air power--an umbrella so that the Military Coordination Center can do their job, but there is no direct relationship between the MCC, and the helicopters at Diyarbakir are MCC rear and they work for him.

31Q: Does any information about the helicopters get placed into the ATO?

31A: Yes, but it was--because I know what's going on now--I'm going to make sure I answer from when I left the job. As an F-16 pilot, I was aware and as the Air Component Commander, I was aware about the helicopter flights, of course, I was. I flew on the helicopters. I flew on the Monday before the incident. In the F-16 squadron operations center, we were regularly briefed on MCC flight activity, but I was not aware at that time because, as you learned, we had a flow sheet that all of the aircrews carried. The helicopter flights were not on that flow sheet so there

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was no formal requirement for the helicopters to tell the CFAC or the CFAC DO or the scheduling shop to tell them when they were flying. Now that routinely happened and also when you're flying, of course, because I flew some 300 hours out in Iraq, you routinely were aware of that because the AWACs would tell you that. I will say precisely that I know of, there was no formal procedure to put the UH-60s on our schedule.

32Q: You mentioned flying in the F-15 squadron and receiving information--

32A: No, F-16 squadron.

33Q: Sorry--F-16 squadron--and receiving information on the UH-60s. Do you know how that information got to the squadron?

33A: No.

#### **Questions by General Andrus:**

34Q: Was that information--

34A: I think I know. I think it's from the Ground Liaison Officer. I think he was doing it on his own, but I do not know for a fact because it was just part of the intel brief. It was-- "Additionally, Eagle Flight will be flying." They would mark the route of flight for us very regularly.

35Q: Was that the route of flight within the TAOR?

35A: Yes, Sir.

36Q: And would they also give you times departing Zakhu and the locations within the TAOR?

36A: Yes. They would give the window that they would be flying, yes, Sir.

37Q: I believe that you indicated that you also got that sort of information from the AWACS crew. Is that correct?

37A: Very often when you are airborne, you would hear the Eagle Flight--plus you'd hear-- you'd hear Eagle Flight call.

COL AT LEE: Excuse me.

#### **Questions by Colonel At Lee:**

38Q: Were you receiving information from the AWACS crews or were you overhearing Eagle Flight's calls to AWACS?

38A: It's been a year and a half of flying--I can't tell you. That's a good question, but I can't tell you for sure whether I overheard--Be advised that Eagle Flight is at Point X. I think so, but I can't say precisely. I can't say that.

**EMERY**

**Questions by Colonel Bennett:**

39Q: Could I clarify that for a second?

39A: Yes.

40Q: You're saying that you cannot remember whether you ever heard AWACS notify you that Eagle Flight was at a specific location?

40A: I just recalled one. There were periods in the Operation where we flew low levels in northern Iraq in the security zone and I recall several times flying low levels, which wasn't really low levels--it was 1,000 feet AGL because the helicopters were 400 and below--where they would give you advisories--Be advised. I recall taking extra caution and looking in the radar for potential conflict. I do recall that.

41Q: You mentioned that the UH-60s did not come under your control. Were they required to comply with the guidance contained in the ACO?

41A: Yes, the section on--there is a section in there on helicopter operations; for instance, as I just mentioned the 400 foot and below rule, and I know that they complied with it because I flew with the helicopter fellows and they were complying with it. They were required to comply with the Air Coordination Order, which is normal operations in any operation if there is an Air Coordination Order.

42Q: Were they required to comply with everything in the Air Coordination Order or the section you mentioned on helicopter operations?

42A: I would say everything that applied to them. There's a section on helo operations, but there is also a section on how to get in, how to get out, who to call and so on and altitudes to fly from Diyarbakir in and back so there are different sections that would apply to them. I can't tell you every single one of them.

43Q: Did the provision dealing with a fighter sweep in the ACO--excuse me, a fighter sweep into the TAOR before any other aircraft, did any other aircraft apply to the UH-60s?

43A: That was unclear.

44Q: There is a statement in the ACO that says that the first aircraft in the TAOR would be fighter aircraft to conduct a sweep of the TAOR?

44A: Yes.

45Q: Did that apply also to the helicopters?

45A: Here's what I know about that. I say yes because it was CTF verbal guidance that I heard that Eagle Flight would not fly--wait a minute--Eagle Flight would not fly until the AWACS were airborne. Now, I don't know whether or not we were required to do a sweep before the helicopters became airborne. I don't know that.

(There is a brief recess taken at this point. The time is 2032, 23 May 1994.)

**EMERY**

### **REPORTER'S CERTIFICATE**

I certify that the above sworn interview statement given by COLONEL CURTIS H. EMERY, II to the Aircraft Accident Investigation Board was recorded by me by stenomask and that the foregoing is a true, accurate and verbatim account of that statement.

  
\_\_\_\_\_  
MAUREEN A. NATION, DAFC  
Court Reporter

**EMERY**

(The interview reconvened at 2043 hours, 23 May 1994. Staff Sergeant Janet R. Charles replaced the previous court reporter.)

**COL AT LEE:** The time is 2043. The individuals who were present when we recessed are once again present.

**Questions by Colonel Bennett:**

46Q: When we adjourned, we were talking about a fighter sweep in the TAOR which is normally conducted by the F-15Cs that are the first aircraft in there. Do you think that the F-15C unit, which has the responsibility for that first fighter sweep, knows that there is helicopter traffic operating in the TAOR when they arrive?

46A: I can't tell you that, and some of that is after-the-fact information, because being an F-16 pilot, we were briefed that regularly, and I assumed that they were getting the same information. It didn't concern me, but I assume they were getting the same information. That's after the fact, though, I did not know whether or not they were getting it.

47Q: Since the ACO specifies no other OPC traffic -- correction -- no other OPC aircraft will be there prior to their arrival, do you think there could be room for misinterpretation?

47A: Misinterpretation?

48Q: Where the F-15 pilots are not the first aircraft in the TAOR?

48A: After the fact, I guess, surely you could say that; yeah.

49Q: Is there any way or any methods that was in place whereby the F-15s would have been told that there were friendly helicopters operating in the TAOR, prior to them conducting their first sweep?

49A: As far as I know, there was no formal procedure before the incident to make sure that they were notified of airborne helicopter traffic.

50Q: Could ----

**Questions by General Andrus:**

50Q: (Cont'd) Are you aware of any informal procedure?

50A: Well, I say formal because we were -- there was an informal one in the F-16, F-4G squadron, where we regularly were briefed on that. And after the fact, I think it was

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because of the Army ground liaison officer -- so there was an informal one; yes, sir, exactly. And I don't know whether or not the F-15Cs were briefed on it or not. I don't know for a fact that they weren't.

51Q: Are you referring to the Army liaison officer that was routinely assigned there at Incirlik?

51A: Yes, sir.

52Q: Is that the same officer that departed -- PCS'd just prior to the accident?

52A: I don't know that, sir. I don't know that.

53Q: Do you think that the F-15s could have had the impression that any aircraft -- in this case, helicopters -- operating in the area, prior to their arrival, could be unfriendly aircraft?

53A: You said, "could be." Absolutely. Any aircraft flying in the Iraqi air space north of 36 could be an unfriendly aircraft; yes.

54Q: Regarding the UH-60 flights conducted in the TAOR, do you have an understanding or belief that they receive flight following information from AWACS?

54A: Yes. And I say that because of what I had heard because, again, I was not responsible for them. But I heard more than once, during my tenure, that the CTF policy was that they would not fly until AWACS was airborne, so they could have flight following.

55Q: Are you aware of any requirement that they had to provide information to AWACS, other than flight following, or maintaining flight following with them?

55A: No.

55Q: Would you expect that AWACS would monitor the Eagle Flights and track their positions throughout the TAOR?

55A: Yes.

#### **Questions by General Andrus:**

56Q: What do you base that on?

56A: They were supposed to keep track of -- they should keep track of any air activity in the TAOR, whether it's helicopter, whether it's friendly, whether it's an unidentified aircraft. They should be -- to the extent they can, equipment-wise -- monitor those aircraft.

**EMERY**

57Q: And in your experience for the short time that you've been there?

57A: Yes, sir. I've flown aboard the AWACS, not a whole -- a lot of times, maybe three times in that year and a half. And my experience was that they track everything that was relevant in the TAOR, and some that looked that it could be.

58Q: While you were flying F-16s in the TAOR, did you ever hear anything to indicate that the AWACS was providing that information?

58A: Yes, sir. Yes, sir.

59Q: So you were comfortable that you were provided flight following for the traffic?

59A: To the extent that they could, and I say that because having flown on the helicopters out there, and given the very, very mountainous terrain -- and you all have been out there -- extremely mountainous terrain, there were times when they were blocked from radar coverage. In fact, probably a number of times because of their low altitude and the terrain, they could not monitor them all the time. And from my experience in the helicopters out there, sometimes it would take them awhile to get contact with the AWACS to let them know that in fact we were airborne and moving along; again, because the line-of-sight problems, the terrain.

**Questions resumed by Colonel Bennett:**

60Q: What is your understanding about how the helicopter crews, based upon the flights that you took with them, conducted their operations in the TAOR?

60A: I thought they were professional and adequate. I had not ridden in helicopters much. So I was interested and listening to how they flew -- you know, being a flyer myself -- and listening to the radio calls and the rhythm, the crew coordination, and watching them, I was favorably impressed with the attention to detail, and their recognition of the kind of environment they were in. They did fly low, as they do for protection, especially when we went down into Iraqi-held territory. You could tell that tension would increase, and rightfully so. They seemed very professional, young men to me.

61Q: What was your understanding of how they conducted radio and radar communications with AWACS; in particular, the transponder operations?

61A: On that flight on Monday which -- before the shoot down, they seemed very aware of it. I heard crew coordination, I heard them talking about running through their checklist, talking about IFF. And when we returned to Diyarbakir after we've gone into Iraq and done our business, and were enroute back, I even heard the two of them talking because their IFF had lit up. When the Mode IV part of it is interrogated, it lights up. And I heard them talk about that. I remember that -- like that was good. They were aware of what's going on because they were wondering who had lit them up.

**EMERY**



62Q: You mentioned that you flew with them on the Monday prior to the operation. Did you have any knowledge of the flight that they flew on the 14th, prior to the 14th?

62A: Did I have any knowledge of it?

63Q: Yes.

63A: You mean the flight -- the shoot-down flight?

64Q: Yes.

64A: No. Did I have any knowledge of it? (Pause.) I flew that day, and I do not specifically recall. I think they briefed us that Eagle Flight would be airborne, but we were behind. In fact, I was air refueling. If I get the timing right, I was air refueling when the shoot-down occurred, so I believe -- and I can't tell you absolutely, positively. You probably have found out before, talking to the intel people, whether or not we were briefed on the Eagle Flight that day. I do not specifically recall.

65Q: Okay. Were you present in any meetings or any briefings, prior to the 14th, where the mission of the 14th was briefed or discussed?

65A: Absolutely not.

66Q: You had mentioned earlier SENTINEL BYTE.

66A: Um-huh.

67Q: I would like to go into a similar area. Could you describe what the relationship between the CFAC and the CTF C-2. What function does the CTF C-2 provide, and how do they interface with the CFAC?

67A: Okay. The C-2 is on the CTF staff to provide broad intelligence information for the CTF staff, included in that is ground order of battle information on the disposition of ground forces, air as well, and general indications and warning that the CTF Commanding General, and myself as the CFACC, and the other staff needs to know.

The CFAC intel -- and this is the relationship you want me to get into. The CFAC intel works hand in glove with them, but focuses on what the aircrews need, in regard to intelligence to go fly; so it's complimentary, in a narrower focus. They briefed me, as the CFAC -- or as the 39th commander and the 7440th commander everyday, the CFAC intel did. I went to -- depending on which CTF commanding general there was, from once to three times a week, and heard the C-2 briefed intel; and they're always fairly similar. Again, ours was focused on flying. What did they fly yesterday? Was there anything interesting yesterday that could portend events of today? Flying activity levels, and the like. And if something very interesting, politically, diplomatically occurred, they would also brief that. The C-2 would be much more interested in the general intelligence information.

**EMERY**

68Q: Was the CTF C-2, therefore, responsible for passing along any air order of battle, Iraqi order of battle, information to the aircrews?

68A: Directly? I said it's hand in glove. I'm not sure you'd want to split it -- in my opinion, you'd want to split it that clean. I would prefer, and we work very hard at, not having the CTF staff agencies go directly to the aircrews because it could really confuse things. So my answer is, certainly, they could; but I would expect them in their professional relationship to get it to the CFAC intel, and let them get it into the system.

69Q: Who would be responsible for ensuring that the aircrews had an adequate knowledge of the Iraqi order of battle?

69A: I would say -- again, it's not purely clean. You asked me if we needed more guidance, and you've learned that this is an extremely complex operation, in terms of the responsibilities of myself with three "hats," and with the very complex and personality-driven relationship between the CFAC DO, and the C-3, and the C-2. It's very important. We work very hard to cooperate. So to say, I guess, who was totally responsible? It had to be a shared relationship because some of the assets -- this may be classified. Some of the assets that the C-2 has, we don't have, so we didn't have access to the information. We didn't have -- and that's enough. You know what I mean by that. We don't need any more detail. So it had to be a cooperative agreement because some information, only the C-2 would know and would have to pass. So, to try to split in some sort of a clean way, I don't think I would do that.

#### **Questions by General Andrus:**

70Q: Did the CFAC intel ever provide the aircrews information regarding the helicopter paint schemes on either the Iraqi or U.S. helicopters?

70A: I can't ----

71Q: To the best of your knowledge.

71A: I can't tell you. I don't know.

72Q: Do you know if that information was available? Had you ever been provided that information?

72A: From intel? No.

73Q: From any other source, prior to the accident?

73A: Well, in my own training over the years that -- yes, sir, but not in any sort of intel at the squadron, or something like that, at the Det. And this is probably significant. Our

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view was, and is, that we receive fully trained crews because we had everything from EF-111s which none of us knew anything about, to F-15Cs which none of us flew, or had ever flown, to F-16s to Mirages, to .... We had to say that the crews who are deployed here are fully qualified to do their job, and we did not -- and did not have the time, or I believe should we have provided that sort of training to the crews. They had to come fully qualified.

**GENERAL ANDRUS:** Okay.

**Questions resumed by Colonel Bennett:**

74Q: I would like to shift for a second and ask you if you are familiar with the CTF OPLAN 91-7?

74A: Tell me more about it; 91-7?

75Q: It's the OPLAN. What I'm trying to find out is, are you aware of OPLAN 91-7 and its relationship to Operation PROVIDE COMFORT?

75A: I don't know -- What's the name of the regulation because I may not know the number, but I may know the regulation.

**COL AT LEE:** Combined Task Force, Operation PROVIDE COMFORT; CTF, Operation PROVIDE COMFORT.

**WITNESS:** Not 003 or the execute order, but a -- No.

**GENERAL ANDRUS:** The OPLAN lays out the responsibilities of the various organizations within the CFAC -- I'm sorry, within the CTF.

**WITNESS:** No, I didn't, that I recall. I don't recall seeing that.

**COL BENNETT:** Do you have some questions (to Colonel At Lee).

**GENERAL ANDRUS:** I have a couple of questions.

**Questions by General Andrus:**

76Q: Do you recall if the CFAC ever received any specific information regarding takeoff times, landing times, route of flight, destination, and so forth, on helicopter traffic flying within the TAOR?

76A: Did we ever? The UN helicopter flights?

**EMERY**

77Q: The MCC; the MCC flights.

77A: Oh, okay. I can only repeat what I said. What I received -- and I only know this having talked after the fact. I assumed what we were getting in the F-16 squadron ops center was the same throughout. I just assumed that; I never asked. The helicopter flights were daily. There were hundreds, and maybe thousands of them, over the last several years in PROVIDE COMFORT. I cannot tell you if there was a formal structure where MCC rear inputted into, through the C-3 -- which would probably have been the logical place -- into the DO, the director of operations, the mission planning folks, the schedulers, their flight schedules. As I said, my experience was, I regularly received it. I'm probably more familiar because I did fly on the helicopters.

78Q: Do you ever recall seeing that detailed, specific information on the ATO, or on the flow sheet?

78A: No, sir. No, sir.

80Q: Are you aware of any potential friendly fire incidents that may have taken place in the TAOR during your time of duty as the CFAC commander?

80A: Oh, gosh.

81Q: Prior to the incident in question.

81A: I understand. I understand. Specifics.

82Q: Any other incidents that could have been a friendly fire situation, but turned out not to be.

82A: I can only say from my own experience, General. One time I was locked on to an aircraft, close to the No-Fly line. We were asked to pitch back in, and it was too fuzzy; but, of course, that could have been in reconstruction. We weren't positive, of course, so we didn't shoot, but it was real close to the No-Fly line. And I would assume, especially during the period December, January, and February '92-93 when it was real hot out there, and they kept playing close to the line; that's the only one I know for sure where it could have been, and that's my own experience. By and large, I would say no. The ROE is fairly clear. The No-Fly line is fairly clear. The level of Iraqi activity is generally low, by and large. It's fairly low. You usually have a pretty good picture of what's going on.

83Q: Where did you get the picture from?

83A: As you entered the area, you would listen to AWACS clearly. As you came aboard, after air refuel, as you fly into the area, you listen up, especially if your mission that day is defensive counter air. You want to hear the picture, and it's called the picture. And if activity was increased as you came in the area, you always check in with the Duke,

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and we've talked about him earlier. And if there was any interesting activity that day, he's going to give you a heads up, building your situation awareness. And if you know that there is activity, often he would send you, even before you went to the tanker, to AWACS to listen. If we knew there was heightened activity that came back from the Duke to the Mad Dog because we also would call the mission director in the command post, and the intel told you -- hey, they're flying a lot today. Then the hair on the back of your neck is up, and you may even go and listen to AWACS, like you'd send your wingman -- hey, go over and listen to AWACS, stay on your alternate frequency, to build your situation awareness. So that as you come into the area, you're not surprised, and you're in -- you're as in control as you can be in a very pretty difficult situation at times, both from service to air missiles and AAA; and, of course, from potential aircraft flying into the security zone. Does that ----

84Q: Yes. What were some of the aids that you saw to preclude a friendly fire incident?

84A: Well, the ROE, of course. Knowing what we know now, you wish you could change things. But before that, I was comfortable with the Rules of Engagement because it does go all the way down to the hierarchy in a fairly rational fashion, to go look at it if you can't -- if you're not sure because the aircraft -- I'll go through it.

One, I've just described the AWACS in sufficient detail for you, and I've flown on the AWACS, and it's a reasonable good radar platform. It can't see as low as the F-15s. It sees -- classified. That would be classified; the capabilities of the aircraft. But it gives you a pretty good picture. In fact, that's why we bought it because it gives you a good situational awareness of all the activity going on, and you get it as you enter the area; so you get it through your ears. You also had an intel briefing before you stepped. You also had a flight where you talked about what you're going to do "if." You also have flown a number of times, assuming it's not your first flight. In my case, I had another intel briefing. I may have gone to the CTF staff meeting, so a lot of inputs. Plus, as you come into the area, you get information from your other mates in the area -- if the F-15Cs are making radio calls, if they have contacts in the vicinity of Qayyarah West, if they are being sent to investigate something. It gets your interest up, and you're paying more attention. Your aircraft -- the different aircraft have different capabilities; if you do see someone, to determine who they are.

You have, because of the piece that we carry -- most of us carry when we fly, and we study before we go up. Most of us take and say, here is who's going to be flying during our period.

**COL AT LEE:** That's the flow sheet?

**EMERY**

**WITNESS:** That's the flow sheet; two F-4Gs. And you all have gotten into this.

84A: (Cont'd) So that's a very, very good piece of information because you know the altitude that they are supposed to be. You know when the recce is going to occur, and the F-15Cs will be here, and the other set will be here; and you know the way that the F-4Gs move through the area. You know where the EFs are. You know where -- you hear the call sign, and there's a lot of inputs to give yourself a picture -- a mental picture of what's going on.

85Q: But you did not have the helicopters on the flow sheet, from what you said before.

85A: No, sir.

86Q: For 3 years, Operation PROVIDE COMFORT had been operating in that area, without shooting down a friendly helicopter. Why do you think that that was the case? What was it that allowed us to operate like that, without having an incident like we had on the 14th of April?

86A: This is so sad, the 20/20 of it. I'll say that ----

87Q: What was different ?

87A: In my experience, there might have been difference 'cause I -- 'cause I was one of the fellows that flew 300 hours up there. I knew about Eagle Flights. I flew with them. I knew where they lived. I knew the altitudes they flew because I'd flown with them. I knew why they did it, humanitarian stops. I was normally aware when they were flying because of what we heard in the F-16 squadron operations center. It was my impression that they normally were using their IFFs -- normally, because you'd hear from the -- how is the AWACS seeing them. Yes, they can paint them, but I assumed -- classified. The F-16 does not have an IFF capability. The F-15C does, and the F-15E does. We didn't have that, so we didn't have that luxury of seeing them easily with electronics. But situation awareness -- if you see a "slow mover" in the security zone, probably Eagle Flight, in my experience. If I hear about one, if I hear someone else, "slow mover," and I hear the location, probably Eagle Flight; more situational awareness. In my opinion, the Iraqis would have to do something extraordinary to get a helicopter that far north. It would have been even more of my SA, but they probably have to have a Faulks, or something. That was my first question when I landed, how did they get there? Because I thought it was a Hind -- again, this after I landed and assumed at will, it was still a Hind helicopter. I said, the first thing I want you to do, I want to talk to intel, find out where they came from. This doesn't make sense. How could they have been there? So all of that builds with the experience out there.

**EMERY**

88Q: Now, that would account for why you were aware of them?

88A: That's right. That's why I say "in my opinion."

89Q: But there were many, many other pilots flying during those 3 years ----

89A: That also didn't. Because I think the system -- the system that runs from AWACS to reading the ACO and understanding -- if you read the ACO, you know that -- hey, there are helicopters out there. MCC flies out there. When you read the ARF, you know, it talks about helicopters that could be treated the same as others. North of the 36, Iraqi aircraft are treated the same as a fighter. So when I heard the briefings, I hear them talk. If there is a helicopter, it's a slow mover, and it's Iraqi, and we can prove it's Iraqi, then it's also fair game if it's north of 36 in the No-Fly Zone. And then while you're flying, additional information from AWACS and the other aircraft in the area, and then the electronic capability that some of the systems have to identify IFF system; all of that builds up to say, that's why it didn't occur before. That's what you wanted me to get to. I would say the system, the checks and balances, if you will, that didn't work -- that didn't work, prior to that, precluded such an incident.

90Q: During the first four months of 1994, was there any change in the threat situation in the TAOR? Was there any increase in tensions that would have been perceived by the pilots flying in the TAOR?

90A: January through April.

91Q: The first four months of the year.

91A: Yes. No, I know that. I'm trying to remember. We went through a significant spike, in having to do with the swap out of forces, the Iraqi swap out of forces into the No-Fly Zone, and the ----

92Q: You're referring to ground forces?

92A: Ground forces; the swap out of ground forces which really got us excited. Now, I'll talk about whether the aircrews were interested in that. It really got us interested because we couldn't figure out-- and the Kurds kept telling us "the sky is falling." They kept crying wolf, and probably in your investigation, you've heard that. The last swap out we had which had been some -- I think about a year before, the Kurds had gotten extremely nervous, also. They were worried about -- they're coming within 12 hours. They're coming over the fence. Now, I cannot tell you the exact days. I think it's January/February time frame when tensions had clearly increased. Now, I would say that level of tension was more increased in the CTF staff, including myself, in an awareness part, the aircrews that are flying there, that something is going on; and we don't know what it is; major uncertainty. We're very uncertain. Can you give us more information because the SAMS were being moved around as well, which really got our

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attentions -- attention, all of our attention. So you could say in that period, I think we were a little more nervous than normal.

Now, just prior, I don't remember-- March/April, I don't remember any peaks that would cause the aircrews to be leaning more forward, being more aggressive. That's in my mind. Now, in somebody else's mind, they may still be leaning forward. That's my opinion.

**Questions by Colonel Bennett:**

93Q: I would like to go back to the question for a second concerning possible incidents, and let's say in the previous six months prior to this unfortunate accident. Are you aware of any other possible incidents that could have resulted in the same catastrophe as what happened?

93A: No, I do not recall. The one with my personal experience had been more than six months prior to that, and it was with an Iraqi fighter aircraft. It was with a fighter aircraft, and it was very close to the 36 degree line.

94Q: So you're not aware of any ----

94A: I know of no specific incidents, that could have resulted in tragedy like this one, in the previous six months.

95Q: Not necessarily between fixed wing and helicopters, but ----

95A: I understand. No, I don't know of any in the last six months where we "had a close call." I do not know.

**Questions by Colonel At Lee:**

96Q: I'd like to follow up on a few things that you talked about. Is it correct that the AWACS are all within your OPCON and TACON?

96A: Yes, absolutely.

97Q: And are you aware of whatever guidance was given to the AWACS regarding their responsibilities to the aircraft in the TAOR?

97A: After the fact, I was surprised -- and I was airborne the day we shot down the airplane in -- was it January of '93, shot down the MIG?

98Q: Yes.

98A: Yes. I was airborne that day. And I had recalled -- this is after the fact. I had recall that they had said that that airplane was hostile. So after the fact when I heard that the AWACS folks said that they were not allowed to declare an aircraft hostile, I was surprised. I was, pure and simple.

**EMERY**



99Q: Did you ----

**GENERAL ANDRUS:** Excuse me.

**Questions by General Andrus:**

99Q: (Cont't) Do you think this particular crew may not have been fully aware, or as sharp, as other AWACS crews?

99A: I can't say that, General Andrus. I can't say that. I have flown with them on purpose to evaluate that very thing. One, to make sure they knew that we care about them and understood how important they are to the mission. The times I went up on the AWACS, personally, was to be a commander, and that was during the attack -- the aircraft mass attack in the Southern Watch. And also I went up the day that we -- the night, the day after the night attack with the cruise missiles. And I've always been favorably impressed with the enthusiasm and professionalism, very much so, how dedicated they are. But I still must say I was surprised when they say -- said that they couldn't do that, and I didn't -- I was surprised.

**Questions by Colonel At Lee:**

100Q: Did you follow up on that at all?

100A: Well, I didn't think it was appropriate. It was after my change of command, and we knew that this investigation was going on. I felt it would have been most inappropriate for me to follow up. I believe, because I had discussion with -- I think with Colonel Richardson, as we talked about that. They were following up. It was my understanding that he was talking to Tinker, the ops group commander there. And whether or not he talked to the commander there or not, I don't know.

101Q: Had you given, or anybody on the CFAC staff, to your knowledge, given any guidance to the AWACS crews as to what aircraft they were responsible for, or not responsible for?

101A: No. Again, we take fully trained people. We flew with them to see how they did their job, and they did it very, very well. I'm not sure how germane to this particular incident that is -- and I've had discussions off line with other folks, and I can understand where they come from -- this is classified. That they're not allowed to use some of the equipment aboard the aircraft that would help them do that. I understand their argument that there is no command element aboard the aircraft that could make the decision. And in

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fact, the Duke is not empowered to make that kind of decision. We make that very, very clear to them because we're fairly conservative out there. We're not racing around trying to shoot down airplanes. We're trying to be very careful. It would be most helpful if they in fact -- classified -- could use their aircraft to determine if an aircraft is hostile well in advance; such as, they saw it take off from Qayyarah West. Because you look at the criteria for determining an aircraft hostile, and one of them is origin, and I think they can do that. I know they can, so I'm surprised.

102Q: What guidance were they given regarding their responsibility for the helicopters?

102A: I cannot tell you what that guidance was. I can tell you to look at the ACO, and I don't -- I'm not sure what's in there, with regards to AWACS and monitoring. They're supposed to monitor all aircraft, and I wouldn't think it would be necessary to tell them you must watch aircraft; must watch UH-60s in the TAOR, because they're supposed to watch all aircraft in the TAOR. And having flown with the Eagle Flight guys, they check in with them, and they're persistent. They want to know. They want that kind of flight following because it's in their own interest, the UH-60s.

#### **Questions by Colonel Bennett:**

103Q: You mentioned for a second that you were surprised, and I got -- I thought you put the date January '93, when they shot the MIG; is that correct?

103A: Yes. Because I was airborne that day, and I recall hearing that they had said that that MIG was a bad guy, which is what they say now they can't do. I'd recall that. That would have been a long time ago. That would have been a good year, and I swear up and down, I recall them saying that's a bad guy.

#### **Questions by Colonel At Lee:**

104Q: When did you change command? I think there's some confusion on the dates.

104A: October '92.

105Q: Is when you assumed command?

105A: Assumed command.

106Q: And when did you relinquish command?

106A: The Monday before the shoot-down, which is the 12th; maybe? Is the shoot-down on the 14th?

**COL BENNETT:** The 11th (referring to Monday).

**EMERY**

**WITNESS:** Okay. The 11th.. Yeah

**COL BENNETT:** The 11th was also the day that General Pilkington, I believe, flew.

**WITNESS:** And I flew with him in that helicopter on Monday.

**Questions resumed by Colonel At Lee:**

107Q: You were talking about your experience in F-16s. Did I understand you say about 300 hours in the TAOR?

107A: In -- Yes. No, that's not in the TAOR. That's the time from takeoff to come back and landing. They're fairly long missions.

108Q: And on your helicopter time, how much did you have?

108A: I went on two. When I first assumed command, the commanding general took me out for an orientation to see MCC -- excuse me, the Military Coordination Center, and to meet the folks who do the humanitarian effort out there. And we took a helicopter flight around the security zone. This was with General Anderson to get oriented. The next flight was that Monday, and it was my CTF orientation to become the commanding general. I had gone down with General Pilkington and with the heads from the different nations, the POLADS, and some other folks, to go down and meet the political leaders, at Salah ad Din.

109Q: You referred to verbal guidance from the CTF Commanding General about the helicopters having AWACS coverage. Do you recall what the specific guidance was?

109A: I'll recall what I remember. That is, AWACS needs to be airborne and be able to monitor you before you fly in the security zone. That was my understanding.

110Q: Referring to the helicopters; is that ----

110A: Exactly, exactly.

111Q: And did that apply to flights inside the security zone, as well as outside the security zone?

111A: I can't answer that. My assumption was it was inside the security zone because that's when it seemed important to me, but it could ----

112Q: I'm sorry. Inside or outside?

112A: Inside the security zone. They needed to have that monitoring capability from the AWACS when they flew inside the security zone.

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113Q: I thought they had a ----

113A: They flew to Incirlik, sometimes.

114Q: Yes. How about ----

114A: And whether or not they had to have flight following from Diyarbakir to Zakhu, I can't tell you.

115Q: How about the distinction between, within the TAOR, but flights inside the security zone portion of the TAOR, as opposed to flights outside the security zone portion of the TAOR

115A: Oh, that's a good question.

116Q: Was there any distinction in the guidance that you know of?

116A: That's a good question. I don't know the answer.

117Q: Did you -- or to your knowledge, did anybody else -- pass whatever the specific guidance was on to the CFAC organization?

117A: No -- Oh, yes. It's apparent because AWACS needed to know that. AWACS needed to know that, too, as well.

118Q: Do you know that it was passed ----

118A: Do I ----

119Q: Do you know how it was passed?

119A: --- specifically recall it being passed, no.

120Q: Okay.

120A: No. I didn't receive a note or a letter because -- that's why I say it's verbal, and the CFAC DO was fully aware of that, so I didn't see a reason to write him a note. We had discussed that, not to any great length because it made sense -- yeah, that's a good idea.

#### **Questions by General Andrus:**

121Q: Was there anybody in the CTF organization -- or the CFAC organization, responsible for integrating the helicopter -- MCC helicopter flights into the activity?

121A: No. There is now. There was not prior.

**EMERY**

### **Questions by Colonel Bennett:**

123Q: What is your understanding of the role of the C-3, in regards to MCC helicopter operations?

123A: Gosh. I'll tell you as much as I know. Sitting on that same staff, I recall the C-3 would always brief the schedule, the upcoming schedule, the weekly schedule, for instance. They're going to fly Tuesday and Thursday, and they're not going to fly Friday because it's a down day, and so on. I recall that much. What sort of relationship they had, in terms of a tactical control, I took it as information because MCC Rear works for the MCC; and MCC, I believe, works through the chief of -- or through the CG; so it's another staff agency who is providing information to the staff with regard to their schedule. Also, you would hear -- C-3, that's all you wanted to know.

124Q: What was the C-3's relationship the CFAC organization?

124A: Oh, you asked about MCC. The relationship-- we're on the same staff. At the staff meeting, he sits a few chairs down. I had little, personal dialog with the C-3. I view his responsibility -- and that's task/responsibility -- to provide operational recommendations, policy recommendations, monitoring of the operation. He's also the C-5, too. I think you realize that. He's the C-3/5, political, military ----

125Q: According to the planning function?

125A: The planning -- Excuse me. Yes, that's not fair. Yes, for political, military, and planning advice as well, to the CG. Now, there is a lot of information that is passed between the C-3, the operational member of the general staff, and the CFAC DO; very, very important daily dialog that sometimes I worried about, and sometimes I was very happy with -- because they needed to talk about the schedule. If the General had any, maybe off-line, at the staff meeting, guidance. If there was any information coming from our coalition partners, it was coming from CTF because the commander of the foreign elements in the coalition are on the CTF staff. So the CFAC DO had detachment commanders whose bosses worked on the CTF staff. So it was very much an informal, important relationship, day in and day out, to make sure that we're providing the best service as an air component that we could.

Now, there were times when I would say, that's not appropriate, I will go talk to the CG about it -- and I don't need to get into that, but it's a very unique relationship to have a coalition force on your base, with the DO executing those forces, having tactical control, which is very little -- it's only scheduling authority; so it's very important that we all work together as a team. And they talk constantly, generally about small details.

126Q: What did you understand the tactical control that you did have over the composite force -- to be only scheduling authority?

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126A: In the military, the simple way of putting it, that's what it amounts to. Scheduling includes the configuration of the aircraft; for instance, if the Brits wanted to upload cluster bombs. When we did combined force missions -- the combined force mission is when we go to all launch and simulate a mass attack. There was planning that would go on-- that's more than scheduling -- planning because we would take turns leaving that, to make sure we're all on our toes, and to exchange ideas on the best way to employ forces.

The CFAC DO met several times a week and talked about discipline of the British and the French as well. Even though we didn't have direct control, we tried to create an equitable environment, and the British and the French were very positive about that. So I say tactical control, scheduling control. There's a lot of informal control, too, because the CFAC DO and the DETCOs had a very strong relationship, a very important relationship about the whole cross section of aircrew discipline, compliance with the Rules of Engagement, following the schedule as it is, complying with the altitudes, and so on and so on. So it's more than scheduling, but in usual military terms, that's what we say. And I'll say it works very, very well; maybe better than it should.

127Q: You talked about you and others flying within the OPC mission. Is my understanding correct that there was no one in the leadership position in 1994 who was flying F-15s?

127A: That's correct.

128Q: Do you know when the last time that someone in the leadership position was flying F-15s?

128A: June, is when Colonel Schmidt came to you, General Andrus; June or July of '93.

129Q: '93.

129A: The previous CFAC director of operations was an F-15C pilot. I will add -- this is after the fact. We've asked to get one. In fact, we hired an F-15C pilot and have tried to get him checked out, but there is no flying slot for him. He's our operational support squadron commander because we feel it's important -- because we do feel it's important.

130Q: You talked about being on the flight with General Pilkington on the 11th, and observing the helicopter pilots responding to Mode IV light up.

130A: Sure.

131Q: Can you describe their demeanor, how you felt they were responding to that.

131A: Well, I was surprised that they talked about it, because it's such a routine thing in my experience, and I'm not sure how the helicopter system works, and most airplanes that

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I've flown, when the IFF light comes on or you get an audio, it means that someone has interrogated you, and it's usually no big deal, especially where we were. So I thought it was interesting that they would talk about it. In fact, they made a radio call to the AWACS and said, was that you interrogating us, Mode IV? And the AWACS was a little bit confused because it implies that they weren't positively -- understood the system that well because that's bread and butter to us. And I've been in air defense business before, in the Phantoms, and that's just bread and butter stuff for us, but it was good. I thought it was good that they were having the discussion, and they were aware of their IFF. That was great. Yes, they better be.

132Q: You talked about briefing on the enemy order of battle.

132A: Yes.

133Q: Whose responsibility do you believe it was to brief crews on the friendly order of battle?

133A: I'll go back and repeat. This is not a combat operation that does not do training. The staff -- the CFAC is very -- you could -- you could get us all in here. It is not a large, robust staff.

134Q: Referring to a room about 12 by 12.

134A: Absolutely. It's a handful of us, and we have all those different types of aircraft from four different nations. And some of them we didn't fly, and some of them we hadn't flown before, some of them we've never seen -- DC-10s, and Harriers, and Jaguars, Mirage F-1s, all the different capabilities. So I'll say again, we had a contract, and I think we're very open about it. You send very qualified crews. We're not doing training here. In fact, the Turkish refused to let us do any training, and we've ask again and again to do some training to keep our proficiency up; so there's almost no training. There's a couple flights a day of aircraft, and they're F-16s, that do air-to-air training, but we're not allowed under the Operation PROVIDE COMFORT agreement with the Turks to do any sorts of proficiency training. So full-up crews ready to go, and we do not provide additional training.

135Q: Do I infer ----

135A: Now, there are times, as an F-16 pilot, where you could see training in progress. The intel would very often tell us -- which is common in the fighter community, to brief the threat of the day. They would usually take an enemy system and during our step brief to fly into northern Iraq, would say the threat of the day is "the MIG 29," for instance; and they would give it's characteristics as an update for us. Again, that's very routine kind of stuff.

**EMERY**

136Q: To go ----

136A: Not required by our environment.

137Q: To go back to the specific question. Do I infer, then, that you felt it was a responsibility of the sending unit to train the crews on friendly order of battle?

137A: Absolutely. Absolutely.

138Q: Did you feel that there was any function of the CFAC to provide training for theater-unique aspects?

138A: Not in writing. Occasionally, we would have -- and it was right after I got there; I thought it would be useful -- during these composite force missions, which we have every two weeks, and it's the only time where we get all the crews together in one place. We would have the individual units giving briefings on their aircraft, so we did that for the same kind of reasons -- I wanted them to be familiar with the capabilities, more than what it looks like. For, good grief, you taxi out, you can see what it looks like. But the capabilities of the aircraft; for instance, the radar capabilities, what kind of ordnance they could carry, what sort of classified capability they had; and we wanted them to know what ours was, some of the missiles that they weren't used to, its general capability that was releasable to NATO, we would brief them.

139Q: How about ----

139A: Particularly, the US-unique systems -- the Wild Weasel aircraft. We want to know about the Mirage; what sort of capability it had.

140Q: How about markings and identification of friendly aircraft?

140A: No, we saw it. We live with them; they're on the same ramp.

141Q: Does that apply to Eagle Flight aircraft?

141A: Eagle Flight is not part of the combined force maneuver, or those kinds of exercises. So we did not specifically ever brief, that I recall, the markings on the UH-60s, if that's what you're asking.

142Q: Do you feel it would have been reasonable for the Duke onboard the AWACS to consider the Eagle Flight as part of the OPC package, that he would have responsibility for them?

142A: Prior to that day, no. It was very routine. They made real quick hops -- or they do make quick hops. They're not flying into -- again, this is classified. They are not flying into the TAOR right now. They're just flying to Zakhu. I think you're aware of that. It

**EMERY**



was very routine. There were hundreds and hundreds and hundreds of these hops, and I would not -- At that point, I wanted the Duke to take that as one of his priorities because that's friendly, it's way back, and his responsibility is more forward with enemy aircraft and with the ground activity

143Q: Now, would that apply to flights that were within the TAOR as well, as opposed to flying over to Zakhu?

143A: The flights on the TAOR were very -- I can't even tell you how many there are. It might be an interesting question. As far as I know, it was not routine for the helicopters, the UH-60s, to fly outside of the security zone. That's my experience.

144Q: How about within the security zone, but in the TAOR?

144A: That's what I've been talking about all along. All of this discussion is about -- been about in the TAOR.

145Q: Okay. Again, I make the distinction between ----

145A: The flights between -- the flight between Diyarbakir and Zakhu are very routine, and they fly at a high enough altitude. It's easy to see them on radar. It's easy to see their IFF. We are not looking for enemy aircraft in there. There are lots of Turkish aircraft -- lots of Turkish aircraft; helicopters, in particular, that fly in that same border area because that's an area of activity -- this is classified -- where they are attacking the Kurds. It's common to see the helicopters in there.

146Q: I'm trying to make a distinction between three different areas of flight operations.

146A: I got two of them. What's the third one?

147Q: Well, let me define the three, so we'll be sure we're talking about the same thing. Outside the TAOR -- and I would include within that, flights to Zakhu, just slightly within the TAOR; flights within the TAOR, but limited to the security zone area of the TAOR; and flights within the TAOR, extending beyond the security portion of the TAOR.

147A: Okay. I've described ----

**REPORTER:** Just one second, please [interrupting to change tape].

**WITNESS:** Some more tape.

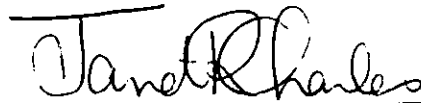
**GENERAL ANDRUS:** Well, let's just take a break and stand up for a minute.

(The interview recessed at 2135 hours, 23 May 1994.)

**EMERY**

## **COURT REPORTER'S CERTIFICATE**

The above sworn interview statement, given by **CURTIS H. EMERY, II** to the Aircraft Accident Investigation Board was recorded by me by stenomask. Words contained within brackets, [ ], indicate language that has been substituted at the direction of the Board, to avoid the release of classified information which could not be downgraded and/or personal details which would disclose the identity of military members directly involved in the incident. The substituted language accurately conveys the essential meaning of the original language. Except as so noted, I certify that the foregoing transcript is a true, accurate, and verbatim account of that statement.



**JANET R. CHARLES, SSG, U.S. Army**  
**Court Reporter**

**EMORY**

COL AT LEE: The time is 2147, and the individuals present when we recessed are once again present.

When we took a recess, I was trying to define three separate areas of airspace, if you will, because I wanted to clarify your answers regarding the frequency of helicopter flights in the three respective areas.

WITNESS: Okay.

148Q: If we could just deal with them 1-2-3, the area that we're talking about outside the Tactical Area of Responsibility but including Zakhu, flights to Zakhu. The frequency of helicopter flights, as you understood it in that area, was what?

148A: Fairly regular--a couple flights a day, administrative flights, normally.

149Q: And flights within the security zone portion of the TAOR--how often did you understand those to occur?

149A: Very regularly with multiple stops within the security zone, monitoring the humanitarian relief.

150Q: And flights beyond the security zone...

150A: Very seldom.

151Q: ...but still within the TAOR?

151A: Very seldom.

152Q: Can you be more specific than that?

152A: No, very seldom, that's as much as I know. I only know of hearing about a handful and it was not a regular occurrence.

#### **Questions by General Andrus:**

153Q: Is that a handful within the year or so that you were the commander?

153A: Yes, Sir, that I'm aware of -- that I am personally aware of. It was not a common occurrence.

#### **Questions by Colonel At Lee:**

154Q: And when you referred to SAMS, you were referring to surface-to-air missiles at the time?

154A: Yes.

**EMERY**

COL AT LEE: That's all I had.

I need to ask you whether there is anything in the way of information, statements or evidence that you wish to present that you think would be helpful to the Board?

WITNESS: No.

COL AT LEE: You are reminded that this is an official investigation and you are ordered not to divulge the nature of this investigation, the questions, answers or discussions included in this interview with anyone other than a member of the board unless authorized to do so by the Board President, Major General Andrus, CINCUSAFE or higher authority.

If anyone, other than a member of this board, should approach you regarding your testimony or the matters discussed here, you must report it immediately. You may report it to a member of the board.

Do you have any questions?

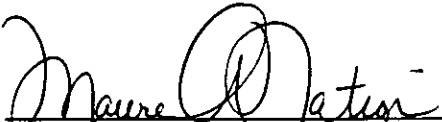
WITNESS: No.

COL AT LEE: The time is 2151 and this interview is concluded.

**EMERY**

## REPORTER'S CERTIFICATE

I certify that the above sworn interview statement given by COLONEL CURTIS H. EMERY, II to the Aircraft Accident Investigation Board was recorded by me by stenomask and that the foregoing is a true, accurate and verbatim account of that statement.

  
MAUREEN A. NATION, DAFC  
Court Reporter

EMERY

V-088

V-089

**TAB V-093**

V-090

**FELS, JAMES D.**

V-091

V-092

V-093

**TESTIMONY OF  
LIEUTENANT COLONEL JAMES D. FELS  
963D AIRBORNE WARNING AND CONTROL SQUADRON**

COL WILCOX: The time is now 1639 on 25 April 1994. The persons present are the following: Major General Andrus, Lieutenant Colonel Fels, Major Byas, Colonel Armen, Maureen Nation and Colonel Chuck Wilcox. General Andrus is the Board President.

This interview is being conducted at Incirlik Air Base, Turkey. This is an official AFR 110-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Blackhawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of these helicopters in the northern No-Fly Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINC USAFE. This investigation is not a Safety Mishap Investigation conducted under AFR 127-4. It is an Aircraft Accident Investigation conducted under AFR 110-14. The purpose of this accident investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary action, adverse administrative proceedings and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes and all witnesses are advised that the testimony will be treated in confidence.

However, testimony given in this accident investigation may be used for any purpose deemed appropriate by competent authority and may be publicly disseminated.

Do you understand the difference between a Safety Mishap Investigation and this Accident Investigation?

WITNESS: Yes, I do.

COL WILCOX: Do you understand the purpose of this Investigation?

WITNESS: Yes, I do.

COL WILCOX: Do you have any questions?

WITNESS: No.

COL WILCOX: Your testimony will be recorded and transcribed verbatim or summarized so that a written record may be made available to the appointing or higher authority. For the

**FELS**

benefit of the Reporter, please avoid the use of acronyms or jargon. Please speak slowly, clearly and loudly. Remember to explain your testimony carefully so that others who do not have your technical training will be able to understand.

As this is an official investigation, you are required to answer questions put to you by this board. You are further advised not to discuss classified information unless necessary to develop your testimony. If it is necessary for you to discuss classified information, you need to identify it as such.

COL WILCOX: If you will rise, I will swear you in.

(The witness was sworn.)

### **EXAMINATION**

#### **Questions by Colonel Wilcox:**

1Q: State your name, grade, organization and station.

1A: James Douglas Fels, Lieutenant Colonel, 963rd AWACS, [Location Redacted]

2Q: Where is your present duty assignment?

2A: [Location Redacted]

3Q: Are you on temporary duty assignment to Incirlik Air Base, Turkey?.

3A: Temporary duty here as part of the 552nd Air Control Wing deployed organization.

#### **Questions by Major Byas:**

4Q: What is your educational background?

4A: I have a Bachelor's of Science from the University of New Hampshire in Forestry. I have a Master's in Aviation Management from Embry-Riddle University.

5Q: What professional military education have you completed?

5A: I completed SOS and ACSC.

6Q: How long have you been here?

6A: I've been here since the 28th of March 94.

7Q: What are your normal squadron duties and responsibilities here at Operation PROVIDE COMFORT?

7A: Here I am the detachment commander for the AWACS detachment.

8Q: What do you do?

**FELS**



8A: I am, basically, the commander for the organization, both the operations and the maintenance personnel plus a deployed support staff to include folks from my home squadron at [Location Redacted] plus folks out of the Maintenance Support Squadron and Computer Group that support the operations here. I look out for the morale and welfare, see to their billeting, messing and transportation needs in order to complete the mission as dictated by Operation PROVIDE COMFORT for the E-3.

9Q: What type of training did you receive to prepare you to become a DETCO?

9A: Mostly by experience. The detachment commander's guide is provided through the Wing, and I've been their detachment commander at various locations since about 1990, I would say.

10Q: What is your normal day like?

10A: A normal day is coming in the time the crew shows which is between 5 and 6:30 in the morning. I remain in the office during the flying operations with absences occasionally for meetings. In the past couple of weeks, there have been runway closure meetings. I have regularly scheduled detachment commander meetings, FOD meetings, et cetera, that are here on base that they require detachment commanders to attend. My staff includes an operations office for mission, a supervisor of flying, a weapons officer and a radio operator plus Intel support and the COMSEC and tape library office plus an admin and flight management person. I just work with them during the day to make sure all the required activity gets accomplished. My maintenance unit is right across the little street that runs in front of our Ops building. I keep in touch with them to see how things are going. So far, during this deployment, aircraft maintenance has not been too much of a problem so I just deal with problems that come up. The first sergeant that's deployed here with me keeps me advised of things such as emergency leaves, people rotating in and out, and any other sort of situations that crop up with people--billeting situations, et cetera.

11Q: Could you define "FOD" for us?

11A: FOD is foreign object damage--it's rocks and other stuff on the ramps.

12Q: Describe your maintenance organization.

12A: Maintenance organization is a deployed unit of about 30 people. They work two shifts, 15 or so people per shift plus the supervision. We have a Maintenance Operation Center, a MOC, which is the focal point for coordinating activities such as recovering aircraft and requesting a fuel truck response to refuel the airplane, fleet servicing for the aircraft lavatories. The maintenance organization also has a supply person that works both with our war ready materials deployed maintenance kit plus base supply to keep our aircrafts supplied with parts. Part of our organization is our Aerospace Ground Equipment support, our AGE equipment which is kept out on the ramp near the aircraft. We have people here from the logistics group back at [Location Redacted] that support the AGE and we have a support section in bench stock which is also kept out on the ramp near the aircraft. Those individuals take care of monitoring the consolidated tool kits, et cetera, and other test equipment that's used on the aircraft.

**FELS**

13Q: How do you fit in that maintenance structure?

13A: As the Detachment Commander, I'm the overall Chief of Maintenance just like a squadron commander is now in Air Combat Command. He owns his own maintenance unit as well as the operations section and support section in the squadron.

14Q: How many airplanes are you responsible for?

14A: Here at Incirlik we have three aircraft.

15Q: How many crews are you responsible for?

15A: Here at Incirlik, we have three crews under normal conditions.

16Q: How do you brief your crews once they arrive to Operation PROVIDE COMFORT?

16A: When they arrive, the day following their arrival--well, the day of their arrival, usually, if they arrive on their scheduled time, the first sergeant will see to their bed down in the billeting, will give them a first sergeant's inbrief which lasts probably about a half an hour in which he goes over some of the rules of the road for the Base, the care of the billets, the care of the vehicles that we have, et cetera, and that's primarily for--well, that's for everyone. The folks that live in Tent City, which the majority of them are maintenance personnel, he lets the maintenance supervision get them settled into their tents, and he just keeps abreast of whatever problems they have. The day following their arrival, they come in for an inbrief in our Ops. The crew comes in for an inbrief in our Ops area, which involves a series of overhead projector slides that are gone through which last about an hour, spins them up on the way we're scheduling people, the sequence of flying, DNIF cover and off days. We go over how to read the scheduling board, what their duties are when they are DNIF cover and what they are required to do when they are on alert on their no fly days here. We then get into more specifics of the mission itself as far as the weapons section, the surveillance section, mission crew commander's special topics, topics of interest that are recent, general ROE and other flight procedures. Intel gives them a brief.

Following that initial incoming brief, they usually will attend the required briefing over in Tent City at the MWR Tent in Tent City. That briefing is required before they can get their off base pass. Following that, they will come back in the afternoon and continue with specialized briefings for each of the sections--the mission crew commander, surveillance section, weapons section and flight deck. Technicians usually don't have too much to brief other than to make sure they are familiar with the check in and check out procedures for the COMSEC and computer tapes. They have an opportunity to talk to maintenance technicians if they wish over in the AMU. At that point, the specialized briefings get more in-depth as to specific procedures we are using here for our daily missions and the crew is given an opportunity to get together at the end if they wish to have a summary brief. It especially depends on how frequently or how recently the crew has been here and how many people--this is a new time, their first time--so the briefings are tailored for the lowest common denominator of how many new people we've gotten and what positions they're at.

**FELS**

Following that day of inbriefs and mission planning, then the following day they're usually tasked as the DNIF cover crew which means crew rest at the same time the flying crew rest and then if the flying crew has a late, last-minute person to go DNIF, then we'll tap one of the DNIF cover folks to go fly, short notice. Then that day they are usually released from DNIF cover about mid-day anywhere from about 10:30 to noon, depending on how the flight is going. The crew, normally the mission--the weapons section and the surveillance section will come in again and do a little more reading up on all the ready files and procedures that we have in place.

17Q: On the 13th of April, do you recall your surveillance team and weapons team coming in to brief up on their mission for the 14th?

17A: Yes, I do remember the weapons team coming in. The surveillance team, I cannot remember if they all came in or not. The ASO on that crew had already been here a full tour. She was being held over an additional week because her replacement could not come in with the rest of his crew, but she did have an advanced Air Surveillance Technician. It had been a while since he had been here if he had been at all. I believe they probably did come in, but I cannot specifically say that they did. I was out a portion of the day for meetings so I am not exactly sure who all came in during that time.

18Q: What is your understanding of the PROVIDE COMFORT ROE?

18A: That it requires the fighters or the shooters to make the majority of the decisions as far as whether or not they are going to declare an intruder as a hostile. The ROE is not something that I was intimately familiar with prior to the accident. I am not, by training, a weapons controller. I am not normally put in a position where I am required to respond instantaneously to a decision on identification of an inbound track. I just knew that any Iraqi aircraft, fixed wing or rotary wing in the Northern No Fly Zone [Classified Portion Deleted (17 Words)] if they were engaged in hostile activities, would be declared a hostile and that ground sites, if they executed acts that would indicate they had a hostile intent such as illuminating the aircraft with tracking radar from a surface to air missile sight, that sight could be determined as a hostile sight and also be targeted.

19Q: How do you check the crew qualifications?

19A: Crew qualifications, prior to the crew flying over here, the flight management section in the squadron prepares a deployment list and the crew is verified that they meet all the requirements to come over. Once they are here, other than a person going medically duty not including flying, DNIF, which we get the information from the individual's concerned and from the clinic on that via a Form 1042. People are considered qualified when they arrive by virtue of them being scheduled to come over.

20Q: So you have no way of verifying that information?

20A: We don't routinely get any documents sent over that verify anything, no.

21Q: So your understanding is once a person comes to this theater operation he is fully qualified and capable of doing the mission?

**FELS**

21A: Yes.

22Q: What is your responsibilities in regard to training of air crews?

22A: Here in theater?

23Q: Yes.

23A: As a detachment commander, I am given a responsibility to make sure that they are afforded the opportunity to receive all the information that we are aware of at the time. We maintain the read files. The training materials are there. A staff presents the majority of the briefings and the specific briefings between the weapon section and the technicians. When surveillance crews come in to train, we have experienced surveillance personnel from one of the crews that's been here a while come in and go over what procedures are in place and what seems to be working with regards to getting up the links and any problems we've had with any specific aircraft with regard to radar, IFF, that sort of thing.

24Q: What has been your Number One project since you took over the DETCO duties?

24A: The Number One project going on when I first arrived was--they had new crews rotating in. When I arrived, I came with the first of three crews that arrived at the end of March, the beginning of April rotation period. My predecessor was still here. We had--the Secretary of the Air Force was coming in on the 7th of April and was going to have a ride on the 8th of April. The Ops Group Commander, Colonel Richardson, requested that my predecessor stay and help be the primary point of contact and detail person for that ride and preparation, briefing her up, et cetera.

We have the runway closure meetings that are in progress trying to get ourselves situated for the future closure deploying the aircraft out to the Adana Airport and trying to operate out of there--maintenance people so I've been to a number of meetings for runway closure. I've made a trip out to the airport to see the site so, basically, inprocessing new crews. As I said, I came in with the first crew, sat through the briefings that were given by the staff at the time. When the second crew arrived, I was, again, busy with the meetings. My predecessor was still here and involved--gave the DETCO's portion of that inbrief. After the Secretary's flight, he departed. The third crew, the crew that was involved with the incident, arrived that Monday. I gave them the inbrief on that day with my portion of it.

25Q: How do you receive ROE material?

25A: We receive ROE material through the ARF, Aircrew Read File. That's here for the Operation PROVIDE COMFORT flying organizations and the older material which is in the OPLAN is distributed, I'm not quite sure how, but it was distributed. It's in our safe.

26Q: In your organization, do you have one source document for ROE or are there multiple documents that cover ROE?

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26A: The ROE is kind of spread between several different documents. There's a document that is referred to as for normal peace time EUCOM ROE which we do not have a copy of. The Operation PROVIDE COMFORT OPLAN, I forget the number of it, is in our safe and it describes some basic general ROE and then the Aircrew Read File, the ARF, includes more specific ROE for the flying organizations.

27Q: What organization publishes that ROE?

27A: What organization? The 39th Ops Group, in its role as the Combined Forces Air Component Operations Section, puts out the ROE, puts out the ARFs.

28Q: Who receives your ROE and updates it for the crews?

28A: The ROE is received--the ARFs are received either by distribution when the ATO is distributed. They have a runner that goes out amongst all the flying organizations on Base, distributes the ATO, sometimes the ARFs will come out that way or they will be picked up at the Wing Operations Center Command Post. That's primarily how they are distributed.

29Q: Have you taken any action to modify the ROE as inbrief?

29A: I had not. I didn't realize we had any problem with it. When I was here last summer, the way the briefings were presented then were essentially the way they are now. Prior to the accident, I was not aware that we had a problem with the situation.

30Q: How do you supervise the AWACS mission crews?

30A: Could you clarify that?

31Q: What type of training have you received that prepared you to be able to supervise the mission crew and their duties and responsibilities--mission crew being the back end of the airplane.

31A: Well, for me it's primarily just experience. I've been in AWACS since the end of 1981, continuously, and through my experience on deployments, flying on crew for that long, it's been my training--kind of on-the-job training.

32Q: Do you know--are you aware of the training the crews received prior to deploying to Operation PROVIDE COMFORT?

32A: Mission crews are required to attend simulators at Tinker. Currently, the requirement is for two simulators, mission simulators. There is also a package of material available at the squadron's tactics office which the crews are required to go through and prepare themselves for the deployment to Turkey.

33Q: Have you performed DETCO, detachment commander duties here at Incirlik before?

33A: Yes. I was here last July and August of 93.

34Q: Do you feel the training that the mission crews are receiving in their simulator and academics prepares them to be able to work effectively in this theater?

**FELS**

34A: Yes, I do believe that the training is sufficient. In fact, some of the crew end of deployment critiques had suggested that the simulator requirements be decreased to one mission simulator, but to my knowledge, no action has been taken on that--trying to decrease the training coming over here.

35Q: As detachment commander, what areas have you observed that need improvement to help support the Operation PROVIDE COMFORT mission?

35A: Well, since the accident--

36Q: Let's say before--

36A: Before the accident?

37Q: Yea.

37A: I wasn't really aware of anything that was required at the time to improve the operations here. I had not heard any major complaint from the crews that they weren't getting enough information on one thing or another. The basic feeling I had was that the crews were comfortable with the mission and their role in it and they were performing on par.

38Q: Are there any external factors that you can think of that could have affected the AWACS crews' performance on the 14th of April?

38A: No, I am not aware of any external factors. As far as I knew, the aircraft equipment was performing properly. The crew was afforded a crew rest period in accordance with 60-1. They did not complain of any inability to get enough rest, as is sometime the case when there is noise from parties there at crew billets in Building 1080, but that day nobody indicated there was any problem with that. Nobody was feeling ill. Nobody was flying who should have been DNIF. To my knowledge, there weren't any external factors affecting their performance.

#### **Questions by General Andrus:**

39Q: Let me ask you a couple of specific questions. Were you aware of any late night parties or other activities that may have prevented members of the crew in question from getting adequate crew rest the night before the flight?

39A: No, I was not aware of any parties.

40Q: Has that been a problem in the AWACS crew area?

40A: It is, periodically, a problem. In Building 1080, AWACS has the entire second floor. The ground floor is primarily the Special Operations Forces here, the para-rescue folks who fly on a totally different schedule than the daily Operation PROVIDE COMFORT flying. Upstairs there is tanker crews--British, French and American so there is a variety of crews with different timing for their crew rest plus the foreign crew members that don't necessarily have the same requirements for regulated crew rest. At one time or another, each organization is the culprit when there is a late night party that keeps other people awake. It's one of the briefing items I

#### **FELS**

cover in the inbrief of making sure that whenever we are asked to be quiet, whether or not it's late night or not, that people quiet up and get in their rooms and let the other people get sleep that need to sleep.

41Q: In the seven days prior to the accident, were there any late night parties in that area?

41A: Yea, there were parties. I can't, specifically, remember what days they occurred on, but I know there were parties that would keep people up and I'd even gotten a comment from the British Tanker Detachment Commander. He complained against my guys when we had a crew rotation, either the newly arrived crew or the outgoing crew had made a little bit too much noise too late so--

42Q: You said there were no parties the night before the flight in question. How about the day before the flight in question?

42A: To my knowledge, I am not sure what the party situation was there in Building 1080 the day or the night before. Because there are crews that are in off-status or crews that have just landed, at various times of the day I am sure there is probably some kind of organized or semi-organized group of people out having a party.

43Q: Does the AWACS detachment at Incirlik have a reputation for being a partying detachment?

43A: It probably depends on who is here at the time. I would say it's probably a very good likelihood. There is--the crews are pretty close. They will gather at the patio and have a barbecue. What I require them to do now is be off the patio by 2000 and be off the balconies and conversation groups--cease doing that at 2100. If they want to have a party, they can take it elsewhere.

44Q: Are you aware of any personal relationships or problems, personal problems, involving any member of the crew in question that could have affected their performance?

44A: As far as personal problems, the pilot has a father who is terminally ill--

45Q: I'm specifically speaking of the mission crew in the back.

45A: On the mission crew--let's see--I'm not aware of any in the techs, the surveillance technicians. The Air Surveillance Officer was, as I said, being held over a week, but she was already aware of that for some time so I don't think that was any major disruption in her life. The weapons section--I'm not aware of any problems that they were having, nor with the MCC.

46Q: Any personal involvements between members of the crew?

46A: The female communications technician, I believe, has a boyfriend here who may be on the crew, but I am not sure.

47Q: On the mission crew in question?

47A: Right.

**FELS**

48Q: Anything that, in your opinion, would have hindered the individual's performance in any way?

48A: No.

49Q: Are you aware of any AWACS personnel here at Incirlik that may have a drinking problem?

49A: No. There is a lot of alcohol consumption here at Incirlik. I'm not aware of anyone here that has a drinking problem, as in being an alcoholic. There are individuals who sometimes drink too much. That's about all.

50Q: Before the accident, did you observe or were you aware of any indications of complacency or lax attitude or business-as-usual attitude among mission crew members?

50A: No, this was the first flight for this deployment. They were pretty excited about it. They had prebriefed well, in my opinion, and I thought their performance of getting the airplane up and getting the systems up and everything was going very well, in that regard.

#### **Questions by Major Byas:**

51Q: You mentioned your staff earlier. Could you tell me the duties and responsibilities of your staff mission crew commander and your staff weapons director?

51A: My staff mission crew commander is, basically, my chief source of knowledge for issues that arise that pertain to a mission crew. You try to get mission crew commanders over here in that staff position that have had some experience with deployments, either here to Tinker or to Saudi or Panama; that they have the background that would enable them to deal with the questions that arise with the OPCON agencies as to mission procedures such as JTIDS, Joint Tactical Information Distribution System, problems that we've encountered here in the theater, any questions that come up on our ROE and other AWACS procedures.

The weapons officer is either a weapons director or a senior director that is brought over to help prepare the crew on mission planning day, plus on a normal day-to-day basis, he collects the Air Tasking Order information, prepares copies of it, prepares extracted sheets that simplify the information, the more digestible piece of paper that the crew can follow. He's here to answer their questions, take debriefs from the crew, prebrief them during their pre-mission briefing of any particular changes that have come to the Air Tasking Order. As I said, takes debriefs from the crews, if they have critiques or good--critiques, positive or negative, on other units that are involved here or the way the ATO flowed. He's my representative to the 39th Operations Support Squadron scheduling meetings that are held for the Composite Task Force in preparation of monthly and weekly schedules for Operation PROVIDE COMFORT.

52Q: In reference to support provided to the AWACS community by the 39th Wing in Operation PROVIDE COMFORT and the JTF, do you feel that support is adequate for you to perform your mission?

**FELS**



52A: Yes, I do. That is one thing I forgot. The day they arrive and do their inbrief in Operations, they also have a briefing they go to. It's usually held in the Operations Group Conference Room where the representatives from either the frag shop or the tactics shop or the current operations section will come in and brief the crew on the purpose of Operation PROVIDE COMFORT, AWACS's role in it and the command structure that's in place. Prior to the accident, I did not see any problem with the support given. There's an inflight airborne mission director--he flies along on the sorties. Some of those are people who are in the 39th as permanent party. The majority of them are here TDY so the Operations Group Commander, twice a week holds a DETCO meeting to talk about issues that come up that run a gamut from base services to specific problems that arise on a particular mission covering maintenance, status of the aircraft, et cetera.

53Q: Who is Savvy Ops?

53A: SAVVY Ops is a call sign that we use there in our Ops area. We have radios to try to keep communication with the aircraft that's airborne. We'll use that as our call sign for the Operations area, both with the aircraft and on our LMR, Land Mobile Radio system that we use on base for us and maintenance.

54Q: Is any tactical information passed over that circuit?

54A: There can be. We have secure SATCOM there. Sometimes we have to. If the mission director that's positioned in the Command Post is unable to maintain two-way contact with the aircraft, he may ask us to relay information. The same with the MULT system, the Navy's--I forget what the abbreviation stands for--it's, basically, the ground portion of the link for the tactical-digital link that's available from the aircraft that we feed into the command post. Again, when they are unable to maintain two-way contact with the aircraft, they may relay to us to pass information to the aircraft. The majority of the tactical information though, such as changes to the ATO or things of that nature would normally get passed from the mission director in the Command Post, whose call sign is Mad Dog, to the aircraft to the airborne mission director, Duke.

55Q: Have you ever received a helicopter flight plan for the AWACS crews to use?

55A: Prior to the accident, no. I'm not aware that we ever received helicopter flight plans for the Eagle Flights. I wasn't even aware that we really had the helicopters flying around the AOR that much. I knew there was a--the MCC there at Zakhu, that they supplied, but I wasn't aware they did much flying within the AOR. It wasn't anything that had cropped up in the past.

56Q: Were you aware of any other organization on base, prior to the 14th, that received a flight plan of the helicopters?

56A: No, I wasn't.

57Q: Why are video cameras on the aircraft?

**FELS**

57A: About three or four weeks prior, there had been a lot of interest come up with monitoring the tracks that were occurring south of the 36 parallel [plus others flying within the AOR] and as a result of that the camera was purchased by the Combined Task Force for use--to have available.

58Q: What are the purposes of buddy rides?

58A: The purpose of a buddy ride is when we have a new crew in and it's their first flight of their deployment, whether they've been here recently or not, we will normally either have the staff MCC and weapons guy fly with them or, if both those individuals are new as well, we may go ahead and have one of the--pick crew members off of one of the more experienced crews that's remaining here fly with the crew. The purpose is just to be along to answer any questions that come up that they didn't discover or develop in their mission planning and inbriefing, just to give them the feeling that there's somebody there that they can ask questions to, as to whether the flow of the mission is going properly.

59Q: Are buddy rides required?

59A: No, they are not required. That's not a mandatory requirement; although I can't think of a time when we haven't had somebody, either from the staff or an experienced crew, ride along on the first flight.

60Q: Are there any written duties and responsibilities given to the person that's giving the buddy--that's conducting the buddy ride?

60A: No, not to my knowledge.

61Q: What is your understanding of the Duke's responsibilities onboard the airplane?

61A: My understanding is that he's an extension of the command structure here. They are a communications link between the supervision on the ground within the 39th in their role as the CFAC command structure between the 39th through the mission director there in the command center to the aircraft airborne. The Duke, airborne, can relay information back as to the weather situation in the AOR, recommend changes or adjustments in the ATO flow based on weather, emergency aircraft--helping them out, get out of the AOR and to a divert base, if that's required. That's, essentially, it.

(There was a brief recess taken at 1733, 25 April 1994.)

COL WILCOX: The time is 1736. General Andrus has left the board room. Colonel Armen is still with us.

I remind you that you are still under oath.

WITNESS: Yes, Sir.

**FELS**

**Questions by Colonel Wilcox:**

62Q: You used a couple of terms that I would like to clear for the record. You referred to AGE equipment?

62A: Aerospace Ground Equipment.

63Q: And you used the term "DNIF"?

63A: Duty Not Including Flying.

64Q: At one point in your testimony you referred to OPCON agencies?

64A: The organization that has operational control over the aircraft for the operation; in this case, EUCOM.

65Q: I assume that when you used the word "Ops", you meant operations?

65A: Yes.

66Q: Referring to aircraft operations?

66A: Normally, yes.

67Q: Did you attend a mission prebrief for the mission that occurred on the 14th of April?

67A: That day I came in late. They had already started their briefing, and I came in probably about midway through it.

68Q: Tell me the portion of the briefing that you heard.

68A: There was nothing exceptional about it, as I've observed quite a number of them. There's really nothing that stands out in my mind as being different. The aircraft commander--when I came in, the aircraft commander was still on his portion of the briefing and being very thorough with that portion. Intel briefed their normal series of briefing slides and then the technicians were released to go out to the aircraft and complete the preflighting of the aircraft. Then they covered the interest items for the maintenance--excuse me--for the mission crew commander and weapons and surveillance sections. The flow for the day's ATO was shown, but they carry that, paper copies of that, on board. It's a pretty busy slide, but it was shown just as it's received from the ATO shop. I don't recall as the Duke said anything in particular about the day's mission. Our Turkish control was in on time so really there was nothing specifically outstanding about the briefing that sticks out in my mind.

69Q: Do you recall any of the details from the Intel briefing?

69A: No, basically, the series of slides that he goes over is he shows the previous day's activity in Iraq, where the threat rings are around the ground missile sites and briefs the evasion--search and rescue word of the day, letter and number of the day and then I believe he mentioned, because I think there was a U.N. flight down near Mosel; that's normally one of the things they cover at that point--that there is a U.N. flight going on in the AOR.

**FELS**

70Q: Were there any interest items? What were the interest items?

70A: They're available on the slides that were given to the Board. Some of the things that are listed and--well, for the technicians to attempt to direct load, to get the JTIDS up and working, try direct loads of the crypto into the equipment. They had some problems with that. Let's see--I'd have to look at the slides to refresh my memory on that.

71Q: When the weapons--does each section, for instance, the weapons section and the surveillance section, have a separate briefing or does each of those--

71A: What normally happens is the mission crew commander--the aircraft commander briefs up through the safety considerations of flight, the Egress alarms and the ditching routes cover the OPSEC considerations and their safety considerations for the aircraft. Intel briefs and after Intel's briefing, the mission crew commander picks up and will let the senior director and air surveillance officer address their objectives for the days' flight.

72Q: At any time during that portion of the briefing were there assignments made to the various weapons directors and air surveillance technicians?

72A: I did not hear that at that point. I may have been in my office. I don't necessarily stand in the Ops room there and listen to the entire briefing. I think they probably had worked out their assignments as to what each crew position was going to do for the flight prior to that on their mission planning day.

73Q: Do you have any further information, statements or evidence you wish to present?

73A: No, not at this time.

COL WILCOX: You are reminded that this is an official investigation. You're ordered not to divulge the nature of the investigation or the questions, answers or discussions included in this interview with anyone unless authorized to do so by the Board President, Major General Andrus, CINCUSAFE, or higher authority. If anyone other than a member of this board should approach you regarding your testimony or the matters discussed here, you must report it immediately.

Do you have any questions?

WITNESS: No, I don't.

COL WILCOX: The time is 1743 and the interview is concluded.

**FELS**

## REPORTER'S CERTIFICATION

The above sworn interview statement given by LIEUTENANT COLONEL JAMES D. FELS to the Aircraft Accident Investigation Board was recorded by me by stenomask. Words contained within brackets, [ ], indicate language that has been substituted at the direction of the Board, to avoid the release of classified information which could not be downgraded and/or personal details which would disclose the identity of military members directly involved in the incident. The substituted language accurately conveys the essential meaning of the original language. Except as so noted, I certify that the foregoing transcript is a true, accurate and verbatim account of that statement.

  
\_\_\_\_\_  
MAUREEN A. NATION, DAFC  
Court Reporter  
Incirlik Air Base, Turkey

FELS

V-088

V-089

**TAB V-094**

V-090

**FRECHTLING, ANDREW C.**

V-091

V-092

V-093

V-094

**VERBATIM TESTIMONY**

**MAJOR ANDREW C. FRECHTLING  
23RD FIGHTER WING  
SPANGDAHLEM AIR BASE, GERMANY**

COL AT LEE: The time is now 0842 hours on 25 April 1994. The persons present are the following: Lieutenant Colonel Wayne I. Mudge, Colonel Remzi Armen, Lieutenant Colonel Christian Velluz and I am Colonel William K. At Lee.

(Barbara Brigman was the court reporter during the interview.)

COL AT LEE: The witness present is Major Andrew C. Frechtling.

COL AT LEE: This interview is being conducted at Incirlik Air Base, Turkey. This is an official AFR 110-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Blackhawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of these helicopters in the northern No-Fly Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINCUSAFE. This investigation is not a Safety Mishap Investigation conducted under AFR 127-4. The purpose of this accident investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary action, adverse administrative proceedings and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes and all witnesses are advised that the testimony will be treated in confidence.

However, testimony given in this accident investigation may be used for any purpose deemed appropriate by competent authority and may be publicly disseminated.

Do you understand the difference between a Safety Mishap Investigation and as an Accident Investigation?

WITNESS: Yes, sir.

COL AT LEE: Do you understand the purpose of this investigation?

**FRECHTLING**

WITNESS: Yes, sir.

COL AT LEE: Do you have any questions?

WITNESS: No, sir.

COL AT LEE: Your testimony will be recorded and transcribed verbatim so that a written record can be made available to the appointing or higher authority. For the benefit of the reporter, please avoid the use of acronyms or jargon. Speak slowly, clearly and loudly. Remember to explain your testimony carefully so that others who do not have your technical training will be able to understand.

As this is an official investigation, you are required to answer questions put to you by the board. You are further advised not to discuss classified information unless necessary to develop your testimony. If it's necessary for you to discuss classified information, you need to identify it as such.

Would you please rise so that I can swear you in.

(The witness was sworn)

### **EXAMINATION**

1Q: State your full name and grade.

1A: Yes, sir. I'm Major Andrew C. Frechtling.

2Q: What is your organization and station?

2A: 23rd Fighter Squadron, 52nd Fighter Wing, Spangdahlem Air Base, Germany.

#### **Questions by Lieutenant Colonel Mudge.**

3Q: What are your normal duties and responsibilities in the squadron?

3A: I am the 23rd Fighter Squadron Assistant Operations Officer. I assist the Operations Officer in running the flying operations in the squadron. I'm an Instructor Pilot, and as such, I conduct training and upgrade training in the squadron.

### **FRECHTLING**



4Q: What types of jobs have you held in the past?

4A: I've been Flight Commander in both the 480th Fighter Squadron and the 23rd Fighter Squadron. I've been the Director of Inspections; specializing in nuclear surety inspections for the Wing. I've been a line instructor pilot and a line pilot at the 81st Fighter Squadron and the 480th Fighter Squadron. Before that I have been an instructor in ATC and an F-16 pilot at Kunsan and at Shaw Air Force Base.

5Q: How long have you flown the F-16?

5A: I have been flying the F-16 operationally since 1983 with a four year gap when I was at ATC. I have approximately 1,800 hours.

6Q: Total time?

6A: Of F-16 time.

7Q: How many total hours do you have?

7A: Approximately, 2,500.

8Q: What other aircraft have you flown besides the F-16?

8A: I was a T-38 instructor pilot. I have the flown T-37 and the AT-38, as well as the T-38 as part of my training.

9Q: Do you have any special qualifications, supervisory of flying, dissimilar air combat --

9A: I am qualified in all of those things. I'm a flight lead mission commander, instructor pilot, air instructor pilot, and simulator instructor fully qualified.

10Q: Have you flown at Operation Provide Comfort, or OPC, before?

10A: Yes, I have about 100 missions for OPC.

11Q: When have you flown at OPC?

11A: I first started flying OPC -- I'm going to estimate -- in June of 1992. I served as Assistant DETCO and then DETCO through until about April of 1993 when I came back to Spangdahlem. In April 1993, with our rotation system during that period of time I was coming in and flying it about three to four weeks at a time, going back to Spangdahlem, doing training, upgrades and coming back down here as part of a continuation of our Wing's F-16 in and out of theater. When I became the Chief of Nuclear Surety

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Inspections, I spent approximately -- I guess, there was about a 12 month period where I did not come down to Provide Comfort, and then I came back down this April.

12Q: You have been here since April?

12A: I think we got down here on April 8th -- I would have to look at a calendar to make sure.

13Q: Would you please explain what you were tasked to do on 14 April?

13A: Right. I was flight lead of the Raider Flight, -- I believe that was our call sign. Myself and Colonel Emory were a two-ship going out to conduct DCA, that's Defensive Counter Air Combat Air Patrol -- DCACAP and reconnaissance. We had a rendezvous with a tanker. I believe the call sign was Puma 222. We rendezvoused with the tanker at approximately 0725Z. We were on channel 10 conducting our tanker rendezvous and had closed to within a couple of miles with the tanker when we heard a call from Tiger Flight, the Tiger was engaged to two Hind helicopters. To the best of my recollection the next thing that I heard was an advisory call, I believe, from AWACS -- from Cougar -- to turn west bound and that there were Hinds 21 miles south, their position. This indicated to me that there was possible Iraqi helicopter activity in the no-fly zone on the southern edge of the hills that lead down to the great plain that extends all the way down past Mosel. So, I know approximately where these Iraqi helicopters would have been. Although 21 miles north I didn't feel they were a threat; it sounded to me like to get the tanker out of the immediate area. Shortly thereafter, I heard a splash call. We stayed on the tanker during all this because we were close to what we use as a normal Incirlik "bingo" fuel and I figured that the best thing that we could do was get gas now because if the Eagle Flight was involved with an engagement they might very well need to replenish. When I say "Eagle Flight", I mean the F-15 Eagles; their call sign, of course, was Tiger. As it was, we got our gas, maintained a watch and listened on what was going on. After this part there are some classified parts that we would have to discuss. For right now, I will say that we left the tanker, performed a quick reconnaissance and then established a CAP on the west of Mosel looking for activity south of the line which might indicate some Iraqi attempt to penetrate the no-fly zone.

#### **Questions by Colonel At Lee.**

14Q: The transmissions you heard, do you know what frequencies those were called on?

14A: They would all have to be made on channel 10. I don't have my frequency guide, but it is the standard air refueling control channel.

**FRECHTLING**

15Q: Who would have made the "engage two Hind helicopters" call then?

15A: Tiger Flight, and I assume it was the guy with the tactical lead.

16Q: On channel 10?

16A: On channel 10, and I will admit that this was a little surprising to me when I heard it because we were getting ready to refuel. Most AOR ops are conducted on 19. But, to the best of my recollection we were on channel 10 at the time, and that would be logical because we were quite close to the tanker. Usually, we don't do any communication with the tanker on that frequency. We will simply monitor it, close to the tanker without the use of the radio, connect, get our gas and come off. However, vectoring information is provided on channel 10 and occasionally you will hear Cougar direct tankers to make a turn or to extend a turn. So, that is why we are on channel 10.

17Q: Was your guard transmitter or receiver on at that time?

17A: Yes, I believe it was.

#### **Questions by Lieutenant Colonel Mudge.**

18Q: Is it possible that "engaged" call was on-guard, 243.0?

18A: It's possible.

19Q: To the best of your recollection or your best estimate, was that call you heard on channel 10 or guard?

19A: I would say channel 10.

20Q: To the best of your recollection, who do you think made that call on channel 10?

20A: Either of the aircraft in Tiger Flight. Unfortunately, I do not recall hearing a Tiger 1 or Tiger 2 call sign preceding the call, nor do I have sufficient voice recognition with the pilots in the 53rd to tell who it was.

21Q: Could Cougar have made that call?

21A: It's possible. I'm trying to think how that would work. The call, if they had decided to simulcast it as an advisory to AWACS, might very well have been made by Cougar. But, again, I didn't recall a call sign preface. The correct terminology would have been "Cougar 1 advisory, Tiger Flight engaged, two Hinds.", and then that would have been a logical call to make on 10 that would get the flight turning -- get the tanker turning since they seemed to be worried about the tanker getting in the proximity. The

#### **FRECHTLING**

call to the tanker I'm sure was being made by Cougar because I doubt that Tiger Flight would have had situation awareness enough to say that there is a tanker and an engagement occurring. Although Tiger was scheduled to refuel again, --we would have to look at the flow sheet, and I think you have done that, seen our PC flow sheets with the refueling times marked out. As I recall, Tiger was going to refuel again eventually again that day on that tanker; they went a little early because of gas they used. So, it's possible they were uptown,. But, it could have been a Cougar making the call.

22Q: For clarity. Is it accurate to say that you heard the call but that from the content of the call you are unable to say who made the call or from the content of the call?

22A: The terminology used implied to me that the probability -- I'm not a 100 percent sure -- but the probability was that it was being made by a fighter aircraft. That is what I have continued to think because of the terminology used.

23Q: You referred to a location as Mosel?

23A: Right.

24Q: Can you describe that?

24A: Yes. Very simply, when I said the plane going south to Mosel, what I mean is if you look at a map of the area of operations, the northern part -- the security zone -- is mountainous, south of the security zone or in through the southern edge of the security zone and on south into Iraq the terrain is very flat. Mosel is a handy geographic reference because it is the largest city in that part of Iraq and it is sort of in the center of the area of operations.

(The interview recessed at 0858 hours, 25 April 1994. The interview began at 0859 hours, 25 April 1994, with all parties present who were present when the interview recessed.)

25Q: Would you please, in your own words, explain the rules of engagement -- the ROE -- that were in effect on 14 April?

25A: Yes, sir. I'm going to concentrate on the air-to-air ROE because air/ground is sort of not relevant right here. [Classified portion deleted (25 words)]

26Q: Do you consider the rules of engagement clear and concise?

26A: Yes, sir.

**FRECHTLING**

27Q: What is your assessment of the ROE?

27A: For operational effectiveness, it gives us the latitude that we need, if the guidance is fairly straight forward. The only case I consider to be a one where the ROE is expanded and EUCOM guidance is provided that allows us to do that, is in the case of self-defense [Classified portion deleted (83 words)]

28Q: Are you comfortable with your knowledge of the ROE?

28A: Yes, sir.

29Q: What specific ROE training have you had?

29A: We review the ROE each time we come down here as part of our review of the aircrew read file. I brief it on every ride I fly.

30Q: Does anyone conduct training or is it as you indicated, a review?

30A: When a unit comes in here for the first time, we receive a welcome brief from the Ops Group Commander. The last one of these that I attended was in June of 1992 -- the first time our squadron came down. We've been down here almost continually ever since. So, I think the knowledge of the ROE in our unit is fairly strong.

31Q: So, in June of 1992, the Ops Group Commander at that time briefed you on the ROE?

31A: Yes, sir.

32Q: What ROE references do you have at your disposal while airborne?

32A: There are none that we carry.

33Q: Who has the authority to clear fighters to engage and destroy aircraft in the AOR?

33A: Flight lead of a flight -- our command authority. For practical purposes, the relevant command authority would be Cougar or any flight lead in the flight.

34Q: Under what circumstances must you receive permission to fire on an unidentified aircraft?

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34A: Under the ROE as I understand them, I would not ever fire at an unidentified aircraft unless I was threatened. Under the rule of self-defense, I would engage an unidentified aircraft if its pattern and maneuvering, or use of radar indicated it was preparing to attack. I would initially attempt to defend and go to a VID and only fire on an unidentified bogie, if I had high confidence that he was a threat. What I normally brief is that we've seen a track coming from south of the border, we are ourselves threatened or another coalition aircraft is threatened, and we take a chance on shooting rather than risk a loss.

35Q: Before firing at an unidentified aircraft, what would you take into consideration?

35A: The ROE talks to his maneuver pattern, illumination by fire control radar, and as I have said just now, I look at the aircraft's track and have to observe it from coming south of the line -- from Iraqi's controlled air space.

36Q: What would you do if an aircraft was defecting?

36A: I would do my normal course of action, which is a briefed VID intercept -- visual identification. I would put my wing man in a two to three mile trail with an altitude split -- that's an altitude difference between the two aircraft. We'd run a standard cold intercept, and attempt to come around behind this aircraft. If we had gotten to that point without him illuminating us, turning into us or attempting to evade, I would continue for a VID. If it's an Iraqi aircraft, I would destroy it. That means under the ROE, as I understand it, we have no real provision for dealing with a defecting aircraft. The only exception that I would use in a VID engagement is if the guy clearly indicated an attempt to land by putting his gear down. Now, they say it's very clear cut, an Iraqi aircraft north of the 36 parallel is by definition hostile, regardless of his actions.

37Q: Is that any Iraqi aircraft?

37A: Any Iraqi military aircraft, except medical evacuation flights. It does not apply to Iraqi civilian aircraft or to marked Iraqi medical aircraft. Let -- you would be silly -- an Iraqi pilot would be poorly advised to try to defect by air.

38Q: How would you identify an Iraqi medical aircraft?

38A: It would have to be clearly marked with a Red Cross. It also would have to be of a type suitable for medical evacuation. In other words, not a fighter.

39Q: On the 14th of April, what information did you have about the two Blackhawk helicopters Eagle Flight?

39A: I had no particular information about Eagle Flight. I knew that -- I go out there

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each day assuming, that unless briefed otherwise as we have in recent days, that Eagle Flight will be operating in around the security zone.

40Q: Could you explain what you would expect Eagle Flight then to do?

40A: Yes. Typically, you hear them checking in on AWACS enroute as they take off out of Diyarbakir on to Zakhu; they will report in and out of the gate, we've heard that many times. Once they are in the no-fly zone or the security zone, I assume that they would do whatever they need to do in there just picking up people and dropping people off.

41Q: How would you find out information about Eagle Flight?

41A: If in doubt I would ask Cougar if they are reporting Eagle Flight operating in a certain area. Prior to flight, I think Eagle times were briefed on the ATO but since I really considered them to not be a factor at our operations, I never really pay much attention to it.

42Q: Are there any other sources of information on Eagle Flight other than the ATO that you know of?

42A: Eagle Flight's parameters -- where they are operating and the way they operate -- is discussed in the ACO. There is some guidance to them about altitudes to operate at and routes of flight that they must use.

43Q: That information in the ACO on their route of flights, do you know what information is covered in that?

43A: There is an altitude restriction that applies to them to operate 400 feet below. There is also, I think, some entry procedures that they use -- altitudes they operate at when they enter and leave Iraq.

44Q: Is that the extent of the information about Eagle Flights in the ACO?

44A: That's the extent that I know -- to the best of my knowledge.

45Q: Has Cougar or Duke ever pointed out Eagle Flights to you before?

45A: No, sir.

46Q: Did you have any information about the Eagle Flight on the 14th of April?

46A: No, sir.

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47Q: Considering all of the various sources available to you that describe OPC procedures, what is your perception of their clarity and use ability?

47A: I think they are adequate for the use that we need to make.

48Q: What training or experience do you have with the attacking helicopters?

48A: Not very much. In Korea -- when I was in Korea we would often address the problem of intercepting low slow movers, and there was often -- many of the guys in my particular unit spent last summer in Operation Deny Flight where they would intercept helicopters over Bosnia Herzegovina. I, myself, having spent most of the last year working on the nuclear surety issue, have not gotten a lot of those opportunities. The feeling in the squadron is that many of our guys have actually run on helicopters and developed procedures for getting in position to ID and to warn them about -- in the case of Deny Flight Operation to the issue of warning over radio.

49Q: Have you had training in that?

49A: I, myself, no.

50Q: What training have you received in low altitude intercepts?

50A: In 1983 and 84, flying at Shaw, we developed a fairly extensive program of low altitude intercept training. We operated with targets down at 500 feet and conducted the training as both target aircraft or low altitude defensive attacks, and as low offensive tactics. Following that, I have been employing low intercept tactics in a couple of large exercises, a Quick Force Exercise in Arizona, Maple Flag, and then of course in the Republic of Korea with the intercept training opportunities available there we've had, I think anyone who spends a year there develops really extensive low altitude intercept training. In Europe we conduct intercept training almost on a daily basis against other aircraft operating at a low fly structure.

51Q: In Europe when you are conducting your low altitude training, what are the normal parameters and altitudes that you use?

51A: We will set the targets at 1,500 feet and above. Typically, a target will operate at say 2,000 to 1,500 feet. The fighter aircraft will operate from 3,000 to 2,500 up. Since we are low altitude training, you can use the 500 foot altitude split. For convenience we will typically brief a 1,000 foot altitude split to give a little more margin there.

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52Q: Can you consider yourself qualified to conduct low altitude intercepts at very low altitudes?

52A: Yes, sir.

53Q: How much visual reconnaissance training that you have had that included helicopters?

53A: We train in our squadron on vis recce on a daily basis with visual reconnaissance against threat systems. In recent months, our squadron has been concentrating more on surface-to-air threat systems as we got a surface-to-air role to play now. Surface air defense suppression. That's abbreviated SEAD, Suppression of Enemy Air Defenses and our squadron carries that as a Tertiary DOC -- we are going to be spinning up into a more robust stance on that. Recognition of helicopters is usually done as part of our tactical check ride training cycle. We take a visual ID test as part of our preparation for our tactical check ride, and that is done once about every 16 months on the average.

54Q: Could you describe the extent of the helicopter training in that cycle of training that you get?

54A: Yes, sir. Typically, the tests that you need to pass is a 25, I believe it's a 25 test, and I think, as I recall, it's centered around the identification of 10 threat systems or friendly systems which you must identify according to type, friend or foe and the NATO identifier/designator for that system. Since the slides are randomly selected out of a large number to study for we try to go through as many different threat systems as we can. Since we sort of emphasize the surface air threat, I would say about half of the total test is on surface-to-air systems which you need to identify. For instances, foe surface-to-air missile, SA8; that might be an answer. In other words, identifying friend or foe, the type of threat, and the designator. In that you might have a couple of helicopters to ID.

55Q: Just a couple?

55A: That's probably right.

56Q: Do you ever remember seeing photos of helicopters from the rear aspect?

56A: Yes, I think you can find photos like that in any of the VID handbooks, which we have in the squadron and the people look at to get ready for this test. You said rear aspect, right?

57Q: Yes.

**FRECHTLING**

57A: There are sources available. The Army puts out a fairly extensive identification handbook, which most guys have looked at in preparation for this testing that they do. We also have in the squadron, down here, the Iraqi Theater ID handbooks that show aircraft, helicopters and surface defense systems that are present.

58Q: Do you know if that Iraqi handbook has pictures of helicopters from the rear aspect?

58Q: I don't recall from the rear aspect, no.

59Q: Do you know where you could expect to see fin flashes on the helicopter?

59A: Yes, they are going to be on the vertical fin. A lot of American helicopters are marked on the sides, up near the wider part of the fuselage with an American flag or some designator like that. I would not use fin flashes as a way of determining the identification on a helicopter; I would use the aircraft shape.

60Q: Do you know if Syria has any Hind helicopters?

60A: Yes, I believe they do.

61Q: Given your previous statement that you would not use a fin flash and just aircraft shape, how would identify an Iraqi Hind from a Syrian Hind?

61A: I probably wouldn't try to. I would -- I think my assumption would be that it's an Iraqi aircraft if it's flying in that part of the country, with a helicopter of that type.

62Q: Do you know if Iran has any Hind helicopters?

62A: No, I don't.

63Q: Do you know if Turkey has any Hind helicopters?

63A: I do not.

64Q: Do you ever remember seeing photos of Black Hawk helicopters in your vis recce training?

64A: Yes.

65Q: Have you ever seen on those photos Black Hawk helicopters with aux tanks installed?

65A: Yes, in fact, you can see them here out on the airfield occasionally.

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66Q: So, the vis recce training that you've had includes photos of Black Hawks with any tanks?

66A: Yes. I think you have seen those in magazines and books on aircraft.

67Q: What markings would you expect to see on a Black Hawk?

67A: Most of them are extremely subdued. So, unless you are on the ground looking at it, I don't think you would see any markings.

68Q: How close do you estimate that you would have to get to each helicopter to identify its type?

68A: It depends on the aspect. If you can get co-altitude, I think you can see most helicopters within a couple of miles. If you have to look down at it or up at it, I would expect you would have to get within a mile.

69Q: How close do you think you would have to fly to a helicopter to identify the fin flash?

69A: Within a couple hundred feet, perhaps.

70Q: When you say a few hundred feet, can you give us a range?

70A: I'm trying to think. The sort of subdued markings you see on a lot of helicopters, like the Air Force Special Operations helicopters, I don't think you can see them within 500 feet. A more prominent red, white and blue or a bright, non-subdued insignia you might see out to a couple of thousand feet.

71Q: What briefings, training or education have you received on the purpose of OPC?

71A: Well, briefings as conducted by a walk-in brief from the Ops Group Commander here is a fairly extensive discussion of the purpose OPC and the history. Also, we maintain intelligence -- we do intelligence briefings at home on current Intel with a fairly extensive discussion of the different political parties who are trying to assert themselves in the area, and the fact of PKK on the problems here. We get fairly extensive intelligence briefings.

#### **Questions by Colonel At Lee.**

72Q: What do you understand to be the purpose of Operation Provide Comfort?

72A: We need to maintain a secure area in northern Iraq to prevent Saddam Hussein's forces from advancing to the Turkish border and creating a major refugee problem that will destabilize Turkey.

#### **FRECHTLING**

73Q: You were talking about the ROE, do you believe that once you make an identification which satisfies you that it's an Iraqi military non-medical aircraft, that you are required to take any other matters into consideration before engaging and destroying?

73A: Yes. We do allow for the possibility that the aircraft may be a defector -- that may have a navigational error or that it may be an aircraft in distress, that's all covered in the ROE. As I said, practically speaking, [Classified portion deleted (25 words)] In other words, we believe that the Iraqis have a responsibility to ensure that they stay well south of the 36 line.

74Q: If it is not a medical aircraft --

74A: Right.

75Q: And if it is, in your view, an Iraqi military, what discretion do you believe you have whether to engage or not?

75A: I believe I would continue to VID to ensure myself that it is, indeed, what I think it is. If the pilot did something very obvious like slowing and putting gear down, I would consider that to be a clear indication that he does not intend to fight, otherwise I would destroy it.

76Q: Do you believe that you would be expected to do that?

76A: Yes, sir. We have issued demands to the Iraqis saying that we want them to restrict their military activities. We need to maintain a sense on their part that we mean what we say; we have told them not to fly north of 36. As a matter of fact, I think all of our pilots understood that we've actually told them not to fly at all in a fixed wing aircraft.

77Q: You referred to a briefing in June of 1992 by the Ops Group Commander; is that the only formal briefing that you've had on ROE for Operation Provide Comfort?

77A: Most nearly everything else that has come up in the form of an aircrew read file item. So, changes to the ROE have been disseminated since then. That is, itself, a formal process that every pilot needs to sign that material off.

78Q: When you came back down here in April you did not receive a briefing per se; it was going through a read file?

78A: That's right.

79Q: You referenced a term "bogie", can you explain that please?

79A: A bogie is an unidentified aircraft.

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80Q: "Cold Intercept"?

80A: A Cold Intercept is one where the intercepting aircraft attempt to achieve enough distance from the target being intercepted so that they complete a turn that enables the interceptor to come up in the rear quadrant, so as to get the best available shot and also the slowest rate of closure. A Hot Intercept is one where the two aircraft would converge and have a very short period of time before they passed.

81Q: You said that when you go to fly and you would be assuming that Eagle Flight would be operating within the security zone, did you have that assumption or belief prior to the 14th of April?

81A: Yes, sir. Because through the times that I have been flying here I've heard, on numerous occasions, Eagle checking in with Cougar enroute to and from Iraq.

82Q: Other than those check-in calls that you've heard, have you had any reason to believe or to assume that Eagle Flight would be operating in the security zones?

82A: Yes, I believe that based on the fact that I know that the forces out in Zakhu and other major areas must need some way of transporting people back and forth. So, I guess it was an assumption that that was their business and they would be always operating helicopters to do that.

83Q: Can you give some sense of how widely held, to your knowledge, those assumptions are?

83A: No, sir. I can't really think of any good estimate.

84Q: Has it been a matter of discussion, to your knowledge, amongst other pilots -- the presence of Eagle Flight?

84A: Not specifically the presence of Eagle Flight. I think, through our Intel briefings, that we are aware that members of the MCC are continually in Northern Iraq, and the assumption that most people probably mean is that those forces must be in support of supplies transported by helicopter when they need to be.

#### **Questions by Lieutenant Colonel Mudge.**

85Q: What information have you received about those flights?

85A: As I said, only that I heard them frequently check-in, to and from Zakhu. So, I have always assumed that Zakhu was the central jump-off point for anything else that they do. Once they are in the AOR, I've not heard them on frequency at all.

#### **FRECHTLING**

86Q: Have you conducted low altitude flying in the security zone before?

86A: Yes, we have. Prior to more extensive restrictions on our aircraft, I've regularly flown as low as 500 feet over almost the entire security zone.

87Q: When you flew those low altitude sorties, did you have any information about low flights? Were any other helicopters flying in the security zone?

87A: No, sir, except that they were going to be below 400 AGL. I expected to see them out there and I never did. Most of my flying, when I say the security zone, I guess I should say the AOR because there has generally not been a whole lot of reason to fly low over the Kurdish held areas. Most of our low altitude operations have been over reconnaissance targets south of the security zone. However, there are occasions when we would do sweeps down the valleys just looking for signs of activity.

#### **Questions by Colonel At Lee.**

88Q: Would you describe, generally, the distinction between the security zone and the AOR?

88A: Yes. The AOR is the entire area north of the 36, up to the Turkish, Syrian and Iranian borders.

89Q: Area of Iraq?

89A: Iraq. The security zone is that section of Iraq where Iraqi troops are not allowed to operate and the government of Iraq forces are not allowed to operate. It's conveniently -- you think of it as being the northern shores of the lake north of the dam up to the Faidah gap there where there is a short location where the security zone goes northward, and then, basically, it runs along the foothills of the mountains leading into Turkey.

90Q: The frequencies that you've have heard Eagle Flights check in on, are they are the same frequencies used by F-15s when they're are tactical or in the CAP?

90A: No, sir. The frequencies that I'm referring to are the enroute frequencies where you would hear Eagle Flight checking in on their way to and from Diyarbakir Batman -- generally, Diyarbakir down to Zakhu. So, it's an enroute frequency and not a tactical frequency.

91Q: Is Zakhu in or out of the security zone?

91A: It's in the security zone.

92Q: You referred to a "tertiary DOC", could you describe that briefly?

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92A: Yes, without getting any further classified it just means that the DOC statement is a document that indicates what each unit in NATO is signed up to do. We have the capability in our airplanes of carrying the harm missile --

**Questions by Lieutenant Colonel Mudge.**

93Q: "DOC" stands for Designed Operational Capability, does it not?

93A: Right. We have the capability to carry the HARM. So, what I was getting at is when we, in our squadron, look at visual recce, we do spend a lot of time talking about surface threats systems that we employ against.

(Questions by Colonel At Lee.)

94Q: Do you have any further information, statements or evidence which you wish to present?

94A: No, sir.

COLONEL AT LEE: You are reminded that this is an official investigation. You are ordered not to divulge the nature of this investigation, questions, answers or discussions included in this interview with anyone unless authorized to do so by the Board President, Major General Andrus, CINCUSAFE or high authority. If anyone other than a member of this board should approach you regarding your testimony or the matters discussed here you must report it immediately. Do you have any questions?

WIT: No, sir.

COL AT LEE: The time is 0935 and this interview is concluded.

**REPORTER'S CERTIFICATE**

The above sworn interview statement, given by MAJOR ANDREW C. FRECHTLING to the Aircraft Accident Investigation Board was recorded by me by stenomask. Words contained within brackets [ ], indicate language that has been substituted at the direction of the Board, to avoid release of classified information which could not be downgraded and/or personal details which would disclose the identity of military members directly involved in this incident. The substituted language accurately conveys the essential meaning of the original language. Except as noted, I certify that the foregoing transcript is a true, accurate, and verbatim account of that statement.

  
BARBARA BRIGMAN  
Court Reporter  
Incirlik Air Base, Turkey

**FRECHTLING**

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MALBROUGH, RODNEY L., JR.

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## **SUMMARIZED TESTIMONY**

**RODNEY L. MALBROUGH, JR., LT  
GIEBELSTADT ARMY AIR FIELD, GERMANY**

The interview was conducted by Colonel Michael E. Fain, at Incirlik Air Base, Turkey, beginning at 1841 hours, 26 April 1994. The standard witness advisement was given in accordance with AFR 110-14 and the witness was sworn.

### **EXAMINATION**

I have been in the Army four years and I fly CH-47's. I arrived here TDY at Incirlik AB, Turkey, on the 5th of April 1994. I am a temporary liaison officer with the 12th Aviation Brigade for Eagle Flight for approximately 100 days. My orders relate that I work for Colonel Coleman. I have an office over in the C-4 shop and spend most of my time at the JOC. I did not receive any training prior to assuming my duties. However, there was about a three to four day overlap with my predecessor. My predecessor never discussed with me any problems associated with Eagle Flight, nor did he discuss with me any scheduling problems. I am the go-between for coordination. Anything that Eagle Flight needs to get done at Incirlik, they would call me and I would, basically, make coordination for them. Also, the C-3, if they need to get information to Eagle Flight, they would come to me or call me direct.

Prior to the 14th of April 1994, I did have contact with Eagle Ops. However, I have not discussed the Eagle Flight operations or their flight operations, because I was still in the process of learning where everything was here -- points of contact and who I have to coordinate with here. I had not been down to Diyarbakir to get acquainted with the routes that they fly, get acquainted with the times that they fly, and basically things like that.

I was not aware of the flight plan, route of flight or activities associated with Eagle Flight on the 14th of April 1994.

I feel I am now up to speed with how Eagle Flight does their operations.

As the C-3 liaison officer, I am right there if the JOC needs to make coordination with Eagle Flight or if they need something from Eagle Flight.

**MALBROUGH**

I do not ordinarily get involved in scheduling changes unless the people in JOC ask for assistance to get a problem cleared away. But, I am now getting heavily involved in getting the schedules coordinated, making out a checklist in which we can follow to make sure that MCC and Eagle Flight gets the schedules and makes sure it gets to the JOC.

I am not aware of any checklists prior to the events of 14 of April 1994.

Around the time frame of the 14th of April 1994, I was not heavily involved with the JOC, only as an assistance basis. I do not believe I had any responsibility for initiating action for getting information from Eagle Flight if the JOC didn't ask for help. However, if they asked me to get a schedule, I would get it.

(The standard witness caution was given and the witness had no questions.)

I certify that the foregoing is a true and accurate summary of the testimony of RODNEY L. MALBROUGH, JR. as given to the Aircraft Accident Investigation Board.



WILLIAM K. AT LEE, JR., Colonel, USAF  
Legal Advisor

**MALBROUGH**

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**PINTER, MICHAEL W.**

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**TESTIMONY OF  
LIEUTENANT COLONEL MICHAEL W. PINTER  
39TH OPERATIONS SUPPORT SQUADRON  
INCIRLIK, TURKEY**

COL AT LEE: The time is 1900 on the 25th of April 1994. The persons present are the Witness, Colonel Fain and I am Colonel At Lee.

This interview is being conducted at Incirlik Air Base, Turkey. This is an official AFR 110-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of these helicopters in the northern No-Fly-Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINCUSAFE. This investigation is not a Safety Mishap Investigation conducted under AFR 127-4. It is an aircraft accident investigation conducted under AFR 110-14. The purpose of this accident investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary action, adverse administrative proceedings and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes and all witnesses are advised that the testimony will be treated in confidence.

However, testimony given in this accident investigation may be used for any purpose deemed appropriate by competent authority and may be publicly disseminated.

Do you understand the difference between a Safety Mishap Investigation and this Accident Investigation?

WITNESS: Yes, I do.

COL AT LEE: Do you understand the purpose of this investigation?

WITNESS: Yes, I do.

COL AT LEE: Do you have any questions?

WITNESS: No, Sir.

COL AT LEE: Your testimony will be recorded and transcribed so that a written record will be made available to appointing or higher authority. For the benefit of the reporter, please avoid the use of acronyms or jargon. Please speak slowly, clearly and loudly. Remember to

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explain your testimony carefully so that others who do not have your technical training will be able to understand.

As this is an official investigation, you are required to answer questions put to you by this board. You are further advised not to discuss classified information unless necessary to develop your testimony. If it is necessary for you to discuss classified information, you need to identify it as such.

Do you have any questions concerning that?

WITNESS: No, Sir.

COL AT LEE: Would you please rise so that I can swear you in.

(The witness was sworn.)

### **EXAMINATION**

1Q: Would you state your name and grade?

1A: Lieutenant Colonel Michael W. Pinter.

2Q: And your organization and station?

2A: 39th Operations Support Squadron Commander at Incirlik Air Base, Turkey

#### **Questions by Colonel Fain:**

3Q: Would you please relay to me your educational background, both civilian and military?

3A: I got a degree in Electrical Engineering from Manhattan College in 1973, a Master's Degree in Business Education from the Oklahoma City University in 1977, SOS by correspondence, Air Command and Staff by seminar and residence--I believe that was in 1986 to 87. I have to count that one--about that time frame, and then Joint Phase 2 PME top off for Air Command and Staff College in 1992.

4Q: So what is your total time in service?

4A: 20 years this October--this is--73 to 93--a little over 20 years.

5Q: What is your military experience, a broad overview?

5A: I started out as a--I went through pilot training and stayed as a plow back in T-38s, flew that for three years and then upgraded to the F-15. I flew F-15s at Langley Air Force Base and F-15s at Soesterberg Air Base in the Netherlands where I was a flight commander and then I had a staff tour at Langley in requirements at the headquarters, TAC at the time. I went on to Air

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Command and Staff College and then another tour in F-15s at Eglin Air Force Base where I served as a flight commander, an ADO and then Chief of Weapons and Tactics and then another staff tour at Headquarters, AIR CENT at Ramstein, a NATO post and then from there here to Incirlik Air Base, Turkey as the Operations Support Squadron Commander.

6Q: I assume the term "plow back" means that you remained with the unit that trained you as an instructor?

6A: The same Wing, basically. I went back to Vance Air Force Base to be an instructor.

7Q: What are your duties in your current assignment?

7A: As the Operations Support Squadron Commander, I am basically in command of the air traffic control facilities which include the tower and the RAPCON. I am in charge of the weather shop. I have an Intel flight that works for me that does the coordination between the Combined Task Force, all the way down to the detachments that are here. I have a weapons and tactics shop that works for me. Let's see if I got them all? I have a plans shop which also works as the Wing plans shop and then the current operations shop which does all the tasking, fragging and scheduling for OPC. I also fill in as the Deputy OPS Group Commander or even the OPS Group Commander in the absence of the OPS Group Commander and/or his Deputy.

8Q: To whom do you report?

8A: I report directly to Colonel Richardson who is the OPS Group Commander.

9Q: Do you have people underneath you that you supervise?

9A: I have approximately 121 people that I supervise, directly.

10Q: How many of those are you the reporting official for?

10A: About six flight commanders and about five enlisted.

11Q: What are your normal duty hours?

11A: I normally start between 7 and 7:30 in the morning and get done between 6 and 6:30 at night.

12Q: Where do you normally perform your duties?

12A: In the Operations Support--I guess it's the Operations building, 362, on the flight line and then, obviously, when needed over in the Command Post which is the building next door.

13Q: Do you have written guidance that you use to perform your duties?

13A: Yes, we do. The Squadron has internal OIs and, obviously, we have--starting all the way from the Air Force regulations all the way down on all the duties that a squadron has to do and then, of course, air traffic control has its own internal regulations on how to do the air traffic control business and then we have wing OIs and guidance, obviously, that we have to fulfill and it goes all the way down.

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14Q: With respect to the Operation PROVIDE COMFORT mission, what type of guidance is provided to you?

14A: The guidance we go under--the big ones is probably the Air Space Coordination Order which defines how the airplanes--it's the agreement between the Turkish nationals, our host nation, and us on how we do business getting our airplanes to and from our area of responsibility and how we conduct operations in the area of responsibility. Our biggest concern in that area is the deconfliction amongst ourselves, putting a large number of airplanes in a small piece of airspace out there. That's probably the biggest one for Operation PROVIDE COMFORT. We also have our internal OIs on how we do the scheduling process and how we produce the Air Tasking Order on a daily basis. That goes out to all the units. That gives them exactly what mission they have to perform out there in the AOR and what they are responsible for.

15Q: What, in your opinion, is your most critical duty?

15A: As the Operations Support Squadron Commander, my most critical duty is to keep the squadron running. The Squadron is, basically, here to support the Wing and any other support we can provide to Operation PROVIDE COMFORT, which includes all those air traffic control duties, the weather duties and then the weapons and tactics interface and, of course, putting out and producing the 3-month schedule, the monthly schedule, the weekly schedule, the daily schedule and the daily Air Tasking Order which goes out to the units and is also relayed to the Turkish side of the house which gives us the clearances that we need to actually get airborne.

16Q: So your most critical duty then is to keep that function running. Of the functions you described, which do you consider to be the most critical?

16A: Well, the most critical for Operation PROVIDE COMFORT, obviously, is producing that daily Air Tasking Order which defines the exact missions that each air crew has to fly and how we integrate the air refueling and the deconfliction in the air space.

17Q: Are you actively involved in the process to produce or approve that document at your level?

17A: I review the 3-month schedule and also the weekly schedule. The daily schedule is derived from that off of a set of what we call master schedules. These master schedules, basically, encompass a generic flow plan of sorties which provides the coverage in the AOR which comes down from the commanding general through the OPS Group Commander to fulfill his guidance out there in the AOR.

18Q: Could you describe for me the process of developing the daily Air Tasking Order to include things like suspenses for actions and who you forward that completed product to?

18A: The process starts well in advance, obviously, and it starts with a targeting process that comes down from the Combined Task Force Intel shop. They provide a list of their taskings that we have to accomplish. This is turned over to our mission planning cell which is comprised of three TDY, Temporary Tour of Duty, officers and three to four enlisted folks supervised by my current OPS flight commander. That tasking is then developed into what the recce, the Brits and

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the French, are geared to go after and our sole job is to protect them and support them and we do that by building the rest of the package over top of that.

Suspenses--the units are suspended with getting us changes to their inputs by 0900 the day prior. That way, if they cannot fulfill their tasking, if they are down with the number of airplanes that they have or they have to change or they want to add or subtract, we can roll it into the tasking order. The targets, obviously, come down the day before in a timely manner and that's all rolled in--we put out the frag by 1600 the day prior to the tasking. Any changes subsequent to that come out in what we call a Battle Staff Directive, which changes that next day's tasking order and that Battle Staff Directive is sent out to all the units and they pick that up before they go fly so everybody understands there's been a change to the daily order.

Along with that, if there are any changes to the air space control order that evolve that we have not had time to publish to the air space controller, we put out what we call an air crew read file item. This item is mandatory for the crews to read before they go fly. We can also use the air crew read file to put out subsequent changes to the General's guidance or anything of special interest to the aircrews before they step.

Along with the Battle Staff Directive, if something comes up that's immediately of interest to the air crews, we have a system where we can pump that from the Command Post through our Intel channels down directly to the buildings that the detachments are working out of and that system gives them immediate access to any kind of sensitive information or changes to the daily frag or changes to the threat, anything we could not get them before they stepped.

19Q: Could you give me an example of information that would go through that channel?

19A: The one I just described?

20Q: Yes--the Intel channel.

20A: Well, we've used it for such sensitive things if we have a high priority Iraqi target that we wanted to get which we could not get in the morning's go due to weather. We could subsequently retask that in the afternoon by putting it over the Intel channels and giving the unit an immediate tasking and see if they could respond to that. If the threat in the area of responsibility would change significantly and our Intel, for whatever reason, picked that up, we would immediately pump that down to the units to try to give them a heads up before they stepped. Those are the time-sensitive items that we used that system for.

21Q: Who has approval authority for changes to the Air Tasking Order?

21A: The BSDs are approved through the CFAC DO which is the OPS Group Commander.

22Q: Are you familiar with Eagle OPS?

22A: Yes, Sir, I am. They basically support the Military Coordination Center which is a forward. They are based in Diyarbakir. They have a forward post out there in Northern Iraq and the helicopters support that operation with a flight to them and then they support whatever needs

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they have down into our area of responsibility and then they are normally back at their base at Diyarbakir for the evening.

23Q: Do you receive scheduling inputs for the Air Tasking Order from Eagle OPS?

23A: Do we now?

24Q: Did you, prior to 14 April?

24A: No, we did not. We knew--our basic knowledge of their operations was that they were there, they were flying in our AOR and they had daily flights. We did not know exactly where those flights went. It is a very difficult task to find out ahead of time exactly where they are going. They sometimes do not get that information themselves until very late the night prior and their aircrews don't even know where they are going to go until the day of so to keep the flexibility required in their operation, they have not been providing us with their specific routes of flight or the durations of those flights out there in the AOR.

25Q: Do you have an idea how long that process of scheduling has been ongoing?

25A: I've only been here since October. It's been going on since that period of time. From what I understand, it's the same procedure that's been used since OPC has been going on for the last three years.

26Q: OPC is?

26A: Operation PROVIDE COMFORT.

27Q: Have you ever received a schedule, a flight plan, a route of flight or a hard takeoff time from Eagle OPS?

27A: No, we have not. The only flights that we were ever given a heads up for were UN-sponsored flights coming from Southern Iraq into Northern Iraq, that being the critical sensitivities of those where they were crossing the North 36 Line from the south into our AOR so they were fairly critical and we got a heads up that they would be flying so we had some pretty good heads up and Intel when they were going to be flying in our area.

28Q: Was advance notice of those UN flights placed in the Air Tasking Order?

28A: No, most of them came out as either BSDs or were pumped down directly from our mission directors that are in the Command Post to what we call our Dukes which is our airborne control element and then out to the area. If we had sufficient notice of them, obviously, we would put out something--something out there to give the aircrews a heads up--we've got a UN helicopter in such and such a sector for such and such amount of time.

29Q: The Air Tasking Order lists each day and, in particular, on the 14th, several Eagle Flights, UH-60s from Eagle OPS?

29A: That's correct and that, basically, acknowledged the fact that they were flying out there in the AOR. The times put on that schedule was as required; again, due to the flexibility required to conduct their operations.

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30Q: When would you have to have an input for a hard takeoff time for one of those lines before you would be able to incorporate it in the Air Tasking Order?

30A: By 9:00 the day prior would be optimum to meet our schedule. Any time after that would most likely require a BSD.

31Q: What would be the latest time in that sequence of events, prior to the morning mission, that you would consider putting out a BSD?

31A: If we found out--if we had time to put the BSD out before the crews were stepping, we'd go ahead and do that. If we could not, then we would have to revert to another means to communicate to our crews the information because they pick up--the normal sequence of events is the detachments send an admin troop to the Command Post to pick up their paperwork as they step out to their SOCs. So, anywhere between 4:00 and 5:00 in the morning, people are picking up the BSDs to go fly with. We have a system to ensure that each unit has picked up their BSD and if they have not, they get a call and say--Come pick it up--to make sure that they have it before they step.

32Q: You stated that you are personally aware of the Eagle Flight activity in the AOR. Are the aircrews in the individual units made aware of that activity?

32A: The tasking at the major swap out is briefed in detail by our folks about the Operation PROVIDE COMFORT, about the Army support for Operation PROVIDE COMFORT and the Eagle OPS and their helicopter activities out there in the AOR. I have not read Volume II of the ACO in depth, recently, and I am not sure if they are included in that; however, I know in the ACO which each aircrew is required to read, there are several paragraphs that relate to Eagle OPS and deconfliction of Eagle OPS because our biggest concern has always been a low level conflict, mid-air collision type of conflict, between a fast-moving jet and our Eagle OPS because we, obviously, did not know exactly when and where they were flying so we had to work out procedural air space deconfliction and that was written in detail in our air space control order.

33Q: What would be your action and your unit's action if a unit requested information on the Eagle Flight activity for a particular day for deconfliction in the low-fly areas?

33A: The only--it becomes extremely difficult to get the details from Eagle Flight, but the system is set up where they are required to check in with the AWACS before they cross the border into Northern Iraq. They are required to give AWACS a, by code, pseudo-flight plan. At least we know some major points of where they will be in the vicinity of. That way we can keep track of them. Anybody who is flying out there in the AOR who is flying low altitude should check in with the AWACS to find out if the helicopters are indeed out there, if they're flying and failing that, they could talk to the helicopters directly, if the helicopters were up on the AOR common frequency, which they should be.

34Q: Do you have firsthand knowledge of that process, the check in from Eagle Flight to AWACS and the flight following within the AOR by AWACS?

**PINTER**

34A: Yes, that happens on a regular basis. The problems associated with that have been the helicopters, due to their survival instincts and what they believe their major threat is, fly "nap of the earth" over extremely rugged terrain which is extremely difficult for UHF communications and also for tracking of even the IFF.

35Q: Are you aware of Eagle Flight activity in the AOR prior to the arrival of the first fighters?

35A: No. We don't--we directed them--we've asked them--we've told them, for their own safety, because no one should fly in the AOR without defensive counter air caps being established and the AOR being sanitized. Obviously, even the AWACS with its capability, has difficulty seeing behind mountain ridges and that's why we've always scheduled our most capable air-to-air fighter, the F-15s, into the AOR before anybody else should be in there to sanitize that air space to ensure there is no Iraqi threat that has snuck up the mountain valleys.

36Q: To follow up, again, are you aware of that activity occurring prior to the first fighter sweep at any time?

36A: No, I'm not aware of it, and there is probably no way I would be aware of it unless, for some reason, the AWACS arrived on station and can find the helicopters out there or the Eagles--the F-15s flying overhead detected them before the AOR was declared safe for people to enter and that had not happened in the past, to my knowledge.

37Q: Therefore, I can assume that you have never had that activity on the printed schedule, to your knowledge?

37A: To my knowledge, no, that had never been on the printed schedule.

38Q: What is the correct procedure to deconflict known Eagle Flights with the fighters in the AOR?

38A: The deconfliction right now is strictly by altitude deconfliction. The helicopters are required to fly below 400 feet AGL and the fighter traffic in the AORs are restricted to 1,000 feet and above at the present time so there should be sufficient altitude deconfliction at all times out there. Now, at this time, we're flying, obviously, much higher than a thousand feet. A thousand feet was as low as we were going at the time.

39Q: Were you on duty on 14 April?

39A: I was working on 14 April in my Squadron acting as the Operations Support Squadron Commander.

40Q: Are you aware of any scheduling changes that occurred to the Air Tasking Order on 14 April?

40A: I cannot remember.

41Q: Were you privileged to any communications with Duke on 14 April--Duke being the airborne command element?

41A: Yea--

**PINTER**

42Q: Prior to the shootdown?

42A: No, prior to the shootdown, I was not.

43Q: When were you first made aware of the shootdown?

43A: I was in the Squadron and the "brick" went off with a call to "Spider" who is the OPS Group Commander. Spider did not respond. He was in a meeting at the time so I called the Command Post to see if I could be of assistance. At that time I've got the inkling that there was some activity in the AOR, so I went over to the Command Post to see if I could be of any assistance and at that time I learned that there had been a shootdown of two helicopters in the AOR.

44Q: When did you first suspect, or were you notified, that there was a potential that those were friendly helicopters?

44A: Because the helicopter shootdown is such an unusual thing, we were unsure what was going on so we immediately tried to get confirmation. Number 1--Was it really helicopters they shot down? Number 2--Were they certain it was Iraqi helicopters? Number 3--Did we have any helicopters operating in the AOR at that time? The initial reports that came back were--Yea, it was helicopters shot down--yes, they were sure they were Iraqi--and No, there were no scheduled friendly helicopter activity due to the timing at that time.

45Q: Where was that information received from?

45A: Initially, from various sources. Obviously, trying to talk to CTF who has communications with the Mission, Military Coordination Center who has a better understanding of exactly what the helicopter schedules is. That information, preliminary, came from them. Also, in the subsequent investigation of trying to determine if we had helicopters airborne, the CTF acting C-3 came to the Command Post and he said, yes, there was Eagle Flights scheduled and he said, yes, they were going to go into the area, but he, at that time, was even very certain that the timing did not look like it should be around the same time. So, there was a lot of confusion, obviously. We were trying--we spent a good couple of hours trying to pin that down. Again, it was unusual. We wanted to be absolutely certain that we did not have a case of fratricide before we released any preliminary reports on the incident.

46Q: You referred first in your initial discussion about--We contacted CTF. Can you tell me who in CTF you contacted and what that position is?

46A: The coordination from our mission director position and, obviously, the mission director is doing this coordination. I'm either helping, assisting, listening, trying to gather information. He calls--what is called the JOC, which is the Joint Operations Center. A duty controller at the JOC is the CTF, the Combined Task Force coordinating agency for information, to gather information and to pass information. He is the person who has the communications with the Military Coordination Center down range.

47Q: If the Joint Operations Center or the CTF C3, as you said, had information regarding a flight in the area, late information, how would you expect them to handle that information?

**PINTER**

47A: In regards to--by the course of events and the way we have evolved doing business, there was no reason for them to give us a heads up on a routine daily flight of the helicopters out there. There was nothing unusual for them finding out that helicopters were going to be flying and then not give us a particular route or heads up, due to the other procedures in effect, which were the helicopters when they took off crossing the Iraqi border were supposed to contact AWACS so that AWACS would have the knowledge that they were going to be in the AOR at the time.

48Q: Is it your belief then that fighters operating in the AOR would expect to see helicopter traffic in the AOR, friendly helicopter traffic?

48A: At various times of the day, yes, they could expect that.

49Q: Do you believe that they could expect to see helicopter traffic in the AOR prior to the arrival of the first fighters?

49A: That would be extremely unusual due to the fact that we wanted to provide air space coverage for helicopter flights as well as the rest of our flights; but, obviously, there were days that we did not fly, that the helicopters were flying missions in Northern Iraq so it was not unusual for the helicopters, I do not believe, to think that they could fly out there when they needed to accomplish their mission.

50Q: You referred to the Acting C-3 in your earlier testimony. Can you tell me who the Acting C3 was?

50A: It was BC3--well there's two C-3s. C-3 is--they have an American and a Brit and I'm not sure--I guess he is the DC-3 and he has a Brit counterpart and -- that was Colonel O'Brien at the time, Rusty O'Brien.

(At this point, the questioning continues but the questions are now being posed by Colonel At Lee.)

51Q: When you were talking about your responsibilities as a commander, you mentioned the "tower" which I take to be the air-field control tower?

51A: That's correct, yes.

52Q: And RAPCON, which is Radar Approach Control?

52A: That's correct. Base OPS follow under that, too, which is airfield management.

53Q: You referred to "the Commanding General", were you referring to the Combined Task Force Commanding General?

53A: Yes.

54Q: That's General Pilkington?

54A: That's correct.

**PINTER**

55Q: You said that "we"--I believe referring to your organization, put out the Aircrew Read File--I think it's also called the ARF, short ARF--who determines what the content of that read file will be?

55A: That depends. The direction for how to clarify the Air Space Coordination Order, basically, can come from various sources. It can come from the Combined Task Force. It can come from the Air Component Commander. It can come from the OPS Group Commander, the component director of operations. They are the ones that normally direct that an ARF be written. Obviously, other people can suggest changes to the ACO when they perceive a conflict or something that needs to be clarified.

56Q: Is it accurate then that your organization's function is to implement their direction?

56A: That's correct.

57Q: You're talking about passing information which comes in after the Battle Staff Directive is published through Intel channels?

57A: Yes.

58Q: Could you explain that--specifically, what you mean by Intel channels?

58A: This might border on classified. I don't know--it's a system that they have which is called SENTINEL BYTE which is a computer hookup--

59Q: Let me clarify--I don't need the classified description, just a sense of the nature of the system.

59A: It's a computer data push. You type in stuff on one end and they get it down the other end.

60Q: And your reason for using the Intel channels is what?

60A: Speed--expeditious. You can pass classified information over it very quickly.

61Q: It goes out to all units in Operation PROVIDE COMFORT when you do that?

61A: I know it goes out to all our detachments, all fighter detachments, on Base here where else it goes to, I am not 100% sure. It goes to the CTF though--I believe they have a hookup to it. They can pump data into it.

#### **Questions by Colonel Fain:**

62Q: Where, at the CTF, would that BSD or Battle Staff Directive go?

62A: That would be--we call that a SENTINEL BYTE message. The BSDs are normally written and picked up on a hard copy. The SENTINEL BYTE messages in the, to be honest, I've never seen it, but I believe it's in their Intel C-2 offices--is where their actual terminal is in the CTF, but it may be in their Joint Operations Center also. I'm not sure if they have a hookup in both places or just one place.

**PINTER**

**Questions by Colonel At Lee:**

63Q: The units which receive it, the fighter units that receive it, do they receive it in their intelligence sections as well?

63A: That's correct. Most of the Intel sections are right there embedded with our OPS

64Q: You referred to the CFAC DO--CFACC stands for Combined Forces Air Component Commander?

64A: Yea--the CFACC DO is Director of Operations.

65Q: For the Air Component Commander?

65A: Yea.

66Q: We're talking about crews stepping to the aircraft or "stepping" and by that you mean leaving the Squadron area, going out to their aircraft?

66A: Yea, departing to their aircraft, yea.

WITNESS: Can I add something?

COL AT LEE: Surely.

WITNESS: As I jog my own memory here, you asked me before about Eagle Flights and how we got information to Eagle Flights. I know the F-16 community who fly most of the low level and are very sensitive to the Eagle Flight activity in the area. They, on their own initiative, got as much detailed information as they could on the Eagle Flights and would actually pass to their crews more detailed information on the Eagle Flight activities and that was out in our Squadron Operations Center, Number 1, with the F-16s, F4Gs, and a couple other units because of the sensitivities of a possible conflict. In SOC 2, they were also appraised of the Eagle Flight activities, but they did not have as much detailed information and I think they passed it to their crews in a little more generic form--Hey, yea, today we've got Eagle Flights out there. There was some Intel activity that went along with the rest of our activity that appraised aircrews of the helicopter flights out there.

67Q: Do you have personal knowledge of that?

67A: Yes, I do, I do from my Intel folks that kind of run and have knowledge of that.

68Q: From a personal standpoint, were you ever on the receiving end of that information in the Squadron Operations Center?

68A: No. Unfortunately, I did not fly here so I have not gone through--besides talking to my Intel folks, I don't go through the actual brief or debrief process.

69Q: When you referred to SOC1 and SOC2--SOC itself stands for?

69A: Squadron Operations Center.

**PINTER**

70Q: And the organizations that work out of SOC1?

70A: F-16s at the present time, F4Gs and it's either the Brits or the French. We've split them up so which side the Brits and the French live on, I couldn't be 100% certain. SOC2 is the--let me take all this back as I get this right--am I talking SOC1 or SOC2 now?

71Q: Let's talk about SOC1.

71A: SOC1 is the first thing--I'll retract my statement, Sir, just a little bit to clarify. SOC1 is the F-15s--F-15Es, the EF-111s and I believe the French and they are the ones that did not get the good Intel. SOC2 is the F-16s, the F4Gs and the French and they are the ones that were more concerned about the low level so let me clarify that as I get it straight in my own mind here.

72Q: Do you know why the folks in SOC1 didn't get as good Intel?

72A: They were not as concerned with a potential mid-air. Their F-15s and the people flying out of SOC1 fly at--usually fly at a higher altitude doing the DCA cap.

73Q: Had you had any personal knowledge of the aircraft flying out of SOC1 having need for information about helicopters such as having missions where they were forced down into the low-level structure?

73A: Yea. They have been--obviously, any unknown out there in the AOR and we have had unknowns out there before get investigated and the F-15s are the ones that normally do the investigation on that type of thing and there have been occasions with either U.N. helicopters, Turkish helicopters and other helicopters flying in and around the Iraqi borders which have been investigated by F-15s.

74Q: Can you give us hints of the frequency that that occurred?

74A: Since I've been here, I would say there has probably been about three or four occasions when an unknown helicopter has been, either intercepted or looked at by an F-15. Now if it's a Turkish helicopter, normally before the intercept occurs, the Turkish controller on board AWACS would get information that it is a Turkish helicopter and he would direct the F-15s not to make the intercept or complete the intercept.

75Q: Would it be more--you use the term that he would "direct" them not to make the intercept, do you mean actual direction not to or passing information regarding their identity?

75A: The Turkish are extremely adamant about passing directions when they don't want somebody intercepted. We have sometime gone and made sure, but they get very upset when we intercept somebody that they don't want us next to. Obviously, there will be a senior ranking Turkish officer screaming in the ear of this Turkish controller on board to get the F-15s away from their Turkish aircraft.

76Q: The question is--Will he actually make, the Turkish officer, actually make the radio transmission?

76A: No. He normally coordinates that very hot and heavily through the AWACS controllers on board to make sure the directions are given in English.

**PINTER**



77Q: You were talking about the Eagle Flights flying on days when the organizations under the CTF were not flying. Do you have personal knowledge of that?

77A: No, I have not tracked that so I cannot verify that one way or the other. That's an assumption based on a few things.

**Questions by Colonel Fain:**

78Q: Do you publish an Air Tasking Order from your organization on no-fly days for Operation PROVIDE COMFORT?

78A: Yes, we do. To be honest with you, I have not looked at--I know we publish a flying schedule. We publish an unclassified flying schedule for the day of. The helicopters appear on our classified Air Tasking Order. Now, whether or not we actually publish the Air Tasking Order, I am not 100% sure. I'd have to go back and get back to you on that one.

**Questions by Colonel At Lee:**

79Q: You were talking about the Eagles checking into the AOR and I understood you to say that regarding requiring them to check in, words to the effect that you don't actually direct them, you ask them, you tell them for their own safety they ought to do that. First, did I understand you correctly and second, if I did, why would you not do it in the form of a directive?

79A: It's in our Airspace Control Order which is in the form of a directive. Before any aircraft goes into Northern Iraq, they should check in with AWACS.

80Q: Understanding that, what was the significance of your comment then?

80A: Well, in my--it has always--in our detachment commander meetings and several other meetings it has come to light that sometimes it is extremely difficult for the helicopters to check in with AWACS all the time to give them exact position reports. Normally, before they enter Iraq, they make a radio call which is heard because they're higher altitude and that is a drop down into the Iraq arena and they get very low to the ground and it becomes extremely difficult to talk to them on either UHF or even track them with--that's an identification system on the airplane.

81Q: Do I understand you correctly then that there was a general awareness that in fact they weren't checking in on a fairly frequent basis?

81A: I think they were fairly good about the initial check in. It was subsequent to that--they can cross the border in Iraq and land for a significant period of time and then take off again and fly at low altitude where it would be very easy to lose total track of where they were in the AOR.

82Q: Do you know whether their first--was that a matter which was known to the command structure of CTF?

82A: That it was difficult to keep track of the helicopters?

**PINTER**

83Q: Yes.

83A: General Pilkington and many other CTF actually have flown on those helicopters numerous times. They have listened to the helicopters check in with AWACS. How often and how frequently we cannot contact the helicopters or the helicopters don't respond to AWACS we have not tracked so I cannot tell you the frequency of it.

84Q: To your knowledge, was that problem a matter of discussion between anyone in the CTF structure or the CFAC structure and the helicopter organizations?

84A: Doctrinally, it's always been a matter of discussion of trying to run all your air activity in the same piece of air space through one organization. That's obviously how we optimally like to do it to make sure that we can deconflict and we have control above everybody out there. The helicopters do not fall under the Air Component Commander and for that reason, I think there is a little bit of disconnect about what we can and cannot direct them to do.

85Q: When the helicopters are airborne in the AOR though, they are under the tactical control of the Air Component Commander, are they not?

85A: That's correct.

86Q: What my question is going to is--Do you know whether there were any specific discussions, air component talking to the Army saying, this is a problem; either we're not receiving your calls or your folks aren't checking in and we need to know where you are?

86A: I believe there were, but there are a vast number of issues that go on around here and that has come up in the past and there have been some discussions between us and the helicopters, not at my level, obviously. I've heard of such discussions, but I have not been direct privy to them. There was a time when the Eagle Flight sent representatives to our detachment commander meetings. They did that for a significant period of time--three or four months so we had a better feel for their operation. I think they had a better appreciation for what we were doing.

#### **Questions by Colonel Fain:**

87Q: When was the last time you recall one of those meetings?

87A: I think it was back just before Christmas.

88Q: But it was during your stay here?

88A: Yea, it sure was.

#### **Questions by Colonel At Lee:**

89Q: Did the meetings stop or just their attendance at the meeting stopped?

89A: Their attendance becomes sporadic because they have a difficult time--they are so far away to bring people in and bring people out.

90Q: And I understood correctly that back around December is when they--

**PINTER**

90A: When I remember them being there--now if they were there for a period of time after that or before that--

91Q: You were referring to detachment commander meetings. In your testimony, you talked about detachments--would you explain what you mean when you said that?

91A: Each unit here, and there's about 12 different flying units on this Base, will designate--we call it a major detachment--they will designate a detachment commander to represent that unit in all the aspects of the discipline, the morale, taking care of their troops and also for any problems they have with the flying organization, he is the spokesman for that unit that can come to make changes to our procedures or changes to the Airspace Coordination Order or he's the one that represents them about how many sorties they can produce, how many sorties they'd like to fly, the duration of those sorties and he also has responsibilities to his home unit for what they require of him while he is down here.

92Q: When you say "he"--

92A: The detachment commander.

93Q: So that would apply to the Eagle Flight detachment commander as well as to the F-15 or the F-16 detachment commander having those responsibilities or that role?

93A: Well, the Eagle Flight is not stationed here at Incirlik Air Base, Turkey, which makes a difference. He's not under operational control. He's under TACON control.

94Q: I was referring to the air space coordination role.

94A: Certainly, and they produce their own document and I am sure you've seen a copy of it, a summation of their procedures under our Airspace Control Order.

#### **Questions by Colonel Fain:**

95Q: Does there appear to be any confusion between the call sign EAGLE with the helicopters and the fact that the F-15s throughout the world are called eagles?

95A: There's never been a problem here; although, if you are not listening exactly to the conversation, somebody could mistake the two, obviously.

#### **Questions by Colonel At Lee:**

96Q: Earlier in your testimony, you were talking about the Eagle Flight in checking in with AWACS and you said they are required to give their--I understood it to be, pseudo, flight plan. Would you elaborate on that?

96A: There's a list of destinations, predetermined by Eagle Flight, the most frequent routes that they travel or the frequent points that they go to. They have designated those points, in writing, to us with a letter code associated with those points so when they check in with AWACS, they

**PINTER**

can give the letter codes of the route of flight that they expect to fly when they are in the area of responsibility that provides AWACS with the ability to have at least an idea of where they are going to be.

97Q: When you said pseudo, were you referring to the letter designations or was there an indication that what they indicate they are going to fly, they don't fly?

97A: It's an indication of it--it's not an exact--you can only give a point--it's a straight line between two points. Helicopters in the AOR fly, obviously, not in a straight line. They used terrain masking and they fly down riverbeds and in between mountain valleys to mask where they are so that may take them off their route of flight so that's why the exact location of those helicopters along that may not be precisely known.

98Q: Were there any stock flight plans, if you will; for instance, say they were flying from one point to another point, was there a general understanding of what the usual route of flight between those two flights would actually be?

98A: There was really no need to. I mean they are usually within--there was really--we didn't think there was a need to do that.

COL FAIN: That concludes the questioning. Is there anything that you would like to add to your testimony?

WITNESS: That's always the hard one, isn't it? [PAUSE]

I'll be honest. This is--let me figure out how to say this. Everything I'd have to say I think you are going to find out through direct testimony and I don't want to give you a bunch of assumptions that I might have so I don't think so.

COL AT LEE: You are reminded that this is an official investigation. You are ordered not to divulge the nature of this investigation or the questions, answers or discussions included in this interview with anyone unless authorized to do so by the Board President, Major General Andrus, CINCUSAFE, or higher authority. If anyone, other than a member of this board, should approach you regarding your testimony, you are required to report it immediately.

WITNESS: To?

COL AT LEE: You may report it and should report it directly to General Andrus.

Do you have any questions?

WITNESS: No, Sir.

COL AT LEE: The time is 1958 and this interview is concluded.

**PINTER**

## REPORTER'S CERTIFICATE

I certify that the above sworn interview statement, given by LIEUTENANT COLONEL MICHAEL W. PINTER, to the Aircraft Investigation Board was recorded by me by stenomask and that the foregoing transcript is a true, accurate, and verbatim account of that statement.

A handwritten signature in cursive script, reading "Maureen A. Nation", is written over a horizontal line.

MAUREEN A. NATION, DAFC

Court Reporter

Incirlik Air Base, Turkey

**PINTER**

**TAB V-097**

**O'BRIEN, JAMES R.**

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**VERBATIM TESTIMONY  
OF  
JAMES R. O'BRIEN, COLONEL  
CTF/C3, INCIRLIK AIR BASE, TURKEY**

COL AT LEE: The time is 1223 on 27 April 1994. The persons present are the following: Major General Andrus, Group Captain Doggett, Lt Col Velluz, Mr. Brummell, Colonel Fain, Barbara Brigman as the reporter and Colonel At Lee. This interview is being conducted at Incirlik Air Base, Turkey. This is an official AFR 110-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Blackhawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of these helicopters in the northern No-Fly Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINC USAFE. This investigation is not a Safety Mishap Investigation conducted under AFR 127-4. It is an Aircraft Accident Investigation conducted under AFR 110-14. The purpose of this accident investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary action, adverse administrative proceedings and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes and all witnesses are advised that the testimony will be treated in confidence.

However, testimony given in this accident investigation may be used for any purpose deemed appropriate by competent authority and may be publicly disseminated.

Do you understand the difference between a Safety Mishap Investigation and this Accident Investigation?

WITNESS: Yes, I do.

COL AT LEE: Do you understand the purpose of this investigation?

WITNESS: Yes, I do.

COL AT LEE: Do you have any questions?

WITNESS: No, I do.

COL AT LEE: Your testimony will be recorded and transcribed verbatim so that a written record can be made available to the appointing or higher authority. For the benefit of the reporter, please avoid the use of acronyms or jargon, speak slowly, clearly and loudly.

**O'BRIEN**

Remember to explain your testimony carefully so that others who do not have your technical background can understand it.

As previously stated, this board is investigating the facts and circumstances surrounding the crash of two U.S. Army Blackhawk helicopters in the northern No-Fly Zone of Iraq on 14 April 1994, and the possible involvement of U.S. fighter aircraft. This investigation to date indicates that you may have been negligent in the performance of your duties, therefore, I must advise you of your rights under Article 31 of the Uniform Code of Military Justice.

WITNESS: Can you repeat that please?

COL AT LEE: Yes. The investigation to date indicates that you may have been negligent in the performance of your duties, therefore, I must advise you of your rights under Article 31 of the Uniform Code of Military Justice. You are suspected of dereliction in the performance of your duties in violation of Article 92, Uniform Code of Military Justice. I advise you under Article 31 that, you have the right to remain silent, that is, to say nothing at all. Anything that you say may be used as evidence against you in a trial by court-martial or another judicial or administrative proceedings. I also advise you that you have the right to consult with a lawyer, if you desire, and to have a lawyer present during this interview. You may obtain a civilian lawyer of your own choosing at no expense to the government or, if you wish, the Air Force will appoint a military lawyer for you free of charge. You may request a lawyer at any time during the interview and if you decide to answer questions without a lawyer present you may stop the questioning at any time. Do you understand your rights?

WITNESS: Yes, I do. I have a question. You mentioned Article 92; what does that mean?

COL AT LEE: Article 92 is an offense under the Uniform Code of Military Justice that pertains to dereliction in the performance of your duties. That is, if you were to have a duty to do a certain thing and failed to do it out of negligence, then you could be held accountable in a criminal sense for that failure. If you need further explanation of it, then a military lawyer representing you would be the individual that you should consult if you would like any further clarification than that.

WITNESS: But, in this course of the questioning there are things that are going to come out, I mean, what is being discussed here -- I mean, what duty I was supposed to have been negligent --

COL AT LEE: These questions will pertain to your role as the C-3 of the Combined Task Force, to the duties you had in that capacity, to the way in which those duties were fulfilled, and the

**O'BRIEN**



way in which individuals subject to your supervision carried out tasks assigned to the C-3 -- to your, to your organization. The specific area of inquiry of this investigation is an accident that I have previously referenced, Blackhawk helicopters, and the matters pertaining to that. The inquiry can cover any area that is relevant to that.

WITNESS: Sure.

COL AT LEE: Do you understand your rights?

WITNESS: Yes.

COL AT LEE: Do you wish to remain silent or will you answer our questions?

WITNESS: I will answer questions.

COL AT LEE: Do you want a lawyer?

WITNESS: I don't, at this time, see a need for a lawyer.

COL AT LEE: Are you willing to proceed at this time without a lawyer?

WITNESS: Yes.

Would you please rise so that I can swear you in.

(The witness was sworn)

### **EXAMINATION**

1Q: Would you state your name and grade?

1A: Colonel James Russell O'Brien.

2Q: And your organization?

2A: Presently CTF, C-3 and C5.

3Q: And your station?

3A: I'm presently stationed here at Incirlik Air Base.

**O'BRIEN**

4Q: That's in the Republic of Turkey?

4A: Yes.

**Questions by Colonel Fain.**

5Q: Would you briefly describe for me your military background to include any training or experience that you have in joint or composite force matters?

5A: I have been in the military now for 23 years, plus a few months. I entered through OTS in 1970. I went to navigator training. From there I went to EC 121s, and spent most of my first few years in Korat Thailand during Viet Nam as a navigator. From there I went to F-4s, F-4Cs and F-4Es as a squadron Weasel. I have had remote assignments in Korea, spent some time in the U.S. I transitioned to F-111s and went to up-grade training at Cannon Air Force Base. I went to Lakenheath, F-111Fs in the late 70s. I had normal squadron jobs there; I was a flight commander, weapons officer. From there I went to -- I was drafted into the Rapid Deployment Force at that time when it formed up in 1981, because they wanted a F-111 weapons officer. In the four and a half years at RDF then became CENTAF in January of 83, I worked in composite operations. We sort of at that time -- in fact, we did develop the composite force concept, back then it was called TAC force packages -- I was very much involved in that being in the tactic shop. Other things that developed we now use, the -- at that time worked those issues in composite force employment, joint force employment. I worked with a lot of the other services in organizing not only war time planning but flying exercises using Navy, Marine and Air Force Air; I did that for four and a half years -- in fact, it was a flying job I flew a lot of the nations and with the different services at that time -- General Welsh's point of view was that the members of his tactics shop would fly the aircraft that were potentially assigned to CENTAF; I did that for four and a half years. Then, I went under an AFIT program. I went to graduate school at the Naval Post Graduate School. I received a -- degree -- master's degree in national security affairs with a concentration in Latin American politics. From there I went to language training at DLI in Monterey, California, the Defense Language Institute for Spanish training. From there I went to Security Assistance Management Course at Wright-Pat for 45 days. Then I went to Panama, the Southern Command, where I was a J-5 Pol-Mil officer where I worked both the political military affairs as a division chief for South American and I was also the counter narcotics task force chief for Latin America. In that job, I worked a lot of joint issues with joint forces. Let me back up a little bit. I worked a lot with Special Forces and Seals back at CENTAF when I was there. I also worked a lot with them in Panama as I was responsible for briefing them and deploying them to their training assignments in Columbia, Peru and Ecuador. I worked with a lot of U.S. agencies and as I said, a lot of -- I had 25 people working for me and everything from Navy to Coast Guard to DEA -- I'm sorry, Joint Enforcement Administration.

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From that job, I returned to Lakenheath, after checking out at Lakenheath in F-111F I was an Operations Officer deployed to DESERT SHIELD. During that time I was then given command of the squadron that had not deployed to the war, remained there as an air crew member, but I was also the Chief of Mission Planning for F-111s and EF-111s at Taif Air Base in Saudi Arabia for six months. Before the war and during the war I would go up to Riyadh weekly to coordinate with General Glosson and the people in the real combat development there -- in the basement at Riyadh Headquarters on the top plan for the war. In doing that, I worked with many joint services and the nations, to include traveling to them and they would come to see me -- RAF, Navy, Wild Weasel -- to coordinate our battle plans before the war started. So, that was, basically, my joint experience. Following the -- deactivation -- inactivation of my squadron at Lakenheath in late 1991, I went to 3rd Air Force as the ADO, and I did that until the position was deleted. In September I served as Acting Director of Operations for General Andrus until -- the Director of Operations was here at Incirlik as the C-3, C-5, and when he returned I replaced him here. This is where I have been since four months as of today.

COL AT LEE: If I could ask you to speak a little more loudly, it's difficult for the court reporter who has to repeat everything that is said.

#### **Questions by Colonel Fain.**

6Q: Would you, again, repeat what your current duty assignment is and this TDY location?

6A: My current assignment is Director of Operations and Plans and Policy. Here, I think it was about a year and ten months ago as they can by U.S. joint doctrine they combined the C-5 Director and the C-3, and they put the C-5 planning policy functions under the operations. So, I have actually two "hats," so to speak. I have a staff that is divided equally. I have a deputy for operations and a deputy for plans.

7Q: How long have you been in that position here at Incirlik?

7A: I think it's four months today.

8Q: Other than your experience with joint matters, did you receive any training or overlap with your predecessor in your current assignment?

8A: Yes. He sent me a fax back to England that was three pages long. It said a few things about the meetings that I would have to go and few things about the things that I would need to do -- to look out for, it was unclassified. He told me the key issues that I would have to be working, which turned out to be true -- base closure, a return to an area of the security zone, a conceptual planner, a contingency plan that had been stopped in December to work that issue -- and my schedule for that and in-processing. So, I did have that. We overlapped for three days,

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but it was over the New Year period so a lot of that was just talk in the office because it wasn't really operations going on because of the holiday period.

9Q: Did you feel comfortable with the information that you received in your making it possible for you to do your job?

9A: I had been here deployed before to Provide Comfort as an aircrew member, so I knew the flying end of it -- the terrain, the way the mission flowed -- I think sufficiently well. There was a lot of things, of course, that were new to me. To be fair to my predecessor and he did all he could to get me up to speed.

10Q: Could you describe for me the chain of command under which you fall at this location?

10A: I work for General Pilkington as a staff officer. I coordinate with the other staff directors -- C-1, C-2, C-4, C-6. We have our activities coordinated by the Chief of Staff, but really we fall under the General. I have no command authority. I cannot give guidance or direct anything to happen that is operational because I'm a staff officer. I have some members that work for me on my staff; I do give them a tasking and timing and direction. My coordination with the components being in this case JSOTF, the Joint Special Operations Task Force, the MCC, the Military Coordination Center and with CFAC, Command Force Air Component, that is done as a -- actually they attend meetings where I attend meetings also which is in the CTF building. I do not attend their meetings; it has been arranged that way. Coordination is done mainly by issue, -- what the issue is -- they call me or I call them.

11Q: Let's discuss the individuals that work for you. Can you describe what type of organization and functions and individuals?

11A: Under the Plans part of my directorate -- the C-5 portion -- my deputy for that is a RAF Wing Commander, Colonel Allen Thompson. He has -- there are two positions under him that are unfilled at the present time; civil affairs and psyops -- psychological operations. For a period of time I did request and have a psyops officer come in from Fort Bragg to help work with what is called the Faydah plan -- classified plan releasable multi national forces -- return to the security zone. I also have an Army O-4 who is a plans officer and they work plans issues.

On the Ops side, I have a deputy currently who is a Major, David Mason, an F-16 pilot -- he's been here quite a while. Then, I have an admin section to handle -- there is a lot of reports that we do to get out to higher headquarters. Under the operations side, there is what we call the operations liaisons. I have a Navy Liaison, a SAR Liaison, Turkish, British, U.S. and French -- I will describe those duties later, if you want, but they all a little bit different. Then we have what is called the Joint Ops Intell Center. The Intell folks are just the Intell watch. They don't work

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for us, but they are there because they have things come in at night and because of the reports that we do there is a commonality there. We want to make sure that one doesn't report something that the other one does. So, in other words, the J-2 at EUCOM doesn't receive something that J-3 has, and we try to coordinate that. In the Joint Ops Center portion of that and they are co-located now, there are normally -- it's a 24 hour operation. We have radio operators that really belong to C-6, our communications director, but we are trying to work out that they formally work for us because they report to duty there and it makes things a bit cleaner. I also have admin people and their job is to -- a lot of messages come in for the General, they release messages from the General and they also disseminate the message coming into the CTF. They also do reports. I also have reports people who are in the Air Force who used to be 271s or 274s actually; they are normally command post type people, but the job they have been used for is to do the reports that come in -- situation reports and things like that.

Then, I have what is called the -- Joint Ops Center -- the JOC Chief, and he is normally an O-4 sometimes an O-5 -- the job calls for O-4, O-3 though -- I have one now that is an O-5 who was promoted -- Army. Their job is really information. Reports come in. Messages come in. A lot of phone calls from higher headquarters come in -- EUCOM. It's also a 24 hour -- I don't mean a switchboard -- but it's a little more than that. If, EUCOM, J-3 or J-5 call sometimes we have the Joint Staff call, we have somebody there 24 hours to answer the phone call. Now, also to get ahold of key people if something were to happen -- one of the key functions of the JOC is that if something were to happen -- our radios, it's 95 percent passive; we just listen. If we hear something happen, they can call me normally 10, 11, 12, 1:00 o'clock in the morning, and depending on the severity, I'll come in, I'll do a quick analysis and I'll call the Intell Director and/or call the General Chief of Staff as required. Also sometimes there are things from Southern Watch, as there was today. They thought they had a real scud launch and it turned out it was false. But, that kind of commonality -- we have to coordinate with Southern Watch because Iraq is in their area of responsibility. So, it's a comm link to a lot of folks and it's a kind of information from higher headquarters and from Southern Watch primarily. The JOC Chiefs, I try to tell them what the General's guidance is, but they are not under my direction, under the Chief of Staff's and the General's direction, they do not pass out guidance; that is not their job. Their job is to find out if somebody has a problem; they pass it on. I left off their main -- it seems operations responsibility is -- the one function that the C-3 has in current operations is we take training requirements and operational requirements, sometimes we have been having a problem with getting Turkish approval, and by MOU with the Turks to allow Provide Comfort to be here the C-3 director is the point of contact to work with the Turks to facilitate that; it could be a take-off, it could be there is no LNO liaison officer to go on board with the helicopter. Well, we will call the Turks and find out why. I can do that one of two ways, normally, it's through the Turkish

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Chief of Staff or I have a Turkish Captain or Major that works for me, that I can use to normally do that. Normally, these are "noise level," but there is also, for example, deconfliction of Turkish aircraft activity -- PPK activity -- in the AOR. The CFAC will call and say we need to see if they will -- if they could possibly move their orbit or if they can not go through altitude block. I will then, depending on the severity of the issue, I'll get involved or one of my deputies will get involved and go and talk to the Turks and sometimes it's successful. And then I'll call Diyarbakir 2TAF and see if they can -- basically, what we are doing is passing on is that there is a safety concern, and sometimes the CFAC will call and ask, "What is the General's guidance?" for example, a retrograde -- as it happened in the past two days, I'm sorry two days ago, when there was excessive activity in the area. Then, I will contact the General -- another one of my functions is the mouth piece of his guidance. I do not make it up myself. I do not interpret. I will find out from the General and then I will tell the CFAC DO, he passes then through his people to AWACS.

(The Aircraft Accident Investigation recessed at 1245 hours on 27 April 1994.)

COL AT LEE: The time is now 1250 hours. We took a brief recess. We are once again in session. Those individuals who were present at the time we recessed are again present.

#### **Questions by Colonel Fain.**

12Q: Could you tell me briefly, what written and published guidance governs your operations as the C-3 in particular?

12A: When you say guidance --

13Q: Could be formal, written guidance in the form of directives, publications, or OPLANs, or it could direction from higher in your chain of command?

13A: There is a mission description -- more of a job description -- that I've really paraphrased in my earlier statements, and that is the coordination -- on the primary duties -- of the Turks for training and operational needs. Also, the contingency plans and operational plans, not to develop them, but to take the General's guidance, -- the broad guidance from the General -- make sure the components know that, and then integrate their plans. Again, not to write them, but to bring them together. Also, -- to keep -- to do the situation reports, the message traffic, to coordinate the broad operational plans issue with higher headquarters and with the General's guidance, and to keep him informed of the components' actions for those plans and higher headquarters requirements. Also, I, if requested, I am to provide the commanding General advice on operational policy and employment, and to take his guidance -- his broad guidance -- and to make sure that the components have that.

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14Q: Are you familiar with OPLAN 91-7 or the July of 1991 message that implemented that OPLAN?

14A: I've seen the OPLAN, yes, and there are some annexes to that that have changed some of the items in there.

15Q: Turning to the daily flying schedule for Operation Provide Comfort, what are your responsibilities towards development of that daily flying schedule?

15A: I have -- as I am on the Task Force Staff I have no input to the daily schedule, that is done by the CFAC Frag shop. The only input that I have is -- when we develop the recce target priorities -- the intelligence does, the C-2 does -- occasionally, I -- once a week -- I get with the C-2 and the broad categories that he is looking at, he may be looking at a certain area or a certain type of system, and I will in a short meeting of 10 minutes I will just look at those and say "I think those are valid based on the intelligence and on the General's guidance of what has been."

Then, he will provide that to the coalition commanders and the General on a Friday staff meeting at 9:30 just so that there is already an ops perspective, if you will, of what he is going to recommend to the General. That thing comes out the following week as reconnaissance priority for targets, you know, for what specific locations are given to the French and British aircraft to take photos of. That is my only input, and it's just to give it an initial chop before it goes to the coalition commanders for their final approval.

16Q: What organization within CTF is responsible for building the daily flying schedule?

16A: That is CFAC, and the CFAC DO. They have a Frag Shop that does that.

17Q: Other than the reconnaissance inputs that you alluded to, you provide no other inputs to the CFAC DO for the building of that schedule?

17A: We have meetings three times a week. I have -- initially, when I had those meetings -- the purpose of that meeting had always been to prepare the slides for the 9:30 coalition commanders meeting so that I would know -- mostly it was one directional so that I would know what the status was, so that I would have the people representatives functions -- the experts tell me, "Well, that aircraft has now come up we have all MC aircraft for whatever. Basically, the slides that the General wanted to see each day, we made sure that the people there were to say, "Yes, that's right." What I started doing a few months ago was I asked the CFAC DO to have one of the Frag Shop people there, primarily, so that we would have current data on what the schedule was; so that the General was briefed on the changes for the day. Also, -- what we -- a slide that had been briefed was the C-12 schedule that we would get from C-4 because C-4 does the C-12 scheduling. We would get once a week what is called -- the slide is called -- MCC Plans, and it really refers to what they are going to use the helicopters for. It would say, basically, either Admin Support, AOR Support or down day. We showed those every Monday, Wednesday and Friday, although the information was often not accurate because of the dynamics of the mission of the MCC and they had had requirements to change it up to that morning. So, it was really -- what we used it for was to show everybody that, "Okay, right now

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they are planning to have a down day on Saturday." And, it was always the thing that I tried to coordinate because the General's guidance was he wanted to coincide all the flying activity to have a down day at the same time. If I saw, for example, C-12s were going to fly on a down day here, we would want to find out why. I would -- pass on -- just recommend that well the General's guidance is let's try to have everybody down the same time -- aircraft, C-12s and CFAC. That was what the slide was really used for most.

18Q: Let me ask a question about the presentation of that slide, you said that you had requested a representative from the CFAC DO shop --

18A: The Frag Shop.

19Q: Which falls under the CFAC DO, was that representative always present?

19A: No. Going back two to three weeks ago, he missed a couple of meetings. And, I called up to see why, in fact, he wasn't showing up. I was on my 4-day pass, and I came back on the 7th or 8th of April, and the first meeting I found that he wasn't there. I asked why, and they said that he hadn't been coming for a while. I asked him to straighten that out. So, he did miss a few meetings.

20Q: Was that meeting for the purpose of passing the Eagle Flight information to the CFAC DO?

20A: That was not the purpose of that meeting. The purpose of the C-3 meeting, Monday, Wednesday and Friday, had always been -- and the main purpose -- is to make sure the slides that are shown to the coalition commanders at their 9:30 coalition commanders meetings are accurate. There was a slide that talked about C-12s that was given to me by the C-4, and -- a slide -- the information was given to us once a week by MCC Zakhu and it said, "Here is our plan for the next week." But, as I said, it was always changed.

21Q: Would you consider that plan accurate enough to use the information to develop a daily air tasking order?

21A: No. Let me back up. To the point that we knew what the down days were, we knew when they were flying and we knew when they were not flying. But, because of the emerging requirements by the MCC when I first arrived, I asked that -- and I went out to Zakhu a few times -- several times -- the first month -- it was explained to me that because they get information; both reporting information, they get visitors that come in unexpectedly like a one or two day notice, and they had requirements that might pop up late that a lot of those requirements were discussed at the coalition -- the MCC coalition -- meeting at night. I think they met after dinner at 8:00 o'clock or so. They sit down and look at what they want to do the next day. Very often they would have a visitor request coming in or they would have HUMINT data that they had reports of or we had things that had been fed to them by our C-2, and they would say, "Well, we need to go visit this location tomorrow." "We have helicopters coming in." "We have already said that we are going to AOR that day." "So, we will go to this location instead." That was developed at night, and then briefed to the Eagle Flight crews the next morning.

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22Q: Can you tell me who attended the MCC coalition meetings at night?

22A: I have never attended one myself.

23Q: Do you have C-3 representation of any type at that meeting?

23A: This is at Zakhu. So, there is no C-3 people out there.

24Q: This meeting is conducted at Zakhu?

24A: Yes. That was, again, they would be out on the road all day doing patrols -- road patrols - or possibly helicopter. They would come back, have dinner, they would relax, shower and then they would have a meeting about 8:00 o'clock. They would debrief the day's activities and one of the important things they did was their situation report they would compose. They would fax that, I think, about 10:00 o'clock at night normally. Another thing was to reconstruct the day's activities to make sure that they all understood -- "We all went to the village or whatever and here is what we talked about." "They said their water supply wasn't good." So, they reviewed that that's good, put it in the report. Then, they would say, "For tomorrow here is our plan." I have also seen where -- I have been out there on myself when they have changed the plan even the next morning based on these. The MCC has always wanted to have the flexibility to do that, and I think some of those are valid requirements to be responsive to what is happening. Some of those were given to them based on they would have a VIP -- they only had a day or two notice -- so that the weekly plan that they had, I can't give you a 50 percent accuracy or 75 percent, but I would think it was less than 50 percent accurate. But, we did know the days that they were not flying.

25Q: This SITREP that you said was sent at about 10:00 o'clock after an 8:00 o'clock meeting, was there information on the SITREP regarding their sorties or missions for the next day?

25A: No. It was a recounting of what happened the previous day. Now, I think in my four months I might have seen one or two where they talked about an intention, but it was really a rare occurrence. Now, I think we looked at the ones for that whole week and there is nothing in there at all.

26Q: It's my understanding that the flight plans for the Eagle Flights need to be activated, and that C-3 is involved?

26A: Yes.

27Q: Can you tell me how that process works?

27A: As I mentioned before in the beginning, one of my responsibilities is to coordinate with the Turks all flight activity and all changes so that they are allowed to take off from their base in Turkey and -- the Turks want to know everything, who is going where. What was happening was each morning the JOC would get a phone call or a radio call from -- it happened a couple of

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weeks, actually sometimes it came from Pirinclik or Diyarbakir before Eagle Flight took off saying, "Here is our gate time." The gate was on the Turkish-Iraqi border at Gate One, and that was the information that we needed because we needed to know what time the helicopters were crossing into Iraqi air space and then coming back home. That's the only thing that we had to coordinate. We had a change sheet that sent the gate time downstairs to the Turks, and they would approve that and they would call Diyarbakir to make sure that the GCI sites knew two helicopters flying into the gate at about this time. We hardly ever knew when they were coming back. We would ask, but, again, that was this fluid situation. They would also call on the radio and pass gate time changes or MCC Zakhu normally would pass the return gate time and say gate times request 1400Z and the JOC Chief -- there is a change form that we have -- would fill it out real quick, and then send it down to the Turks. That is just so that they can get it to Turkish GCI for that border crossing.

28Q: The information that included the take-off time from Diyarbakir and probably the gate time, was that information ever passed to the CFAC?

28A: The take-off time from Diyarbakir was always the same -- well, it was always scheduled for the same time, but because of weather during the winter months is really poor out there and because sometimes they would have passengers that C-4 would coordinate to transload from the C-12 to the helicopters, depending on who it was, how many people and how many bags they had, the Turkish customs officials could take anywhere from 20 minutes to an hour to go through those bags. If they had civilians, their passports had to go to the other side of the air field. So, although I think the take-off time was always 0520Z, that was based on the normal scheduled C-12 going to Diyarbakir. The time was variable. So, that was always printed. The CFAC always had that. The Eagle Flight knew they were flying a 0520 take-off from Diyarbakir. What happened was, as it took off we would get an update saying, gate time will be and that was normally a half hour out. Also, required by the General, required by their procedures when Eagle Flight took off from Diyarbakir, they would contact AWACS. After the tower talked to Diyarbakir tower, their mardin radar, they would call AWACS to make sure they had radar contact with AWACS. That is how AWACS knew their gate times. Coming back, because MCC had -- they didn't know how long they would be out in the field and things like that, there is never time established it was always kind of fluid. But, the MCC people in Zakhu would call us to tell the gate time going out. The gate, I think, was only like seven or eight kilometers -- from the house -- from the compound. So, they would tell us, okay, the new gate time is going to be for departure whatever, and we would pass that on down to the Turks so that the Turkish GCI would know that they were coming. Again, by Eagle Flight procedures they are required upon take-off -- before take-off, call AWACS, establish contact and tell Cougar that Eagle Flight is taking off and going to Gate One. Everybody always knew it was about five minutes.

29Q: So, in summary, you expected that action to take place and that would be the notification to AWACS, but you did not, nor did your organization pass any of its communication regarding activating flight plans, take-off times and things like that to any element of the CFAC?

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29A: No, because there was no flight plan established. In fact, to my knowledge Eagle Flight didn't have a flight plan as such other than the flight plan they needed to file to take off from Diyarbakir to Zakhu. The flight plan for their AOR activity would be briefed to them once they arrived in Zakhu by the MCC. We naturally never had that.

30Q: Regarding the MCC helicopter flight profiles in Eagle Flight after departing Zakhu, what is your personal knowledge of the type of mission that they flew or the locations that they flew to?

30A: I have been on the helicopters twice, I think, in the AOR, and they would normally fly down near Dahuk. They would do a Faydah Overlook -- they would just pop up because of -- within range of the Dahuk machine guns and Faydah Camp.

31Q: I don't need the real specifics of the mission, just the locations?

31A: Okay. They would go near Dahuk Faydah Overlook. Very often they would go near Sirsenk Airfield. Sometimes they would go to the outer eastern edges of the security zone. Then, the same route of flight towards Barzani Village, Barzani Valley back up towards Sirsenk, and then they could go back down towards Dahuk and into Zakhu. That was a normal profile that they flew to my knowledge in the two times that I flew with them. It was not quite that far to the east but it was Dahuk Faydah Overlook to -- I forget the name of the village, but there is one on a mountain -- near Sirsenk.

32Q: Within the security zone?

32A: Yes.

33Q: Are you aware of any flight activity by the MCC helicopters outside of the security zone?

33A: I know there was a couple, and I know what the General's guidance had been and we had written it down. That there would be no flight outside the security zone without the Commanding General's approval. And I know that it happened, I think, on the Monday prior to the 14th. And, that approval request would come from MCC to the Chief of Staff or the General.

34Q: Would that be routed through C-3?

34A: No. Well, it would come through TACFAX to the Joint Ops Center, and it would normally come in late at night and just be sent down to the General or the Chief of Staff the next morning. I was not an addressee on that.

35Q: Are you aware of any restrictions to that flight activity that were placed by the Commanding General or his representatives?

35A: The main restriction was that they, as always, in the AOR they must have contact with AWACS to fly anywhere. They must call AWACS before lifting off, and at intermittent stops. They must have contact with AWACS. They must squawk. Assume their standard operating procedures. On my flights with them the passengers can hear in the headphones and they did that

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the four or five times that I have flown with them. It was always, they would contact crew before take-off tell them where they are going, there is a Delta point system established and they would do that. If they are going to land at a place, they would say we are at -- if they didn't have a Delta point that was in the vicinity of point Delta, land and then lift off. That was a requirement by the General that they had to have AWACS. The other requirement was that they had to have CG approval to fly outside the security zone.

36Q: Are you aware of a requirement to have fighter coverage for helicopter operations in the AOR?

36A: I'm aware that the General prefers to have that. When they are flying in the AOR, he likes to have the fighter coverage, but at times they have done it without it. And, I think there has been a call from MCC to the General.

37Q: Are you aware of periods of flight activity by the MCC helicopters that did not have AWACS coverage?

37A: I'm not aware of any in the AOR. I am aware of some from Zakhu back to Diyarbakir, that is Southern Palminor area. But, even with that, we strongly prefer they have AWACS. But, unfortunately there -- because of the flying day, because of weather and things like that there are times and you have to do it on the return trip that we don't have AWACS on station. That is something that we have had to accept. But, that is just four minutes of travel out towards the Turkish border and back.

38Q: So, that travel would be from Zakhu west bound or north west bound but not to the east of Zakhu?

38A: Right. I'm not aware of any flights in the AOR without AWACS.

39Q: Let's discuss the flight that you referred to on the Monday prior to the incident. You said that you had knowledge that that flight had taken place outside of the security zone. Can you relate to me the knowledge that you have of that flight?

39A: I remember in just talking to the General, -- I don't remember the forum or the time, it might have been with the General or with the Chief of Staff or both, they were discussing they were going to see, I think, it was Mr. Barzani, and they mentioned that they were going to go outside of the security zone to do that. But, it was in a conversation, that's really all I knew about it. And, I knew who was going because I always like to know where the General is going to be. I knew the General was going and, I think, the coalition commanders went and I know that POLAD went.

40Q: Were you aware of that flight activity on the day prior to the sortie taking place?

40A: The night prior, I think, I was because I talked to the General about it. I think it might have been either in the evening talking to the Chief of Staff -- I don't know when. It's possible that I knew the evening before.

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41Q: Do you know if that information was passed to any element of the CFAC?

41A: I cannot say positively.

42Q: Were you aware of the flight activity on the 14th of April prior to the 14th of April?

42A: The night prior about 8, or 9, or 10:00 o'clock, I don't remember the exact time, but Jerry Thompson had called me. We talked for about a half hour about a plan that we are developing about the command and control of that and his inputs to that plan. We talked about a demarche that I was trying to find out information from EUCOM to tell him about that applied to this plan. He asked me at the end, he said, "I would like to be able to fly tomorrow without AWACS." He said, "I have a mission that I think is -- you know, AWACS is flying later tomorrow and I wanted to leave earlier because it's an important mission and I want to fly earlier." I said, "Jerry, I don't have to ask the General, I know what the guidance is." "You must have AWACS." He said, "Well, could you ask him?" I said, "Well, I think he is at dinner downtown right now." I said, "But you know, I know what the answer is." And, he said, "Well, I'll probably call him then." I said, "I think it's better if you do that." Because when you look at these things and when guidance is passed out, you know, people want to confirm. I prefer sometimes that they challenge more than a couple of times that they talk directly to the General, and that was the case. He did not say where he was going that day. He said -- that -- AWACS a little bit later tomorrow, and I forget the details, but I said, "We can't change the AWACS schedule and the General says that you must have AWACS to fly in the AOR." I wasn't really saying that to him, I was reminding him that that has been the guidance and I don't think it's going to change.

43Q: When do you consider AWACS to be available for those flights, as you are aware that they take-off early, have a wake-up or have an on-station time; at what point do you consider AWACS available to them to meet the General's requirements?

43A: Are you taking about radio contact or radar contact?

44Q: Whatever is necessary to fulfill the requirements that you discussed that have been laid on by the CTF Commander?

44A: I would say if not in the ROZ very close to it. I don't think Derik is sufficient because the range is so great and because the line of sight for radios and radar, I mean, it's not written down anywhere. I have never heard anybody discuss it, but in my eyes they would need to be pretty much on-station in the ROZ. And, again, we have the procedure -- the requirement -- that before Eagle Flight can fly in the AOR, they have got to have continuous contact with AWACS. So, if they can't get contact, they don't fly.

45Q: Are you aware of any direction that requires fighter flying activity to be in the AOR before helicopters are allowed to operate there?

45A: I'm not aware of that.

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46Q: Are you aware of that item being discussed in the conversations that you have heard with respect to Eagle Flight activity?

46A: What conversations are you talking about?

47Q: Any conversations regarding the restrictions placed on --

47A: No.

48Q: Eagle Flight operations?

48A: No. There may have been conversations that I was not part of, but -- and the ones that I have heard about Eagle Flight with the General, he has just emphasized that he is going to approve when they fly outside the security zone. I've heard him say a couple of times, "They must have AWACS." I have tried to negotiate -- I've tried to be the objective voice between the MCC Commander, to the General about the 4,500 foot AGL restriction between Diyarbakir and Zakhu. The General has been unwavering about that. But, I have attempted a few times to play it honest, and I've had -- Thompson called with a request saying, "We really need to get through tomorrow, it's been four days with the weather, can we fly down?" Not the other -- you go down at 2,000 feet or whatever. I would ask the General and he would say, -- it was always -- "No." And, I would call Thompson back and say, "No." But, those three items -- let me think a little bit -- but that's the only guidance that I've ever heard the General speak about their activity.

49Q: Have you passed that guidance to the members of your Joint Operations Center?

49A: Yes. In fact, most of it is written down on a board. But, our JOC knows that. But, again, I've told him because guidance sometimes changes and because I'm not in the command loop, I want to be very careful. I try to be very cautious. If anybody asks for guidance, unless I've heard from the General directly about that, unless it has been very recent, I will go check with him. So, I have told my JOC Chiefs and my deputies that we have to be very careful about what we release. This goes back to my first day there. Nobody there is authorized to give guidance. I'm not authorized to give guidance. If anybody asks, requests this or that, come see me or my deputies and we will go to the General and have clarification. Except those very times, as I said, when the General has been very, very explicit and repeatedly has said, "I will not let that happen." -- like AWACS or 4500 feet.

50Q: Are you aware of a provision in OPLAN 91-7 that states that the CTF C-3 through the CFAC CC (Frag shop) will be the focal point for coordinating Army rotary wing flying with available fighter assets?

50A: No. Well, I'm aware that there are a lot of things written down. There is a -- I looked at the joint documents too -- joint publications. This is something from my first day here I brought up, there are a lot things that a C-3 normally would do that is not done here.

51Q: Have you raised that issue?

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51A: I've raised the issues of being more involved in current operations, not to direct, not to pass guidance or make guidance, but to be more involved in operations. There is a -- I think there are several reasons, but that has been a subject between each C-3 that has been here and the CFAC DO in that the C-3s here are temporary positions. I'm only here for four months. There has been a case in the past where the C-3s here became too involved in operations according to the CFAC DO people. When I first came here and I talked to them, they asked me not to be involved in operations. They said, "You are a staff position." They explained some of the problems that they had in the past of C-3s getting on the radio, C-3s talking to aircrews directly or the wings -- I mean the SOCs -- they asked for everything to go through them, and I tried to abide by that. Also, by knowing -- by reading joint documents I read JFAC Book 2 and his unified arm action forces, other documents when I first got here. I have copies highlighted that I knew my position was not more than a staff officer to coordinate -- give -- information to the General, pass on his guidance, but not make up my own guidance. I understood what the CFAC DO folks, what their reasons were to keep the C-3 out of operations. But, it was still something that I was trying to work with them on. In fact, I had a four and a half hour meeting with the CFAC DO, I think, it was the 12th about how I need to be more involved in things.

52Q: The 12th of April?

52A: Yes. It was either a few days before; it was a four and a half hour meeting in the Chief of Staff's office because -- and I talked to the General about this. I wanted to write down before I left a delineation of responsibilities between the CTF, C-3 and the CFAC DO -- here is what you do and here is what I do, because things had evolved so much over the three years. 91-7 has changed so much, in fact, that thing -- if you look at it, it's so very old it doesn't really apply in most respects; it has been changed. Nothing was written down that really gave the true picture of what was happening here about what was coordinated. I tried to do that.

53Q: Let me ask one final question in that area. Who then by organization or name would you assume would take the responsibility for ensuring that the helicopter operations in the AOR were conducted in compliance with both the verbal guidance, the ACO and other written guidance? In particular, an operation with AWACS coverage and in accordance with the ACO, with fighter coverage?

53A: As far as passing the broad guidance down, as I mentioned, must have AWACS, 4,500 feet, those major things, that was told directly to the component commander -- the MCC Commander -- by the General. I'm sure that he talked to Eagle Flight, too about it, because I knew that he went out there a lot and flew. I also passed it on because I felt that was my responsibility to pass out the General's guidance. There is no doubt in my mind that that is my responsibility. I have also talked to Eagle Flight's DETCOs when I was there, in fact, the Friday

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night before the accident the DETCO was here for night vision goggle training. We were trying to work some other issues about other limited options in the future. I reminded him, "Make sure when you fly in the AOR you talk to AWACS." We talked about that kind of thing, but we talked mostly about other Eagle Flight future issues. But, as far as ACO. ACO was distributed by the CFAC and ATO is also distributed by the CFAC, that goes out to Pirinlik or Diyarbakir for Eagle Flight; it's passed that way. But, again, I don't get involved in the ACO and I don't get involved in the ATO. We are aware that those are out there.

54Q: The meeting that you attended with the CFAC DO, could you tell me who was present for four and a half hours?

54A: The first two hours or so it was the Chief of Staff and at that time the CFAC DO and myself.

55Q: The CTF Chief of Staff?

55A: Yes, Colonel Hassel. And, then, I think, he had do some errands, he went off, he came back and we were still there talking about how we could improve a lot of minor things too.

56Q: Who initiated that meeting?

56A: We wanted to talk to him. We actually did. It was kind of a mutual thing because I had -- his deputy had been over a couple of days before and I had mentioned, as I have in the past, I'm not really being consulted on things. I will not intrude, but I would like to be aware of more of what was happening; operationally. I told his deputy that, and then it just happened after a staff meeting one day and he said, "Let's go in and talk." It was a mutually agreed thing.

(The Aircraft Accident Investigation recessed at 1325 hours, 27 April 1994.)

COL AT LEE: The is 1339 hours, on the 27th of April 1994. Those individuals who were present when we recessed are once again present, in addition, Colonel Armen is present. You are reminded that you are still under oath.

WITNESS: Yes, sir.

COL AT LEE: I'm going to go back through with some questions of clarification and in addition to anything that I may cover, there will be an opportunity for you at the end to cover any matters that you would like to cover.

Questions by Colonel At Lee.

57Q: First, I would like to ask you about the procedure, if you are aware of any procedure for Eagle Flights to inform the flying community of changes to their missions?

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57A: Yes. Stated many different ways and to different people, different forums, but they are required to be in contact with AWACS. So, because the times are almost always the same going into Zakhu that was almost like a standard mission, but they still had to talk to AWACS, they would still advise AWACS of their gate times and where they were.

58Q: What makes you believe that they were required to inform AWACS of where they were as opposed to just gate times?

58A: You're right. Let me rephrase that. They would tell AWACS -- well, when they first made contact with AWACS they would say -- first radio contact -- "We are 25 DME out of Diyarbakir" or whatever the condition was. This is leading to Diyarbakir to go, and it's in their standard operating procedures to -- I'm not sure if that's the third step or not, but there were several different frequencies and agencies that they would talk to. Then the gate time they would also change if required. But, in the AOR not only do I know because I was there every time I flew with them and I saw it happen, but it was the standard procedure that I was briefed on and I think that everybody else has been briefed on that one, they require AWACS to fly and have contact with, not just have AWACS present but contact with AWACS, I think to make it more clear. And two, that before they took off from a compound at Zakhu they would tell AWACS, "Cougar, Eagle 1 and 2 take-off compound from point Lima and a time." Then their enroute stops, again, they would tell them where they were and then they would tell them before they took off.

59Q: What was your source of information that they were required to do that?

59A: Their -- not only in conversations with people, I have been briefed on that out in Zakhu in fact, my first week when I went out there back in January. In conversations with Eagle Flight, Eagle Flight DETCO this going back not only a few weeks ago, but months ago when I first talked to him about their procedures. And, at that time, it was around February 9th because we had the problem of -- we had an Eagle Flight aircraft come under fire in Turkey. We talked to them a lot about their procedures at that time because of the threat to them. We didn't fly them for a while, and then we had to do an analysis of what the threat really was; we felt it was only the ground fire -- small arms. So, that's why we require them to be 4,500 AGL. In those discussions, -- I can't give you exact dates, but I'm sure it was between the 10th of February and about a week or two later, many discussions either with him or his liaison -- the liaison from the 12th Brigade who was attached to me at that time -- a Lieutenant -- about what their procedures were, contact with AWACS. We tried to see if we could vary the route of flight and also the altitudes; we try to see what we can do to make them more -- their profile less predictable, their profile less threatened by ground fire.

60Q: When you say "he" in that context or "his liaison", who are referring to?

60A: Both.

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61Q: Who is the "he"?

61A: I'm sorry. It was a Captain Pat McKenna, who was the DETCO at that time.

62Q: DETCO for Eagle Flight?

62A: Yes.

63Q: And the "liaison" that you were referring to was the --

63A: At that time, it was Lieutenant John Geis, G-e-i-s, from the 12th Aviation Brigade. And, he doesn't really -- at that time, that position doesn't work for me. He was a liaison from the 12th Aviation Brigade to work helicopters. He was down here with CTF. But, I talked to him a lot about, at that time, about procedures because we wanted to make sure it was safe to continue, or - I'm sorry -- to resume our shuttle flights into Zakhu.

64Q: Did the liaison officer work in the Joint Operations Center?

64A: No.

65Q: Now, there is currently an Army liaison officer who works in the Joint Operations Center --

65A: He doesn't really. He's still -- we've been working that this week trying to get that more formalized. We see a need now. We would like to have him responsible to and work for somebody in CTF, and I would like to see it C-3. But, he doesn't have an office right now. I've asked him to be available as much as possible. And, we are trying to work as many Eagle Flight issues, also issues back to Germany with him.

66Q: I understand that he wasn't in the chain of supervision, but was his physical work location within the Joint Operations Center?

66A: No. No.

67Q: Did he have access to it when he was --

67A: Oh, yes, he has access to it. I think his office, at that time, had been over in the C-4 area near the building. And, his main job really was the logistics of getting the replacement crews here, any parts they needed; that's why they felt he should be working out of the C-4 area. He would receive the in-coming crews and get them billeting for the night, get them transportation out to Diyarbakir.

68Q: You have referred to C-4 a number of times, what does that mean?

68A: That's the logistics director.

69Q: You referred to a Colonel Thompson, discussions that you had had with Colonel Thompson and specifically a discussion regarding the flight on the 14th; who was that?

69A: That was the Jerald Thompson that was on the flight that day. I had the discussion with him the night prior.

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70Q: And his request that you referred to the General --

70A: I told him that he should --

71Q: That's what I mean --

71A: I already know the answer --

72Q: You referred him to the General --

72A: "You are going to have to talk to him yourself."

73Q: I understood that request to be that he wanted to leave early before the AWACS was out?

73A: No, it was really phrased more like -- I mean, that was kind of implied that -- his request was "I would like to be able to launch before AWACS is flying on-station." I said, "Jerry, you know the answer to that." "You know what the guidance is." "You are going to have to talk to the General yourself on that." He said, "Would you talk to the General?" I said, "No, I think he is downtown, you will have to speak to him yourself on this, but you know what the answer is."

74Q: Was any part of his request indicating that he wanted to fly outside of the security zone?

74A: No. He did not discuss any locations with me. I have thought about this a lot, and I cannot say that he mentioned anything about flying outside of the security zone. He never mentioned location. He said, "I have a mission I want to fly and it's early and AWACS is up a little bit late, I would like to be able to fly without AWACS."

75Q: Did you discuss your conversation with Colonel Thompson -- the one that we have just been talking about -- with General Pilkington or with anyone else?

75A: I might have. General Pilkington -- it was very hectic the 14th and 15th. I talked to General Pilkington a couple of times, one-on-one, I might have mentioned this to him; I cannot say if I did or not. There are so many things that we talked about.

76Q: Do you recall anything from him indicating that he had discussed the matter with Colonel Thompson?

76A: Yeah -- I think, yes. But, again, I can't say for sure. There are so many different meetings with different people that the General and I were part of, I'm pretty sure that came up, but I cannot say where or when.

77Q: You were talking about the discussion that you had with the CFAC DO, who are you referring to?

77A: Colonel Doug Richardson.

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78Q: You were talking about the CFAC ADO, who are you referring to?

78A: Lieutenant Colonel Mark Dougherty. He had to come to see me a couple of days before that.

79Q: What was the subject of his visit?

79A: He said that he got a sense from me that -- I was not -- I was maybe a little bit maybe frustrated with things. I get along very well with both of them. And, I just said, "Well, I think, there are a few things that I would like to be more part of." Then, that's why -- a day or two later, I forget the details -- it was when Richardson came over after a meeting. I don't know who said what but there was some hassle and I had talked about this -- we had been talking about this for months about -- I had talked to both Dougherty and Richardson both about this. But, somebody said, "Maybe we should talk." We went in and it began. I don't know who made the first comment, but we all wanted to do it.

80Q: Colonel Hassel had been aware of your concerns prior to this meeting?

80A: Yes.

81Q: Was Colonel Hunt involved in any discussions about the Eagle Flights either around the 11th or the 14th of April?

81A: Not with me, and I don't think that he would be part of that, because their helicopters were under the command of the MCC Commander -- two totally distinct operations and systems.

82Q: For clarity, would you very briefly describe Colonel Hunt's operation that he would be concerned with?

82A: The Joint Operations Task Force.

83Q: When you were discussing the operations liaison with whom the C-3 organization works, I understood you to name the Navy, SAR, Turkey, Britain and France. I didn't hear you reference the U.S. Army; is there a U.S. Army liaison?

83A: No, that is the one that I'm trying to establish now with the 12th Aviation Brigade liaison. But, that has never been established. I've been trying to do that for a while, and we think that we are making some ground on it now -- some progress.

84Q: Can you be more specific about how long efforts have been made to do that?

84A: Ah, I can't give you -- it predates the accident.

85Q: By a month? Two months? Your best estimate.

85A: It was around the time of the move of C-4 out of the CTF building to when the French and the C-4 moved, because I thought he was attached to me and I was referred to it as that. I knew he was a liaison from the 12th Aviation Brigade but I thought he was attached to me. And, during the move -- see I have a lot of people who don't have an office or a desk. I thought

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because he would always be popping in and out, I thought he was just attached to us. During the move, I found out he had an office in C-4. This goes back probably two months ago. That's when I found out that not only does he have an office over there, but he wasn't really attached to me according to what the Army said. That's when I started to say, "Well, we need to make this a little more formal." I told Geis at the time -- I don't know Lieutenant John Geis -- that I wanted him to be attached to C-3, and I said, even informally because we had already been working the tactical NDB issue and some other more long term planning issues for Eagle Flight; I felt better if he was around more.

86Q: Who did you consider to be the Army component representative on matters pertaining to your operations?

86A: There was -- that is what I just talked about. I felt that the liaison from the 12th Aviation Brigade, it should be more formal, more part of the CTF than somebody who really worked for somebody in Germany.

87Q: I'm trying to go to who you thought was in-charge if you had an Army issue --

87A: About the Eagle Flight?

88Q: That affected the combined task force; who was the senior belly button to push?

88A: There -- the special forces, there is no doubt that was Colonel Hunt, the JSOTF Commander. For the other Army issue it should only be the Eagle Flight; their commander, who is the MCC Commander, Colonel Jerry Thompson. For any issues on that, that was dealt there and command issues would be dealt with from the General or Chief of Staff to him directly. I dealt with Jerry Thompson more on the planning issues.

89Q: Op Plan 91-7 refers to the combined force ground component commander, was that Colonel Thompson or someone else?

89A: No, I cannot say that. The -- what was there at that time, back in July of 91 -- during Provide Comfort I Time -- really, command wise and command organization there is little resemblance to the way things are right now. That's why -- I can show you there is an evolution of mission statements not only from CTF but for organizational diagrams of who works for whom. The C-3 staff, there was as I said before the C-5 staff, but the C-3 staff alone was about 50 people or more not too long ago. I've got it combined now of about 23. But, as far as who was who on the ground, we didn't have no longer -- well, shortly after that plan was written the ground presence was removed, so we didn't need a ground component commander. The military coordination center was -- I haven't seen anywhere written or even implied that that was the equivalent of or took the place of a ground component commander, that was a separate entity.

90Q: To the best of your knowledge, the individual in-charge of the Military Coordination Center was the senior Army person for command and control issues?

90A: It was a co-command, it was a Turkish Colonel, and he was Colonel. They tried to do

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everything together. In consultation with the two Lieutenant Colonels who were the French and British senior representatives to the MCC, but for U.S. command and control purposes, command and control of Eagle Flight was the U.S. MCC Commander and still is.

91Q: Which at the time of the Eagle Flight on 14 April was Colonel Thompson?

91A: Jerald Thompson.

92Q: I believe you referred to an O-5 Army officer within the Joint Operations Center, who is that?

92A: He is presently Lieutenant Colonel Carl Witcher, W-i-t-c-h-e-r, and he has an armor background. His function, as I explained before in the beginning, as a JOC Chief, does not give guidance out, does not make things happen, so to speak, except coordinating the Turkish approval for gate time and such, and LNOs, and makes sure that admin gets reports out and things like that. But, he has no real connection -- with the Army -- with Eagle Flight, there is absolutely no connection there.

93Q: You referred to a C-12 in your testimony, would you explain what that is?

93A: It's the Army twin-engine aircraft that are assigned to CTF for, basically, staff support and 95 percent of the time they are used to transport people, mail and perishables from Incirlik to Diyarbakir. That is the first link of getting things and people to Zakhu. They are operated schedule by C-4.

94Q: You were talking about the C-3 meetings that you held that you had asked a representative from the CFAC organization to be present, and you mentioned that he had missed some meetings. Who was it that you talked to to set up that arrangement that someone would attend the meetings?

94A: I think it might have Lieutenant Colonel Mark Dougherty or maybe it was Lieutenant Colonel Mike Pinter, the OSS Squadron Commander back in late, I think it was, January. My purpose was I thought -- oh, I know what the meeting was for and that was to update the slides, but yet it might be a good idea to have an exchange of information at this meeting. And perspectives, things like, I can give the General's guidance out, why we are having a down day tomorrow which was not planned, if I knew it, and things like that. And, then, it was informal and that started happening, and it's now back on.

95Q: You said that you got back on the 7th of April and found that the representative from CFAC had not been attending, who did you call to ask them to correct that situation?

95A: I don't know if the 7th of April is accurate, it was somewhere at the end of the first week or the beginning of the second week of April that I came back -- it was a Wednesday or Friday meeting, I can't remember which -- and there was an empty space at the table. I said, "Where is Captain Foley?" They said, "Well, he is not coming anymore because the CFAC folks feel he is not needed here."

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96Q: Who did you talk to to correct that situation?

96A: I went to another meeting, another two days later, and he still didn't show. I called -- I told the General, I told the Chief of Staff, and said, "I'm just going to call Spider, Colonel Richardson and see if we can work this out." We did that at that four and a half hour meeting that I talked about -- on -- a few days before the 14th. I told him why I wanted the guy at the meeting -- and for an exchange of perspectives, make sure the slides were right. The main reason what the General wanted was that the slides that I would show and brief to the coalition commanders at 9:30 were accurate.

97Q: Did you explain the broader idea of the exchange of perspectives or ideas at that time?

97A: Yeah. I said, the primary thing was to make sure that the slides were accurate. He wouldn't have the maintenance data, but he would know what does that maintenance data have on impact on the schedule for today and tomorrow, i.e. we have 3 F-15Cs down that may change the defensive counter air plan for tomorrow. I needed to know that so if any questions came up.

98Q: Was there a meeting prior to the 14th that that representative attended after your discussion with Colonel Richardson?

98A: It was probably the first part of April, I can't remember specifics, but I do remember that was one of the topics that Richardson and I talked about in that four and a half hour meeting.

99Q: What I was really asking is in your meetings which took place before the 14th of April, that following your conversation with Colonel Richardson, did a CFAC representative attend?

99A: I'm sorry, I still don't follow. In the meetings prior?

100Q: You talked with Colonel Richardson and explained your concern that a representative wasn't there, among other things; was there any time between the meeting which you had with Colonel Richardson and the 14th of April that that CFAC representative once again began to attend meetings?

100A: I can't say with a 100 percent assurity, but -- I'm trying to remember, if that meeting that I had with Richardson was on the Tuesday, no, because it was following a meeting, it would either be a Monday or a Wednesday, and the accident happened on a Thursday. I can't say with any assurity, but it is very possible that there was a meeting there where the Frag shop individual showed up before the 14th. But, the meeting I had with Richardson was not many days before that. In fact, oh, it could have been that Monday, and so the CFAC individual -- Frag shop -- could have shown up at the Wednesday meeting. But, I can't say with any assurity, because there was a couple of days where I had talked with Richardson before. I don't remember.

101Q: You referred to HUMINT; does that refer to Human Intelligence?

101A: Yes, reporting of things that may be out in the area or things that might have appeared.

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102Q: You talked about the MCC always wanting to have that flexibility, flexibility referring to the ability to change missions and respond to current requirements; that was Colonel Thompson that you were talking about?

102A: Both Colonel Thompsons.

103Q: Colonel Thompson who was killed in the air crash. Would you explain who the other Colonel Thompson is?

103A: The other Gerry Thompson, also a U.S. Army Special Forces Colonel Foreign Area Expert, had been, for six months, the coalition commander for the U.S. at the MCC before Jerry Thompson was killed in the accident. He came back in for three weeks, I think it was February when the Jerald Thompson that was killed took leave back to the U.S. So, I had a chance to work with him. When I first met with the Jerald Thompson that was killed, I remember him telling me that in -- there is a little briefing house at the compound in Zakhu right near where the helicopters land, and that is where as soon as the helicopters land they -- the pilots and the passengers and MCC -- would go into this briefing room that has one to fifty charts and a one to two fifty, and then say, "Well, here is what we are going to do today." and they would brief that mission. So, the Eagle pilots would -- I saw this -- have their maps and they applied out what the thing was or what the trip was for that day. And, I asked -- I forget the full context, this goes back to the first or second week of January -- but Jerald Thompson told me, "Why we do this is things change very rapidly because of the dynamics -- as I said before -- and I need to have the flexibility to work with my coalition commanders and change the mission profile as necessary." Gerry Thompson who is out there now, I'm not sure of the first time he mentioned it to me, but I know for sure that we talked about that on his in-brief before going out there to replace the one who was killed. He said, "As always, we need to make sure that the MCC Commander has flexibility to schedule, make last minute scheduling to the Eagle Flight Schedule."

104Q: What did you understand to be -- let me word it a different way. Did you understand that you had any responsibilities to the CFAC other than those that you have described during the course of your testimony?

104A: As pertaining to the Eagle Flight profile?

105Q: Yes, or the coordination process involving air operations in the AOR?

105A: As applied to the overall air operations in the AOR and scheduling of that, it was very clear from the beginning and I agree with this, both Richardson and Dougherty told me that they preferred, and Pinter, their OSS Commander, that the C-3 do not get involved with that. That was a CFAC issue, and I agree with that because that is how U.S. joint doctrine is for JFACC.

#### **Questions by Colonel Fain.**

106Q: Let me ask a question more specific about the same thing. If you were to receive information about a flight that was not on the schedule, for example, U.N. activity that was

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unannounced, but the information was made available to the JOC, what would you expect the disposition of that information to be?

106A: The U.N. helicopter flights, that is procedure that was established when they first started to fly, the same thing with crop dusters, and that was coordinated by EUCCOM and they set up that the C-3 JOC would do that. There is a procedure where messages come in, for example, U.N. helicopters telling them when, where, call signs and data like that. That is sent by letter to the CFAC Frag Shop. That procedure has been established and is accomplished. There is other special reconnaissance activity, the same way, but there is two types and one is a little more knowledgeable of what they are doing than the other one. That -- is also -- comes into the Joint Ops Center, and there is an individual who has been tasked with that specific -- it's written down in his mission description. He does that, and it's the same individual; he does both of these.

#### **Questions by Colonel At Lee.**

107Q: What distinction did you understand there to be between the U.N. flights and Eagle Flights that were going outside the security zone?

107A: The distinction -- first of all, the U.N. flights did not work for any military organization, that was scheduled by somebody else; all we were doing was passing information on. Specifically, for what my responsibilities were, it was written down and I was briefed on it when I took over, that the U.N. helicopter flights, the higher headquarters reconnaissance tasking and any crop spraying, if it happened, written it down that we had the responsibility; he did it, the timing, what was to be passed, there was a format for the letter and that was being done.

108Q: What did you understand to be the purpose for that information regarding U.N. flights being passed to the CFAC?

108A: Because most of those flights originated from the south, same with part of the higher headquarters reconnaissance tasking, although they very rarely got up to our area. The U.N. flights occasionally did, and because of where they came from part of the criteria for seeing who was hostile would be track history and -- origin -- point of origin. And for any helicopters, as you know, AWACS being so far away their altitude readout is not very good, and track history is not exact at that distance from where their orbit is in Turkey. So, any aircraft originating from south of 36 degrees north we have to be very careful of, that's the way I understood it. I don't know if it is written that way exactly, but that's the way I understood it, and that's in my mind one reason why it was differentiated, not only who they were but also by established procedure that I was responsible for those and I was not responsible for passing on Eagle Flight flight plans; one, because they changed all the time, and, two, because there was an established procedure that Eagle Flight upon liftoff from the compound in Zakhu was required to contact AWACS, maintain contact and tell them when they were going. Hence hindsight is always perfect, but I thought that at that time there was a procedure in effect -- an operational procedure -- and I was told that there was nothing in writing that I had a responsibility for that.

109Q: You were referring to a Delta point, you were talking about a specific location on the ground designated by a letter, a way of communication?

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109Q: You were referring to a Delta point, you were talking about a specific location on the ground designated by a letter, a way of communication?

109A: Yes. I think you may have a copy of that. It's Geographic Points of Coordinates, an alpha numeric designator and that has either a geographic town or something that says -- in other words, if I tell you I'm going to Point Alpha and you have the same list, you know where I'm going.

110Q: You referred to commanders guidance being written on a board; where is that?

110A: That board has been up in the Joint Ops Center for about the last 45 days.

111Q: Has the information on it remained the same for the last 45 . . . ?

111A: No, it was changed a little bit. It's a classified board. These are the major items. We don't get down to the smaller issues, but these are the major items that the commanders said -- for example, altitude limitations as it applies to CFAC aircraft over the AOR, and also, the 4,500 foot -- this is not classified, the 4,500 foot AGL requirement for Eagle Flight, that is written on the board. This is written so that everybody can see that, and if the General gives me a change I change that right away.

112Q: Have any of the matters that pertained to what we have been talking about in this interview changed in the last 45 days on that board? I just need a yes or a no.

112A: Prior to the 14th?

113Q: Prior to the 14th?

113A: The one thing that changed was the altitude for fighters, and that was put up March 28th, I think.

114Q: Other than that, it accurately represents the guidance that was in effect on the 14th of April?

114A: Again, that's major items. There is some specific things for --

115Q: I just need as it's there?

115A: That would be accurate, yes.

#### **Questions by General Andrus.**

116Q: Are you aware of any previous incidents taking place in the No-Fly-Zone on coalition fighters intercepting Eagle Flights?

116A: I'm not directly aware. I know that aircraft out there do spike a lot of people. They do -- using their electronic gear and radar they do try to acquire and identify who is out there. I've not been told directly of any, sir, but I think there is a likelihood that somebody has interrogated them before.

117Q: But, you have no direct knowledge of intercepts that may have taken place on other Eagle Flights?

117A: No, sir, I do not.

**Questions by Colonel At Lee.**

118Q: Was that an area mentioned at all by your predecessor when you relieved him?

118A: About intercepts, no, that was not an area that he covered.

COL AT LEE: Do you have any further information, statements, evidence or anything at all that you wish to present?

WITNESS: No, I don't.

COL AT LEE: You're reminded that this is an official investigation. You're ordered not to divulge the nature of the investigation or the questions, answers or discussions included in this interview with anyone unless authorized to do so by the board president, Major General Andrus, CINC USAFE, or higher authority. If anyone other than a member of this board should approach you regarding your testimony or the matters discussed here, you must report it immediately and report it to a member of the board.

Do you have any questions?

WITNESS: No, I don't.

COL AT LEE: The time is 1415. This interview is concluded.

**REPORTER'S CERTIFICATE**

I certify that the above sworn interview statement, given by COLONEL JAMES R. O'BRIEN to the Aircraft Accident Investigation Board Was recorded by me by stenomask and that the foregoing transcript is a true, accurate, and verbatim account of that statement.



BARBARA BRIGMAN

Court Reporter

Incirlik Air Base, Turkey

**O'BRIEN**

**TAB V-097A**

**O'BRIEN, JAMES R.**

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**VERBATIM TESTIMONY**

**OF**

**JAMES R. O'BRIEN, COLONEL**

**CTF/C-3**

**Incirlik AB, Turkey**

**COLONEL AT LEE:** The time is 1406 on the 5th of May 1994. The individuals present are the witness, also Major General Andrus, Colonel Bennett, Colonel Armen, Colonel Velluz, Mister Brummell, Colonel Fain. I'm Colonel At Lee.

This interview is being conducted at Incirlik Air Base, Turkey. The witness present is Colonel James R. O'Brien. And, Colonel O'Brien, you testified previously in this board?

**WITNESS:** Yes.

**COLONEL AT LEE:** When you testified previously, you were given an advisement regarding the nature of the board proceedings and how this board is distinguished from a Safety Board. Do you recall that advisement?

**WITNESS:** Yes, I do.

**COLONEL AT LEE:** Do you have any questions concerning that?

**WITNESS:** No, I do not.

**COLONEL AT LEE:** You were also advised at the time of your rights under Article 31 of the UCMJ as an individual suspected of dereliction in the performance of your duties under Article 92 of the Uniform Code of Military Justice. Do you have any questions regarding that rights advisement that you were given?

**WITNESS:** No, I do not.

**COLONEL AT LEE:** Regarding that, do you understand your rights?

**WITNESS:** Yes, I do.

**COLONEL AT LEE:** And do you wish to remain silent or will you answer our questions today?

**WITNESS:** I will answer them.

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COLONEL AT LEE: And do you want a lawyer?

WITNESS: No, I do not.

COLONEL AT LEE: Colonel Fain?

## EXAMINATION

### (Questions by Colonel Fain)

1Q: In previous testimony, we discussed the relationship of the Joint Operations Center or the Joint Operations and Intelligence Center, as it's sometimes called, to the C-3. Could you explain to the board the relationship that you have as the C-3 with the -- I call him the JOC?

1A: Well, the Joint Ops Intel Center is really a -- a communication center, focus for the staff under the Commanding General. It falls under the C-3, their responsibility, and through my deputy director of operations. As such I do have oversight responsibility for the Joint Ops Intel Center. It became a Joint Ops Intel Center about forty-five days ago and the Intel portion of that are not responsible to the C-3. They work for the C-2. That's just a combination of two twenty-four hour watches to save manpower and be a little more proficient.

REP: Excuse me, please. You all are going to have to talk up over the rain, if you can. It's coming through pretty strong.

2Q: Does the Chief of the Joint Operations Intel Center report to you?

2A: Yes, he does.

3Q: And what are his responsibilities?

3A: His responsibility is to oversee the -- the operations in the Joint Ops Intel Center to make sure they're as efficient as they can be. Some of the things he's specifically tasked with is to receive situation reports that come in from the CFAC, which becomes a CTF SITREP. That contains flying data, aircraft status, things like that. We also receive the Military Coordination Center SITREP. It comes in late at night.

He supervises the admin people that retype those into the format that we use. We do not change anything except, for example, the numbers in the CTF SITREP if we see that they're wrong. Change those, I review them in the morning, it goes forward to the staff for their review, goes to the Commanding General for his approval and signature. Then it comes back to the JOC and released by message. And the JOC Chief makes sure that those things are received by a certain point of time, that the admin section -- the reports people -- admin does the MCC SITREP and reports to the C-3 just to save time, because many times they'll go through many revisions as to staff making comment or -- or we find typos. Mostly the typos. And the JOC Chief makes

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sure those are done on time, that in the morning they are reviewed and presented to me or my deputies may come in, and then it goes out to the staff, comes back at a certain point in time with the General's signature, they're correct and then released. So that's one critical responsibility.

The other one is we have the only secure fax capability, and for both incoming, which sometimes is quite a lot, make sure we receive those, we log them in so we know what came in, for any documentation and tracking of things that might have been -- through fax, sometimes we lose things, and then make sure it's dispersed to the correct party, whether it's the General, Chief of Staff or C-2. Sometimes things for C-3. Also going out. We make sure the secure faxes go out and, of course, they're logged. Also we have phones to SOUTHERN WATCH, direct phone lines to the CFAC and phone lines to EUCOM. They're normal speed dials. They're just normal DSN phone numbers. And that's for communication. Very often, depending upon the time of day, we have a lot of phone calls in from EUCOM, sometimes Joint Staff, sometimes USAFE, asking questions. And the instructions that we've given the JOC Chief, that I have given him, have been repeated by -- I've been given instruction by the Chief of Staff and the Commanding General, is that the JOC Chiefs are not there to -- they don't make decisions, they don't direct, they don't provide guidance. They just pass on information. If somebody would like a piece of information, they'll -- they'll get the appropriate party. Ordinarily it's to track down a SITREP or they want more information about something and they pass that -- that note on.

There's also a -- sometimes -- they monitor the radios. We have radios -- we have secure SATCOM, we monitor three nets. One is the EUCOM net which very rarely we hear anything on. There is another net, that is the -- basically it's AWACS. It's a net that they -- that Duke talks to Mad Dog. In other words, they -- it could be considered an ACE on board AWACS to the mission director on the ground. Duke on the aircraft, Mad Dog on the ground. And the other net is the -- what the MCC uses in Zakhu, and normally that is used as backup to the INMARSAT that we have that the General has, that the Chief of Staff has, for a normal comm with MCC. We have a third INMARSAT to Zakhu and we use that for the Tac Flights, and that is used for things that go out from the general and the Chief of Staff and the C-2 to Zakhu. Also C-4, occasionally, for some administrative and logistic things. And we receive things in from them. We have a radio operator that really is attached to C-6, detached for duty to C-3, twenty-four hours a day with that capability. They receive this and they disperse the facts as -- as appropriate.

We're passive as far as the EUCOM net goes. We hardly ever use that. In fact, I've only seen it used once. On the -- we never talk to the -- to the Duke on that radio. That's an arrangement with the CFAC DO. When I first arrived, they -- they explained the -- the command relations and how that's a CFAC issue and I agreed. And only once have I got on the radio and talked to AWACS and the Duke and that was because the General wanted to pass on some guidance and I couldn't get ahold of the CFAC DO or the ADO, so I called directly. And then I went back and briefed the CFAC DO and it came in about ten minutes later that, "By the way, pass this on to the General too, to the Duke." So, other than that, we have hardly ever been on that radio. So it's passive for both EUCOM and the -- the AWACS net.

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For MCC, occasionally we will get on the radio if we have questions about what they're doing. In particular, it depends on personality. The current Gerry Thompson likes to use the phone. And being the one that has been tasked to respond late at night, which I've done a couple of times this week already, if there's some intelligence data that is happening or a current event -- there was a demonstration the other night . . .

(A bolt of lightning struck just across the street)

WITNESS: It was right there.

3A: But sometimes there are things that happen in Zakhu or in the Iraqi area, northern Iraq, that they want to pass on. It's a combination of current intelligence, sometimes asking for guidance, sometimes they want us to see if we can do something about getting coverage of that area. The Gerry Thompson now likes to use the INMARSAT because the General will be home and the Chief of Staff will be at home, they often will call the Joint Ops Intel Center and the instructions we've given them is they call me and I'll go in to see -- because sometimes it's very routine. There will be a point in time, which it's four or five nights a week that I'm in there at midnight or -- or so, and I'll be the filter to say if we need to call the General or not, or the C-2.

The current Gerry Thompson, as I said, uses the phone now. The Jerry Thompson that was here before liked to use the radio, and I prefer the radio because it's secure. We don't have the problems about using the commercial lines to drop the insecure.

4Q: Let me ask a question now. After listening to your explanation of the things that were monitored, what is your responsibility, or the JOC duty officer in your stead, for absorbing information from those communications? I'll give you an example. If a piece of communication, a secure fax, were addressed to the Chief of Staff and it were passed through the JOC, would you be responsible for knowing the information on that piece of communication?

4A: I have not -- there are things that come in for the Chief of Staff and the General -- you mean like from MCC?

5Q: That's correct.

5A: That -- there are things that, depending upon the subject, I would not be info'd on. They'll say for CG or for CS. I have asked that I'd like to see those. That doesn't always happen and I've -- I've never cleared this with the General or the Chief of Staff, but I -- just to be informed, I'd like -- so I know what's happening, I'd like to know that and I repeatedly tell them I'd -- the people in the JOC, that I'd like to see those things, but the sheer volume of things that come through -- I know there's lots that come through there I don't see.

6Q: How would you -- how would you be aware of information that came through while you were not present for duty late in the evening, for example?

6A: If they made a copy for me, it would be put into my in-box, but that in-box, through the

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period of the day, has about that much in it.

COLONEL AT LEE:            Indicating about two inches.

6A:    I'm indicating about two inches or more, classified and unclassified. I try to get through that every day and I've asked people to not go through there because sometimes they're, you know, they mis-place them -- mis-prioritize. But if I'm not there and something comes in at night, most times it'll be just sent down, put in the slot for the General, Chief of Staff.

Then sometimes I do find out about the event if the Chief of Staff or the General tell me about it. And sometimes I find out just by -- in a meeting or something like that, I'll hear an event is going to take place. There is no structured thing that everything must be seen by me.

Again, we're -- not only written traffic and fax and radio comm, we're kind of a clearing house with a lot of things going in and out.

7Q:    To be more specific, with regards to information pertaining to Eagle Flight schedules, do you have any responsibilities to monitor the information flow regarding the flights?

7A:    Me personally?

8Q:    You or members of the C-3 organization, including the JOC.

8A:    For radios, I have asked the radio operator and the JOC Chief to keep separate logs, and this is going back to my first month here, to make sure that they copy down as much as they can of what they hear. Just for -- I like to come back in and I walk through and it's easy to say to the JOC Chief, what's going on? Or, I can just look over his shoulder and see the entries in the log book, and I'll get a flavor of what's happening, and I'll ask the questions as required. And that's pretty much -- my people all know that.

9Q:    Let me ask a question about Eagle flight scheduling. How does Eagle flight information, whether it be takeoffs, route of flight, if available, unusual flights, etcetera, get to the CFAC frag shop? Or does it get to the CFAC frag shop?

9A:    The routine schedule into Zakhu is the frag shop gets that as we do. They get the same thing we do. They're in the JOC . . .

10Q:   How do they get that in the JOC?

10A:   There's meetings Monday, Wednesday and Friday that I have that we put that out, and that -- that is only as good as the information we get and it's not a hundred percent accurate, because they change their missions. But normally, six out of seven days they fly, and they'll say the type of mission. They'll simply just say, admin, meaning to Zakhu, or they'll say TAOR, in the AOR. And the ATO has a block in there for the days that they do fly and that covers, basically the Diyarbakir to Zakhu link plus it says "as required."

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Changes to their -- changes to their gate time, going out of Turkey into Iraq and back, is the only thing that we're responsible for, and that's because we're responsible. For any ATO changes, we really need to tell the Turkish CTF staff. That's -- so that their GCI radars know what the traffic is. They've got the basic ATO and they're only interested in the flights within Turkey, entering Turkey and leaving Turkey. That I am responsible for. It's one of my primary missions.

And I forgot to say before that the JOC Chief spends a good deal of his day going downstairs or calling the Turks upstairs to talk to them about a change, an ATO change; an F-16 line that is going to be late or whatever.

The Eagle Flight, the way that enters into it is they will call in with a time change because those times change repeatedly due to weather at Diyarbakir, as of today -- they're on hold today for weather. Sometimes the customs clearance, because of the C-12 to Diyarbakir link -- or C-12 to -- to helicopter link at Diyarbakir, can go anywhere from ten minutes to forty-five minutes. The times are very variable. They call those time changes in, which is really the gate time that they're going to exit Turkey, and that is what we give to the -- the Turkish CTF staff.

When they're coming back out of Zakhu, the MCC Operations Officer calls into the oper - radio operator in the JOC with a gate time going out, and we notify the, again, the Turkish CTF staff so that they know that -- they can tell their MARDIN radar, INDIA radar, DADDY -- those GCI sites in the east that you have two helicopters coming back into Turkey at this time.

COLONEL AT LEE: Could I ask you to speak up a little bit? It's . . .

WITNESS: Okay.

COLONEL AT LEE: The court reporter is having a hard time hearing.

WITNESS: Okay.

REPORTER: I didn't get the first radar you mentioned.

WITNESS: Mardin, M-A-R-D-I-N.

11Q: That covers the flights into and out of Zakhu and through the gate. Do you consider it important that the fighter crews, in an Operation PROVIDE COMFORT or OPC Package, are aware of the presence of the helicopter activity in the AOR?

11A: Sure.

12Q: How would they get information regarding that activity?

12A: There's an operational procedure developed. I was here just about nine days when my

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first trip -- I went out to Zakhu, and I was briefed by the -- the MCC Commander, Jerry Thompson, of how they get the schedule out, and they need to be flexible why it changes so much. When I arrived, we got thumbs up from Diyarbakir, got off the helicopters, about fifty feet into the -- building, a room about this big or smaller, and they would brief the visitors and they'd brief the Eagle crew about where you fly that day. And I asked a question later that night of, you know, why is it done that way? As explained to me, it's done that way because of the -- the requirement to be flexible, to adapt to emerging changes and that they had to retain that flexibility. And he explained to me that there's an operational procedure in place by MCC, Eagle Flight, that the CFAC people knew, and that was that they could not leave Zakhu to go anywhere east of there, into the security zone -- or into the east of Zakhu, in other words, into Iraq, without first making radio contact, before lift off, with AWACS and then identifying their route of flight.

There's a Delta point system developed to simply just say, "Eagle -- Eagle one and two departing Whiskey for point whatever." And that -- that was required before they took off. That operational procedure was put in place so that AWACS knew who they were, checked the squawk, and then they would -- they would go -- they would maintain contact with AWACS throughout the security zone.

So I was here given the need, and why the schedule changed so much. In fact, normally it would change the night prior, about ten o'clock, when they had their coalition meeting in the MCC House. Or in the morning there might be a change as they decided what they needed to do that day. And that -- there's an operational procedure that ensured that AWACS knew where Eagle Flight was throughout the security zone.

Subsequent to that, in fact, that day, I talked to the DETCO from Eagle Flight, and I had talked to him other times and the -- there's a 12th Aviation Brigade Liaison assigned here and the previous one -- we spoke about that and he assured me that the standard operating procedure was to do just that and maintain radio contact with AWACS. And that was my knowledge of what they did.

And I did feel there was a need to -- for AWACS and the fighters to know when that would be the way, through AWACS.

13Q: Let me discuss, you mentioned flights inside the AOR. Is the procedure different for flights outside of the AOR -- or I'm sorry, outside of the security zone?

13A: You mean for the helicopter flights?

14Q: That's correct.

14A: Yes it is, because very definitely the General said that for flights outside the security zone, they were by exception and he had to personally approve that, and that was by request from the MCC Commander to the General or Chief of Staff.

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15Q: Would those flights be handled differently with regards to having them published specifically on the Air Tasking Order daily?

15A: No, they would -- there were Delta points outside the security zone and they would identify those to AWACS when they'd take off from Zakhu.

16Q: And you said that procedure was in effect. Is that procedure written?

16A: That they contact AWACS?

17Q: (Indicated yes)

17A: I do believe that's in their standard operating procedure -- for any flight, regardless of in the security zone or not. They follow the same procedure.

18Q: Is it your belief then that if information were known about a flight outside the security zone several days in advance of that flight, that it still would not be published in the Air Tasking Order?

18A: That's -- that's true, given that the flight -- I mean, they follow the same procedures whether in the security zone or going outside it.

19Q: Would the information regarding a flight such as I've described, be passed to anybody in the CFAC organization?

19A: A flight outside the security zone?

20Q: That's correct.

20A: I'm not aware of any.

21Q: Is there a procedure in effect to pass that type of information to the CFAC and particularly to the frag shop?

21A: I'm not aware of that.

#### **(Questions by General Andrus)**

22Q: Reference the accident flight, Eagle 01. Prior to the fourteenth, was there any known information on Eagle 01 Flight that was not included in the ATO?

22A: Any printed information?

23Q: No. Was there anything known about that flight, either the route or the times when the flight would be operating in the AOR, that was not passed to the frag shop so it could be included in the ATO?

23A: I found out their -- their -- after the accident, or in the period of time we're trying to determine where was Eagle Flight. I do not have any -- I did not see any printed information about that flight before the -- the shootdown. I was not -- I did not hear anything about the flight either, although the night before, I talked to Jerry Thompson on the radio. It was about a -- an

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Intel update that I explained before. We also talked about a contingency plan that we were working on together, and he asked me the question, I believe I asked this the first time I was -- I was here, he asked me about, "Can I fly," I can't remember his exact words, but he asked me if I would coordinate with the General to allow him to fly without AWACS coverage. And my response was, "Jerry, you know the answer to that." You know, he was very clear about that, and the answer is "no." And I said, "I think he's at dinner right now and -- it was about eight o'clock at night, and I said, "I'm not going to ask him that because we know the answer." And he said, "Well, I'll probably talk to him." And I said, "Fine.

So, Jerry did not identify where they were going. He -- he did say, "I have a mission tomorrow and I want to know if there's a weather problem or if there's -- and he mentioned that, "If there's a problem and I can't have complete AWACS coverage in the beginning, can I fly without it. It's an important mission." And I said, "You know, you know the answer. You must have AWACS coverage for any flight in the AOR." But he did not identify that he was going outside the security zone or that -- any specific location. And I -- at that time, I didn't see any reason to ask because, you know, my answer to him was the General's guidance, you must have AWACS contact.

24Q: That particular flight was a very important flight. It was intended to enable the incoming commanders to meet with important personnel in the AOR. It would seem logical that some planning and coordination regarding that flight would have been done prior to the evening of the thirteenth, if for no other reason than to ensure that the personnel they were meeting with would be there.

24A: Yes sir.

25Q: It was also a flight going outside of the security zone which would have required the commander's approval. Was there a conscious decision to not include information on that flight in the ATO?

25A: Sir, I'm not aware of any. I -- I did not see the request fax for approval for that until after the shootdown, and I was not privy to the discussion about the importance of that flight or who they were going to see, and I cannot say if anything was passed to CFAC because nothing was passed to me.

26Q: Was there any guidance to not include that sort of information on that particular flight?

26A: Sir, not that I'm aware of.

#### **(Questions by Colonel Fain)**

27Q: Are you aware of a similar flight conducted on the 11th of April?

27A: I heard the General say something about that afterward, about his -- his visit, as in discussion, you know. There -- various times of the day, either in a formal meeting or I'll go into his office and talk about an issue and he's talking to the Chief of Staff. I'd heard that in some form

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about his visit.

28Q: Were you aware of that flight prior to it taking place on the eleventh?

28A: Nothing was officially coordinated through me and -- and I cannot say for sure if I knew about it beforehand or not. But nothing was officially coordinated through me on that.

29Q: My question is, were you aware of the flight, whether it was officially coordinated or not, prior to it taking place on the eleventh?

29A: I can't say for sure if I was or not.

30Q: Do you routinely read the JOC logs?

30A: Not every day.

31Q: Would you consider that to be a responsibility as a C-3 to be aware of the events that occurred during your off duty hours?

31A: My instruction to the JOC Chiefs are to brief me on important things -- to call me at home if something important -- like last night. I also briefed them to, during the daytime, to update me with important issues. I also, throughout the day, go to the JOC Chief and ask, "What," -- "What's" -- I ask, "What's the status and what's happening, what's going on, for updates. But to be on top of everything that goes on in the JOC, I -- I think is a near impossibility with the amount of things that are happening day to day.

32Q: Would you consider a flight outside of the security zone by the Commanding General of the CTF something of which you should be aware, or would normally be aware?

32A: I think so, yes. Yes.

33Q: And it's your testimony that you don't recall being aware of that prior to the eleventh?

33A: I can -- I can't recall being formally informed about that. I would think that -- I can't remember about how I heard. It's very possible I heard beforehand, but it was not in an official capacity. Nothing was coordinated with me.

And the General has flown out there before. You know, when we say it's, you know, by exception, the Commanding General must approve, it is not like a one a month type of arrangement. I can't give you a number, but it's not that unusual a circumstance. But these things were not formally coordinated with me; never had been. So my recollection of if I heard or not, it would be in a rather informal setting, and I don't remember exactly the details of that.

34Q: Okay. With regards to a flight outside the security zone by a high ranking official, would that be information that you think that would be valuable to fighter crews flying in the AOR at the same time?

34A: Surely. Yes.

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35Q: Are you aware of whether or not on the eleventh that information was available on the ATO?

35A: I do not.

36Q: And is there any formal coordination process in which the C-3 would become involved that would provide that information to the frag shop?

36A: Like I said, there's not a procedure at all for doing that whether there's a VIP or a not -- or inside the security zone or outside the security zone, because the procedure had been to use the operation procedure of contacting AWACS. And I'm aware that there was a lot of -- a lot of times that I've been here that have been VIPs that come in, and they fly around the security zone. And those things are changed very often the night before or even the morning of. And those communications go from the Chief of Staff and the General to the MCC Commander. And sometimes I would hear, sometimes I would not. But there's no formal process for me to be coordinated with and there was nothing for me to coordinate that with anybody.

37Q: Let's talk about another aspect of your mission. In previous testimony, you've stated that the C-3 and the C-5, the plans section of CTF, were merged and that you're responsible for both; is that correct?

37A: Yes.

38Q: What plans, generated at CTF level or above, govern your operations or the operations of Operation PROVIDE COMFORT?

38A: There's a -- a number of plans. When I first arrived, in my in-briefing by my predecessor, he covered the plans that govern what we do. And I looked at the book he used, the other day, to make sure I, you know, I remembered it correctly, and there are five OPLANs or Op Ords on there, and he went through those, a book that had summarized each one, and he talked about those. He said, "These are the ones that you need to be concerned about; these are the ones," he told me which ones of those we needed to work on.

About a week later, I asked the -- the Chief of Plans -- I went into the plans office and I saw a couple of thick files and tall safes, two tall safes, and I said, "It's obvious that -- what was happening here, I'm not going to be able to go through all of this. So why don't you and your deputy come in to my office, later on today, and give me a rundown of the plans." They did that and they showed me -- basically they told me the ones that applied to us and the ones we're working on which were the same five that my predecessor showed me.

I also asked for "What else is out there," in the -- in the safes. They told me, "There's a lot of things that have -- there are drafts, there are plans that are outdated." They showed me a summary -- a -- a two, two and half page summary and it just was the plan number or the phrase for that, and it would just say one sentence, or a phrase of what it applied to. And they went through that and showed me -- they gave me a quick count of each one saying what this is, what that is and then, what we did is we -- I asked them to help me prioritize what the priority should

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be. And we did that, and we talked about which ones I should work on and which ones to put off until later. And that was done within about ten days of my arrival.

39Q: Do you recall which plans you placed the emphasis on -- or they placed the emphasis on?

39A: The five that I mentioned that was both given to me by the -- verbally and in writing by my predecessor, and my plans chief had the same five.

It was a NGO plan that was on there . . .

40Q: Say that again please?

40A: Evacuation plan for NGO and U.N. personnel from northern Iraq. There was a removal of documents plan. There were two contingency plans for northern Iraq that had to do with reinforcement and evacuation. There was a closure plan of PROVIDE COMFORT. And then there were -- the ones they -- were not written down but they said we needed to look at, would be probably doing an OPLAN or COMM PLAN on the runway closure. And also on the Navy integration. And we prioritized those.

41Q: Are you familiar with OPLAN 91-7?

41A: I am familiar only that my predecessor never mentioned 91-7. It was not written down or briefed to me. When my plans chief and his deputy talked to me, at the meeting I just explained, that was on the list of -- two or three page list of plans, Op Ords, Con Ops, things that they said were all that we had in the safe. In fact, it was not all. There are a lot of different drafts that never went anywhere. And I'm sure they gave me a phrase on that and I cannot say what it exactly was. I looked at that list the other day to make sure, again, what it was. It says "Residual Force -- Removal of Forces from Northern Iraq." And they had explained to me that that was a -- to the effect, an outdated plan that talked about the Army Battalion, I think it was called at that time, that was in northern Iraq, and removal of those ground troops from Iraq. And they said, "That's one we don't need to worry about." And we went on to the next one. And that was the only time I heard 91-7 until this accident.

42Q: Are you aware of the EUCOM guidance that implements Operation PROVIDE COMFORT?

42A: In my discussion -- yes I am. In my -- I think I am.

In my discussion with the plans team that day, I wanted to know about the evolution of our Rules of Engagement and our mission statement, because when I had gone through the two-drawer safe in the -- the C-3s office, I had seen different slides for mission statements, different things on Rules of Engagement, and I wanted to know what's valid -- where do things come from?

For mission statement, they explained to me -- the plans people explained where it came from. For ROE, that was not their -- their real task, so for ROE, I called EUCOM J-3. I found a

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-- a point of contact and I talked to him and I said, "Where should I go." Excuse me, let me back up.

I looked -- there's a thick ROE book in the JOC. I read that and I became more confused looking at different messages and cross referencing and what really was applicable. So I talked to the point of contact at EUCOM J-3, and he said, "Go to the November of '92 message. There are two." He gave me the date/time group. I think it's twenty -- nineteenth, twentieth, or something like that, and he said, "That is the one that you should be going with."

Further, he faxed me a slide that they use at EUCOM to make sure I had the right one. And that's the one I made sure was in the briefings, and I did that. So the ROE was done separately. The mission statement I got from the plans team, and the evolution of that went back to CINCEUR Op Ord 0001. And we didn't spend time -- each of those serials -- but my main concern was what was the mission that we had. And I saw the mission statement that was being used in the General's briefing, and I wanted to know how we'd got to that and why have things in the safe that were, you know, different? Very slightly different, but yet, different words.

So I think, to answer your question, the origin of the mission here goes back to -- to the zero-zero-one.

43Q: Are you aware of a requirement in CINCEUR Op Ord 003 for the CTF commander to develop and implement an operating plan for Operation PROVIDE COMFORT?

43A: I'm not aware of the specific words, but that would -- that would track with the way those things normally work, yes.

44Q: And is an operating plan to meet that requirement in effect on this day?

44A: In my discussion at that time, and subsequent, talking to the -- after my first week here, first ten days here, with EUCOM J-3, I found that there was an OPLAN done, but it -- they never referred to it as ninety-one seven. They said the Op -- I'm sorry, they were talking about Op Ords. They said zero-zero-one, then they went to zero-zero-three -- zero-two, zero-three and zero-four, and then zero-zero-five. And they said that zero-zero-five was still draft and it -- it's still, in fact I checked this week, still pending, and that the others were outdated and were trying to get the others updated. And that there was some type of decision made at EUCOM to not implement zero-zero-five and resulting draft OPLANs that had been done all before my time to update the -- the old plans. In my first discussion with my plans chief, he said, he told me those other plans on this two-page summary were outdated.

45Q: Is there a CTF OPLAN that governs day to day operations, currently, for Operation PROVIDE COMFORT?

45A: The -- the OPLAN that was first done -- this is out of hindsight now, I've been asking a lot of questions, should have been rescinded because it's out of date for many reasons, forces that don't exist, command structure doesn't exist, locations that don't exist. That should have been updated -- well, just to explain. They've tried to update that for years and still they're trying to get that update through. It should have really been rescinded, is what I got out of it.

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46Q: Whose responsibility is it to rescind and/or update that plan?

46A: The Op Ord or the plan?

47Q: The Op Ord that resulted from the OPLAN.

47A: Op Ord is a -- that's a unified command responsibility.

48Q: You're talking about zero-zero-three. I'm referring to 91-7 that was the first plan that you say is out of date -- that was developed. Whose responsibility is it to update that plan?

48A: That's CTF, but that supports the Op Ord.

49Q: What agency in CTF is responsible for developing plans?

49A: CTF C-5, now CTF C-3.

50Q: Was that action taken, to the best of your knowledge, since the original plan appears to have become outdated?

50A: Are you talking about re-drafting or -- yes, there was an update done, long before -- there was an update -- the first update to that was done after that -- the conditions that -- that existed for 91-7 went away, and that was removal of the Army forces from northern Iraq, U.S. Army ground forces. And that -- that was one of those many, many plans I told you about on that summary, and that was done, I assume, late '91, early '92. And then that was the time that EUCCOM was trying to update the Op Ords and after zero-zero-three was modified by zero-zero-four, and I remember at the time I was asking about zero-zero-four, the big impact of zero-zero-four -- as explained to me by both EUCCOM and by my plans people, was that it had modified the ROE.

But they were different serials. Zero-zero-four and all that that were in effect, and then zero-zero-five, which was to update all that, was held in abeyance. The CTF had done OPLANs in draft to support those, but it depends upon the Op Ord that -- that EUCCOM puts out, and they were the ones that would have to update zero-zero-five, and it was written -- it was -- I guess it had been held for a couple of years.

51Q: In the absence of the completion of zero-zero-five, however, the previous Op Ords from EUCCOM were still in effect, and you stated in your testimony that the OPLAN, CTF OPLAN that was developed as a result of those Op Ords is outdated. Is it your responsibility, as the CTF C-5 to update those plans so that CTF has a workable plan under which to operate?

51A: It would be. But something I want to make clear is that those -- that plan was updated a couple of times and it's been held in abeyance because -- and I was told 91-7, you know, by my plans chief at that time, that that was an outdated plan and he just -- he just said it referred to an Italian force in -- in Iraq that had moved, a force that was not there anymore.

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**(Questions by General Andrus)**

52Q: The updated version of that, I believe, is 92-1, which we understand had not been approved. Do you know what the problem with getting approval for 92-1 was?

52A: No sir, I do not.

53Q: Do you know if the proposed update ever left CTF?

53A: I cannot confirm that. I do not know.

**(Questions by Colonel Fain)**

54Q: In the list of priorities that was discussed with your predecessor and then with your plans officer, there is not a provision for an update to the OPLAN that governs CTF operations. Can you explain that to me, please?

54A: I -- there's not much I can say. He told me the OPLANs that were important to the -- to what we were doing and what needed to be worked on. He never referred to 91-7. I didn't know that existed until he left and I just said, when I had the plans chief give me a summary and just go down, and there was that list, he said this plan was outdated and -- well, referred to conditions that -- and forces that don't exist. And that was my mindset, and in all my talk with EUCOM, they never mentioned 91-7. In fact, the only time that probably that was ever said to me, that word, was that one day my plans chief and, in my mind, he said, something that is outdated and we don't have to worry about. I never heard it again until this accident.

55Q: Are the roles and missions of the subordinate elements of CTF clearly understood? That's the roles of MCC, the roles of the CTF staff, and the roles of the CFAC, for example?

55A: For me, I thought that I did understand those. When I had the briefing from -- when I came -- when I arrived with General Pilkington, he showed me his -- his command briefing. Then I went to CFAC and saw their briefing and in -- in both of those, particularly the CTF briefing, it had the missions of each element, the CFAC, JSOTF, MCC. And I went over to CFAC DO -- 39th Ops Group, and they briefed me for a good hour and a half or so, about the ATO process, more particularly it was about the -- the mission, the force assigned, they were talking some difficulties in doing that. Then they talked about the -- the ATO process which really is not an ATO as such because the situation here is not dynamic. There's no real target selection, so it's really more of a scheduling process.

We had a discussion focused on that because I -- I thought they were doing more of an ATO here. And they explained to me, no, it's a schedule and, you know, it needs to be that way, and so I felt that I had a good appreciation for who was what, and then when I sat down with my predecessor over a three day period, we talked a lot about who people were and he focused on my responsibility as the CTF C-3 responsibility down to how I integrate with those people that work with the different elements, the JSOTF, the MCC and CFAC. And down to going over with some of the people about what they do.

So I -- I -- I -- I think I had a very good understanding -- good feeling that I'm, like anybody else, there were so many things going on, I -- I couldn't understand everything, but I had an appreciation for what our responsibilities were.

56Q: Are those roles and missions documented?

56A: The roles and missions are in -- and again, I was briefed on each one of those by the command section of CTF and by the -- I went over to JSOTF for a two hour briefing for them, by the way, and I got it from CFAC, and then about nine or ten days after I came here, I went out to the MCC to get my orientation there and that's when I heard about their mission and what they did.

57Q: But my question is, are they documented in other than the briefings that you received?

57A: They're in the standard operating procedures for those -- MCC, for example, I've seen that mission statement. That's where it comes from. In fact, they had little cards that had the mission statement on there that they showed me and that was their standard operating same. CFAC had the same. JSOTF has their books, and what I saw were extracts from that which are the briefing slides.

58Q: Are those individual documents generated by CTF or by the individual units?

58A: Not being here when they were done, I don't know who would do those, or who did do those. I can only assume what would have happened before I got here.

59Q: Are they reviewed periodically or approved through a process that's controlled by the plans shop or CFAC?

59A: I'm in process -- ever since I got there, the things that were given to me by my predecessor, the review that I had my plans shop do, in fact, I never -- I didn't say that, that time I had him in my office, I said, "Okay, now go through the safes. We need to look at what we need to do. Tell me what our priorities need to be for plans." And ever since, my two plans people, we have been re-prioritizing. In fact, I just had a session today. I was hit with another CONOPS to develop.

So we've been constantly reviewing those things. I have sent teams out to the MCC, for example -- I've -- I've sent teams out to work with people, with JSOTF. I've sent people to Zakhu to integrate these plans because it had more than one element in them.

This has been a constant review process and -- and yeah, in fact, I've briefed the General on a few of those or had my people brief him, to receive guidance. And numerous times I've been to his office and -- I did the other day about the closure plan, you know, what his guidance was on that. So there is a process for that.

**(Questions by Colonel Bennett)**

60Q: I'd like to confirm something. You mentioned when you get changes in gate time that you pass it to the TGS; is that correct?

60A: No. The Turkish CTF staff.

61Q: CTF staff. Do you also notify the CFAC or the AWACS when you get changes in gate times on Eagle Flight?

61A: The gate times -- Eagle Flight will call AWACS directly. Their standard operating procedure says when they leave Diyarbakir or Zakhu, they notify them that there's a gate time change.

62Q: Okay, so there is no notification . . .

62A: No.

63Q: . . . from you to the CFAC.

63A: The CFAC -- see that's a -- the gate time change, if AWACS is going to be told by Eagle Flight and we tell the Turks -- it's my responsibility to tell the Turks, well then the command and control facilities in the air, both the AWACS and the Turkish ECI know that gate time change. To brief the CFAC, I could, but I don't see a real requirement to do that.

64Q: You were talking about the different Jerry Thompsons earlier, about one that talked on the radio and the other that sent messages. Could you refer to them in terms of the deceased versus the . . .

64A: Not so much sent messages -- yeah, I can say that. The deceased Jerry Thompson liked to use the radio, and he would call me on the radio to pass -- sometimes it would be intelligence data, and also talk about the plans we were reviewing. The Gerry Thompson who's out there now, coming back in the next couple of days, he liked to use INMARSAT, the -- the telephone. And he would talk to the Chief of Staff and the General more directly and he would use -- he would fax more than -- than the deceased Jerry Thompson, and that would go directly to them, downstairs.

65Q: You mentioned Monday, Wednesday, Friday meetings. Did you attend the Chief of Staff's Monday, Wednesday, Friday meetings on the Monday, Wednesday prior to the accident?

65A: The Chief of Staff . . .

66Q: Or the CG's meeting, I'm sorry.

66A: On -- on which days?

67Q: The Monday and the Wednesday prior to the accident?

COLONEL FAIN: It would be the eleventh or the thirteenth.

67A: On one I probably did. I don't attend every one. I have my -- one of my deputies, my RAF deputy sometimes does it for me, and I think on one of those, I did not, because I was very busy that day. I cannot remember which day was what.

COLONEL FAIN: Clarifications?

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**(Questions by Colonel At Lee)**

68Q: What did you understand to be the reason the Commanding General had a policy that he would have to personally approve any flights outside the security zone?

68A: The reason that that came up was -- I was not involved in that discussion but I'm aware at the time that he did that, there was a note passed to him, a memo passed to him, that the Turkish General's Staff said, "You cannot fly outside the security zone in helicopters."

69Q: Not going to procedures, I'm going to the reason that a flight outside the security zone would require his personal approval.

69A: That's what I'm getting to. I think that partly to coordinate with the Turkish General's Staff and with the Turkish Co-Commander, he said, "Well, all right. We won't fly outside as a routine matter. It will be," in his words, "by exception -- only upon my approval." And that's all I know about that at the time. I was not part of that discussion.

70Q: Did you understand it to have anything to do with the safety of the Eagle Flight?

70A: The General and I had talked beforehand, not specifically about helicopter flights outside of the security zone, but the overall safety of Eagle Flight. And I remember him saying that -- we were more worried about Eagle Flight flying between Diyarbakir and Zakhu, specifically just prior to the gate going into Iraq, because of the heavy PKK activity in that area. And on February 9th, we had an aircraft fired upon. So we were worried about that. And I heard the General saying that he felt that flights in the security zone, and in the Kurdish controlled territories outside of the security zone, i.e., to the southeast of the security zone towards Irbil, was actually safer than the group going into Zakhu, in Turkey -- southeastern Turkey. Specifically around Silopi and Sirsenk.

So as far as safety of Eagle Flight, I remember talking to him about that and looking at what we can do to ensure the safety of Eagle Flight, and he made the comment that he felt that they were safer flying in the security zone and outside the security zone in Kurdish controlled territory. So I remember he worked with Jerry -- the deceased Jerry Thompson, to come up with a procedure for a forty-five hundred foot AGL minimum going into Zakhu.

**(Questions by General Andrus)**

71Q: You indicated that there was a concern and a subsequent agreement between the commander and the Turkish representatives about flights outside of security zone; is that correct?

71A: Yes sir.

72Q: Would that concern, in that agreement, in any way have influenced the exclusion of information on this particular flight from being in the TAOR?

72A: Sir, I have no direct knowledge of that. But, what I can say is that again, the General, in discussion I was a part of, and he said to me several times that he felt that flight near Irbil, and

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near the Bashur area -- Bashur airfield, was safer than flying in the southeastern part of Turkey to get to Zakhu. And he felt safe -- in fact, our aircraft flying there are fighters. He felt safer there than even the security zone, the northern part of the security zone because of the -- the Turkish anti-PKK activity, just the deconfliction of aircraft. He felt the safest part was outside the security zone to the East.

73Q: Let me say it again in a different way. Was the information on the flight of the fourteenth left out of the ATO in order to preclude the Turkish members finding out about the flight?

73A: Sir, I have no knowledge of that at all.

**(Questions by Colonel At Lee)**

74Q: In your earlier testimony, when you were asked about the planning responsibilities of C-3, you indicated that it was not to develop them but -- to take the General's guidance -- the broad guidance from the General, make sure the components know that, and then integrate their plans. Again, not to write them, but to bring them together. My question is, after describing the process that you went through to learn about what the various components were doing, did you perceive there to be any need for a top down plan from CTF to the components to integrate their activities?

74A: Yes, for the things I did, and I tried to write things like that for him. I wrote planning guidance -- Commanding General's planning guidance for some of the contingency plans to do just that, to make sure everybody knew what they were doing. And when I first arrived here, there was the -- just after I arrived, eight days after, the -- the ground fire at our MCC, and that -- when I -- before I came here, I was told that was one of the highest priorities. I was told that at EUCOM, and I almost ran into that. And I started writing planning guides for that, so the components would know just what that was.

75Q: My question is, how could they write their plans if they didn't have the directives from CTF to tell them what their responsibilities were and how they interrelated with each other?

75A: I did that for the ones that were the priorities at the time. And I, myself, wrote the General's planning guides for them saying what his concept was and what their responsibilities were.

76Q: That was for specific activities, correct?

76A: Yes.

77Q: I'm referring to the overall relationship within the Combined Task Force and their daily activities, how they would carry out their mission and how they would relate to each other.

77A: Again, when I -- when I arrived here, I'm, I don't know, maybe the tenth or twelfth C-3. There have been C-5s too. I was briefed, I saw what they roles were. I was briefed by each component in turn . . .

78Q: Did you see the absence of anything apparently existing which provided the components with guidance and provided CTF staff with guidance as to how they should relate to the

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components?

78A: I saw briefings that were given to them. I saw the -- and the slides that was Commanding General's guidance. I saw the operational guidance, he had tactical guidance. Now, seeing, you know, specific things written down for each, you know, element, as I said, my first week here was -- is a whirlwind, visit each one, find out what their job is. I had the Top Cover brief first from the -- the General, what the mission was, and I had a very extensive in-brief from my predecessor and he told me what my role was and the others, and it all fit together.

79Q: In your in-brief from your predecessor, do you recall him briefing you on the need to coordinate flights outside the security zone with CFAC?

79A: He never mentioned that. The things he covered were in the -- there was a -- a briefing book he had, that he gave -- he in-briefed all newcomers to the CTF, the new public affairs officer, whoever it might be. He would give them an in-brief. And that was on there, he -- I remember he -- U.N. helicopter flights, coordinate that, coordinate the higher headquarters reconnaissance flights and coordinate with the Turkish CTF staff, the changes, and that's what I was briefed on and that's what I read in our OIs in the JOC.

(General Andrus left the interview room at 1512 hours)

80Q: You were referring to the deputy director or the chief of plans. Who is that?

80A: Currently it's Wing Commander Alan Thompson.

81Q: And is he the person who briefed you, as you described, or was it a different individual?

81A: It was a Wing Commander Adrian Sumner who -- who was here about three weeks -- until three weeks after I arrived, approximately.

82Q: In your earlier testimony, you referred to the JOC Chiefs being under the Chief of Staff in the Commanding General's direction.

82A: If I -- I don't know if I said that. That wouldn't be correct.

83Q: Okay. Is there any direct relationship between them and the Chief of Staff and the Commanding General, other than the passing of communications that you've described?

83A: The JOC Chiefs worked -- in our organizational diagram, they worked through the deputy director for operations to me. I work through the Chief of Staff to the Commanding General. There have been times when they've received direction directly.

COLONEL AT LEE: I suggest we take a brief recess. The time is 1514.

(The interview was recessed at 1514 hours, 5 May 1994)

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(The interview was reconvened at 1516 hours, 5 May 1994)

COLONEL AT LEE: The time is 1516. The individuals present at the time we recessed are once again present. I would note that about two minutes before the last recess, Major General Andrus had to leave the room.

84Q: Are there any matters related to what we've talked about or that you believe would be helpful to the understanding of this board that you wish to address?

84A: I'd like to point out that upon my arrival here, there were probably more issues at the same time than PROVIDE COMFORT has had for quite awhile.

The manning was reduced considerably and I was given priorities before I arrived here from EUCOM. They, in my in-brief, told me that there's things that you need to work on. And upon my arrival, it was pretty obvious that we had some very important things that were coming from Washington through EUCOM to work.

Along with that we saw a increasing threat to the MCC and the contingency plans became a high priority. And with only two people in the plans shop, we had to prioritize and get to those and it has not stopped since.

We work seven days a week. I'm constantly reshuffling priorities to get the hot one of the day done and to not drop any. And I also have to say that when I arrived and I looked at the -- a great deal of tasking that we had and things to accomplish, I had to go with what my predecessor in-briefed me with, what were my responsibilities and my tasks, and that of my -- the people that worked in the C-3. I had to go with a chief of plans who had been here for four months, who had gone through a plans review with EUCOM before that, during his time.

I did task my plans shop, my -- the old one when I arrived and the newcomers that had come on, to look through the safe, to help me prioritize, what do we need to do. Yes, a lot of these things were my responsibility, but I was looking at the -- the emerging requirements we had throughout my time here, and those that were, what I thought, in talking to the General and talking to EUCOM, were the ones that could get people hurt. And unfortunately at that time, it was focused on reinforcement and evacuation of the MCC, the Faydah plan that I was told was going to be executed, and we had to do that thing smartly and the base closure, and those things have consumed our time. Not to mention there's a host of other things that have happened and we have to address as they come up.

So, the questions like, do I read the JOC book every day? No, I don't. Should I? In a normal world, yes, I probably should. But the activity has been so intense and so constant and again, seven days a week, we're always open in the JOC and I'm in there seven days a week.

This is not a -- an excuse. It's just that -- and I'm not saying we're overloaded, but we had

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to focus on the priorities of the day and what we're given. And we try to do that. And, in fact, we're still doing that, to make sure that we -- the important things get done as we define it at that moment.

And in closing, I -- again, I -- when I arrived, I went with what was briefed to me as my responsibilities, what was written down in the OIs we had, and I think a very extensive JOC checklist of which carried all our duties, and as we've given copies to the investigation team, all we go through to coordinate the U.N. helicopter flights and the crop spraying and the visual recce. And the other thing we do that is -- the only other thing we do that is current ops related, is the coordination with the Turkish CTF staff for those changes that affect flying activity in Turkey. And that was very clear in what I was briefed on and what I read in our OIs in C-3.

COLONEL AT LEE: You are reminded that this is an official investigation. You're ordered not to divulge the nature of this investigation or the questions, answers or discussions included in this interview with anyone unless authorized to do so by the board president, Major General Andrus, CINCUSAFE, or higher authority. If anyone other than a member of this board should approach you regarding your testimony or the matters discussed here, you must report it immediately.

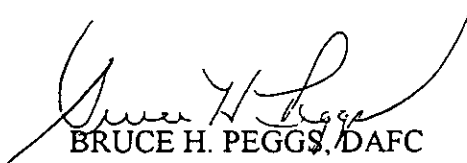
COLONEL AT LEE: Do you have any questions?

WITNESS: No.

COLONEL AT LEE: The time is 1522 and this interview is concluded.

#### REPORTER'S CERTIFICATE

I certify that the above sworn interview statement, given by James R. O'Brien to the Aircraft Accident Investigation Board was recorded by me by stenomask and that the foregoing transcript is a true, accurate, and verbatim account of that statement.

  
BRUCE H. PEGGS, DAFC  
Court Reporter  
Incirlik Air Base, Turkey

O'BRIEN

**TAB V-098**

**WIGGINS, BURTON D.**

**V-088**

**V-089**

**V-090**

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**V-095**

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## **SUMMARIZED TESTIMONY**

**BURTON D. WIGGINS, MAJOR**  
**57th Test Group**

The interview was conducted by Colonel Fain at Incirlik Air Base, Turkey, beginning at 1515 hours, 26 April 1994. The standard witness advisement was given in accordance with AFR 110-14 and the witness was sworn.

### **EXAMINATION**

I have a bachelor of arts degree in mathematics and chemistry from Blackburn College. Graduated from college in 1976. I've only completed two masters courses and do not have a masters degree. My military education includes Squadron Officers' School as well as Air Force Command and Staff College.

I've been in the Air Force fifteen years and three or four months. I've attended undergraduate navigator training at Mather Air Force Base, conducted F-4 training at Luke Air Force Base. I have approximately sixteen hundred and fifty hours in the F-4. My first assignment was in F-4Es at Seymour-Johnson followed by the rest of my assignments being F-4G Wild Weasels.

At my permanent duty station, I'm the Chief of the F-4G Pro Office which is responsible for all F-4G test efforts. At my current assignment, I'm a Joint Operations Center Chief sitting at the JOC desk at CTF C-3. My duties are to coordinate schedule changes with the Turkish C-3 members to make sure that the Turkish Air Traffic Control system is aware of our flight activities as well as passing on other flight changes to the CFAC organization. In that position, I report to Colonel O'Brien, the C-3. I do not directly supervise any other individuals.

I normally work shift work. If I'm on the morning shift, I come in at six o'clock in the morning and shift change is at two o'clock in the afternoon. The afternoon shift, when I'm on afternoons, is two o'clock in the afternoon until ten o'clock at night at which time I go home on beeper and am responsible for anything that might come up in the evening hours, after ten o'clock 'til six o'clock when the morning JOC Chief comes on.

The first week I was here, I spent the first couple of days going through the ROE read files, the continuity folder, just trying to get a feel for the operation, and then had a supervised tour, both morning shift and afternoon shift before the first full shift I pulled by myself. There is written guidance available to cover my duties. A lot of it is in checklist form, as far as specific

**WIGGINS**

times of day when there's certain things that I'm supposed to be doing, to make sure that the things are happening as necessary, as well as a narrative in a continuity folder that gives a broad description of what my duties entail. There are no policies set forth that are not covered in that guidance that I'm aware of.

I am aware of the Eagle Flight operation. I deal with Eagle Flight on a daily basis. I mainly coordinate their takeoff times. Their flight lines are printed in the daily schedule, or they were at the time of the accident, printed in the daily schedule as an "as necessary" takeoff time and they would call in the evening to activate their lines with their takeoff times which I would then pass to the Turkish controllers downstairs. I would pass takeoff times, gate in times into Iraqi airspace and land times in Zakhu. I got that information from Eagle Flight, usually by telephone. In those conversations, they did not provide any additional information other than what I already indicated above. That was standard practice. After that information was passed to the Turkish flight, we basically just received a signed sheet of paper acknowledging the fact that they had that information and would pass it on to whoever had to clear the flight and we kept a file of those in our office.

We did not get any information regarding flights from Zakhu and into the No-Fly-Zone, the security zone on a daily basis. If they were going to be flying into the security zone, we did not normally get information on the takeoff times and return times to Zakhu. They did not normally give us the route of flight they were going to be flying in the No-Fly-Zone. The only time we got that type of information was if they were flying out of the security zone itself, in which case they needed to be flying under AWACS coverage and so we had to make sure that AWACS was airborne at that time. But that was the only time we got that information. In their normal operations, as I understand it, they fly on a routine basis within the security zone in northern Iraq. That is significantly separate from that area north of the thirty-sixth parallel, and if they were going to fly outside of the security zone, but still stay above thirty-six degrees north, then that's when they would be covered by AWACS.

I passed the information that I received back from the Turkish controllers to Eagle Flight to let them know that they had, in fact, been approved. This was normally passed by telephone. There were times when it was more expeditious to do that using the SATCOM radio that we have in our office. I did not pass the information regarding their takeoff times to anyone else. We were not required to do that.

During the week of nine to fourteen April, there were two occasions that I know of that Eagle Flights departed the security zone to go south of the security zone. The first one, as I recall, was disapproved. They had requested two flights, the second of which General Pilkington and the other coalition commanders went to Zakhu. The day prior to that, I think they had requested it and I think it had been disapproved. And then the second day, when General Pilkington and the coalition commanders went, we had that coordination, and those are the only two that I was aware of.

**WIGGINS**

The first requested flight was disapproved I think because the Turkish General Staff did not wish us to fly outside the security zone. I think that may have been the problem, but there was some discussion over that.

On the day that General Pilkington flew, the Joint Operations Center knew their takeoff times from Incirlik to Diyarbakir on the C-12, their takeoff times from Diyarbakir to Zakhu on Eagle Flight and we knew their departure time from Zakhu, and then we knew when they left Zakhu on their return flight to Diyarbakir, but we did not know when they got back to Zakhu.

We did not have information at the Joint Operations Center to give us the route of flight. I'm sure the folks at Zakhu did know but I'm not sure if anybody at Incirlik knew.

We were aware of the takeoff time from Zakhu into the other portion of northern Iraq because we heard it on the radio when they took off, so we knew when they were actually airborne. I do not recall the takeoff time. I know AWACS was airborne because they didn't takeoff until after AWACS was on station because, as I recall that morning, there was a ROLEX that morning, and I think that delayed their departure from Zakhu by maybe fifteen or twenty minutes, waiting for AWACS to get on station. I do not recall if the first fighters were on station when they departed Zakhu.

There should be logs available to show takeoff times within the Joint Operations Center. The radio operator log should have that time.

I was on duty on the morning of the 14th of April. I was the JOC Chief that morning. I knew that Eagle Flight had taken off from Diyarbakir. I knew they had recovered at Zakhu. I did not know when they took off from Zakhu. I did not know what their route of flight, or any information about their flight from Zakhu, would be. I would expect that information could be obtained from MCC Zakhu, if it was available at all. On a routine basis, we do not get that information. I was aware of the takeoff time from Diyarbakir when I assumed my duties that morning. As I recall, they took off at 0520 Zulu that morning, or somewhere within probably five or ten minutes of that. That information was not passed to anyone at Incirlik or airborne in the OPC package. I would expect the airborne package, AWACS in particular, to be aware of that flight because I think Eagle Flight normally checked in with AWACS once they approached the gate into Iraq.

There is nothing in any of my directives that gives me responsibility for notifying anyone once I've received a takeoff time for Eagle Flight, either for approval in the evening, or when I actually detect it from the radios or other communications.

I am aware of guidance provided to Eagle Flight or the MCC regarding restrictions to their takeoffs to depart Zakhu into the AOR with regards to AWACS coverage. If they were going to remain within the security zone, as far as I know, there was no restriction.

**WIGGINS**

However, the guidance was that if they were flying outside the security zone, they had to have AWACS coverage. That guidance came from General Pilkington. I don't recall how that information was made available to me. I know I knew it, but I don't recall where that information was written down, if it came down as a memo or if it was word of mouth from Colonel O'Brien.

I was not aware of the guidance in the ACO that helicopters were not to fly in the No-Fly-Zone prior to the fighters sweeping the area to ensure there were no Iraqi aircraft in the No-Fly-Zone. There were no procedures that I had been briefed on, or any written guidance, that would have indicated a responsibility for anyone in the JOC to check and confirm that helicopters did not takeoff until the fighters had swept the area.

The activity of the week of nine through fourteen April for flights outside of the security zone, was an unusual occurrence. I had never observed that type of activity at any point during my tour here.

I don't recall how I became aware that the helicopters would fly outside of the security zone on the 14th of April. I'm trying to remember when I became aware of it. I became aware of the prior flight that General Pilkington was on because I had worked the night prior when the request had come in from Zakhu for the flights outside the security zone. So I was the one who passed that request to General Pilkington. That's how I was aware that night.

I was not on duty the night of the 13th of April. I would assume that the same type of information would have been passed on that flight as was passed on the prior flight. The information normally would have been recorded in the log, so that when I came on shift, I would have read the previous log entries just to get up to speed as far as what's happened while I wasn't on duty. I did read the log that morning but I honestly don't remember if it was written in there or not. Once I read that, and if it went as they had called it in the night prior, as the morning JOC Chief, I would really have no actions at all. The only time they would call is if for some reason, due to maintenance problems or something, they were not able to make their takeoff time, plus or minus fifteen minutes, at which time they would call on the radio and I would coordinate a new takeoff time for them.

There was nothing in my written guidance that would require me to pass that information to anyone. If there was a change to the published ATO, the Duke and Mad Dog get that information before I do, so I would not have had to pass that information either.

Eagle Flight was normally listed as an "as required" line on the ATO and there was very little interface between Eagle Flight operations and the normal fighter activity. If there had been interface and I would have received a takeoff time and route of flight for Eagle Flight, I would have passed that information to Mad Dog. It would have gone from the JOC to Mad Dog.

In the JOC, the work center where I am physically located, there is a policy board on the

**WIGGINS**

wall. I don't recall any entries on that policy board with regard to flights outside of the security zone on the 14th of April. I'm just trying to remember if I can remember what's on it right now. There's been several things on and off the board in the seven weeks I've been there. I don't remember on that particular day if there was anything regarding the security zone or not.

Most of the items that end up on the commander's white board are also in either the aircrew read file, information that gets to the crews, or comes out as Battle Staff Directives as changes to ATOs or something.

A daily flying schedule or perhaps a weekly flying schedule is provided from Eagle Flight, from the MCC to CTF C-3. I have seen that schedule. We use that schedule as kind of a gauge, I guess, as far as what to expect, mainly for coordination with C-4 and the C-12 operation. As of the fourteenth, none of that information was ever passed to the CFAC.

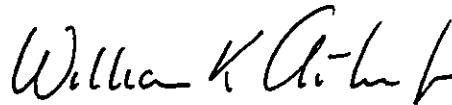
Up to the 14th of April, it was our responsibility to coordinate with the Turkish folks on the airfield, to coordinate takeoff time changes and any additional missions that they wanted to activate. That was our main interface with the CFAC. We listened on the radio just to kind of keep track of what was going on in regards to JTIDS links, possible ROLEXs and how the package was flowing in general. We get information on U.N. flight activities in northern Iraq and we verify that CFAC has that information. We did not routinely pass information to the CFAC on any other occasions.

As for the U.N. flight information, I know it gets to AWACS and whether or not the Eagle Flight helicopter operation outside the security zone got to AWACS or not, I don't know. That information was not available to me the morning of the fourteenth.

(The interview was concluded at 1544 hours, 26 April 1994)

(The standard witness caution was given and the witness had no questions)

I certify that the foregoing is a true and accurate summary of the testimony of Burton D. Wiggins, as given to the Aircraft Accident Investigation Board.



WILLIAM K. AT LEE, JR., Colonel, USAF  
Legal Advisor

**WIGGINS**



**TAB V-099**

**MUSTAFA, ALI**

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## **SUMMARIZED TESTIMONY**

**OF**

**ALI MUSTAFA  
AQRAH, IRAQ**

The interview was conducted by LTC Scott C. Black at Crash Site 1 and Crash Site 2, Iraq, beginning at 1330 hours, 26 April 1994. A witness advisement of rights was given in accordance with AFR 110-14, and the witness was sworn.

NOTE: This interview was conducted through an interpreter (Shafik Taha). The summarization is, therefore, based upon his translation of the witness' words.

### **EXAMINATION**

On 14 April 1994, I saw helicopters by my house. When I came to the first accident I took a picture down by the river. I took pictures with a camera that belonged to Aqrah Television in Aqrah. The cassette was SKC from Korea. There was about 20 minutes recorded on it when I went to the village, and I continued with the accident on it. I took the picture of the helicopter at night, but they told me not to take pictures.

The first pictures that I took I see there is fire. The fire is about 100 meters -- it was very high. I saw this fire fifteen minutes after the accident. There is a white label that I put on a new cassette that day. After the fire started to go down I took pictures of the fire burning for about 20 minutes.

I told General Ali that I took pictures, and then I gave them to him. I received an order from Mr. Barzani that he needed the cassettes from General Ali. I gave the cassettes to General Ali, but I do not know what he did with the cassette because he put it in a white bag. I never saw the cassette that I took on television. I told the children not to come too close to the accident because I take pictures for everybody. I told them not to take anything. If anybody take anything I will take a picture and you will see it on the television. Then, we kept the children far away from the accident. I also took a picture of security -- putting water on the fire. I needed to take time to take more pictures, but the airplane was very close to us. I was also afraid because they were going to hit us also.

My camera does not put a label on the film. If there was a label on it, it was added by Mr. Barzani. I do not know who would have dubbed the film for Mr. Barzani.

**MUSTAFA**

We knew that the U.S.A. airplane hit the helicopter and I did not have the courage to take any more pictures or to tell anyone that I took pictures.

The standard witness caution was given and the witness had no questions.

I certify that the foregoing is true and accurate summary of the testimony of ALI MUSTAFA, as given to the Aircraft Accident Investigation Board



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SCOTT C. BLACK, LTC, USA  
Legal Advisor

**MUSTAFA**

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**TAB V-100**

**V-090**

**THOMPSON, GERALD B.**

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**V-100**

**VERBATIM TESTIMONY**

**OF**

**GERALD B. THOMPSON, COLONEL**  
**Headquarters, U.S. European Command**  
**Stuttgart, Germany**

**LTC BLACK:** The time is now 2217 on 25 April 1994. The persons present are the following: Colonel Bennett, Deputy Board President, Colonel Thompson, witness, Lieutenant Colonel Black, legal advisor.

**LTC BLACK:** This interview is being conducted at Zakhu, Iraq. This is an official Air Force Regulation 110-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of these helicopters in the northern No-Fly-Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINCUSAFE. This investigation is not a Safety Mishap Investigation conducted under AFR 127-4. It is an aircraft accident investigation conducted under AFR 110-14. The purpose of this accident investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary action, adverse administrative proceedings and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes and all witnesses are advised that the testimony will be treated in confidence.

However, testimony given in this accident investigation may be used for any purpose deemed appropriate by competent authority and may be publicly disseminated.

Do you understand the difference between a Safety Mishap Investigation and this Accident Investigation?

**WITNESS:** I do.

**LTC BLACK:** Do you understand the purpose of this investigation?

**WITNESS:** I do.

**LTC BLACK:** Do you have any questions?

**THOMPSON**

WITNESS: No.

LTC BLACK: Your testimony will be recorded and transcribed so that a written record may be made available to the appointing or higher authority. For the benefit of our reporter, who will be transcribing this, please avoid the use of acronyms or jargon, speak slowly, clearly and loudly.

As this is an official investigation, you are required to answer questions put to you by the board. You are further advised not to discuss classified information unless necessary to develop your testimony. If it's necessary for you to discuss classified information, you need to identify it as such.

Would you please rise so that I can swear you in.

(The witness was sworn)

### EXAMINATION

1Q: Would you please state your full name and grade?

1A: Gerald B. Thompson, Colonel.

2Q: Your organization and permanent duty station, sir?

2A: Headquarters, U.S. European Command, J-4, Directorate Security Assistance, Africa Branch.

3Q: And where is your present duty assignment, sir?

3A: I'm the Chief of African Branch and J-4 at Headquarters, European Command.

4Q: And currently you are assigned to what position?

4A: I am currently assigned as the Acting U.S. Co-Commander of MCC Zakhu.

LTC BLACK: Thank you, sir. Colonel Bennett?

### (Questions by Colonel Bennett)

5Q: Colonel Thompson, were you present here at Zakhu on the 14th of April?

5A: No sir.

6Q: Could you please tell us when you arrived back at Zakhu after the accident?

6A: I'm afraid I'm going to have to check a calendar. It was the Sunday following the incident. I left Stuttgart on Saturday and arrived here on Sunday. That would be the seventeenth?

### THOMPSON

7Q: I believe that is the 17th of April. Colonel Thompson, you were previously assigned here to Zakhu as the MCC commander. Could you tell us that period of time?

7A: I was assigned here from May of '93 until November of '93. I left in the first week of November. As I recall, it was the 6th.

8Q: Had you come back here at any other periods of time, other than during that time period?

8A: I came here at the end of January while the other Colonel Jerry Thompson, who was then the U.S. Co-Commander, was out for a break, in the middle of his tour. I came here to relieve him during that period. I'm sorry I don't recall the exact dates, but it was the 27th, approximately, of January. I do recall that I left here on the 14th of February.

9Q: Okay. That's in 1994.

9A: In 1994, right.

10Q: To summarize then, you were here then as the commander from May of '93 to November of '93, and then for approximately a three week period of time the latter part of January '94 into February '94.

10A: That's correct.

11Q: I would like to ask you a couple of questions about flight routes that the Eagle Flight would fly while performing missions for the MCC. Could you please describe for me the route that you would expect Eagle Flight to fly if they were told to go from Zakhu to Irbil?

11A: In a totally normal environment, the normal route to follow would be to fly out of Zakhu, across Sirsenk Airfield and down the Barzan Valley, across the village of Barzan, go through the cut at Bekhma, and then from Bekhma to go to Irbil, you take a line generally south following the folds in the terrain.

12Q: And what . . .

12A: Now, in -- in -- I said that that was under normal conditions. At the present time, and on April the 14th, you have a situation in which there is a Turkish cross-border operation that, although it does not extend . . .

(There was an interruption)

The extent of it is down to Kammi Masi, which is in the valley north of Barzan, but it's close enough to Barzan that one would at least consider -- I can't say that this is the decision that was made, but one would at least consider following a more southerly track, which would go from Zakhu to cross the road which comes north out of Dahuk, at a point north of Zawita, and then across a ridge to the east of that, and then you would pick up a valley. You have a couple of choices here, but you would pick up a valley, probably the one that runs across Ashkafta to Dinarta and leads to Bekhma again. And once reaching Bekhma, you would make a right turn through Bekhma and, as I say, follow the folds in the ground south to Irbil.

**THOMPSON**

13Q: I'm going to ask you, Colonel Thompson, if you would, at the conclusion of this interview, sketch out for us on a piece of paper, the route with those individual towns so that it's easier for our transcriber to plot them on a chart. In what general compass direction is this route of flight, if you would describe it?

13A: Either way, it actually, is -- is generally east. The second route takes a track slightly south of east, until you pick up the valley, as I said. That is north of Zawita, and then that track, once again, is approximately east until you get to Bekhma, where you make a turn to the south.

14Q: Would you, knowing the location of the two sites where the accident took place, would you have expected them to be flying along that route if you had known what their destination was?

14A: If I were to -- in the present tactical situation, given the -- what we know about the Turkish incursion and so forth, if I were told to fly that mission today, I would fly the southern route across Ashkafta, Dinarta to Bekhma.

15Q: Is that the route that the Eagle Flight flew?

15A: That's where the two -- that's where the crash sites are.

16Q: Okay. Can you explain to me why, since that takes you out of your way, you would not fly a straight route direct from Zakhu to Irbil?

16A: It's -- you have a tactical problem with the terrain in that the -- the mountain -- the northern mountains of Iraq, which is where the security zone is, are -- the southern edge of those is a very distinct ridge line which, if you look at it from the south, it's just like a wall. If you go south of that ridge line, you are on a flat, open rolling plain all the way to Mosel. So on the south side of that ridge, you're exposed to any air defense system that the Iraqis might have in range with that ridge line.

By staying north of that ridge line, and you have a couple of choices. I gave you the route, it's not necessarily the only route, but if you stay north of that main ridge line, then you are masked from any potential threat from Iraqi air defense system. If you took straight south or on the diagonal line from Zakhu direct line to Irbil, you'd be wide open to an air defense threat.

17Q: During the time that you were a commander here, can you think of any instances when you flew a straight line from Zakhu to Irbil?

17A: No sir, and I would never do it.

18Q: Okay. Is there any . . .

18A: First there's two rules that you break there. It's tactically stupid. It takes you out of the security zone long before you need to go out of the security zone. By flying the route that I'm describing to you, you're both tactically sound and staying defiladed, and also you're staying inside the security zone for a longer period of time.

**THOMPSON**



COLONEL BENNETT: Do you have anything you would like to add to this interview concerning the events that happened on the fourteenth?

WITNESS: I'm aware of no time that Eagle Flight has ever flown the direct line that you described from Zakhu to Irbil. That, to me, is unthinkable. Now, that's all I know about it.

COLONEL BENNETT: Okay. That's all I have. Colonel Black?

LTC BLACK: You're reminded this is an official investigation. You're ordered not to divulge the nature of this investigation or the questions, answers or discussions included in this interview with anyone unless authorized to do so by the board president, Major General Andrus, CINCUSAFE, or higher authority. If anyone other than a member of this board should approach you regarding your testimony or the matters discussed here, you should report it immediately.

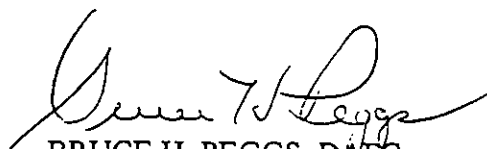
LTC BLACK: Do you have any questions?

WITNESS: No.

LTC BLACK: The time is 2230 and this interview is concluded.

#### REPORTER'S CERTIFICATE

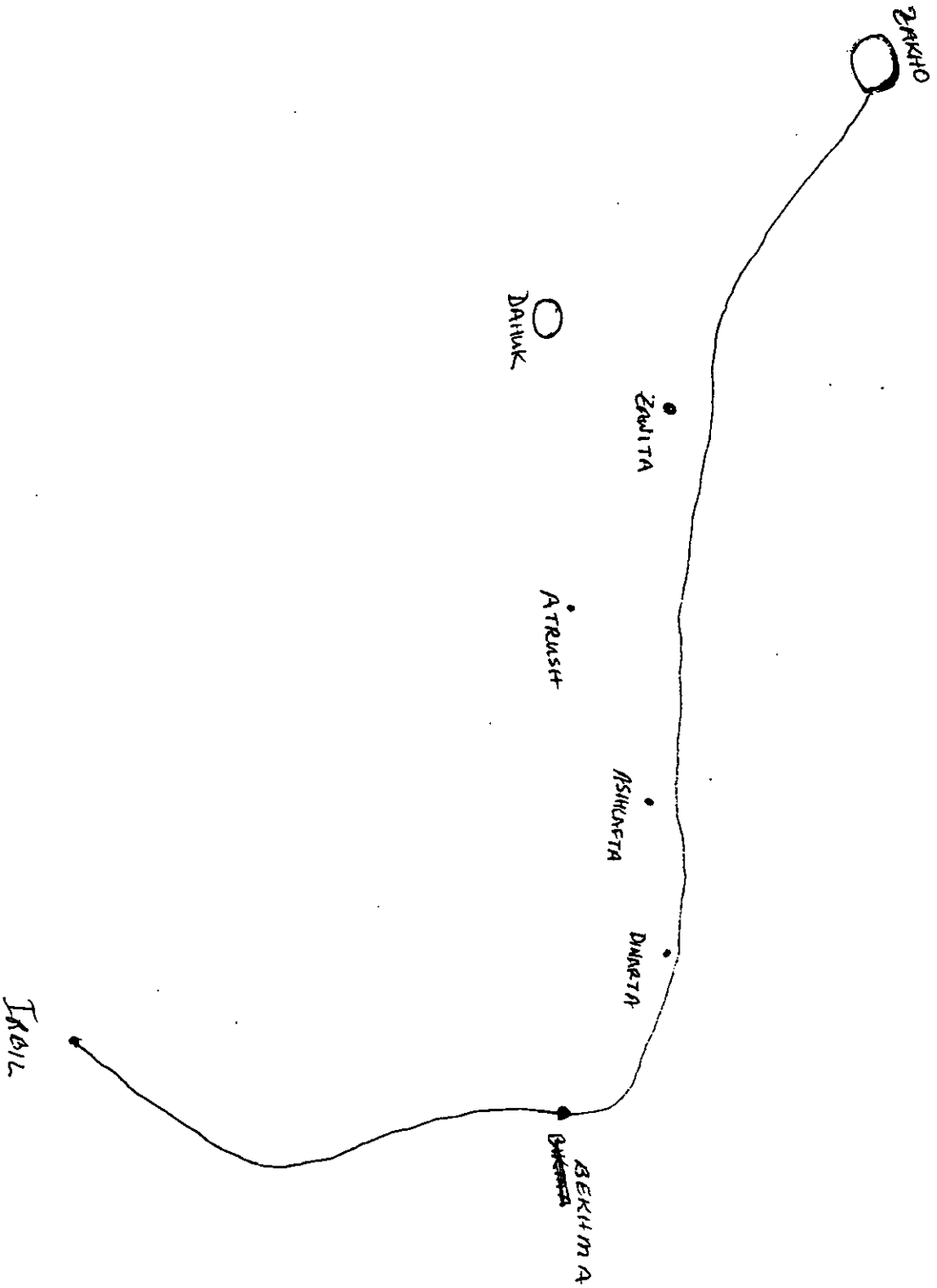
I certify that the above sworn interview statement, given by Gerald B. Thompson to the Aircraft Accident Investigation Board, was recorded by me by stenomask, and that the foregoing transcript is a true, accurate, and verbatim account of that statement.



BRUCE H. PEGGS, DAFC  
Court Reporter  
Incirlik Air Base, Turkey

THOMPSON

*Handwritten signature*  
GERARD B. THOMPSON  
25 APR 94



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**TAB V-100A**

V-090

**THOMPSON, GERALD B.**

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**VERBATIM TESTIMONY OF  
COLONEL GERALD B. THOMPSON  
HEADQUARTERS, USEUCOM  
STUTTGART, GERMANY  
(2nd Interview)**

COL AT LEE: The time is 1456 on the 29th of April 1994. The persons present are the Witness and in addition, Major General Andrus, Colonel Bennett, Colonel Armen, Mr. Brummell, Group Captain Doggett, Colonel Fain and I am Colonel At Lee.

This interview is being conducted at Incirlik Air Base, Turkey. This is an official AFR 110-14 Aircraft Accident Investigation into the facts and circumstances surrounding the crash of two U.S. Army Black Hawk helicopters and the possible involvement of U.S. fighter aircraft in the crash of these helicopters in the northern No-Fly-Zone of Iraq on 14 April 1994.

This investigation is being conducted at the direction of General Robert C. Oaks, CINCUSAFE. This investigation is not a Safety Mishap Investigation.

(At this point, the Court Reporter notices a problem with the equipment and stops the proceeding just momentarily.)

COL AT LEE: This investigation is not a Safety Mishap Investigation under AFR 127-4. It is an Aircraft Accident Investigation conducted under AFR 110-14. The purpose of this accident investigation--

(At this point, in an abundance of caution, the machine is replaced and the interview continues on a new tape.)

COL AT LEE: This investigation is not a Safety Mishap Investigation under AFR 127-4. It is an Aircraft Investigation conducted under AFR 110-14. The purpose of this accident investigation is to obtain and preserve all available evidence for use in claims, litigation, disciplinary action, adverse administrative proceedings and for all other purposes. Testimony before a Safety Mishap Investigation Board is given with the understanding that it can only be used for mishap prevention purposes and the witnesses who provide testimony are informed that it will be held in confidence.

However, testimony given in this accident investigation may be used for any purpose deemed appropriate by competent authority and may be publicly disseminated.

Do you understand the difference between a Safety Mishap Investigation and this Accident Investigation?

WITNESS: I do.

COL AT LEE: Do you understand the purpose of this Investigation?

**COLONEL GERALD B. THOMPSON**

WITNESS: Yes, Sir.

COL AT LEE: Do you have any questions?

WITNESS: No.

COL AT LEE: Your testimony will be recorded and transcribed so that a written record can be made available to the appointing or higher authority. For the benefit of the reporter, please avoid the use of acronyms or jargon. Please speak slowly, loudly and clearly. Remember to explain your testimony carefully so that others who do not have your technical background can understand.

As this is an official investigation, you are required to answer questions put to you by this board. You are further advised not to discuss classified information unless necessary to develop your testimony. If it is necessary for you to discuss classified information, you need to identify it as such.

Do you have any questions?

WITNESS: No.

COL AT LEE: Would you please stand and I will put you under oath.

(The witness was sworn.)

## EXAMINATION

### Questions by Colonel At Lee:

1Q: Would you state your full name and grade?

1A: My name is Gerald B. Thompson--that's Gerald with a "G"--Gerald B. Thompson as distinguished from the victim in the accident, Jerald L. Thompson, who was Jerald with a "J". My rank is Colonel.

2Q: Your organization?

2A: I'm permanently assigned to Headquarters, US European Command in Stuttgart, Germany, in Africa Branch Security Assistance Division J-4 Directorate. I am temporarily assigned as the acting U.S. Co-Commander at the MCC, that's Military Coordination Center in Zakhu, Iraq. I was previously assigned as the U.S. Co-Commander of the MCC in Zakhu, Iraq from May to November of 1993. I also served in that capacity for approximately a three week period at the end of January 94 until February the 14th of 1994. I don't recall the exact date I arrived in Zakhu, but it was approximately a three week period which ended on the 14th of February.

**COLONEL GERALD B. THOMPSON**

COL AT LEE: Colonel Fain.

**Questions by Colonel Fain:**

3Q: Would you very briefly describe your military background to date please?

3A: I spent ten years as an infantryman doing the things that an infantry officer typically does--platoon leader, company commander, battalion motor officer, S-3, etcetera. I then, following Command and General Staff College, entered the Army's Foreign Area Officer Program. I attended language school in Tunisia, served two years in Saudi Arabia, four years at Fort Leavenworth as an instructor, and doctor and writer in Low Intensity Conflict, two years in Yemen as a defense attache, that was during the Desert Shield/Desert Storm period.

4Q: You've previously stated that your position in the Military Coordination Center or MCC was as the U.S. Co-Commander from May to November of 1993. You further stated that you spent three weeks in the MCC from January of 94 to February of 94, February 14th. Was that three weeks in the same capacity?

4A That's correct.

5Q: Could you describe for me briefly the mission of the MCC?

5A: What it all boils down to is to, as we say, see and be seen. Now, there's quite a long mission paragraph that describes that for you. It talks about maintaining contact with regional and local authorities and humanitarian assistance organizations, etcetera, etcetera. But what the MCC is about is to be the physical evidence of coalition commitment to the enforcement of Security Council resolutions and cease fire agreements in northern Iraq, and our job there is see and be seen.

6Q: Would you describe the relationship of the MCC to the Combined Task Force or CTF with respect to chain of command.

6A: MCC is a direct sub-element of the CTF, reports to CTF Headquarters in Incirlik.

7Q: Does the MCC fall under any other command or control organizations?

7A: No.

8Q: Would you describe the organizations that make up the MCC?

8A: The MCC is composed of four national contingencies. There's representation from the United States, Britain, France and Turkey. The whole organization--to discuss the whole thing, you would also have to take in the rear support structure at Pirinlik and Eagle Flight platoon which is an OPCON element out of 12th Aviation in Germany based at Diyarbakir.

Let me start with MCC Zakhu first and work back. Forgive me if I miss a number someplace, but it's seventeen people assigned in Zakhu. The United States provides personnel for the positions of the U.S. Co-Commander, the Operations officer, an officer who serves as the contracting officer for the Office of Foreign Disaster Assistance (OFDA) cell which is working

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in Zakhu managing the United States Assistance Program. That's a side operation when we're speaking of the MCC itself which is a combined operation, but he is part of my staff.

We provide, normally, a Special Forces warrant officer. It can be a Special Forces senior NCO as the OIC/NCOIC of the Guard Force. We provide two communicators, one of which will come from Special Operations Force. I'll come back to that in a minute--also a Special Forces medic. The three Special Operations Force guys, the Guard Force OIC, Senior Communicator and Medic all are drawn from the JSOTF "B" team that is here at Incirlik in a given rotation.

The British contingent provides, first of all, a British Coalition Chief, who serves as the MCC as an XO. They also provide, normally, a Major or Squadron Leader in the capacity of security officer.

The French provide one lieutenant colonel as Coalition Chief and one sergeant who serves as a translator.

Excuse me, back on the American contingent, I omitted the translator. The American contingent also provides a translator. You have two military translators.

The Turkish contingent provides one colonel as the Turkish Co-Commander. They will have two officers assigned, normally one major, one captain; although it has been two majors; and they also have a radio operator. The two majors serve within the MCC staff. One of them will work in the Intel Security cell and the other one will work in our Planning cell.

COL FAIN: The level of detail is not required, just a general overview of the organizations will be fine.

WITNESS: Okay. At any rate, whatever level of detail, that pretty well does Zakhu. There is an MCC rear operation which provides logistic and some administrative support and works out of Pirinlik Air Base, approximately five personnel, and then there is the Eagle Flight platoon which is quartered at Pirinlik Air Base and operates out of Diyarbakir Air Base, is OPCON to the MCC and provides aviation support.

9Q: What directives and regulations govern the operation of the MCC?

9A: The only written guidance is a CTF SOP which was completed just prior to my arrival in May of 93. I believe the date on it is 19 April. The only reason I happen to recall that is the Board had requested a mission statement document and I was in it last night. It's the only external document that I'm aware of that provides guidance to the conduct of the MCC mission.

10Q: Do you consider the MCC mission, with respect to flight operations in northern Iraq, to be a portion of the Operation PROVIDE COMFORT mission or a separate mission?

10A: It's absolutely a portion of.

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11Q: With respect to the daily flight operations, how are the MCC flight operations of Eagle Flight integrated into the OPC daily flying mission?

11A: What we do is the MCC will conduct ground and air operations, normally, within the security zone. We do occasionally go outside the security zone with the purpose being to maintain contact with the population and also let the population see us. This can take a couple of different forms. Integrated with Eagle Flight, it generally will take the form of a village visit in one of the farther reaches of the security zone that's not easily accessible by a road. The integration of that with the overall CTF operation is perhaps in the abstract because you're in a relatively benign air defense environment and no support from the CTF is actually required to conduct that operation so the procedures are that Eagle Flight will maintain communications with Cougar, that's the AWACS airplane; but actually orchestrate the tactics of what we're doing with CTF is not necessary.

There are times when we do actually orchestrate the tactics of what the MCC is doing with the air operation. For example, when we go down to do a presence operation in front of the Iraqi camp at Faydeh, that's a place where, because of the geography of the security zone, we're actually in range of the Iraqi positions at the Faydeh camp and we routinely conduct those with TAC air support visible overhead so that everybody knows where we all are.

When the MCC travels outside the security zone; for example, to visit the regional government leadership in Irbil or for whatever other reason, we do not travel outside the security zone without AWACS and fighter cover in the air so that, should that, should there come to be an air threat, we would be able to request assistance.

12Q: Your operations then appear to be divided between the security zone and outside the security zone. With respect to flights in the security zone, is AWACS coverage required?

12A: It's desired but not required.

13Q: And with respect to those same flights inside the security zone, is fighter coverage required?

13A: You don't have fighter coverage without AWACS so the two go together.

14Q: And when you referred to the term "Cougar" a moment ago, you meant AWACS. Is that correct?

14A: Correct. Let me explain a little bit of the rationale on why we would operate in the security zone without AWACS and fighter coverage so everybody is clear. It comes back to the tactical notion of what is the air defense threat. There is not an air defense threat in the security zone. There is not an air threat--there is not an enemy air threat inside the security zone so what you're looking for in terms of coverage as you fly in the security zone is the ability to contact the base and request assistance if there's a mechanical breakdown or some other problem and we've always felt that we had that redundancy by operating in a minimum two-ship, sometimes three-ship flight of Eagle Flight. If one helicopter was to go down for a mechanical reason or if there

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were to be ground fire and take one down, the other helicopter is still available to report and request assistance.

15Q: Is the concept of operations that you've just described to me that of operating in the security zone without AWACS or air coverage understood throughout the CTF command structure?

15A: To my knowledge, yes. I've been gone away effectively since November of 93. I came back during that three week period the end of January, and it was never an issue then.

16Q: With regards to coordinating the AWACS coverage and the fighter coverage for flights outside of the security zone, is there a formal process to have those flights identified to the rest of the OPC package?

16A: Well, it requires the approval of the commanding general to operate outside of the security zone. We make that request to the CTF and when it comes back approved, that is a staff product to the CTF.

17Q: Are there additional notifications made by Eagle Flight or MCC to any other agency within CTF, other than the command structure?

17A: There--I'm afraid I'd have to tell you to ask the Eagle Flight guys to get the details on this because from my end of it what we do is we handle the scheduling and if we're going outside the zone to request approval to go outside the zone. But the details of working such things as the code letters to identify the different locations and so forth that Eagle Flight reports as they go along are worked between Eagle Flight Operations and I believe their point of contact is with the C-3, but you'd have to ask them to clarify that. The mechanics of the mission--they work somewhere between CFAC and C-3.

18Q: Would you expect the presence of Eagle Flight helicopters outside of the security zone to be known to the fighters in the Operation PROVIDE COMFORT package?

18A: Yes, Sir. It should happen because I would expect that it would be a briefing item to the pilots that we were going outside the zone for a mission. That's an expectation. I've not sat through one of those briefings to verify that's taking place.

19Q: Would you expect the same knowledge to be imparted to the pilots for flights conducted by Eagle Flight within the security zone?

19A: Again, my expectation would be that they would be aware that Eagle flight was operating, but to impart to them the details of where we are going, time schedule and so forth in the security zone, I would not expect that that would have occurred. Again, the security zone, from the standpoint of air threat, is a benign environment.

20Q: You would then not expect Iraqi fighters based in the northern most bases south of the 36 degree line to react or be a threat to aircraft operating in the northern portion of the No-Fly-Zone, the security zone, as we've referred to it?

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20A: I think there's a difference and I'm perhaps out of my league in talking about fighter business, but I think there's a difference in terms of threat to Eagle Flight which is down on the ground, hugging terrain, masked to all radar to the south, invisible to them. I would equally as well expect to be attacked in my truck by an Iraqi fighter. Now, on the other hand, if I were flying a fighter plane at 10,000 feet over the security zone where you are visible to them on radar, I think you're in a different mode.

21Q: Do you have knowledge of the flight following procedures of the UH-60s, the Eagle Flights, while operating in the AOR?

21A: I've never really delved into those. I've always--I listen on the intercom. As we lift off, they report their present location and they report their destination.

22Q: Do you know who they are talking to when they make those reports?

22A: Cougar.

23Q: Cougar--AWACS. Are specific approvals required above MCC level for Eagle Flight operations in the security zone?

23A: Within the security zone, normally, no. I think that's the best answer. You can have situations occur where the threat situation for one reason or another has changed and the General and I will talk about it and we will agree that we are not going to operate in this area or that area, but that's part of the fluidity of environment. All else being equal, no, they can operate anywhere in the zone that the MCC commander wants them to go.

24Q: In your communications, the approval process that you just referred to up channel, are there other individuals in the CTF organization involved?

24A: I would, normally, put that discussion through the Chief of Staff and/or the C-3, but certainly through the Chief of Staff, I should say--yea, Chief of Staff and sometimes C-3 as well.

25Q: With regards to Eagle Flight missions, could you describe the mission planning sequence that results in an Eagle Flight tasking?

25A: I can describe the way it was done during my tenure as MCC commander. I've seen nothing to make me believe that it has changed, but I have deliberately not delved into the details of that stuff because I didn't feel it was my capacity to be investigating this accident. The planning sequence runs--the MCC Coalition Chiefs have a planning meeting, normally on Sunday night, every week, and they will plan for the next three weeks with the objective being to lock in the details of the current week, finalize the planning for the second week and to project our activities for the third week. In the course of that, you will come up with requirements of Eagle Flight. Following that meeting, the operations officer will communicate to the Eagle Flight commander what are the things that we want Eagle Flight to do and a copy of that same piece will be forwarded to C-3.

26Q: As you mention C-3, would you understand C-3 to be a command link?

26A: It's a staff support link--it's the operations link.

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27Q: Would you consider them to be a communications link?

27A: I don't understand the distinction you're making.

28Q: Passing of information up and down the channel through them?

28A: It's the operations staff at the CTF. I think what we're talking about here is operations staff business.

29Q: Are you aware of OPLAN 91-7?

29A: I know 91-4, 91-6 and I think the other one is 93-10, but I am not aware of 91-7. Is this a EUCOM OPLAN or a CTF OPLAN?

30Q: CTF OPLAN regarding OPC.

30A: I don't recall 91-7.

31Q: Are you familiar with the Airspace Control Order or ACO?

31A: No, Sir.

32Q: What is your knowledge of the Air Tasking Order or ATO?

32A: The ATO is a document in which we received copies infrequently which explains what the mission requirements are going to be to all of the aircraft in the CTF on a given day, and it's projected over--let's see, as I recall, it was over a one day period, but it seems to me that there was something in there for the next two or three days as well. It's been a long time since I saw one of those.

COL FAIN: I understand.

WIT: And we did not get them every day. They were primarily a point of interest to us when we were going to do a Faydeh operation in which we were going to have fighter aircraft flying cover for us. By looking at that Air Tasking Order, we could tell the type aircraft and call signs that were going to be supporting us so it usually worked out that we only got the full ATO on the day when we were doing a Faydeh operation.

33Q: A follow-up question on the OPLANs, what are the OPLANs that you are aware of that govern the operations of OPC?

33A: Only by virtue of the fact that I'm on the EUCOM staff, I'm aware that there's a EUCOM OPLAN that talks about the whole PROVIDE COMFORT Operation. I do not know in what way that OPLAN addresses the MCC. We do not have a copy of it at the MCC.

34Q: Upon your departure in November of 93, did you have a period of overlap with your successor?

34A: Right. We had a one week overlap, approximately.

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35Q: Do you feel at the end of that one week he understood the responsibilities of the mission as you knew them?

35A: Yes.

36Q: Upon your return in January, for the three-week period, January of 94, did you find the operation to be the same as when I left it?

36A: In general, yes. There are always some things that are a bit different with each commander. He adjusted the roles of the operations officer and contracting officer and I didn't feel uncomfortable at all.

37Q: Did you consider the operations to be standard?

37A: Yes.

COL FAIN: Follow up for clarification?

**Questions by Colonel At Lee:**

38Q: Your current capacity now?

38A: I am the acting U.S. Co-Commander of the MCC in Zakhu.

39Q: And you acquired those duties when?

39A: Let's see--we deployed to Incirlik on the Saturday following the incident--was that the 18th?

40Q: That's the 16th.

40A: The 16th, okay. We overnighted in Incirlik and deployed the next day to Zakhu so I arrived there on the 17th.

41Q: The same question you were asked about your return in January to February of 94--did you find things when you returned this time, in terms of general operations--procedures, to be as you had understood them to be when you last left?

41A: Right. I reiterate--I did not grind around in the details of this specific operation. When you ask me that question, I presume we're talking about how we do business, how we operate everyday?

42Q: Exactly.

42A: No change.

43Q: You referred to OPCON for Eagle flight being with the MCC Co-Commanders. What do you mean by that, by OPCON in this sense?

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43A: They're under the operational control of the MCC Commander in that I don't own them. Command is retained by their parent unit, 12th Aviation Brigade, but I direct their daily operations.

44Q: When you refer to JSOTF, is that the Joint Special Operations Task Force?

44A: Correct.

45Q: Could you describe whether there is a role for a liaison officer in the relationship between the MCC, the CTF and the Combined Force Air Component? Are you aware of a liaison officer?

45A: Are you talking about the 12th Aviation liaison officer?

46Q: Yes.

46A: My understanding of his capacity is that he is attached to the C-3 and I know that Eagle Flight used him to work their Army aviation peculiar problems. They were normally maintenance related. I only rarely got engaged with that guy on an operational issue. For example, we had a situation occur in early February. I don't want to bore you with the details of it, but one of the--it would probably go into a classified area if I did, but the end result of it was that we wanted to raise the flight altitude of Eagle on the leg from Diyarbakir to Zakhu to 4500 feet AGL. Now, at that time of year with the prevailing weather conditions, that's frequently not possible because of weather conditions, visibility and so forth because they have to fly VFR so we then got into the problem of getting some sort of instrumentation out at Zakhu that would allow them to come into Zakhu under instruments and what are the rules and parameters and so forth for all that. The 12th Aviation LNO was engaged in that discussion. That's the kind of thing that he did.

47Q: Is your understanding that he does or does not have any role in the daily coordination of flight operations?

47A: In the daily coordination, no, unless there's--I think what I'm getting at is if there was something unusual that was going to happen, I would imagine he would get engaged in it.

48Q: You described your understanding of the requirement for AWACS and fighter coverage being related to the security zone whether an aircraft is outside the security zone. What is your source of that understanding? Why do you think what you think?

48A: It's in the MCC SOP that talks about travel outside the security zone. I believe it's in Appendix J. It's also an understanding that I discussed with General Pilkington. What I'm talking about in that case is the decision that we could operate within the security zone without AWACS coverage. This was a discussion that went on between myself and General Pilkington over about a two-week period and he agreed that we could operate within the security zone without AWACS coverage--again, all else being equal.

49Q: When did that discussion take place?

49A: I'm going to say the first of September. It might have been in August.

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50Q: Of 93?

50A: Right.

51Q: Was any part of that discussion focused on the threat that U.S. air assets might pose to Eagle Flight operating under those conditions?

51A: Never, never.

52Q: Did you, at that time, have any knowledge of the fighter procedures used to clear the security zone prior to AWACS arrival?

52A: No.

53Q: Are you aware of anyone or any position being designated currently as the PROVIDE COMFORT or Combined Force Ground Component Commander?

53A: No, not by that title, but I would presume that in the sense we have a ground component, that's me.

54Q: Regarding operations within the security zone, are there any particular requirements that you could describe pertaining to the need for flexibility or the need to be able to move within the security zone without extensive coordination with AWACS?

54A: On the ground or in the air?

55Q: In the air.

55A: You can look at that question two ways. You can also ask is there any need for it because you have to consider what the threat environment is in the security zone and what sort of benefits you gain from AWACS and fighter coverage in the security zone.

In general, the threat that you face in the security zone is the ground base threat. Ground fire--occasionally, there have been reports, which have never been confirmed, of such things as SA-7 missiles and so forth, but it's a ground base threat and you're quite some distance north of the 36 degree line so the benefit you gain within the security zone from AWACS and fighter cover is primarily as a radio relay in the event there is a problem that you can request assistance. The notion that the AWACS and the fighters are protecting me from attack by Iraqi fighters--I don't give that much credibility. As I said, I'm as likely to be attacked by the Iraqi fighter while driving down the road in my truck as I am in an Eagle Flight helicopter.

As long as you're inside the security zone, what you are getting from AWACS and fighters is redundancy in communications and a response in the event some assistance is needed. Now, is there a requirement for flexibility in the way you operate? Yes, but it's not been my experience that we have ever done radical changes in the plan. Occasionally, things do happen where, for example, to satisfy the concerns of a particular visitor or other, we may change a destination, but once again we're changing it within the security zone. It's very clear that we don't all of a sudden decide that we want to go outside the security zone without having thought about that and planned for it beforehand.

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There are times when we may have decided that we want to go to Village X and the night before you may have received some information about lack of food distribution or whatever that causes you to, instead of going to Village X go to Village Y, but again this is still within the security zone. The time parameters are not changed. You see, in other words, we've been on the record as saying we're going to be flying in the security zone from 11:00 until 1:00. We're still flying in the security zone from 11:00 until 1:00; instead of going to Village X, we go to Village Y.

56Q: How do you understand the time parameters that you refer to as having been passed so that AWACS or anyone else would understand that you are in the area during those times?

56A: That would have to come off of the operations schedule that we would have given to C-3. I did not make that communication. It would have to be passed from C-3 to CFAC. Unless there is another area you should look at, because I told you that the details of some of these things are worked between Eagle flight and CFAC it could be on that channel to.

#### **Questions by General Andrus:**

57Q: To understand--to clarify what you said, the flight then that was operating in the security zone with a normal departure and arrival time from Zakhu, they could operate pretty much where they felt they needed to operate and if they needed to change their destination or route as long as it was in the security zone, that was okay. Is that correct?

57A: That's correct.

58Q Was that a requirement to pass that information as to the changed itinerary back to C-3 or to any other organization?

58A: No, Sir.

59Q: As long as it was within the security zone?

59A: Correct.

60Q: But your understanding is that if it were to be outside the security zone there would be a requirement to pass that back and in fact to get prior approval. Is that correct?

60A: Correct.

GEN ANDRUS: Thank you.

#### **Questions by Colonel At Lee:**

61Q: Were you aware of any need for deconfliction between Eagle Flight and other air traffic in the area?

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61A: There is an air space management plan which satisfies--specifies ceilings above which Eagle Flight is not to operate and below which fighters are not to operate, but that's it to my knowledge.

62Q: Are you aware of a need for anything beyond that?

62A: No, Sir. That's perfectly adequate.

**Questions by Colonel Bennett:**

63Q: When you changed your destination within the security zone, would--are you aware of the pilots notifying AWACS of that change?

63A: No, I can't--I'm not aware of that.

**Questions by Colonel At Lee:**

64Q: You're talking about special situations like outside the security zone. I understood that you said that you would normally put those through the Chief of Staff and sometimes C-3 as well. What did you understand to be the Chief of Staff's function regarding these flights?

64A: To be the staff coordinator. First of all, to obtain the approval of the commanding general and to pass a copy of the same paper on to the C-3 and C-2.

65Q: What is your reason for thinking the Chief of Staff would have that role as opposed to the C-3?

65A: The Chief of Staff has always functioned as the MCC's primary plug into the CTF staff. One reason for that has been that he's always an Army ground officer and opinion has always been that he was the one that was best able to represent MCC concerns on any particular issue to the staff so that what we send out of the MCC goes to the Chief of Staff or through the Chief of Staff to somebody else.

66Q: Other than that rationale, did you have any specific guidance to that effect to use him in that way.

66A: No. Also on that question, I'd have to say that I'm not sure that the other Jerry Thompson that was a casualty was following that same procedure. That was purely an understanding that I had between myself and Col Jack Gates, the first Chief of Staff when I check in here. It was passed to Col Jim Naggy who was his successor, and I gave that advise to Jerry Thompson when I departed, but I wasn't looking over his shoulder to see how he did it. I simply don't know. I'm not saying he did or didn't. I do not know.

67Q: You referred to a meeting covering a three-week period saying that the Ops officer would pass the results of that meeting to Eagle Flight and a copy also passed to C-3. Do you know who passed that copy to C-3, how was that accomplished?

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67A: Okay. The Ops officer sends that out over--usually the tacfax--sometimes datafax to Pirinlik for Eagle Flight and to the JOC for the JOC. Now, I can't say that document actually makes it's way on to the C-3's personal desk, but it goes into the JOC.

68Q: You used the term 4500 feet "AGL", that's above ground level?

68A: That's correct.

69Q: And the term "VFR" is visual flight rules?

69A: Correct.

70Q: Do you have any further evidence, information or statements that you believe would be helpful to this Board?

70A: The only thing about my experience from May to November that seems to be in any way related to what took place, was there were periodic incidents of the aircraft's radar warning equipment indicating that they were being illuminated. I know that these incidents were known to the C-3 and reported by Eagle Flight to the C-3 into the C-2. We never perceived them as a threat, but that's the only experience that I had and it happened more than once during the six months that I was here. That seems somehow to be related to what would have occurred on April 14.

71Q: The aircraft you are referring to being illuminated was a Black Hawk Eagle aircraft.

71A: I'm talking about being flying along in Eagle Flight and have the attack warning system in the helicopter indicate that we were being painted by an aircraft tracking system and experiencing Eagle Flight respond to that by popping chaff flares and going for defilade. In fact, the C-3 was with us on one occasion when that occurred.

COL AT LEE: I'd like to have a brief recess. The time is 1555.

(There is a recess taken at this point.)

COL AT LEE: The time is 1557. The persons present at the time of the recess are once again present.

#### **Questions by Colonel At Lee:**

72Q: You referred to Eagle Flight popping flares and taking other action. Was that a normal response to the illumination that you described?

72A: It's part of their training to do that. When this occurred, since I'm not an aviator, I asked them what happened, what do you do, why do you do it. We discussed it. We did not perceive it as a threat, but we agreed and I told them to always do that because I don't want something to happen on this mission that is breaking a habit that they need to retain and breaking a reaction that they need to retain.

**COLONEL GERALD B. THOMPSON**

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73Q: And you indicated that the C-3 was on board during one of these occasions?

73A: On one occasion. I'm sorry but I cannot recall the date. I remember it was a hot summer day, but I can't recall exactly when this was. I believe it was Steve Pingel, but we had two C-3s who were very similar in personality. I could possibly be confusing them, but I believe it was Steve Pingel. We discussed it and I'm afraid if I was going to say more we would go into a classified area, but the conclusion was that it was not a threat, but it was something that Steve needed to address and that he would that.

COL AT LEE: I have no further questions. Did you have something?

WITNESS: No.

COL AT LEE: You are reminded that this is an official investigation. You are ordered not to divulge the nature of this investigation or the questions, answers or discussions included in this interview with anyone unless authorized to do so by the Board President, Major General Andrus, CINCUSAFE or higher authority.

If anyone other than a member of this board should approach you regarding your testimony or the matters discussed here, you must report it immediately. You may report it to a member of the board.

Do you have any questions?

WITNESS: No.

COL AT LEE: The time is 1600 and this interview is concluded.

I certify that the above sworn statement, given by COLONEL GERALD B. THOMPSON to the Aircraft Investigation Board was recorded during a stenomask interview session by SSgt Thelma I. Harris. The tape from the session was reviewed and transcribed by me and the foregoing transcript is a true, accurate, and verbatim account of that recorded interview statement.

  
\_\_\_\_\_  
MAUREEN A. NATION, DAFC  
Court Reporter  
Incirlik Air Base, Turkey

**COLONEL GERALD B. THOMPSON**

**TAB V-101**

**ATKINS, BRIAN MICHAEL**

## **SUMMARIZED TESTIMONY**

**BRIAN MICHAEL ATKINS, LT COLONEL  
U K ARMY, AGC (ETS)**

The interview was conducted by Colonel Bennett at Zakhu, Iraq, beginning at 2202 hours, 25 April 1994. The standard witness advisement was given in accordance with AFR 110-14 and the witness was sworn.

### **EXAMINATION**

My name is Brian Michael Atkins; Lieutenant Colonel, Her Majesty's Force of the United Kingdom. I'm in the Adjutant General's Corps, Education and Training Service, and my permanent duty station is College of Military Education and Training at Beckensfield in the U.K. I'm the Chief Instructor of the Army School of Training - Support and I am the senior acting U.K. Coalition representative at the Military Coordination Center in Zakhu.

I was not present here at Zakhu on 14 April. I was on duty in my U.K. duty station. I reported for duty at CTF on Sunday the 18th and reported for duty in Zakhu on Tuesday the 20th of April. I did approximately six months duty in the same capacity here in Zakhu between 18 December 1992 and June '93.

Concerning the route of flight of Eagle flight on the 14th of April, there would normally have been a number of options, but all of them would have involved traveling along in a roughly easterly direction, initially using the screen of the mountains between the Government of Iraq Forces (GOI) so that they flew screened behind the mountains. I would have expected them either to break that mountain ridge near the Bekma dam or travel on further to the east, breaking at a convenient later point, such that they would travel a dog leg making use of ground cover to avoid GOI anti-air.

It would have been tactically stupid for them to fly on a straight line, Zakhu direct to Irbil. I think once we flew forward of the ridge for the majority of the distance, although I couldn't swear that we flew a straight line from point A to point B. But prior to the breakdown of the military to military contact, about January '93, we were less concerned about flying behind the ridge cover. After January of '93, we never flew short of that ridge cover other than to hop over to do a circuit of the town of Aqrah which does lay forward of the ridge, but that would involve merely hopping over the ridge, doing the circuit and then coming back behind the ridge.

**ATKINS**

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If Eagle flight flew from Zakhu direct to Irbil, I would describe the route as a dog leg, not quite a right angle, but they would first fly a considerable distance to the east until they were roughly north of their location and then they would head down using the terrain and staying behind cover.

Having looked at the crash site, and paying attention to current military operations to the north, the route that they were apparently traveling on is similar to that which I would have selected, for tactical reasons.

(The standard witness caution was given and the witness had no questions)

(The interview was concluded at 2212 hours, 25 April 1994)

I certify that the foregoing is a true and accurate summary of the testimony of Brian Michael Atkins, as given to the Aircraft Accident Investigation board.



SCOTT C. BLACK, Lt Colonel, USA  
Legal Advisor

ATKINS

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**TAB V-102**

**BALL, TERRY G.**

**SUMMARIZED TESTIMONY  
OF  
CW 2 TERRY G. BALL  
COMPANY C 6/159 AVN REGT  
GIEBELSTADT, GERMANY**

The interview was conducted by Colonel Patrick J. Bennett, at Incirlik AB, Turkey, beginning at 1747 hours, 28 April 1994. A standard witness advisement was given in accordance with AFR 110-14, and the witness was sworn.

**EXAMINATION**

My name is Terry G. Ball, CW2, assigned to Charlie Company 6/159 Aviation Regiment. I am presently TDY to Pirinlik, and my permanent duty station is Giebelstadt, Germany.

I have been TDY to the Eagle Detachment, Operation PROVIDE COMFORT in Diyarbakir, prior to this time for five months starting in March 1993. I returned to Germany in the middle of June 1993, and then I had my second trip from the middle of November until the middle of January 1994. I have flown the missions from Diyarbakir to Zakhu and within the No-Fly-Zone the tactical area of operation. While flying in the area of operation, we would get an indication from our radar warning receiver that we had been tracked by our aircraft, and normally they would have broken the lock within a few seconds after identifying us.

I heard that two F-111s had supposedly interrogated and did a visual pass of Eagle Flight, but it never happened to me. I do not remember being on board an aircraft that was being interrogated or visually ID'd by two F-111 pilots. CW2 Henson had informed me that while operating Eagle flight he was told by a F-111 pilot that "...you don't know how lucky you are. We were on the trigger when we realized it was you."

We are required to maintain contact with AWACS and use brevity codes with coordinates and town names, and we use those brevities to indicate our location and route location. We are restricted to the security zone when AWACS is not operational, but we have flown in the security zone without AWACS coverage. However we are restricted to that area. This information is written in our detachment standard operating procedures.

Flying in the AOR we only squawk Modes I, II, and IV. We don't squawk Mode III Alpha Charlie. Mode I they just changed. It's published in the Air Tasking Order. Rotary wing now have a squawk flying on the low level transit route to Zakhu. When crossing the border of Iraq, we change the Mode I squawk as published in the Air Tasking Order. Our Mode II are

**BALL**



listed in the Air Tasking Order per line number. Generally for Eagle one it's 5 5 3 0, Eagle two is normally 5 5 3 1, and then depending on line numbers those are different. The only change is the Mode I squawk. It used to be we squawked the same Mode I throughout our flight regardless of the area we went into.

We contact AWACS on 257.3 on UHF radio on the enroute frequency to the AOR. I'm not sure when the Mode I squawk procedure changed. I left the 12th of January to go back to Germany. Between then and when I came back down here on the 22nd of April that's changed. We call AWACS on the enroute frequency. The AWACS we have always stayed up on the enroute frequencies. We call. AWACS has never frequency changed us to the mission primary.

(The standard witness caution was given, the witness had no questions and the interview was concluded at 1800 hours.)

I certify that the foregoing is a true and accurate summary of the testimony of CW2 TERRY G. BALL, as given to the Aircraft Accident Investigation Board.



CHARLES H. WILCOX II, Colonel, USAF  
Legal Advisor

**BALL**

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**TAB V-103**

**V-103**

**BROWNE, JAMES S.**

**V**

**SUMMARIZED TESTIMONY  
CAPTAIN JAMES S. BROWNE  
53d Fighter Squadron  
Spangdahlem AB, Germany**

The interview was conducted by Lieutenant Colonel Mudge at Incirlik Air Base, Turkey, beginning at 100 hours, 29 April 1994. The standard witness advisement was given in accordance with AFR 110-14 and the witness was sworn.

**EXAMINATION**

I am James S. Browne, Captain, of the 53 FS, at Spangdahlem, Germany. I'm the Chief of Weapons and Tactics in the 53 Fighter Squadron, and I am presently TDY to Incirlik Air Station, Turkey.

As the Chief of Weapons and Tactics I develop the emphasis of where we are going with our training plans and develop the overall game plan flow of events for guys to get continuation training, as well as upgrade training. I set up deployments. Also, I help or work with the ops officer and the assistant ops officers to pick the correct deployments to go to, and then QC those from that aspect. Daily training wise, it's my job to ensure that all guys in the squadron hear the most current tactics, brief them on weaponry, any weapon related E-W, which would be like electronic warfare stuff. I brief those items to ensure there is recurring training; annually or semi-annually. My duties and responsibilities have remained the same while I have been TDY to Incirlik Air Base, Turkey.

We came down here in November of last year, when the 53 FS took over from the 22nd from Bitburg. At that point, we had a ROE briefing from the Ops Group; the weapons officer. Then we went back and talked about it amongst ourselves, published some documents specific to the 53 FS that were in accordance with those standards, if not embellishing on them some more. Then, over time, as we have any bodies swap out, myself or somebody that is appointed in the squadron, some type of supervisor will give another quick briefing to those guys to refresh their memory with what's going on. It's also a requirement to complete a 53 FS checklist, review the ROE and other information every time you show up here. I've been down here since 29 March, but prior to that I was down here for six weeks, and I must have given that briefing close to a half dozen times.

I briefed Tiger 2 myself during a newcomers brief. I gave him the appropriate

**BROWNE**

documents, went through the checklist to see what we had, and he had an opportunity to not only get briefed on it, but he read the data in the aircrew read file. I don't remember the exact date, but I believe it was one of the first five days of April. We back up the briefing with where they have to actually physically read the secret ARF. "We cover the portion of the fact that north of the 36 line any Iraqi military aircraft operating airborne north of that line, [Classified portion deleted (15 words)] So, that is the first opening bullet.

Also we will add how we can go about determining that he is an Iraqi military aircraft, [Classified portion deleted (15 words)] We will use air-to-air interrogation to identify the fact that he is not a friendly. We will look for what their air-to-air interrogator will look for, the lack of Mode I which is a specific two digit number, and it will look for a lack of a Mode IV. If the guy is not squawking, either one of those will determine he is not friendly. [Classified portion deleted (9 words)] If, for some reasons those electronic systems are confusing or we are unsure, we will back that up with visual ID. If they are north of 36 and are determined to be an Iraqi military, the exceptions that you could put there is the caveat; when you are unsure, don't do something. I mean, you have to be very confident in seeing this target from south to north, and I'm sure I've had this guy locked in the entire time. Then, if you confirm between both wing men and flight lead that, yes, he is bad or hostile; [take appropriate action.] The only exception, like I said, is if you are scratching your cranium kind of thing that this doesn't seem right then, based on the training that we've had, then it is better to back it up with a VID.

I do not specifically discuss the consequences of attacking an aircraft that has medical markings. However, I do discuss the use of fin flashes to determine origin. We have several visual recognition guides that we look through. We get that intelligence training at home as well as here; the guys know which is Iraqi and which is not.

I do not specifically brief all the possibilities of defectors or lost aircraft; maybe some other pilots do. I've not specifically briefed the Ivory Eagle; intercepting a guy and giving him visual signals as in the ROE. We don't specifically brief that item.

We do discuss considerations if an electronic means fails or has errors. Our air-to-air interrogator is a good system. However, in order to ensure that we are positive that he is not a friendly, we will take our confirmation of the fact that they are not squawking

**BROWNE**

friendly modes in a single target track, which is radar pointed directly at the target holding a radar lock so that we have full system information of the targets air speed, altitude and how far away he is from us; that's gives us our tightest cue around that guy that he is friendly or he is not. So, we are most apt to get a good response.

Besides the briefing that I give, the newcomers read the ARF that trains them or helps them to learn about the ROE. We also have a weapons read file, which has some documentation in there on tactics and things that we are thinking about. We have a briefing guide that is fairly standardized that all the guys use, that explains not necessarily the ROE but it should standardize the way we do our business as a unit. This is the mission guide our pilots use while doing their mission briefing. In our weapons read file is also our ID criteria, which is something that the guys are intimately familiar with; they can see them at any time.

I have no further information, statements or evidence to offer the board.

(The standard witness caution was given and the witness had no questions.)

A handwritten signature in dark ink, appearing to read 'Charles H. Wilcox, II', followed by a stylized flourish or mark.

CHARLES H. WILCOX, II, Colonel, USAF  
Legal Officer

**BROWNE**

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**TAB V-103A**

**V-103**

**BROWNE, JAMES S.**

**V-103A**

**SUMMARIZED TESTIMONY OF  
CAPTAIN JAMES S. BROWNE  
53rd FIGHTER SQUADRON  
SPANGDAHLEM AIR BASE, GERMANY  
(2nd Interview)**

The interview was conducted by Lieutenant Colonel Wayne Mudge at Incirlik Air Base, Turkey, beginning at 0826, 5 May 1994. The standard witness advisement was given in accordance with AFR 110-14, and the witness was reminded he was still under oath.

**EXAMINATION**

In my visual recognition training, I have never been shown or had explained to me the color and camouflage schemes of Iraqi helicopters. I have not seen any pictures of color schemes and camouflage schemes for any Iraqi helicopters that I can recall.

I certify that the foregoing is a true and accurate summary of the testimony of CAPTAIN JAMES S. BROWNE as given to the Aircraft Accident Investigation Board.

  
CHARLES H. WILCOX II, Col, USAF  
Legal Advisor

**BROWNE**

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**TAB V-104**

**V-103**

**NYE, MICHAEL A.**

**V-103A**

**V-104**



## **SUMMARIZED TESTIMONY**

**MICHAEL A. NYE, 1ST LIEUTENANT, U.S. ARMY  
HHC, 5-158 AVN  
Giebelstadt, Germany**

The interview was conducted by Lt Colonel Black at Pirinlik, Turkey, beginning at 1915 hours, 28 April 1994. The standard witness advisement was given in accordance with AFR 110-14 and the witness was sworn.

### **EXAMINATION**

My present organization and permanent duty station is HHC, 5-158th Aviation Regiment, Giebelstadt Army Airfield, Germany. I am presently assigned as the Eagle Flight detachment commander and have been serving in that position for three days.

My current duties are to deal with the overall well being and operation of Eagle Flight detachment in support of Operation PROVIDE COMFORT. Duties include responsibility for all new personnel, conduct of missions, coordination with higher units to include Military Coordination Center in Zakhu, Iraq and my task force in Incirlik, Turkey and also coordination with the parent units, Charlie Sixth of the 159th, and Fifth Battalion, 158th Aviation Regiment in Giebelstadt, Germany. I have two prior tours with Eagle Flight. One was from February 22nd 1993 to May 8th 1993 and the other was from September 11th 1993 to November 20th 1993 as operations officer. The general nature of my duties on those two tours was to plan, brief and conduct missions in support of the Military Coordination Center in Iraq and generally also to act as platoon leader as far as general welfare and morale of the troops present at Eagle Flight.

I have flown over a hundred and sixty hours in support of this mission. When I was the operations officer here, usually, approximately a week in advance, we'd have a schedule for the missions. We would get this from the Operations officer, the MCC, in Zakhu, Iraq. That schedule was tentative, but generally correct. At approximately 1730 local on the evening before a mission, final coordination would be done between the detachment commander and the MCC Zakhu Operations officer. First Lieutenant McKenna was the detachment commander at the time and Captain Mays was the operations officer in MCC Zakhu.

During the coordination, they'd confirm times of departure, landing at Zakhu, any destinations in the TAOR, and times for landing there; passengers on board the aircraft, both enroute from Diyarbakir to Zakhu and then also out in the TAOR; and any other mission we might conduct, like villages they may want to overfly or reconnaissance they'd want to do enroute. So basically they'd discuss the route and then arrival at LZs and then in reverse, the trip

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back to Zakhu and trip back from Zakhu to Diyarbakir.

Generally the receipt of instructions was a give and take situation. We are the experts on aircraft limitations, or limitations placed on us in Turkey due to airfield times we're allowed to operate on the airfield. We have to be off the airfield at a certain time in the evening and we're not allowed on until a certain time in the morning. We are like the technical advisors of rules that affect us.

After the detachment commander discusses the pending mission with the Ops officer from MCC Zakhu, Eagle Flight operations would either confirm what was already known as times by the earlier schedule, or give me any changes to the plans for tomorrow. I would then proceed to fill out the mission briefs, mission risk assessments, schedule pilots, coordinate with the airfield NCOIC for aircraft, which aircraft we would take, and coordinate with the Joint Operations Center at Incirlik for takeoff time. That would need to be cleared through them, through the Turkish General Staff, and then the Turkish General Staff relays it to Diyarbakir tower or Diyarbakir operations which allows us to takeoff at Diyarbakir. We coordinate with the JOC a gate time, which is the time we cross the border from Turkey into Iraq. We generally don't know a gate time with the TAOR missions because of the flexibility we would have to maintain. Times coming back across the gate and arriving back at Diyarbakir were usually not coordinated at this time due to the uncertain amount of time we'd sometimes be in Iraq.

We coordinated everything going into Iraq. Usually coming out, we never coordinated it unless it was only an admin mission where we would just have a certain amount of time on the ground and came directly back to Diyarbakir. I would also coordinate for weather brief. We would coordinate the times we needed it for, where we'd be at certain times, and coordinate a time to call them in the morning to receive that weather brief. For this we would call Incirlik Weather. We would coordinate for weapons draw from the Pirinlik Armory. We also did our daily SITREP, which is basically a maintenance report, and in that, the only thing it would show for the next day is two aircraft scheduled from MCC to TAOR, if we were actually going into TAOR. If it was only an admin, it would say just to Zakhu. That's the only part that would be included in the message traffic.

When we talked to the JOC and passed the information on, the only thing we gave them was takeoff time and gate time unless we knew when we were coming back. Then we'd give a return date and return time. But for TAOR, we usually don't do those last two.

After we coordinated the weather, we would type out on the computer a schedule which would show the crews, the aircraft, time to be at operations in the morning for the briefing, time to depart operations for the flight line, and time to start the pre-flight which would basically be arrival time at Diyarbakir airfield. The operations officer sets all these times. We have templates that we use. One would be for admin missions and another time line would be for TAOR missions. We added ten minutes extra into the pre-flight for TAOR/VIP missions, which would

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just give us a little more flexibility in case we had any problems. But those time lines were followed. It's just a fill in the blank thing. On the right it has arrive Ops, depart Ops, arrive Diyarbakir. It would have radio comm check times, everything, and we'd just follow through that checklist as a pilot.

The schedule is posted on our bulletin board in Eagle Flight. At that time we had one in the hallway where everyone looked, and we posted it up there so they could see where they had to be and what times. That was usually it for the evening before the mission. For a standard mission, that would be all that would be up and the people would prepare their own equipment and things they had to do for the next mission, which was generally minimal.

On the morning of the mission, I would arrive at Operations generally about ten minutes before the time scheduled. That was for me, as the Operations officer, to make sure everything was in order, and I would try to get the weather brief from weather before the rest of the pilots arrived. We would also make sure that the Operations enlisted personnel had all the equipment we'd have to take out, which included PRC 112 radios, night vision goggles, and the ATO, Air Tasking Order (ATO).

The Air Tasking Order would come by message traffic the evening prior. Usually when we dropped off the message traffic that showed what we were doing the next day, our aircraft status, we would pick up the Air Tasking Order at the same time. It would usually arrive in the afternoon. They would call us and say our Air Tasking Order was here and we would just pick it up.

After they picked up the ATO, the enlisted personnel would make copies for the number of aircraft we had going out, one per aircraft, and place them in the safe overnight until they were pulled out the next morning and placed in our kit bags.

On the evening prior to the flight, the enlisted personnel would get the KYK-13 and they would load that with the codes for the next day's mission. They would load that and then place it back in the safe in Eagle operations. That would also be in Chalk One, or aircraft one's kit bag. Then, as the pilots arrived, we would do a normal mission briefing per our C, 6-159 mission briefing format.

The mission commander is not always on board Chalk One or aircraft one. That's variable. Usually, here, he would be, because the VIPs ride in that aircraft, but that is not always the case.

All the pilots are now here for the morning mission. We bring them into the back room of Eagle Ops and we do a mission briefing as per the C, 6-159 standard operating procedure. It's a page and we just go through, one by one. It's like a checklist. We have the mission briefing and we have the mission brief, which is a written document. The mission briefing is stating, in written form, what you are basically allowed to do and not to do, and either the

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operations officer or the commander has to sign that along with the risk assessment. But there's the separation. You can brief any mission, this is what we're going to do today, basic type thing, and how; you can sign and then you can still be Air Mission Commander. It is very normal for the Air Mission Commander to verbally brief how the mission will run per the briefing format. But the Air Mission Commander cannot sign the brief sheet that restricts the mission, places all the restrictions and operational requirements on the mission.

If the Air Mission Commander did so, and there is an incident of any type, you have no counter-balance to the Air Mission Commander. He is now able to both meet the restrictions on it and lift it as he flies if he wants, and there's no outside person on the flight in charge. The Air Mission Commander can do as he pleases, as he goes. To prevent that, the Air Mission Commander does not brief the mission and sign off on the form.

The elements of a standard pre-mission briefing are to conduct roll call and ensure all the pilots are present. You call off the names and time hack. We will use GPS times for all times during the mission. We go through and give a general description of what the mission will be, such as pick up PAX from the C-12 and take some cargo to Zakhu. At Zakhu we'll shut down. You do a brief on the TAOR flight, climb back in, fly to whatever village, and land for approximately this many hours. The return is a reverse. You haul PAX etcetera back to Diyarbakir.

Usually if the S-2 was present, he would give any changes, or myself, as the Ops officer, would give any changes. Weather, we would read through the weather brief and aircraft and crew assignments. We'd just go through which crews are on which aircraft and the Chalk duties. Chalk One would talk with ATC and Arrow Base, which is Zakhu's call sign. Chalk Two would do radio calls with Eagle operations for flight following and with AWACS or Cougar. The chain of command within the flight would be Air Mission Commander first, and then, if Lieutenant McKenna and myself were both on the flight, it would be him then me. If only one of us were to be on the flight, the ranking pilot would be in command.

Frequencies we usually brief as per the frequency card. Aircraft lighting signals are briefed as per SOP, which is out of the standard operating procedure, C, 6-159. Time sequence is as per time card. For PZ/LZ information, we would give detailed descriptions of any LZs we knew we were going into at the time, discuss any possible landing directions, and hazards, such as dusty conditions, wires and such.

Start point, route of flight, modes of flight. We would discuss the entire flight and types of altitude and the route and the altitude we generally fly. Formation requirements, we briefed Chalk Two will set the formation. In the TAOR we try to maintain a minimum of three to five disks, which is rotor disks away from Chalk One, and we try to maintain more to the left side because the MCC commander usually sits on the right side of Chalk One. If he sees something, he'll want to turn right and that prevents any possible mid-air collisions between Chalk Two and

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Chalk One.

Spare aircraft requirements. If we knew which one was going to be spare, we'd brief it and mission abort criteria which would be like weather or times.

Rules of Engagement is a weapons hold. We got that from EUCOM through CTF. But that's what we used was weapons hold.

Fire support SEAD, there will be none except for while we have fighter coverage. The fighters can provide fire support. ASE requirements, which is aircraft survivability equipment, will be on operational throughout the flight, including Turkey.

Tactical breakup procedures, aircraft will remain together since we're a flight of two or three, because you don't want one by itself. If there's four aircraft we break off into two. Basically, though, if they remain together we just get a clock direction and distance clock direction and description of threat so both aircraft have a good idea of what the threat is and can employ the appropriate evasive actions for that threat.

IMC break up, which is per SOP. Unless it was below a thousand and five, we actually go through and read it. Lost comm procedures per SOP. FARRP will refuel at Texaco, which is where we land in Zakhu. Downed aircraft procedures. Aircraft going down, we call off to the other aircraft, etcetera. Any rally points, downed aircrew pick up points, as for the call sign, and code words, which we'd get out of the ATO, like the word/letter number of the day for people that are down.

After the briefing, we sign out our bags. Basically we sign for our goodie bag with night vision goggles, the survival radios and all that. We sign for it and then depart Eagle Flight operations by vehicle to Diyarbakir airfield where we would pre-flight our helicopters and prepare for takeoff.

Pre-flight would be standard pre-flight per the checklist for that aircraft. We pull the checklist out every time. At the end of a pre-flight, usually one person would climb up top and get all the stuff on top of the aircraft. The other person would get down below and the pilot in command would usually do the log book. He would always double check it, as a minimum. And then, at the end of the pre-flight, we would go through the check list to make sure that between the two of us, we had covered every step in it for that pre-flight. Generally one of our contractors who is an expert avionics guy would key all of our equipment. During the first rotation, the crew chiefs keyed the avionics gear.

I've flown one time on this rotation so far and the crew chiefs keyed the avionics gear. It's never really a problem either way. They keyed the avionics gear during pre-flight. Then we would run the aircraft up to do the pre-flight for aircraft run up, and all the pre-flight parts that

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needed the aircraft to be operating. Depending on mission takeoff time, if we were ahead, we would either go back to idle and wait, if it was just a few minutes, or we would shut back down and wait for the takeoff time. A lot of times that coincided with the arrival of the passengers on the C-12.

Once the passengers were there or the takeoff time was there, we would request clearance for takeoff from Diyarbakir tower and proceed on our standard route.

Comm checks, as far as voice communications, we'd go through each radio in what we call the red, which is in an unsecure mode. Chalk Two, the second aircraft, would then run through all radios on the unsecure, and then Chalk One would go back and go through all our radios which, both FM radios and UHF are secure capable, the VHF is not. We'd do a secure check, or what we call a green check, and if we had any discrepancies, we would say, "Line, negative contact on Uniform and the green," and then we would set. The standard procedure was Fox Mike One to be our internal frequency between the two aircraft to talk.

Also during run up, we would check the transponder. It has a test as part of it where you place it to normal operating mode and the pins, you just press up to test and you get a light that, as long as it's working correctly, it tests all the modes, including the Mode, the IFF, Mode IV.

For the transponder check, you have a section in the checklist in run up called avionics check. And that would be included in the avionics check. The comm check, as far as the voice communications, is per a standard operating procedure. The comm check is written on one of our checklists. It's a very simple procedure. It's written down and memorized. It's very simple once you've done it a few times.

The transponder check is also part of a checklist. We do a VOR check, but we can't do an NDB, which is a non-directional beacon used for navigation. As for the omni-directional radio, we can do that here by the NDB is not located on the airfield so we can't check that. But they're more for navigation purposes. There's no other checks that would fall into aircraft.

On departure, Chalk One is up with Diyarbakir tower for takeoff and then we remain with them until we're what we call DME, which is for distance measuring equipment, or basically twenty-five miles away. We're up with Diyarbakir tower. Right after takeoff, like immediately after takeoff, Chalk Two will call Eagle operations and check in and say, "Eagle One. Eagle aircraft are off of Diyarbakir at this time." And they would log it on the log back here at operations, the time we took off. And then Chalk Two will call Cougar or the AWACS plane and check in with them and say, "Eagle One," -- we always go by the lead aircraft call sign.

Is it always Chalk Two that makes the Cougar call, unless they're having a communications problem. This is specified in the Eagle Flight Standard Operating Procedure book. Chalk Two will call AWACS and say, "We're off of," what we call Charlie Charlie. It's the

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identifier for this airfield, Lima Tango Charlie Charlie, and Lima Tango is just the country code, so we always just go by Charlie Charlie. And enroute, we use code letters for all our destinations in Iraq and we just use enroute to that code letter.

After Chalk Two communicates with Cougar, we continue enroute at twenty-five miles to the east. We call a frequency change from Diyarbakir airfield to Batman airfield, which is another airfield along our route. We contact them and say we're at three thousand feet until twenty-five nautical miles and then we climb up to flight level zero-eight-five, which is basically eight thousand five hundred feet.

They clear us in their area and tell us when to call clear of their area. There are no other communications after that unless we have to talk to each other, for some reason.

We don't have any responsibility to communicate further with Cougar. One thing I want to make quite clear is that on the initial call to Cougar, if they are there, it's standard operating procedure for them, supposedly, what we have from the Air Coordinating Order, that when they initiate contact with us, they should confirm two things. One, radar contact, and two, Mode IV check. Unless something does not work, when they do that the standard call back for them is "Eagle One copy," or "Eagle One, Roger," and if that's all we hear, it is assumed that we have positive radar, positive IFF. It says we can assume that in the ACO.

At that point, we would not talk to Cougar again until we reach the gate, the border crossing. Once we clear BATMAN we would not talk to any further Air Traffic Control functions. BATMAN is in Turkey, before the gate. There's one other call that at times we have made, at times we have not. There's a problem because of security of radios and quite often, an inability to contact Arrow base, or MCC Zakhu. That would be a call, usually twenty minutes out, just saying our estimated time of arrival. It's the first communication we have with Arrow base. We do not communicate with the CTF. As long as we're at flight level eighty-five, we can usually talk to Eagle operations for about two-thirds of the flight. But if we are down below, like at about six thousand feet, we'll lose them much quicker because of the terrain.

Once we've passed BATMAN and we're at the gate, there's a couple of things we do. We turn our Mode III Alpha and Charlie off on our transponder. That's per the Airspace Coordination Order. We turn any external lights on. Chalk Two would have their beacon, their anti-collision light on. That would come off. At that time we maintain Mode I on our transponder, the same code in Mode I. Now, at this time, I don't know how long this is going back, we have to change Mode I Code. This changed a while ago. I would contact Cougar with the code word, which we got out of the ATO, Air Tasking Order, with the code word that we are crossing gate one into Iraq at that moment. Cougar would just simply say, "Cougar copied," or, lots of times, just "Cougar." That's all they would say. At this point we begin our descent from flight level zero-seven-five, from Diyarbakir to Iraq. If we're calling Arrow base in MCC Zakhu, we would call short final, like maybe about a couple of hundred meters away. We'd call them and

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say, "Arrival Texaco," or just "Arrival," and we would also call Cougar and say, "Arrival," and the code letter for that place. And we would get a couple of different replies. We'd say, "Will call off," which means we really don't know what we're going to do, our intentions at that moment in terms of ground time and departure.

We would shut down the aircraft and generally, depending if we're operating with external tanks or not, we'd refuel the aircraft. We generally would not refuel the aircraft unless it was a mission that we thought would be questionable in the amount of fuel to get back. Because of weight, we would not refuel the aircraft. We shut down the aircraft though, and we'd go into a little briefing room down there, and we would get with all the personnel that were going to ride on our aircraft in the TAOR.

We would go through and brief the mission in general terms. We would say "We'll take off in approximately ten minutes and we'll follow this general route." The routes are very clear there because of the mountainous terrain. We follow the Barizan valley, generally give towns or valleys to the village, and then enroute through and return.

Finish the brief up, we'd go back out, get in the aircraft, run the aircraft up, and once the aircraft are running, personnel would usually climb on board at that point and we would proceed to takeoff.

On lift off, you do a comm check. One is ready, he turns his beacon or anti-collision light off. That's per SOP. And Chalk Two will call the beacon. Chalk Two's beacon signals they're also ready. The flight is now ready, so now we know our internal frequency works because we just used it. At this point we would pick up, let Chalk One first pick up and turn around and depart. Chalk Two picks up and depart. We would call Arrow base in Zakhu that we're off. Chalk Two would call Cougar, "Off," code letter for that area, enroute whatever code letter we're going to. And lots of times, if we're enroute to a village, far side of the area of responsibility, we would give an intermediate village that we're going to pass by, and say like, off of whatever code letter we're at, and then we'd say enroute to this one. And when we got there, we would update it with another call.

Avionics on is part of the checklist. The transponder is turned on. If for some reason you turn it off, you have to hold the code in it for the Mode IV. It's a little button. You turn it to hold and then you turn it off in fifteen seconds. This is done by one of the two pilots on shut down. If, when you turn it back on it doesn't work, there's a red light that lets you know that your code has been dumped. The light is on the center console, between us at about lap level. The transponder is almost dead center in it, and depending on which side, you'd reach into the center and turn that knob, and the light is right there. There is nothing that would obstruct your view of that particular light.

When you check in with Cougar again. If you lose your Mode IV, they periodically do

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sweeps because in the past, I have known two aircraft to dump the IFF code. That happens if you forget to hold it or if the transponder somehow fails. And usually we will call and advise AWACS that we've lost the code. I've had it happen three times, once when I was in the aircraft. The one time the aircraft didn't call Cougar and tell them and very shortly after takeoff, Cougar called and said they had a bogey check. Cougar advised the pilot to check his transponders and the pilot replied, "Well, yes, we lost our code."

One other case I personally recall, we lost our code before we ever took off. I assumed they would call us and say, well -- I didn't go through the hassle, I'll just tell them. But that has only happened three times that I know of and every time it's Cougar knows -- has asked us or we've told them that that happened. And never have we gone out with both aircraft dumped with lost code.

I haven't been faced with a situation where two aircraft dumped their codes. If that happened, I would call Cougar and advise them. I don't recall if it says somewhere in the ACO that you can't go in a situation like that. I would probably continue as long as AWACS did not have a problem and felt they could follow us.

After we have taken off and have established the link with Cougar, we generally fly at less than a hundred feet maintaining a distance of ten rotor disks between each other. We fly a straight line from point to point going from village to village. We take the easiest route. When we arrive at a village, Chalk 2 would call Cougar and advise them of our arrival and out intentions, whatever we're going to do.

When the visit is over, we would go through the same type of run up we had just done at Zakhu, the same thing with the transponder, the FM, talking with the beacon, and call that we're ready. It would be an odd case if we did not shut down when we landed at a village. We do the normal run up and we're ready to leave. Once we're ready to depart, we would takeoff and as soon as we were in the air, Chalk 2 would call Cougar, say we're off this village by the code letter, enroute wherever, another village. If we were headed back to Zakhu, we'd just, back to that code letter for Zakhu. And then we continue enroute back to Zakhu, arrival there, call Cougar, short final for our arrival there and intentions. Once again, what we plan on doing. And sometimes we would call for weather. If the weather has been bad, we might call Cougar for weather.

Sometimes we don't always have contact with Cougar, for one or two reasons. If they're not there, we are allowed to operate in the TAOR without AWACS coverage. AWACS can lose us with radar coverage also. Sometimes when we'd go to villages, shut down and then come back up, and Cougar and all the fighters would be gone. So we'd just fly back. We'd make the calls in the blind, a couple of calls, and then if we're just not getting anything, we'd come back.

We'd use ultra-high frequency radio, UHF, to contact Cougar. It's considered the enroute frequency. The enroute frequency is used to control and cover an area of coverage from Incirlik

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to the gate. While in the TAOR, we could talk to other aircraft on the enroute frequency but we couldn't talk to aircraft in the TAOR because they'd have HAVE QUICK radios and we don't have it in all our aircraft. We could also talk to Arrow base or Zakhu if we were really close. I mean, because of the terrain, we'd have to be generally within about five minutes of the place or less.

In the fall of 1993 on my last full mission here, while we were enroute, we would squawk all modes available, Mode I, II, III and IV. When we reached the TAOR we would squawk Modes I and IV. The codes that are recorded and placed in the transponder are in the Air Tasking Order except for the Mode IV. That's a Code "U" using a tape reader and the KYK-13 which is like a loader that loads it into our transponder.

When we go into the TAOR, we can't descend straight down. We have to go out into our AOR, and make a loop and turn back to Zakhu. We were in a turn and from our about seven to eight o'clock position, two jets flew by within two to three hundred meters of us, probably about three hundred meters to our left. Well, I was -- we were descending out of flight level zero-seven-five. I'm not sure what kind of aircraft because they came from our rear. We didn't really see them until they were passing our peripheral vision. I think I was on the right side of the aircraft too. It was sort of like, whoa. Neither aircraft had to dodge, but it was definitely closer than I would like it to be. This was around the end of September time frame. I also had times where in the Barizon valley, we were flying on the north side of the valley and we had two aircraft on the south side of the valley, two jet aircraft that were actually below us. As it goes south, the valley gets lower and lower.

But they made a turn. We were heading towards the ridge line. We didn't actually -- what happened is they made a turn to the left. I don't know where they went, never saw them, but we were very, very cautious going to the ridge line because we thought they might be doing a one-eighty and coming back to our side of the valley. And at the Upper Palace is where the one other instance which I know has happened to other people took place. The Upper Palace is sort of at sixty-five hundred feet, and it is very normal for us to go there because it's a place that everyone likes to see. It's a good place to take all of the VIPs, show them, take pictures. As we were flying, we used to come off lots of times on the north side which is like a big cliff. I would say a couple of thousand feet. And we've quit that because as we come off, we can't really stay right along the edge of the cliff, we have to sort of balloon out.

I don't know what the nationality of those aircraft was. It was two F-16s flying basically underneath of us and they went up the ridge line. This was probably in late September or late October.

Generally, we did encounter problems coordinating Eagle Flight operations with other air activities. First, to get an understanding of the situation, a lot of our radar contacts came while we were enroute to Turkey from what we believe were Turkish aircraft. Many were of an

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extended nature which would cause a pilot great concern. That just added to the overall situation.

In the TAOR, while it wasn't as bad as in Turkey, from talking to the operations officer right before me, it started probably the most right towards the end of August, and I arrived here September 11th, and the worst part was probably mid-September until early November, late October.

For awhile, it was almost every time the aircraft were flying, we would at least once be locked onto with radar lock. I have never popped chaff and we don't have flares. We've blown chaff twice here that I know of. During my rotation we blew chaff twice. Once was in Turkey and once was on climb out of Zakhu. The threat was not from a fixed wing, it was a ground based threat.

We didn't pop chaff because generally we felt it was just our friendly fighters. Usually We hadn't had the problem before and we never saw aircraft down low with us. So we started wondering what had happened. Our ACO that we had said they shouldn't be here with us. I don't know what the date of that ACO was.

I talked to Colonel Pingel, the CTF C-3, and just basically asked him what was up. He said they had a new ACO come out. He advised that the new ACO allowed them to fly lower now and it would be detailed in the ACO and he would give me a copy. He advised me that for a fixed wing aircraft to get our airspeed and altitude, they'd have to lock onto us momentarily. I agreed with him that they generally were very good about it. They'd lock on momentarily and drop the lock. But every so often you would have one that would last five, six or more seconds, and that's when you start to get a little nervous when it starts repeating itself. We would start to get a little tense about what might be happening.

I finally got a copy of the ACO and it detailed where the aircraft were allowed to be and why they were where they were. It supposedly kept them to a thousand feet AGL in the security zone and we had aircraft lower than that. We had aircraft down with us a few times and, as far as I knew that really shouldn't be. Colonel Pingel indicated that General Pilkington's idea was that they had certain altitude steps. I think out over the eastern area where there's no security zone, I think it was forty-five hundred feet and a thousand in the security zone. But General Pilkington's point of view, relayed through Colonel Pingel, was that if we keep them at a thousand feet, they'll probably stay above five hundred. We just wanted them to make the fighters aware that we were there, especially after a semi-near miss going into Zakhu. He said he would do that and it appeared that the problem had solved itself. He said he would make a no fly zone around Zakhu to ensure that we didn't have any close calls while we were descending out of altitude. After that, I'd say there was more of a heightened awareness in the TAOR that there was more than just fighters out there.

Colonel Pingel asked what communications gear we had on board and I provided him a

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list to include the code letters that we tell Cougar when we go from village to village. He advised me that Cougar didn't know what those things were. Basically they were just copying the letters down and if something happened, they'd say, "Well, they said they were going here."

Somewhere through all of the rotations they lost the original ones that were given and I've been told that has happened since. We again have provided that list to those personnel.

In our discussion, our big concern was we were not talking to each other. The fighters can't talk to us and I brought it up that I would like to be on a mission primary or mission push in the TAOR, when you cross the gate, go off of enroute frequency to mission frequency. The problem was that they're all HAVE QUICK capable and we're not. He agreed with me. We both thought it was a good idea. He said he'd work the issue, that the biggest problem was the incompatibility of our radio systems, but he thought maybe there was some way to have a low level frequency that, before they dropped down to the level, they'd have to go up that.

When I left November 20th, there still was nothing definite and when I left, he was not there so I spent like five days in Incirlik but I never got a chance to talk to him on my way out about the problems because he was up in EUCOM at the time and he was personally handling the issue. So I don't know what happened to the final results of those issues.

But along with that, we had some severe problems in Turkey, the civil war, our Black Hawk helicopters just not being made to fly the low profile we're flying with our extreme gross weights, high drag configurations and all that. I made a detailed memo which he wanted, along with the tracking incidents that the Turks were doing, and all these problems we were having. It was sort of multi-faceted.

I provided that back to him and also provided, through my chain of command up through C, 6-159, the battalion, the brigade in Germany. I was told it made it up to Corps, USAREUR, or maybe not. I gave it personally to Colonel Pingel. And he was working that also when I left, and I really don't know what happened with that after I left.

The aircrew read file had the detailed Rules of Engagement. I know there is a rule that you're not supposed to intercept friendly targets.

We did not need fighter coverage to operate in the security zone. Now, at times before, we were allowed to operate anywhere without fighter coverage. Excuse me, General Oaks then restricted that to the security zone only. I don't believe at the time it was in the ACO. It was in a separate, like a change. It was a change to the ACO that was published in September of 1993 or early October. It was published separately.

I don't think it was 'til later that the ACO changed in that it said we had to have fighter

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coverage to go outside. That was coordinated with MCC Zakhu and coordinated with the CTF. The ACO put restrictions on Eagle Flight saying our max altitude would be four hundred feet, I mean coordinated altitude. I don't remember any requirements with respect to AWACS in the ACO. The ACO did not state AWACS was required to be up for us to enter the TAOR. Once this change came down, I could be in the security zone without AWACS or fighter coverage. To go beyond it, it was either a special permission by the general or we had to have the AWACS or fighter coverage.

The TAOR is all of Iraq north of the thirty-sixth parallel. The security zone is an area, I would say, probably half -- if you take the thirty-sixth to the north border of Iraq, about mid way, and it runs from -- roughly from near the tri-border of Syria, Turkey, Iraq, it's a little bit south, runs about two thirds of the way across, generally east/west across the country and then does like a circular motion back up to the Turkey border. And that area is free of Iraqi -- of all Iraqi military GOI forces.

In talking with MCC forward, just basically, you know, you guys will have to work -- it relates -- it related to us basically.

We would have liked to have fighter coverage all the time but got the perception that it's not that you guys aren't important enough, but . . . MCC Zakhu, that, you know, we're going to have to work with them. They're only going to fly their two type of missions, you know, they either fly morning, afternoon or on one long block mission, like if we're going to go outside the security zone, they could coordinate to try to work the coverage to be there at a certain time. But we had to get out there and get back in that time, which was not even -- this is a Muslim society, everything goes very slow in the villages, and I think it was a great hamper to Colonel Thompson at the time, because he had to finish his mission in that village to get back into the security zone before the coverage went away.

We could be on the ground, like at Irbil, let's just take for instance, that's outside the security zone. We could be on the ground without coverage, like we could -- if we had coverage for the time we were flying, from the time we left the security zone to the time we got to Irbil, we could have -- we'd have to have coverage. And they could all go home and we'd be on the ground for like four hours, and they'd come back out, but we couldn't takeoff the ground until they were back there again and then we'd fly back into the security zone while they're under time frame of overhead cover again, but we couldn't be flying outside the security zone without that coverage.

I once did. We got special permission. We stopped -- the coverage wasn't there, we didn't know why it wasn't, they were supposed to be there and I think they had some AWACS problems with JTIDS, the link between AWACS and the ground, or something, and it was a very important meeting. I believe we had to go to Irbil that day and, I mean, that's a good -- that's one of the farthest places we go to. It's out of the security zone. Down and back, it's almost an hour outside of the security zone. You'll be forty-five minutes at least you'll be outside of the security

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zone. And we stopped enroute and they had to set up the TACSAT, which is a TAC satellite communications radio, and call back to CTF and got the general's permission to do it without the coverage. To my recollection, that did not happen on any other occasions.

Turkish Air Traffic Control at Diyarbakir allows sort of a takeoff window for our flight plan. That's sort of variable, depending on how the Turks or the controllers feel that day. It's supposed to be by the ACO, I mean, you're operating at Incirlik, you have fifteen minutes either side of your takeoff time to takeoff. Here, we've had times -- more so the first time when we had to be in that fifteen minute window. My second time here, last fall, basically as long as we contacted them in that fifteen minute window, if we had a maintenance problem really, unless there was going to be a real big delay, they would let us takeoff whenever, as long as we kept contact with them and told them what's going on.

If we had a two-ship mission and one of the primary aircraft had a maintenance problem, it would be a normal pre-flight on the spare aircraft. Of course, all the crew chiefs and the enlisted guys would help us get it all opened up and unlocked and, you know, the windows clean and all that, but the two pilots flying would still have to do the normal pre-flight. Generally, we did not set an aircraft up for, you know, as -- we might know which one we wanted to take, but we wouldn't do anything special until one broke, except if we had like a very big VIP mission. We would then maybe have even possibly a third crew out there running it up.

If we had a VIP mission and we had a third aircraft designated as a spare and we went through the procedures, pre-flight and everything like that, we would go ahead and key up the Mode IV, just like we were planning on using it on the mission. They would run up with us. The only thing is, when we went to takeoff, they'd stay. Everything else was normal operations like they were just part of the mission.

If we had just an admin flight scheduled, we would key up the Mode IV. Even if the flight was scheduled from Diyarbakir back to Incirlik, we would key the Mode IV anyway.

If we had a flight of two aircraft, both aircraft would be up norm, whenever flying. In Turkey, this change in the middle of the rotation, when we got that new ACO, we found that both aircraft would be up Mode I and IV at all times. Mode III and Charlie -- lead would be up only. Chalk 2 wouldn't turn their transponder to standby, they would put Mode III Charlie pins in the off position because they still have to squawk Mode I and IV. So they'd always have both aircraft, however many aircraft you had, Mode I and IV was always on all the time. And when you got to the border, both aircraft would turn Mode III and Charlie off and only squawk I and IV.

Leaving Zakhu, there has never been anything that said we couldn't be the first aircraft into the TAOR south of Zakhu. We just had to stay in the security zone, but we could go wherever we wanted, whether there was anybody there that day.

The geographic location of the shutdown is outside of the security zone, but not very far. If I were first seeing it, I would say either right as they were leaving the security zone or right

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outside of it.

(The standard witness caution was given and the witness had no questions)

I certify that the foregoing is a true and accurate summary of the testimony of Michael A. Nye, as given to the Aircraft Accident Investigation Board.



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SCOTT C. BLACK, Lt Colonel, USA  
Legal Advisor

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