

**DEPARTMENT OF THE NAVY  
UNITED STATES NAVY TRIAL JUDICIARY  
NORFOLK, VIRGINIA**

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IN RE SEAL--DETAINEE ASSAULT )  
CASES (McCabe, Keefe & Huertas) ) PROFFER OF TESTIMONY  
 ) ICO HM1 PATRICK L.  
 ) WEATHERMAN  
 ) 22 February 2010

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Pursuant to R.C.M. 704, undersigned counsel, on behalf of HM1 Patrick L. Weatherman, USN, provides this proffer of the summarized truthful testimony that HM1 Weatherman would provide if he were granted testimonial immunity in the above-referenced special courts-martials:

**PROFFER**

HM1 Weatherman would testify that his name is HM1 Patrick L. Weatherman, USN. He is currently assigned to SEAL TEAM TEN, Naval Amphibious Base, Norfolk, VA. HM1 Weatherman enlisted in the Navy in June 1990. He is an Independent Duty Corpsman (IDC) and fully qualified combat Hospital Corpsman. HM1 Weatherman was forward deployed to Iraq with SEAL TEAM TEN between MAR 09 and SEP 09 as an IDC with NSW Detachment 10E.

In the early morning hours of 1 Sep 2009, HM1 Weatherman participated in the operation to capture an Iraqi insurgent code named "AMBER." HM1 Weatherman was the Corpsman for the operation and was a member of the perimeter security cordon during the capture of AMBER. Between approximately 0100 and 0200 on 1 September 2009, the operation was conducted and Objective AMBER was captured and returned to the operations base by approximately 0400. On the ex-filtration from the objective area, HM1 Weatherman briefly observed AMBER, who was wearing a dishdasha with his hands zip-tied behind his back with a mask obscuring his vision. The detainee was cooperative and had no apparent injuries.

Upon return to Camp Schwedler, HM1 Weatherman was on the last helo to land and he believes he was the last person off the helo. There were vehicles at the LZ to pick them up and he rode back to the camp in the vehicle with the others. HM1 Weatherman did not see the detainee between deplaning from the helo and return to the base.

Upon their return, HM1 Weatherman put his gear in his room, changed and then went to the MWR for debrief. The debrief was conducted by LT O'Neil and it took approximately 10-15 minutes. He believes the debrief occurred sometime between 4 and 5 AM, but has no specific recollection of the time.

After the debrief, on the way to the TOC, LT O'Neil told HM1 Weatherman to "go back and evaluate the prisoner" or words to that effect. HM1 Weatherman went to the medical spaces to get the "Mule" vehicle and then went to the detainee holding area. He initially went to the wrong CONEX, realized the mistake and then parked the Mule and went inside the detainee holding area CONEX container.

When HM1 Weatherman went inside the detainee holding area, he found MA3 Demartino sitting across from the detainee. The detainee was sitting in a chair with his hands zip-tied behind his back with a mask covering his eyes to obscure his vision. HM1 Weatherman looked for the locally produced forms used to document the evaluation of the prisoner, but could not find any in the holding area. Demartino told HM1 Weatherman that he had a clipboard in his room that probably had the forms in it. Demartino left the container to go get the clipboard from his room. Demartino left HM1 Weatherman with AMBER and provided HM1 Weatherman with his M-16 weapon. The detainee was alone in the CONEX during this time.

HM3 Demartino was gone for no more than 5 minutes. No one came to the CONEX while Demartino was gone. MA3 Demartino came back with the clipboard but it didn't have any forms in it. HM1 Weatherman then left the area on the Mule and went back to get the forms from medical. When he left, Demartino was alone with the prisoner.

HM1 Weatherman obtained the proper form and conducted the physical screening of the prisoner with Demartino present. No other personnel had been present with HM1 Weatherman prior to his completion of the physical evaluation. HM1 Weatherman documented the prisoner's condition on the form, signed and dated it. The form accurately documented the detainee's physical condition. HM1 Weatherman believes that the time of the evaluation may also be recorded on the form but he does not have a copy and therefore his best recollection of the time of the evaluation was 5 AM or just before 5 AM. He believes that he was required to ask Demartino the time to record it on the form.

HM1 Weatherman gave the form to Demartino and went back to medical to drop off the additional forms he had brought with him to the detainee holding area. HM1 Weatherman then returned to the CONEX, Demartino was not there, but LTJG Freeh and SO2 Higbie were present. LTJG Freeh asked HM1 Weatherman to remain until Demartino returned. HM1 Weatherman did as he was asked and about 1 minute after LTJG Freeh and Higbie left, Demartino returned. When Demartino returned, HM1 Weatherman returned the Mule to its parking place at medical. He then walked from the medical spaces to the kitchen where he remembers seeing Huertas and Crawford. HM1 Weatherman made himself breakfast and then went to bed.

During the time he was at the CONEX detainee holding facility, HM1 Weatherman did not see Huertas, McCabe or Keefe. No one assaulted the prisoner while he was present and HM1 Weatherman did not assault AMBER. HM1 Weatherman accurately recorded the condition of AMBER when he conducted the physical screening. When he was returning the Mule to medical HM1 Weatherman did not observe any SEALs walking in

the direction of the detainee holding facility.

Some time after he went to bed, HM1 Weatherman was awakened by someone and told he needed to report to Danny's, that LT O'Neil wanted to see everyone. LT O'Neil looked either angry or upset when he arrived. He told those present that he had just turned the detainee over to the Iraqis and there was going to be an investigation into prisoner abuse and that he had to change the detainee's dishdasha before turning him over. LT O'Neil asked if anyone knew anything about what had happened to the detainee and no indicated any knowledge of what had transpired. HM1 Weatherman did not know what LT O'Neil was talking about. The meeting was short because no one indicated that they had any idea what LT "Neil was talking about.

HM1 Weatherman went back to bed and sometime later was ordered to prepare to participate in a convoy to bring back the prisoner from the Iraqi police station. The convoy left at approximately 6-7 PM and they were there until about midnight. LT O'Neill had no luck in securing the return of the prisoner, so they returned back to the base.

The next morning at about 0800, HM1 Weatherman was awakened again and told he would be going back to the police station with the same group that had gone the night before to secure the return of AMBER. They were at the Iraqi police station for several hours while LT O'Neill attempted to secure the return of the prisoner. At one point LT O'Neil demanded to see the prisoner. HM1 Weatherman was with LT O'Neil in the Iraqi police station when the prisoner was shown to LT O'Neil. From about 4 feet away, HM1 Weatherman observed the prisoner, who was not masked and was not shackled. The prisoner had no visible injuries that HM1 Weatherman observed. The prisoner had no difficulty walking and showed no signs of distress or injury.

At about 3 or 4 PM, LT O'Neil and SO1 Crawford went back in the police station to obtain custody of the prisoner. When the prisoner came outside of the police station, HM1 Weatherman observed no indications of injury. HM1 Weatherman put the mask on the detainee, who was already zip-cuffed, he was then placed in the vehicle and transported to the detainee holding facility at Baghdad International Airport, where LT O'Neil turned the prisoner over to the US personnel manning the facility. The members of the convoy ate chow at the BIAP dining facility and then returned to their base.

HM1 Weatherman believes that the next day, following the 1800 daily meeting, all those personnel who had any contact with the detainee were ordered by LT O'Neil to report to the MWR space and fill out a "shooter statement." LT O'Neil told those present that they were required to fill out statements detailing their contact with the detainee because there had been allegations of detainee abuse. A form was provided to each of them and they were told that the statement had to be completed and returned to LT O'Neil within 24 hours.

HM1 Weatherman has little specific recall of the meeting in the MWR. He recalls that SO2 Higbie stood up at a white board and put a "timeline" on the board based upon

inputs of those present that identified specific times relevant to the team's return from the operation. They were told that they should fill in the truthful details of their contact with the detainee. There was no effort to tell anyone what to say.

Before HM1 Weatherman could write his statement, he was ordered to go to Ramadi, so he never actually wrote a shooter statement for LT O'Neil. HM1 Weatherman went to Ramadi with a group that included Demartino, Huertas, McCabe, and Keefe. When they arrived at SOTF-W they were sent into a conference room and Commander Richards and CMC Wilsky addressed them and told them that there have been allegations of detainee abuse and that they were suspected of the abuse. CDR Richards stated that they were going to go through the process and each of them would be filling out statements. They were then sent downstairs to the TOC and waited to be individually called in for interview by the XO.

When HM1 Weatherman was called in he was advised that he was entitled to have a lawyer which caused HM1 Weatherman to ask to go think about it before he decided whether to give a statement. HM1 Weatherman finally decided he would provide a statement and he asked what the allegations were and was told that he was suspected of detainee abuse or of knowing about it. He wrote his narrative statement in his own hand. He was then asked questions by the XO, which he wrote down verbatim, and then wrote his answers to the questions he had been asked. The statement was true and accurate to the best of HM1 Weatherman's knowledge and belief.

HM1 Weatherman was required to remain in Ramadi after the interview with the XO. He was later called in to make another statement; this time with NCIS. At this time, he does not believe he was read his rights. The NCIS agent prepared a typewritten statement which was essentially a transcription of the prior handwritten statement. Again, HM1 Weatherman believes the statement he provided to NCIS was completely truthful.

HM1 Weatherman moved to Al Asad and then to Qatar with Keefe, McCabe, Huertas and Demartino.

HM1 Weatherman was ordered to report to SOCCENT HQ, where McCabe, Keefe and Huertas were already waiting to see General Cleveland. When HM1 Weatherman arrived, there was a lot of activity and he heard that the SEALs had refused Non-Judicial Punishment. At one point, HM1 Weatherman saw General Cleveland and he looked very angry. HM1 Weatherman was never called in to speak to anyone on SOCCENT Staff nor to see the General. The next day, HM1 Weatherman received orders to return to the United States via Rota, Spain.

**END OF PROFFER**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles W. Gittins", with a long horizontal line extending to the right.

Charles W. Gittins  
(Va. State Bar 28048)

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