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**DEPARTMENT OF THE ARMY**  
U.S. ARMY CRIMINAL INVESTIGATION COMMAND  
Afghanistan CID Office  
APO AE 09354

30 Dec 2008

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - 1ST FINAL SUPPLEMENTAL/SSI -  
0145-2008-CID369-43736 - 5H8

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 24 JUN 2008, 2030 - 24 JUN 2008, 2030; AFGHAN NATIONAL POLICE  
STATION, MIZAN DISTRICT, AFGHANISTAN

DATE/TIME REPORTED: 26 JUN 2008, 2100

INVESTIGATED BY:

SA (b)(2),(b)(6),(b)(7)(C)  
SA  
SA  
SA

SUBJECT:

1. [DELETE]
2. [DELETE]
3. [DELETE]
4. NONE, ; [ACCIDENTAL DEATH] (NFI)

VICTIM:

1. TOR JAN, (DECEASED); FRCIV; AFGHANISTAN; MALE; OTHER; XZ ;  
[ACCIDENTAL DEATH] (NFI)

1

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(b)(6),(b)(7)(C)

b(2),b(6),b(7)(C)

ACLU-RDI 5573 p. *Regrade for Official Use Only - LES when Separated*  
*from Exhibit 3*  
**ACLU DETAINEE DEATH 2 CID 1235**

INVESTIGATIVE SUMMARY:

(b)(6),(b)(7)(C)

REGRADE FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE WHEN SEPERATED FROM EXHIBIT 3.

(U) THIS IS AN OPERATION ENDURING FREEDOM INVESTIGATION.

(U) COL (b)(6),(b)(7)(C) SJA, CJTF-101, Bagram Airfield, reported an Afghan civilian detained by the Afghan National Police (ANP) was killed during a struggle with members of Operational Detachment Alpha (ODA) 7115.

(U) Investigation determined Mr. TOR JAN died as a result of blunt force trauma to the head due to a fall while being restrained, and the manner of death was accidental.

(U) Further investigation determined CW2 (b)(6),(b)(7)(C) A CO, 1/7 Special Forces Group, Fort Bragg, NC 28310, corroborated the accidental manner of death.

(U) EXHIBITS:

(U) Added Attached:

(U) 14. Agent's Investigation Report of SA (b)(6),(b)(7)(C), 4 Dec 08.

(U) 15. Waiver Certificate/Statement of CW2 (b)(6),(b)(7)(C) 17 Nov 08.

(U) 16. Digital video disc containing the interview of CW2 (b)(6),(b)(7)(C) 17 Nov 08.

(U) Added Not Attached:

(U) None

(U) The originals of Exhibits 14 through 16 are forwarded with the USACRC copy of this report.

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(U) STATUS: This is a 1st Final Supplemental Report. No further investigative activity is anticipated at this time. Commander's Report of Disciplinary or Administrative Action Taken (DA Form 4833) is not required.

(U) CID Reports of Investigation may be subject to a Quality Assurance Review by CID higher headquarters.

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Report Prepared By:

(b)(6),(b)(7)(C)

Special Agent

Report Approved By:

(b)(6),(b)(7)(C)

Special Agent in Charge

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Deputy Commander, CJSOTF-A, Bagram Aifield, Afghanistan

PM DEP, CJTF-101 (LTC (b)(6),(b)(7)(C)) (email only)

PM SGM, CJTF-101 (SGM (b)(6),(b)(7)(C)) (email only)

PMO OPERATIONS OFFICER (MAJ (b)(6),(b)(7)(C)) (email only)

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PMO, CJTF-101 OPS NCO (SFC (b)(6),(b)(7)(C)) (email only)

PMO, KANDAHAR (MSGT (b)(6),(b)(7)(C)) (email only)

DEPUTY SJA, CJTF-101 (MAJ (b)(6),(b)(7)(C)) (email only)

SJA, CJSOTF (MAJ (b)(6),(b)(7)(C)) (email only)

STAFF JUDGE ADVOCATE, CJTF-101 (LTC (b)(6),(b)(7)(C)) (email only)

AFIP, DOVER FACILITY, DOVER AFB, DE

AFIP (SA (b)(6)) (email only)

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**DEPARTMENT OF THE ARMY**  
U.S. ARMY CRIMINAL INVESTIGATION COMMAND  
Afghanistan CID Office  
APO AE 09354

20 Nov 2008

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0145-2008-CID369-43736 - 5H8

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 24 JUN 2008, 2030 - 24 JUN 2008, 2030; AFGHAN NATIONAL POLICE STATION, MIZAN DISTRICT, AFGHANISTAN

DATE/TIME REPORTED: 26 JUN 2008, 2100

INVESTIGATED BY:

SA (b)(2),(b)(6),(b)(7)(C)

SA

SA

SUBJECT:

1. [DELETE]
2. [DELETE]
3. [DELETE]
4. NONE, ; [ACCIDENTAL DEATH] (NFI)

VICTIM:

1. TOR JAN, (DECEASED); FRCIV; AFGHANISTAN; MALE; OTHER; XZ ; [ACCIDENTAL DEATH] (NFI)

1

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b(2),b(6),b(7)(C)

INVESTIGATIVE SUMMARY:

(b)(6),(b)(7)(C)

(U) THIS IS AN OPERATION ENDURING FREEDOM INVESTIGATION.

(U) COI (b)(6),(b)(7)(C), SJA, CJTF-101, Bagram Airfield, reported an Afghan civilian detained by the Afghan National Police (ANP) was killed during a struggle with members of Operational Detachment Alpha (ODA) 7115.

(U) Investigation determined Mr. TOR JAN died as a result of blunt force trauma to the head due to a fall while being restrained, and the manner of death was accidental.

(U) EXHIBITS/SUBSTANTIATION:

(U) Attached:

(U) 1. Agent's Investigation Report (AIR) of SA (b)(6),(b)(7)(C) 30 Jun 08.

(U) 2. CD containing images of the remains of Mr. TOR JAN. (USACIDC and AFIP copies only)

(b)(6) AR 15-6 Investigation prepared by COL (b)(6),(b)(7)(C) 28 Jun 08. (USACIDC and AFIP copies only)

(U) 4. AIR of SA (b)(6),(b)(7)(C) 1 Jul 08.

(U) 5. CD containing autopsy photographs. (USACIDC copies only)

(U) 6. AIR of SA (b)(6),(b)(7)(C) 13 Aug 08.

(U) 7. AIR of SA 30 Sep 08.

(U) 8. AIR of SA (b)(6),(b)(7)(C) 0 Oct 08.

(U) 9. Waiver Certificate/Statement/Sketch of SSG (b)(6),(b)(7)(C) 5 Oct 08.

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~~Law Enforcement Sensitive~~

(U) 10. Autopsy/Toxicology Report of Mr. TOR JAN, 6 Oct 08.

(U) 11. Death Certificate of Mr. TOR JAN, 8 Oct 08.

(U) 12. AIR of SA (b)(6),(b)(7)  
(C) 9 Nov 08.

(U) 13. Waiver Certificate/Statement/Sketch of SSG (b)(6),(b)  
(7)(C) 9 Nov 08.

(U) Not Attached:

(U) None.

(U) The originals of Exhibits 1, 2, 4, 6 - 9, 12, and 13 are forwarded the USACRC copy of this report. The originals of Exhibits 3 are retained within the files of the Combined Joint Special Operations Task Force - Afghanistan (CJSOTF-A), Bagram Airfield, Afghanistan, APO AE 09354. The originals of Exhibits 10 and 11 are retained in the files of the Office of the Armed Forces Medical Examiner, Rockville, MD 20850.

(U) STATUS: This is a Final (C) Report.

(U) CID Reports of Investigation may be subject to a Quality Assurance Review by CID higher headquarters.

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Report Prepared By:

(b)(6),(b)(7)(C)

Special Agent

Report Approved By:

(b)(6),(b)(7)(C)

Special Agent in Charge

DISTRIBUTION:

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CDR, BASOPS, KAF (LTC (b)(6),(b)(7)(C)) (email only)  
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DCG-S, 101 (BG (b)(6),(b)(7)(C)) (email only)  
Deputy Commander, CJSOTF-A, Bagram Aifield, Afghanistan  
PM DEP, CJTF-101 (LTC (b)(6),(b)(7)(C)) (email only)  
PM SGM, CJTF-101 (SGM (b)(6),(b)(7)(C)) (email only)  
PMO OPERATIONS OFFICER (MAJ (b)(6),(b)(7)(C)) (email only)  
PMO, BAGRAM (MAJ (b)(6),(b)(7)(C)) (email only)  
PMO, CJTF-101 OPS NCO (SEC (b)(6),(b)(7)(C)) (email only)  
PMO, KANDAHAR (CPT (b)(6),(b)(7)(C)) (email only)  
PROVOST MARSHAL, CJTF-101 (COL (b)(6),(b)(7)(C)) (email only)  
DEPUTY SJA, CJTF-101 (MAJ (b)(6),(b)(7)(C)) (email only)  
SJA, CJSOTF (MAJ (b)(6),(b)(7)(C)) (email only)  
STAFF JUDGE ADVOCATE, CJTF-101 (LTC (b)(6),(b)(7)(C)) (email only)  
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**DEPARTMENT OF THE ARMY**  
U.S. ARMY CRIMINAL INVESTIGATION COMMAND  
Afghanistan CID Office  
APO AE 09354

30 Dec 2008

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STATION, MIZAN DISTRICT, AFGHANISTAN

DATE/TIME REPORTED: 26 JUN 2008, 2100

INVESTIGATED BY:

SA [REDACTED]  
SA [REDACTED]  
SA [REDACTED]  
SA [REDACTED]

SUBJECT:

1. [DELETE]
2. [DELETE]
3. [DELETE]
4. NONE, ; [ACCIDENTAL DEATH] (NFI)

VICTIM:

1. TOR JAN, (DECEASED); FRCIV; AFGHANISTAN; MALE; OTHER; XZ ;  
[ACCIDENTAL DEATH] (NFI)

1

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~~Secret~~ / No For  
ACLU-RDI 557329  
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from Exhibit 3.  
**ACLU DDII CID ROIS 36872**  
**000001**

INVESTIGATIVE SUMMARY:

~~SECRET/NOFORN~~

REGRADE FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE WHEN SEPERATED FROM EXHIBIT 3.

(U) THIS IS AN OPERATION ENDURING FREEDOM INVESTIGATION.

(U) COL **b(6), b(7)(C)** SJA, CJTF-101, Bagram Airfield, reported an Afghan civilian detained by the Afghan National Police (ANP) was killed during a struggle with members of Operational Detachment Alpha (ODA) 7115.

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(U) Further investigation determined CW2 **b(6), b(7)(C)** A CO, 1/7 Special Forces Group, Fort Bragg, NC 28310, corroborated the accidental manner of death.

(U) EXHIBITS:

(U) Added Attached:

(U) 14. Agent's Investigation Report of SA **b(6), b(7)(C)** 4 Dec 08.

(U) 15. Waiver Certificate/Statement of CW2 **b(6), b(7)(C)** 17 Nov 08.

(U) 16. Digital video disc containing the interview of CW2 **b(6), b(7)(C)** 17 Nov 08.

(U) Added Not Attached:

(U) None

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**ACLU DDII CID ROIS 36874**

Report Prepared By:

**b(6), b(7)(C)**

Special Agent

Report Approved By:

**b(6), b(7)(C)**

Special Agent in Charge

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CDR, BASOPS, KAF (LTC **b(6), b(7)(C)**) (email only)

CHIEF MILITARY JUSTICE, CJTF-101 (LTC **b(6), b(7)(C)**) (email only)

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DCG-S, 101 (BG **b(6), b(7)(C)**) (email only)

Deputy Commander, CJSOTF-A, Bagram Aifield, Afghanistan

PM DEP, CJTF-101 (LTC **b(6), b(7)(C)**) (email only)

PM SGM, CJTF-101 (SGM **b(6), b(7)(C)**) (email only)

PMO OPERATIONS OFFICER (MAJ **b(6), b(7)(C)**) (email only)

PMO, BAGRAM (LTC **b(6), b(7)(C)**) (email only)

PMO, CJTF-101 OPS NCO (SFC **b(6), b(7)(C)**) (email only)

PMO, KANDAHAR (MSGT **b(6), b(7)(C)**) (email only)

DEPUTY SJA, CJTF-101 (MAJ **b(6), b(7)(C)**) (email only)

SJA, CJSOTF (MAJ **b(6), b(7)(C)**)

STAFF JUDGE ADVOCATE, CJTF-101 (LTC **b(6), b(7)(C)**) (email only)

AFIP, DOVER FACILITY, DOVER AFB, DE

AFIP (SA **b(6), b(7)(C)**) (email only)

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20 Nov 2008

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1. 24 JUN 2008, 2030 - 24 JUN 2008, 2030; AFGHAN NATIONAL POLICE  
STATION, MIZAN DISTRICT, AFGHANISTAN

DATE/TIME REPORTED: 26 JUN 2008, 2100

INVESTIGATED BY:

SA **b(6), b(7)(C), b(7)(F)**  
SA  
SA

SUBJECT:

1. [DELETE]
2. [DELETE]
3. [DELETE]
4. NONE, ; [ACCIDENTAL DEATH] (NFI)

VICTIM:

1. TOR JAN, (DECEASED); FRCIV; AFGHANISTAN; MALE; OTHER; XZ ;  
[ACCIDENTAL DEATH] (NFI)

1

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**ACLU DDII CID ROIS 36876**

INVESTIGATIVE SUMMARY:

~~SECRET//NOFORN~~

(U) THIS IS AN OPERATION ENDURING FREEDOM INVESTIGATION.

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(U) 4. AIR of SA **b(6), b(7)(C)** 1 Jul 08.

(U) 5. CD containing autopsy photographs. (USACIDC copies only)

(U) 6. AIR of SA **b(6), b(7)(C)** 13 Aug 08.

(U) 7. AIR of SA **b(6), b(7)(C)** 30 Sep 08.

(U) 8. AIR of SA **b(6), b(7)(C)** 10 Oct 08.

(U) 9. Waiver Certificate/Statement/Sketch of SSG **b(6), b(7)(C)** 6 Oct 08.

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(U) 10. Autopsy/Toxicology Report of Mr. TOR JAN, 6 Oct 08.

(U) 11. Death Certificate of Mr. TOR JAN, 8 Oct 08.

(U) 12. AIR of SA [REDACTED] 9 Nov 08.

(U) 13. Waiver Certificate/Statement/Sketch of SSG [REDACTED] 9 Nov 08.

(U) Not Attached:

(U) None.

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(U) STATUS: This is a Final (C) Report.

(U) CID Reports of Investigation may be subject to a Quality Assurance Review by CID higher headquarters.

Report Prepared By:

Report Approved By:

**b(6), b(7)(C)**

Special Agent

**b(6), b(7)(C)**

Special Agent in Charge

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CHIEF OF STAFF, CJTF-101, BAGRAM AIR FIELD (COL **b(6), b(7)(C)**) (email only)

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CJTF 101, CMD GRP (LTC **b(6), b(7)(C)**) (email only)

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DCG-S, 101 (BG **b(6), b(7)(C)**) (email only)

Deputy Commander, CJSOTF-A, Bagram Aifield, Afghanistan

PM DEP, CJTF-101 (LTC **b(6), b(7)(C)**) (email only)

PM SGM, CJTF-101 (SGM **b(6), b(7)(C)**) (email only)

PMO OPERATIONS OFFICER (MAJ **b(6), b(7)(C)**) (email only)

PMO, BAGRAM (MAJ **b(6), b(7)(C)**) (email only)

PMO, CJTF-101 OPS NCO (SFC **b(6), b(7)(C)**) (email only)

PMO, KANDAHAR (CPT **b(6), b(7)(C)**) (email only)

PROVOST MARSHAL, CJTF-101 (COL **b(6), b(7)(C)**) (email only)

DEPUTY SJA, CJTF-101 (MAJ **b(6), b(7)(C)**) (email only)

SJA, CJSOTF (MAJ **b(6), b(7)(C)**)

STAFF JUDGE ADVOCATE, CJTF-101 (LTC **b(6), b(7)(C)**) (email only)

FILE

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0145-08-CID369-43736

PAGE 1 OF 1 PAGES

## DETAILS

**BASIS FOR INVESTIGATION:** About 2100, 26 Jun 08, this office was notified by COL **b(6), b(7)(C)** SJA, CJTF-101, Bagram Airfield (BAF), that an Afghan civilian detained by the Afghan National Police (ANP) was killed during a struggle with members of Operational Detachment Alpha (ODA) 7115, Fire Base (FB) Lane, Afghanistan.

About 0515, 29 Jun 08, SA **b(6), b(7)(C)** SA **b(6), b(7)(C)** and SA **b(6), b(7)(C)** responded to Mortuary Affairs, BAF, to examine and photograph the remains following notification of arrival. SA **b(6), b(7)(C)** exposed photographs of the remains and SA **b(6), b(7)(C)** and SA **b(6), b(7)(C)** assisted in the examination. Minor injuries were noted on the remains of Mr. TOR JAN. Mr. TOR JAN had two small contusions/abrasions on his abdomen and to his left hip. Further, it appeared as though there was faint bruising around Mr. TOR JAN's eyes and a small linear abrasion on his left upper eye lid with a small circular contusion on his forehead above the left eye. He had a small abrasion on the right side of his lower lip, abrasions to the front and back of the left forearm, and abrasions and bruising to the lower back. Lividity was fixed and present along Mr. TOR JAN's back, which corresponded with his positioning. Rigor mortis had fully dissipated. No significant head trauma was observed. Mr. TOR JAN's abdominal region was beginning to reveal green in color discoloration, showing early signs of decomposition.

About 2150, 30 Jul 08, SA **b(6), b(7)(C)** coordinated with MAJ **b(6), b(7)(C)** Command Judge Advocate, CJSOTF-A, Camp Vance, BAF, who provided a copy of the AR 15-6 Investigation conducted by COL **b(6), b(7)(C)** Investigating Officer, CJSOTF-A, Camp Vance, BAF. COL **b(6), b(7)(C)** findings were that members of ODA 7113 applied the appropriate level of force and acted in accordance with the rules of engagement. Further, COL **b(6), b(7)(C)** found that Mr. TOR JAN received the appropriate standard of care under the circumstances. ///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA **b(6), b(7)(C), b(7)(F)**

SIGN **b(6), b(7)(C)**

ORGANIZATION

Afghanistan CID Office  
Bagram Airfield, APO AE 09354

DATE

30 Jun 08

EXHIBIT

**ACLU DDII CID ROIS 36880**



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0145-08-CID369-43736

PAGE 1 OF 1 PAGES

## DETAILS

About 2030, 13 Aug 08, SA **b(6), b(7)(C)** interviewed LCDR (Dr) **b(6), b(7)(C)** General Surgeon, CJSOTF, Forward Surgical Team (FST), FB Ripley, who confirmed he treated Mr. TOR JAN at the FB Ripley FST. Dr. **b(6), b(7)(C)** related he was not told what caused Mr. TOR JAN's injury or where he was medically evacuated (MEDEVAC) from. Dr. **b(6), b(7)(C)** related Mr. TOR JAN was first brought to the Dutch hospital on FOB Ripley where he remained for approximately two hours before he was transferred to the FST around midnight due to his presumed detainee status. Dr. **b(6), b(7)(C)** related Mr. TOR JAN exhibited signs and symptoms of a serious brain injury; however, there were no outward symptoms such as a bump, bleeding, or skull fracture to the head. Mr. TOR JAN's vital signs also revealed he suffered from hypoxia, a shortage of oxygen in the body specifically in the blood, which would indicate his heart stopped beating or lungs were not functioning at some point. Dr. **b(6), b(7)(C)** related it was his understanding Mr. TOR JAN was coded for approximately one hour. Mr. TOR JAN was treated for approximately eight hours at the FST; however, his condition deteriorated through out the night and he was "brain dead." Mr. TOR JAN was given an IV and a ventilator was inserted into his airway as the only method of life support. Dr. **b(6), b(7)(C)** discussed Mr. TOR JAN's options with a Special Forces medic, **b(6), b(7)(C)** at the FST. Dr. **b(6), b(7)(C)** related he told the medic Mr. TOR JAN could either be extubated or moved to another location. However, Dr. **b(6), b(7)(C)** related that if Mr. TOR JAN was moved, it was only to transport him to another location and not for further treatment as he did not have any chance of recovery without life support. Dr. **b(6), b(7)(C)** related it was his intent to extubate Mr. TOR JAN which he verbally implied to **b(6), b(7)(C)** who took it as his order. Dr. **b(6), b(7)(C)** related it was not a misunderstanding but rather his verbal intent as given to **b(6), b(7)(C)** and not **b(6), b(7)(C)** decision to make. Dr. **b(6), b(7)(C)** intended to write up an order but was not able to as he was called into the other room for another matter. Dr. **b(6), b(7)(C)** related it was his understanding that **b(6), b(7)(C)** called his higher headquarters in regard to moving Mr. TOR JAN and was told that he would not be moved. Dr. **b(6), b(7)(C)** related **b(6), b(7)(C)** removed the ventilator from Mr. TOR JAN's airway while he was in the other room. When Dr. **b(6), b(7)(C)** returned several minutes later, Mr. TOR JAN was still alive; however, since it was his intent to extubate him, he did not attempt to re-insert the ventilator. Mr. TOR JAN died approximately nine minutes later as expected at around 0900 hours. Dr. **b(6), b(7)(C)** related **b(6), b(7)(C)** was a well trained Special Forces medic with Operational Detachment Bravo (ODB) who was trained at a higher level than other field medics. It was not outside of what he was capable of doing to extubate Mr. TOR JAN. Dr. **b(6), b(7)(C)** related **b(6), b(7)(C)** assisted at the FST often and worked with him on many occasions before and since the incident. Additionally, Dr. **b(6), b(7)(C)** related the explanation for Mr. TOR JAN's injury was plausible if he had bleeding to the back of the brain which could affect breathing causing lack of oxygen to the head and abnormal heart beat. ///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA **b(6), b(7)(C), b(7)(F)**  
SIGN **b(6), b(7)(C)**

ORGANIZATION

Afghanistan CID Office  
Bagram Airfield, APO AE 09354

DATE

13 Aug 08

EXHIBIT

ACLU DDII CID ROIS 36954

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0145-08-CID369-43736

PAGE 1 OF 1 PAGES

## DETAILS

About 1930, 30 Sep 08, SA **b(6), b(7)(C)** interviewed SSG **b(6), b(7)(C)** C Co, 1/7<sup>th</sup> Special Forces Group (SFG), FB Ripley, who verified he assisted Dr. **b(6), b(7)(C)** in the medical treatment of Mr. TOR JAN. SSG **b(6), b(7)(C)** related he was informed there was a "personnel under control" (PUC) who was brain dead and his assistance was needed at the clinic. SSG **b(6), b(7)(C)** related it was his understanding the PUC was to be turned over to the Afghan National Police (ANP), and in order to do so Mr. TOR JAN would be extubated. SSG **b(6), b(7)(C)** related he understood Mr. TOR JAN would expire once extubated; however, related it was the standard of care for someone in Mr. TOR JAN's condition. SSG **b(6), b(7)(C)** related he told Dr. **b(6), b(7)(C)** he would extubate Mr. TOR JAN in preparation for movement and understood that Dr. **b(6), b(7)(C)** concurred. SSG **b(6), b(7)(C)** related Mr. TOR JAN passed away on the table almost immediately after being extubated. SSG **b(6), b(7)(C)** related he used a suction device to clear any secretion from the mouth of Mr. TOR JAN. There were members of the Afghan National Army (ANA) present when Mr. TOR JAN passed who were to take custody of the remains for proper burial procedures. SSG **b(6), b(7)(C)** related he inspected Mr. TOR JAN upon arrival to the clinic; however, he was unable to locate any visible injuries. SSG **b(6), b(7)(C)** related he checked Mr. TOR JAN's eyes, nose, and ears and ran his hands through his hair to check for signs of injury; however, could find no evidence of bumps, lacerations, or contusions; although Mr. TOR JAN's eyes were fixed and dilated. ///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA **b(6), b(7)(C), b(7)(F)**

SIGNATURE

**b(6), b(7)(C)**

ORGANIZATION

Afghanistan CID Office  
Bagram Airfield, APO AE 09354

DATE

30 Sep 08

EXHIBIT

**ACLU DDII CID ROIS 36955**

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0145-08-CID369-43736

PAGE 1 OF 1 PAGES

DETAILS

About 1324, 6 Oct 08, SA **b(6), b(7)(C)** advised SSG **b(6), b(7)(C)** of his legal rights, which he waived and rendered a sworn statement detailing the incident which resulted in the death of Mr. TOR JAN. SSG **b(6), b(7)(C)** also drew a sketch depicting where personnel were located at the scene.

About 0900, 10 Oct 08, SA **b(6), b(7)(C)** received the Final Autopsy Report AFIP pertaining to Mr. TOR JAN. The report listed the cause of death as blunt force trauma to the head, and the manner of death as homicide. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA **b(6), b(7)(C), b(7)(F)**

ORGANIZATION

Afghanistan CID Office  
APO AE 09354

SIGNATURE

**b(6), b(7)(C)**

DATE

10 Oct 08

EXHIBIT

8

ACLU DDII CID ROIS 36956

RIGHT WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION: Kandahar MP Station
2. DATE: 6 OCT 08 TIME: 1324
4. FILE NO.: 6145-08-C10369-45756
5. ORGANIZATION OR ADDRESS: SOTF 71
6. GRADE/STATUS: E-6 / AD
FB Lane, Afghanistan

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Division as a Special Agent and wanted to question me about the following offense(s) of which I am suspect Negligent Homicide III

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning...
- or -
(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning...
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)
1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
2a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
Afghanistan CID office
APO AE 09354

Section C. Non-waiver

- 1. I do not want to give up my rights
I want a lawyer
I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED



USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF **b(6), b(7)(C)** TAKEN AT Kandahar MP Station DATED 6 Oct 08

9. STATEMENT (Continued)

his right arm and Chief had him by legs, **b(6), b(7)(C)** had him by his left arm. When Chief grabbed it was so sudden and I tripped and fell on top of the **b(6), b(7)(C)** taliban personel. He was unconscious and we felt that was a good time to collect biometrics (fingerprints). After 10 to 15 minutes his breathing became erratic and he started spitting up a frothy sputum. Chief ~~pushed~~ **b(6), b(7)(C)** sent SSG **b(6), b(7)(C)** to go get a medic. Chief pushed him on his side and we both took turns sweeping his mouth. After about 3 minutes SSG **b(6), b(7)(C)** was on the scene and performed CPR and looked at his eyes and realized he had serious brain trauma. **b(6), b(7)(C)** and SSG **b(6), b(7)(C)** performed a crico on the guy and I bagged him. We transported him the HLZ and I bagged him for 45 minutes to a hour before we got him on the bird.

Q: SA **b(6), b(7)(C)**

A: SSG **b(6), b(7)(C)**

Q: who is chief **b(6), b(7)(C)**?

A: **b(6), b(7)(C)** Chief Warrant Officer reporting officer

Q: who is SSG **b(6), b(7)(C)**?

A: **b(6), b(7)(C)** 18B on team and assistant reporting officer

INITIALS OF PERSON MAKING STATEMENT **b(6), b(7)(C)**

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

b(6), b(7)(C)

TAKEN AT

Kandahar MP Station

DATED

6 Oct 08'

## 9. STATEMENT (Continued)

Q: About what time was Toor JAN detained by the ANP?

A: I think around early afternoon.

Q: Who are the ANP?

A: Afghan National Police

Q: When you describe chief asking "his name" and questioning someone, who are you referring to?

A: Toor Jan

Q: Can you describe Toor JAN?

A: 25 yrs old tall, slender, full beard, black hair, black beard man jammies

Q: How long did the questioning last?

A: 5 to 15 minutes

Q: What was Toor JAN's demeanor during questioning?

A: uncooperative and aggressive when asked if he was taliban.

Q: Was he uncooperative and aggressive the entire time?

A: uncooperative the entire time and aggressive at the end

Q: How exactly did he become aggressive?

A: the way he answered his question his demeanor and the reaction upon being grabbed.

Q: Did Toor JAN become physically aggressive prior to being grabbed by you and ssg b(6), b(7)(C)?

A: He was very vocal and attitude was very vocal and disrespectful. When answering questions and with a lot of hand movements

Q: Is it normal during questioning to grab someone who was acting like Toor JAN?

A: Yes especially since I felt threatened for the safety of my teammates

INITIALS OF PERSON MAKING STATEMENT

b(6), b(7)(C)

PAGE 3 OF 6 PAGES

ACLU DDII CID ROIS 36960

FOR OFFICIAL USE ONLY

USAPA 9V1.010

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF **b(6), b(7)(C)** TAKEN AT Kandahar MP Station DATED 6 Oct 08

9. STATEMENT (Continued)

Q: What was your intent when you initially grabbed Toor JAN?

A: I grabbed because I thought he was going to become physically violent. My intent was to physically restrain from causing harm to himself, and my teammates.

Q: What was Toor JAN's reaction when everyone grabbed him?

A: He was struggling against us. Trying to get free of our restraint measures.

Q: What part of Toor JAN's body did you fall on?

A: I fell on to his upper torso.

Q: What position was Toor JAN's body in when he hit the floor?

A: Directly on his back with his <sup>head</sup> smacking the ground.

Q: How hard did his head hit the ground?

A: Loud but not loud enough for me to think it was than just him being knocked out or even having a little headache

Q: What type of floor did the room have?

A: We noticed it afterwards but concrete with a thin rug over it.

Q: What was everyone's reaction when you noticed Toor JAN was unconscious?

A: That he was just knocked out and to get his fingerprints

Q: Is it normal to get finger-prints when a detainee is unconscious?

A: Yes if you deem that the person is uncooperative and that is the first and only time that has happened so truthfully due to situation and because the type of injury was thought to not severe we decided to take his fingerprints.

INITIALS OF PERSON MAKING STATEMENT

**b(6), b(7)(C)**

PAGE 4 OF 6 PAGES

ACLU DDII CID ROIS 36961

USAPA 9V1.010

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF **b(6), b(7)(C)** TAKEN AT Kandahar MP Station DATED 6 Oct 2011

## 9. STATEMENT (Continued)

Q: What color was the frothy sputum Toor Jan was spitting up?

A: whitish then it turned white with a little blood in it.

Q: Who is SSG **b(6), b(7)(C)**?A: one of the medics on my team **b(6), b(7)(C)**Q: Who is SSG **b(6), b(7)(C)**?A: one of the medics on my team **b(6), b(7)(C)**Q: What made SSG **b(6), b(7)(C)** realize Toor Jan had serious brain trauma?A: **b(6), b(7)(C)** never said he had brain trauma he said "this guy is tucked up and is gonna die if we don't get him medevaced soon". **b(6), b(7)(C)** said that one pupil was dilated and the other was not.

Q: At what point was the medevac called?

A: I really don't know I was with the patient the whole time.

Q: At any point did anyone give an order or imply Toor Jan was to be struck or intentionally hurt?

A: No, there was no order and Toor Jan was not struck.

Q: Did you intentionally fall on top of Toor Jan?

A: No, I tripped and fell

Q: **b(6), b(7)(C)** When everyone grabbed Toor Jan, was the intent to slam him to the ground?

A: No the intent was to place him on the ground and restrain him

Q: Was anyone else in the room when the incident occurred?

A: yes there were 2 terps. **b(6), b(7)(C)** and **b(6), b(7)(C)**

Q: Do you know where the interpreters are now?

INITIALS OF PERSON MAKING STATEMENT

**b(6), b(7)(C)**

PAGE 5 OF 6 PAGES

STATEMENT OF **b(6), b(7)(C)**

TAKEN AT Kandahar MP Station DATED 6 Oct 08

9. STATEMENT (Continued)

A: They both quit and I have no idea where they are at now.

Q: Is there anything else you would like to add to this statement?

A: Yes... I just want to add that we did everything possible to save h.'s life. We worked on him just as digently as we would our own. /// END OF STATEMENT ///

I, **b(6), b(7)(C)**

**FIDAVIT**

WHICH BEGINS **b(6), b(7)(C)**, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS **b(6), b(7)(C)** FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR

**b(6), b(7)(C)**

(Signature of Person Making Statement)

WITNESSES:

\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6<sup>th</sup> day of October, 2008 at Kandahar MP Station

**b(6), b(7)(C)**

(Signature of Person Administering Oath)

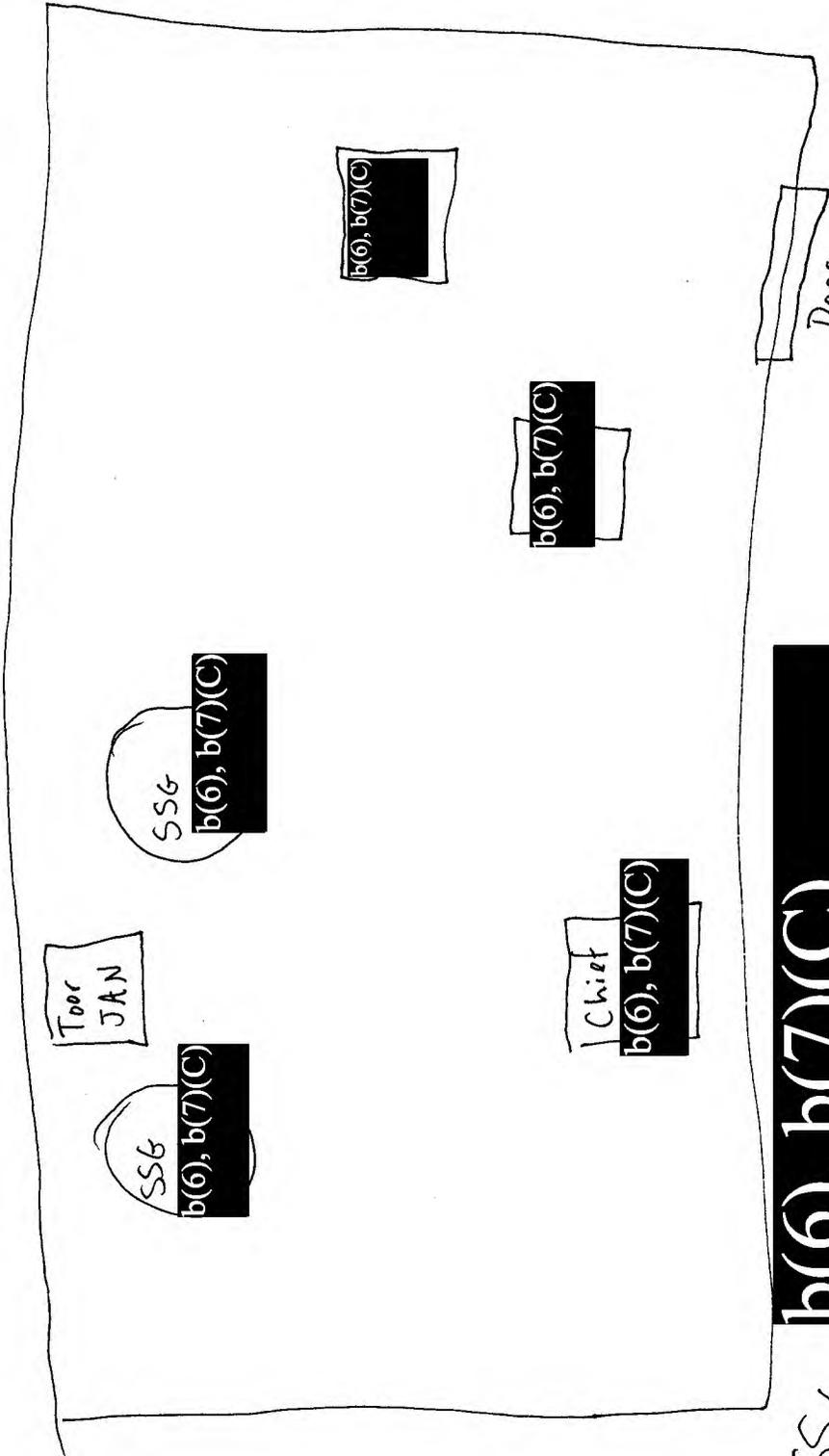
SA **b(6), b(7)(C)**  
(Type)

10 USC 936  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

**b(6), b(7)(C)**

PAGE 6 OF 6 PAGES



SSG b(6), b(7)(C)

b(6), b(7)(C)

06 OCT 08 1457L

Witness.  
SA b(6), b(7)(C)

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0145-08-CID369-43736

PAGE 1 OF 1 PAGES

DETAILS

About 1512, 9 Nov 08, SA **b(6), b(7)(C)** advised SSG **b(6), b(7)(C)** of his legal rights, which he waived and rendered a sworn statement detailing the incident which resulted in the death of Mr. TOR JAN. SSG **b(6), b(7)(C)** also drew a sketch depicting where personnel were located at the scene. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA **b(6), b(7)(C), b(7)(F)**

ORGANIZATION

Afghanistan CID Office  
APO AE 09354

SIGNATURE

**b(6), b(7)(C)**

DATE

9 Nov 08

EXHIBIT

12

CID FORM 94

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

ACLU-RDI/CID ROIS 36977

1 FEB 77

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

1. LOCATION Kandahar MP Station	2. DATE 9 Nov 08	3. TIME 1512	4. FILE NO. b(6), b(7)(C)
b(6), b(7)(C)		8. ORGANIZATION OR ADDRESS OPA 7115	
6. SSN b(6), b(7)(C)	7. GRADE/STATUS E-6/AD	FB Lane APO AE 09355	

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Division  
 as a Special Agent and wanted to question me about the following offense(s) of which I am  
 suspected/ b(6), b(7)(C) Voluntary Manslaughter III

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject of the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE b(6), b(7)(C)
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR b(6), b(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR SA b(6), b(7)(C)
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR Afghanistan CID office APO AE 09354
b. ORGANIZATION OR ADDRESS AND PHONE		

**Section C. Non-waiver**

- I do not want to give up my rights  
 I want a lawyer  I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

ACLU DDII CID ROIS 36978

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

ACLU DDII CID ROIS 36979

## SWORN STATEMENT

-----  
 File Number :  
 Location : Kandahar MP Station  
 Date : November 9, 2008  
 Time : 1701 b(6), b(7)(C)  
 Statement of : b(6), b(7)(C)  
 Grade/Status : E-6/AD  
 SSN : b(6), b(7)(C)  
 Org/Address : ODA 7115, Fire Base Lane, APO AE 09355  
 -----

I, b(6), b(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the day in question, my Operational Detachment Alpha (ODA) and I were on a Combat Reconnaissance Patrol (CRP) in order to disrupt Taliban activity. Prior to us receiving enemy fire, while we were in a security posture, Afghan National Police (ANP) entered a village near by to bring out all of the adult fighting age males to ensure we would not be attacked from this village. After all of the males were brought out and searched by the ANP, pictures of a Taliban Commander and one of the individuals who was sitting with the males from this village was found on one of the other males. The ANP chief at the time, who was also the previous ANP chief of the location in which we were operating in, recognized both of these individuals and stated that both were Taliban Commanders from an area south of where we were operating. The ANP chief then stated that they were going to arrest this man from the picture that was sitting in front of us. The ANP took the man, who's name was TOOR JAN, into custody and brought him back to the ANP station after the mission was complete. Upon completion of the mission and arrival at Fire Base (FB) Mizan, SSG b(6), b(7)(C) CW2 b(6), b(7)(C) and I went to the ANP station to collect biometrics using the Crossmatch Biometrics System. Upon arrival at the station, TOOR JAN was being brought to a secluded room by the ANP Chief so that SSG b(6), b(7)(C) CW2 b(6), b(7)(C) and I could gather biometrics on TOOR JAN, in which we had already set up the biometrics station consisting of our toughbook computer and fingerprint wand. The detainee was not restrained and was walking casually to the room. Upon entry of the room, CW2 b(6), b(7)(C) told our interpreter b(6), b(7)(C) to tell the detainee to stand against the wall in order for us to take a front and side profile picture. The detainee allowed us to take the picture and CW2 b(6), b(7)(C) sat back down on the floor in front of the detainee as SSG b(6), b(7)(C) and I stood on either sides of the detainee, SSG b(6), b(7)(C) on the detainee's left side, and I stood on the detainee's right side. CW2 b(6), b(7)(C) then began asking the detainee questions in order to fill out the biometric data to send to our SSE department. These questions include: Name, Age, Tribe, Ethnicity, etc. The detainee answered all of these questions with out hesitation. CW2 b(6), b(7)(C) then asked the detainee if he was an insurgent or part of the Taliban Regime. The detainee then became hostile towards CW2 b(6), b(7)(C) by screaming and flailing his arms in the direction of SSG b(6), b(7)(C) and I. CW2 b(6), b(7)(C) then told our interpreter to tell him to calm down, this is the point in time that the detainee lunged for both SSG b(6), b(7)(C) and I in hate, attempting to push us out of the way. CW2 b(6), b(7)(C) then yelled, "Grab Him!!" and SSG b(6), b(7)(C) grabbed his left arm and I grabbed his right arm to prevent him from hitting either one of us. The detainee became more hostile, yelling and swinging his arms in aggression at SSG b(6), b(7)(C) and I. CW2 b(6), b(7)(C) then lunged for the detainee's legs in order to quell the hostility that was progressing uncontrollably towards CW2 b(6), b(7)(C) SSG b(6), b(7)(C) and I. As he did this, we took the detainee to the ground to restrain him and protect the welfare of ourselves. During the fall, SSG b(6), b(7)(C) fell against the wall and CW2 b(6), b(7)(C) and I fell on top of the detainee. As we all stood up, we noticed that the detainee was unconscious. CW2 b(6), b(7)(C) SSG b(6), b(7)(C) and I all performed an initial assessment on the detainee in order to make sure that the detainee was just unconscious. At this point in time, the hostility and aggression of the detainee was quelled, CW2 b(6), b(7)(C) and I, took fingerprints of the detainee to complete our biometrics. After

EXHIBIT \_\_\_\_\_ INITIALS OF PERSON MAKING STATEMENT b(6), b(7)(C) PAGE 1 OF 4 PAGES

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STATEMENT OF: **b(6), b(7)(C)** TAKEN AT: Kandahar MP Station; DATED: November 9, 2008 CONTINUED.

the fingerprints were taken. we conducted another assessment of the detainee to ensure that the detainee was only unconscious and nothing more serious. The detainee was not conscious and this time and was still not responsive, however was breathing normally. CW2 **b(6), b(7)(C)** then sent me to bring back one of our 18D'S (medic), to get a better assessment on the detainee. Upon arrival of our 18D, SSG **b(6), b(7)(C)** SSG **b(6), b(7)(C)** did an initial assessment and quickly told us that we needed to call a medevac to save the detainee's life. I then retrieved my Team Sgt and Team Leader and informed them of the severity of the incident and that a medevac needed to be spun up immediately. The medevac was called and at this point in time both 18D's, SSG **b(6), b(7)(C)** and SSG **b(6), b(7)(C)** were treating and stabilizing the detainee. The detainee was then safely transported to the FB Mizan PZ where he was medevaced to the QALAT FST.

Q: SA **b(6), b(7)(C)**

A: SSG **b(6), b(7)(C)**

Q: Can you describe TOOR JAN?

A: Pashtun. 25-30 years of age, black beard, black hair, 6 feet tall maybe, maybe 6'1", average skinny Afghani, well groomed, he was wearing black clothing, black turban. His clothing was brand new and pressed. I've never seen an Afghani wear pressed clothing.

Q: Was TOOR JAN arrested by the ANP at the request of US forces?

A: No, they arrested him. They knew the guy was bad and they were the ones who wanted to arrest him. This was all from the ANP chief.

Q: When the ANP took TOOR JAN into custody, did you see them handle him roughly in any way?

A: No. They handcuffed him and put him in the truck, that was it.

Q: Once TOOR JAN was brought into the room, who stayed in the room?

A: Me **b(6), b(7)(C)** and the interpreter **b(6), b(7)(C)**

Q: So the ANP did not have anyone stay in the room?

A: No.

Q: Once TOOR JAN was brought into the room unrestrained, did your team restrain him with flexcuffs or any other device?

A: No. We didn't think he was going to get hostile.

Q: What was TOOR JAN's demeanor when he first entered the room?

A: Casual. He was casual, just walked in. He didn't seem angry, didn't seem hostile. He was calm.

Q: Was CW2 **b(6), b(7)(C)** asking the detainee questions directly or through the interpreter?

A: Through the interpreter.

Q: Was the question about whether the detainee was an insurgent part of the normal question set for collecting biometrics?

A: Yes, it's part of the crossmatch. You have to fill out if he is a civilian, enemy combatant, insurgent, etc, from a drop down list.

Q: Was the detainee's change in demeanor from calm hostile gradual or sudden?

A: It was sudden, and it gradually got worse.

Q: When you say TOOR JAN was flailing his arms at SSG **b(6), b(7)(C)** and yourself, was he gesturing or attempting to hit you?

A: It was threatening towards all three of us.

Q: When TOOR JAN lunged toward you and SSG **b(6), b(7)(C)** was he successful in pushing you?

A: No, because I stepped back. I don't know if he made contact with SSG **b(6), b(7)(C)**

Q: Once SSG **b(6), b(7)(C)** and you grabbed the detainee's arms, do you feel he was under control?

A: No, the situation was still gradually becoming worse, and his aggression and hostility was increasing.

EXHIBIT \_\_\_\_\_ INITIALS OF PERSON MAKING STATEMENT **b(6), b(7)(C)** PAGE 2 OF 4 PAGES

ACLU DDII CID ROIS 36981

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EXHIBIT \_\_\_\_\_

STATEMENT OF: **b(6), b(7)(C)** TAKEN AT: Kandahar MP Station; DATED: November 9, 2008 CONTINUED.

Q: Do you feel it was necessary for CW 2 **b(6), b(7)(C)** to grab the detainee's legs to subdue him?

A: Yes, it was necessary.

Q: How exactly did you take the detainee to the ground?

A: Sideways, that's why SSG **b(6), b(7)(C)** fell toward the ground. That's why SSG **b(6), b(7)(C)** fell over. We weren't trying to take him down that way, but at the same time all four of us leaned toward SSG **b(6), b(7)(C)**. That was our only option to subdue him.

Q: Did you notice when everyone fell, if the detainee struck his head?

A: I assumed he had struck his head. That's why I thought he was unconscious.

Q: Did anyone strike the detainee as he was being taken down?

A: No.

Q: Did anyone strike the detainee prior to taking him down?

A: No.

Q: Did anyone strike the detainee once he was down on the ground?

A: No.

Q: What did assessment of the detainee tell you?

A: Just that he was unconscious or knocked out. He had normal breathing, normal dilation of pupils, no bumps or what appeared to be lacerations on the head, there was no fluid coming out his ears or nose. He just appeared knocked out.

Q: About how long did it take to obtain the detainee's fingerprints?

A: About 90 seconds.

Q: Did SSG **b(6), b(7)(C)** indicate why he felt the need for a medevac?

A: When he came on, the first thing he did was check the detainee's pupils and he had a constricted pupil, which indicates head injury, which can be a lot of things.

Q: Was the detainee still breathing on his own when he was medevaced?

A: No. He was having trouble breathing when the medics came on site so they sedated him and put an ET tube and we were breathing off a bag for him.

Q: Was his heart still beating on its own?

A: Yes.

Q: At any point was an order given to knock TOOR JAN out intentionally?

A: No.

Q: At any point did anyone say anything, explicitly or implied, that TOOR JAN needed to be killed?

A: No.

Q: Did any ANP say anything indicating TOOR JAN needed to be killed.

Q: Was restraining TOOR JAN the only reason he was taken down?

A: Yes, it was to restrain him and protect ourselves.

Q: Was there any intent to harm TOOR JAN?

A: No.

Q: Do you feel you and your team did everything you could to save TOOR JAN's life once it was clear he needed medical attention?

A: Yes, everything.

Q: What do you think is the reason TOOR JAN died?

A: It was definitely an accident. There was no intentions for any harm to come to him, period.

Q: Is there anything you would like to add to this statement?

A: No. //END OF STATEMENT// **b(6), b(7)(C)**

EXHIBIT \_\_\_\_\_ INITIALS OF PERSON MAKING STATEMENT **b(6), b(7)(C)** PAGE 3 OF 4 PAGES

ACLU DDII CID ROIS 36982

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EXHIBIT \_\_\_\_\_

STATEMENT OF: **b(6), b(7)(C)** TAKEN AT: Kandahar MP Station; DATED: November 9, 2008 CONTINUED.

**AFFIDAVIT**

**b(6), b(7)(C)** HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT EXPECTATION OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL ENFORCEMENT.

**b(6), b(7)(C)**

Subscribed and sworn to before me, a person authorized by law to administer oath, on November 9, 2008, at the Kandahar MP Station:

**b(6), b(7)(C)**

(Signature of Person Administering Oath)

SPECIAL AGENT **b(6), b(7)(C)**  
Afghanistan CID Office  
APO AE 09354

(Signature of Person Administering Oath)

DD FORM 936

(Signature to Administer Oath)

DEBON:

WITNESS:

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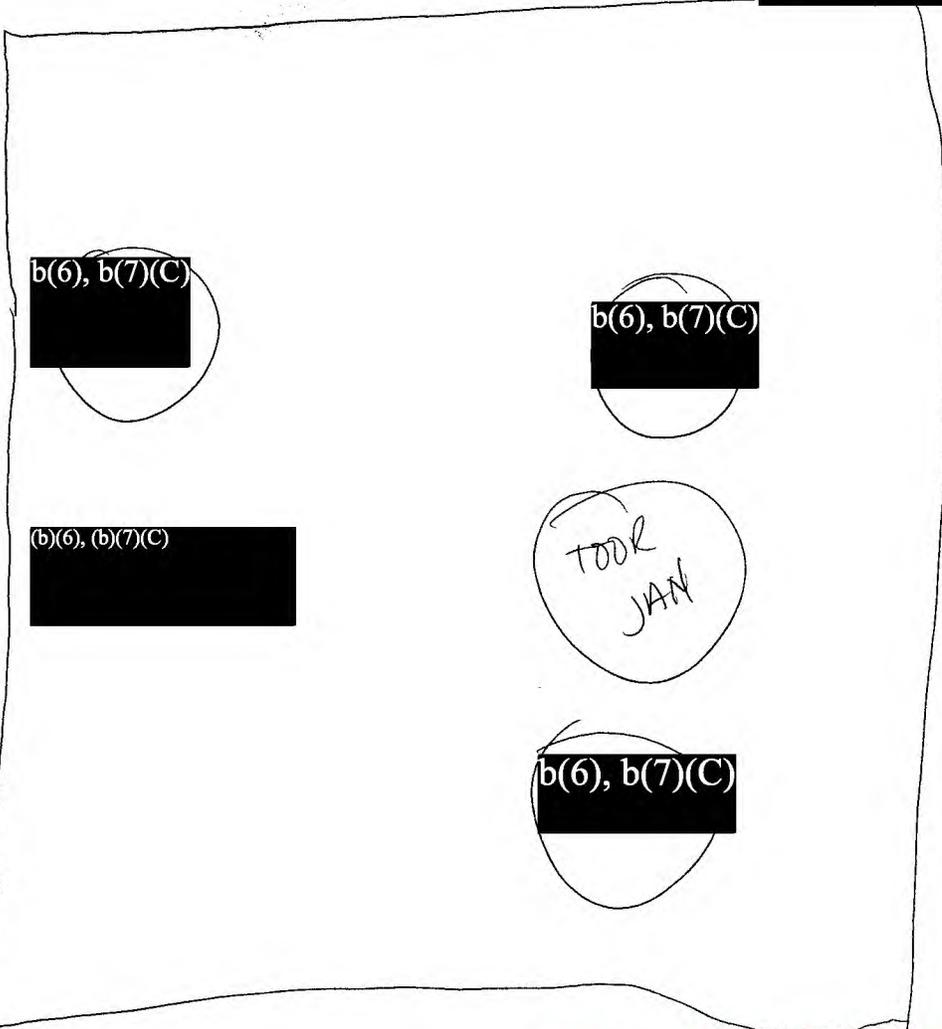
EXHIBIT \_\_\_\_\_ INITIALS OF PERSON MAKING STATEMENT **b(6), b(7)(C)** PAGE 4 OF 4 PAGES

**ACLU DDII CID ROIS 36983**

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EXHIBIT 13  
**000109**

b(6), b(7)(C) 9 NOV 08



AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0145-08-CID369-43736  
0370-08-CID093

PAGE 1 OF 2 PAGES

DETAILS

BASIS FOR INVESTIGATION: About 1439, 13 Nov 08, this office received a Request For Assistance (RFA) from the Afghanistan CID Office, Bagram Airfield, Afghanistan, APO AE 09354 (BAF), requesting this office locate, fully identify and conduct a subject interview of CW2 **b(6), b(7)(C)** **b(6), b(7)(C)** A Company, 1<sup>st</sup> Battalion, 7<sup>th</sup> Special Forces Group, Fort Bragg, NC 28310.

AGENTS COMMENT: **b(6), b(7)(C)** was located at the Veterans Administration (VA) Hospital, 13000 Bruce B. Downs Boulevard, Tampa, FL 33612 (TFL) for an injury sustained while in Afghanistan during an unrelated incident.

About 1135, 16 Nov 08, SA **b(6), b(7)(C)** and SA **b(6), b(7)(C)** this office, arrived at VA Hospital and coordinated with Dr. **b(6), b(7)(C)** VA Hospital, TFL, who related **b(6), b(7)(C)** was paralyzed, and thus was only able to move his head and speak. Dr. **b(6), b(7)(C)** related **b(6), b(7)(C)** breathing was assisted by a ventilator, and **b(6), b(7)(C)** was not physically able to undergo an interview until the morning of 17 Nov 08.

About 1300, 16 Nov 08, SA **b(6), b(7)(C)** and SA **b(6), b(7)(C)** coordinated with **b(6), b(7)(C)** and stated SA **b(6), b(7)(C)** would conduct an interview about 1000, 17 Nov 08. **b(6), b(7)(C)** stated his spouse, Mrs. **b(6), b(7)(C)** **b(6), b(7)(C)** (FNC), would be present during the interview to provide moral support and to assist with any medical difficulties which may arise.

About 1040, 17 Nov 08, SA **b(6), b(7)(C)** advised **b(6), b(7)(C)** of his legal rights, which he waived, and provided a statement detailing TOURJAN, NFI, a known Taliban terrorist, was apprehended with explosives sewn into his vest. **b(6), b(7)(C)** stated he arrived to obtain biometrics and biographical information from TOURJAN. TOURJAN was calm at first, then became violent when asked biographical questions. **b(6), b(7)(C)** deemed it necessary to restrain TOURJAN, as he feared TOURJAN posed a threat to the Soldiers around him. **b(6), b(7)(C)** stated he, SSG **b(6), b(7)(C)** and SSG **b(6), b(7)(C)** **b(6), b(7)(C)** both of ODA 7115, TF 71, FB Lane, Afghanistan, APO AE 09354, restrained TOURJAN. TOURJAN continued to resist, fell backwards during the struggle, and hit his head on the floor. **b(6), b(7)(C)** stated the floor was concrete and only a very thin layer of carpet covered the floor. **b(6), b(7)(C)**

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA <b>b(6), b(7)(C), b(7)(F)</b>		Fort Stewart CID Office, 30 <sup>th</sup> MP Det (CID), Fort Stewart, GA 31314	
SIGNATURE		DATE	EXHIBIT
<b>b(6), b(7)(C)</b>		4 Dec 08	14

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** Title 10, United States Code, Section 3012(g)  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

1. LOCATION Veterans Administration Hospital, Tampa, FL	2. DATE 17 Nov 08	3. TIME 1040	4. FILE NUMBER 0370-08-C10093
5. Name (Last First MI) b(6), b(7)(C)	8. ORGANIZATION OR ADDRESS A Co, 1 <sup>ST</sup> BN, 7 <sup>TH</sup> Special Forces Group Fort Bragg, NC 28310		
6. SSN b(6), b(7)(C)	7. GRADE/STATUS CW2/Active Duty		

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**SECTION A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Involuntary Manslaughter///

- Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
1. I do not have to answer any questions or say anything.
  2. Anything I say or do can be used as evidence against me in a criminal trial.
  3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

-or-

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you ever requested a lawyer after being read your rights?

**SECTION B. Waiver**

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE
1a. b(6), b(7)(C)		b(6), b(7)(C)
b(6), b(7)(C)		
2a. NAME (Type SA b(6), b(7)(C)		5. FULL NAME OF INVESTIGATOR SA b(6), b(7)(C), b(7)(F)
6. ORGANIZATION OR ADDRESS AND PHONE Fort Stewart Resident Agency (CID) Fort Stewart, GA 31314		6. ORGANIZATION OR ADDRESS AND PHONE Fort Stewart Resident Agency (CID) Fort Stewart, GA 31314

**SECTION C. Non-waiver**

1. I do not want to give up my rights  
 I want a lawyer  
 I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

**ACLU DDII CID ROIS 36986**

SWORN STATEMENT

0145-08-00369-4323C  
0370-08-010093

Location: Veterans Administration Hospital

Date: 17 November 2008

Time: 1214

Statement Of: CW2 b(6), b(7)(C)

SSN: b(6), b(7)(C)

Grade/Status: CW2/Active

Org/Address: b(6), b(7)(C)

I, CW2 b(6), b(7)(C) Would like to provide the following statement under oath:

The incident occurred on or around 27 May 08. It was part of my duties to collect biometrics on persons of interest, who are quite often found to be terrorists who work for the Taliban. The Afghan Police contacted me and stated a soldier by the name of TOURJAN was apprehended by the Afghan Police Chief Arghan District. He was known to be a Taliban Terrorist, and myself, SSG b(6), b(7)(C) and SSG b(6), b(7)(C) responded to get biometrics data on TOURJAN. We arrived to speak with TOURJAN around 1830. At first TOURJAN was calm when I was encountered him. He did not appear to be combative at first. This is why I did not have him restrained. We went into a room in the Mizan Police headquarters, SSG b(6), b(7)(C) AND SSG b(6), b(7)(C) were present along with our two interpreters, I can't remember the names of the interpreters. I told TOURJAN that we were going to collect some fingerprints and some basic data with pictures. I then sat down on the computer. He didn't say much, he may have said ok or whatever, he was still calm at this point. I then asked him what his name was. He told me it was TOURJAN and then he started to get a little aggressive with my interpreter. He was screaming and yelling at my interpreter. I was unsure what he was saying because I could not understand him. I asked the interpreter what he was screaming about. The interpreter told TOURJAN that he needs to respect the Chief and answer his questions correctly. The interpreter did not actually tell me what TOURJAN was screaming and yelling at me about. I asked TOURJAN what his father's name was and he started yelling. TOURJAN gave me one name, and then I asked him what his father's whole name was. It was at this point when he started to get aggressive. He pushed my interpreter and then he started screaming his father's whole name. I do not remember what his father's whole name was. I told the interpreter to tell TOURJAN that he needs to calm down or I am going to have to restrain him. He then pushed my interpreter again. Once he pushed my interpreter for a second time, I felt that things were getting out of hand. I told SSG b(6), b(7)(C) and SSG b(6), b(7)(C) to restrain him by grabbing his arms. He became combative by kicking his legs and trying to get away. I felt he needed to be further restrained. I picked up his legs and grabbed his waist. Once I had his legs, SSG b(6), b(7)(C) fell, he tripped over something and fell to the side. The result of SSG b(6), b(7)(C) tripping or falling was we lost balance with TOURJAN because he was resisting us, and then TOURJAN fell to the ground and hit his head on the concrete floor. There was a thin carpet on the floor, but it was only a 1/4" in thickness I would guess. He was knocked unconscious when he hit the floor. I asked SSG b(6), b(7)(C) to check his breathing and make sure he didn't show any signs of duress. After SSG b(6), b(7)(C) told me that TOURJAN was good to go, I collected my fingerprints. About 10 to 15 minutes after I collected his fingerprints I noticed that TOURJAN was still knocked out. I asked SSG b(6), b(7)(C) to check him again. TOURJAN's eyes were dilated and he started to bite down on his tongue. I swept his tongue out and opened his airway with my finger. We then immediately reacted to treating a casualty. I then asked SSG b(6), b(7)(C) to go get the medics because TOURJAN's condition had worsened. My medic SSG b(6), b(7)(C) arrived to the scene. He immediately started to check TOURJAN and told me that TOURJAN needed to be medicated. He showed me that one of TOURJAN's pupils was dilated and the other pupil was pinpointed. SSG b(6), b(7)(C) started conducting his medical evaluation on TOURJAN. SSG b(6), b(7)(C) put a tube down TOURJAN's throat to help him

EXHIBIT \_\_\_\_\_

INITIALS: \_\_\_\_\_

PAGE 1 OF 4 PAGES

~~FOR OFFICIAL USE ONLY~~ **ACLU-RDI CID ROIS 36987**

Statement of: CW2 **b(6), b(7)(C)** taken at: Veterans Administration Hospital, Tampa, FL  
dated: 17 Nov 08 Continued:

to breathe. SSG **b(6), b(7)(C)** started to conduct artificial breathing for him. I then notified my chain of command and we called in a medivac. TOURJAN received medical attention from the time I assessed him till the time he was put on the medivac bird.

Q: SA **b(6), b(7)(C)**

A: Mr. **b(6), b(7)(C)**

Q: Describe TOURJAN?

A: He was about 5'10", skinny face, skinny beard, he was bearing blue man jammies with a black vest. Sunken in face. About 150lbs maybe.

Q: Did you hit or strike TOURJAN at any time when he was resisting you, SSG **b(6), b(7)(C)** and SSG **b(6), b(7)(C)**?

A: No

Q: Did you intentionally drop TOURJAN on his head?

A: No, we were just trying to restrain him.

Q: Did SSG **b(6), b(7)(C)** OR SSG **b(6), b(7)(C)** hit or strike TOURJAN when he was resisting?

A: No, they grabbed him to take control of the situation.

Q: Did SSG **b(6), b(7)(C)** or SSG **b(6), b(7)(C)** intentionally throw or drop TOURJAN on the ground?

A: Nope

Q: Did TOURJAN strike you or SSG **b(6), b(7)(C)** OR SSG **b(6), b(7)(C)** when he was resisting?

A: No

Q: At any time did you give an order to any of the NCO's in the room to hit or strike TOURJAN?

A: No

Q: Why did you restrain TOURJAN?

A: The situation was getting out of control and I didn't want things to get out of control aggressively.

Q: Did at any time did he pose a threat to yourself or any of the NCO's in the room?

A: He was being aggressive, and I didn't want it to escalate.

Q: Where exactly did SSG **b(6), b(7)(C)** grab TOURJAN?

A: He grabbed TOURJAN on the left arm with both of his arms.

Q: Where exactly did SSG **b(6), b(7)(C)** grab TOURJAN?

A: By the right arm.

Q: Where exactly did you grab TOURJAN?

A: By the legs below the waist.

Q: At any point during the struggle did you intend to hurt TOURJAN?

A: No, I only wanted to restrain him.

Q: Is it usual for you to physically restrain someone when they are getting aggressive or posing a threat?

A: Yes, because we have to protect ourselves.

Q: Was TOURJAN placed in zip tie hand cuffs at anytime?

A: No, because initially he was not posing a threat.

Q: If you wouldn't have given the order to restrain TOURJAN, what do you believe would have happened?

A: He would have got out of hand and became physically combative.

Q: Were you or your men armed during the altercation?

A: The only person who was armed was SSG **b(6), b(7)(C)** and his weapon was out of sight.

Q: How do you feel you were treated today by myself and SA **b(6), b(7)(C)**?

A: Good.

Q: Is there anything you would like to add to this statement?

A: When TOURJAN arrived to Tarinkout, Afghanistan, they found explosives in his vest.

EXHIBIT \_\_\_\_\_

INITIALS: \_\_\_\_\_

PAGE 2 OF 4 PAGES

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0145-08-010362-43736  
0370-08-010093

Statement of: CW2 **b(6), b(7)(C)** taken at: Veterans Administration Hospital, Tampa, FL  
dated: 17 Nov 08 Continued: **b(6), b(7)(C)**

The explosives were <sup>seen</sup> ~~seen~~ in his vest. I think it was the medics at the FST who found the explosives.

Q: Do you have anything else you would like to add to this statement?

A: No.///End of Statement///

EXHIBIT \_\_\_\_\_

INITIALS: \_\_\_\_\_

PAGE 3 OF 4 PAGES

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~~LAW ENFORCEMENT SENSITIVE~~

Statement of: CW2 **b(6), b(7)(C)** taken at: Veterans Administration Hospital, Tampa, FL  
dated: 17 Nov 08 Continued:

AFFIDAVIT

I, CW2 **b(6), b(7)(C)** HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

\_\_\_\_\_  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, on Monday, November 17, 2008 at the Veterans Administration Hospital, Tampa, FL.

**b(6), b(7)(C)**

SA **b(6), b(7)(C), b(7)(F)**  
(Typed Name of Person Administering Oath)

10 USC 936  
(Authority To Administer Oaths)

WITNESS:

**b(6), b(7)(C)**

EXHIBIT \_\_\_\_\_

INITIALS: \_\_\_\_\_

PAGE 4 OF 4 PAGES

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Exhibit(s) 10, 11

Page(s) 000092 thru 000102 referred to:

COMMANDER  
USAMEDCOM  
ATTN: FOIA OFFICE, STOP 76  
1216 STANLEY ROAD, 2<sup>ND</sup> FLOOR  
FORT SAM HOUSTON, TX 78234-5049

ACLU DDII CID ROIS 36965



**ARMED FORCES INSTITUTE OF PATHOLOGY**  
**Office of the Armed Forces Medical Examiner**  
 1413 Research Blvd., Bldg. 102  
 Rockville, MD 20850



(b)(6)

**FINAL AUTOPSY REPORT**Name: **BTB Tor Jan**SSAN: **CID-36-9437365H9B**Date of Birth: **Unknown**Date of Death: **26 JUN 2008**Date/Time of Autopsy: **01 JUL 2008 @ 1100**Date of Report: **06 OCT 2008**

Autopsy No.: (b)(6)

AFIP No.: (b)(6)

Grade: **Civilian**Place of Death: **Afghanistan**Place of Autopsy: **Dover Port Mortuary  
Dover AFB, DE**

**Circumstances of Death:** This Civilian was, by report, in the process of being detained on 24 JUN 08 when he became aggressive. During the struggle, the deceased fell to the floor and struck his head rendering him unconscious. He was taken to a local field support clinic and was noted to have a significant head injury. Despite all resuscitative efforts, he died on 26 JUN 08.

**Authorization for Autopsy:** Office of the Armed Forces Medical Examiner, IAW 10 USC 1471.

**Identification:** Presumptive identification. Post-mortem dental examination, complete set of fingerprints and a suitable specimen for DNA analysis are obtained.

**CAUSE OF DEATH:** Blunt force head injury

**MANNER OF DEATH:** Homicide

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000092  
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FINAL AUTOPSY REPORT: (b)(6)

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BTB Tor Jan

**EXTERNAL EXAMINATION**

The body is that of a cachectic male. The body is approximately 75 inches in length and weighs 115 pounds. Lividity is fixed on the posterior surface of the body except in the areas exposed to pressure. Rigor is resolving in all four extremities. There is green discoloration of the skin of the lower abdomen. Injuries are described in "Evidence of Injury".

The scalp hair is black. Facial hair consists of a black beard and black moustache. The irides appear blue. The corneae are cloudy. The conjunctivae are pale with no petechiae. The sclerae are white. The external nares, external auditory canals and oral cavity are free of foreign material or abnormal secretions. There are no palpable fractures of the facial bones. The teeth are natural.

The chest is symmetric. There are numbers and letters on the chest that are written with a black marker (photographed for documentation). The genitalia are those of a circumcised adult male. A 2 x 1-inch area of hyperpigmented skin is on the middle of the lower back. The anus is non-traumatic. The upper and lower extremities are symmetric and without clubbing or edema. The fingernails are intact. There is a ¼ x ¼-inch of black discoloration of the fingernail of the right index finger. A ¼ x ¼-inch scar is on the lateral right arm. On the right thumb is a callous and on the back of the right hand are multiple scars. A 1 x ¾-inch scar is on the medial right knee and a ½ x ¼-inch scar is on the right foot. No tattoos are noted.

**CLOTHING AND PERSONAL EFFECTS**

The body is wrapped in a green sheet. A white sheet is wrapped around the green sheet. The body is unclad. A brown tag with "BTB Tor Jan" is on the left great toe. A white Dover tag with (b)(6) is secured around the left ankle.

**MEDICAL INTERVENTION**

There are needle puncture marks with overlying gauze secured with tape on the right arm, right forearm and left forearm.

**RADIOGRAPHS**

A complete set of post-mortem radiographs is obtained and the findings are incorporated into this report.

**EVIDENCE OF INJURY****I. Blunt force injury of the head:**

On the upper right eyelid is a ¼ x ¼-inch abrasion. Superior to the left eyebrow is a ¼ x 1/8-inch abrasion. A ½ x 1/8-inch abrasion is on the upper left eyelid. Lateral to the left eye is a ½ x ½-inch contusion. Two, ½ x 1/8-inch abrasions are on the mucosa of the lower lip. On the left side of the upper lip is a ¼ x ¼-inch contusion.

There is a ½ x ½-inch contusion of the right temporalis muscle. There is subdural hemorrhage over the right side of the brain (approximately 15 milliliters of blood)<sup>1</sup>.

<sup>1</sup> See "Neuropathology Consultation" below.

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FINAL AUTOPSY REPORT: (b)(6)

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BTB Tor Jan

**II. Additional injuries:**

On the anterior left torso are three abrasions the measure up to 1-inch in maximum dimension. On the anterior left hip is a 1 x ½-inch yellow abrasion. There is a ½ x ¼-inch abrasion on the upper left back. On the midline of the back are three, ¼ x ¼-inch abrasions. On the lower left back are a 1 x ¼-inch abrasion and a ½ x ¼-inch abrasion. A ¾ x 1/8-inch abrasion is on the right wrist. There are three, ¼ x 1/8-inch abrasions on the lateral left arm and a 1 x ¼-inch abrasion on the left elbow. There are three 1 x ¼-inch abrasions on the left forearm. Incision of the skin of the torso and extremities does not reveal any contusions or hemorrhage of the soft tissue or muscle.

**INTERNAL EXAMINATION****BODY CAVITIES:**

The ribs, sternum, and vertebral bodies are visibly and palpably intact. There is 50 milliliters of serous fluid in each of the chest cavities. The organs occupy their usual anatomic positions.

**HEAD (CENTRAL NERVOUS SYSTEM) and NECK:**

See "Evidence of Injury". The unfixed brain weighs 1620 grams. See Neuropathology consultation for complete description of the brain. The atlanto-occipital joint is stable.

The anterior strap muscles of the neck are homogenous and red-brown without hemorrhage by layer-wise dissection. The thyroid cartilage and hyoid bone are intact. The larynx is lined by intact white mucosa. The tongue is free of bite marks, hemorrhage, or other injuries. The thyroid gland is symmetric and red-brown, without cystic or nodular change. Incision and dissection of the posterior neck demonstrates no deep paracervical muscular injury and no cervical spine fractures.

**RESPIRATORY SYSTEM:**

The upper airway is clear of debris and foreign material. The mucosal surfaces are smooth, red-tan and unremarkable. The right and left lungs weigh 830 and 670 grams, respectively. The pulmonary parenchyma is red-purple exuding mild amounts of blood and frothy fluid. There are multiple, calcified hilar lymph nodes. The pulmonary arteries are normally developed and patent without thrombus or embolus.

**CARDIOVASCULAR SYSTEM:**

The heart is contained in an intact pericardial sac. The heart weighs 310 grams. The coronary arteries are present in a normal distribution, with a right-dominant pattern and are widely patent. The walls of the left ventricle, interventricular septum, and right ventricle are 1.2, 1.3, and 0.2 centimeters thick respectively. The right ventricle is dilated. The aorta gives rise to three intact and patent arch vessels. The renal and mesenteric vessels are unremarkable. The vena cava and its major tributaries return to the heart in the usual distribution and are free of thrombi.

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~~EX000094~~

**FINAL AUTOPSY REPORT:** (b)(6)

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**BTB Tor Jan****LIVER & BILIARY SYSTEM:**

The 1720 gram liver has an intact, smooth capsule and a sharp anterior border. The parenchyma is tan-brown. No mass lesions are identified. The gallbladder contains 10 milliliters bile. The extrahepatic biliary tree is patent.

**SPLEEN:**

The 90 gram spleen has a smooth, intact, red-purple capsule. The parenchyma is maroon with unremarkable lymphoid follicles.

**PANCREAS:**

The pancreas is red-tan with a lobulated appearance. No mass lesions or other abnormalities are identified.

**ADRENALS:**

The right and left adrenal glands are symmetric. No masses or areas of hemorrhage are identified.

**GENITOURINARY SYSTEM:**

The right and left kidneys weigh 180 grams and 200 grams, respectively. The external surfaces are intact and smooth. The cut surfaces are red-brown and the cortices are delineated from the medullary pyramids. The pelves are unremarkable and the ureters are normal in course and caliber. The bladder contains 10 milliliters of clear urine. The prostate and testes are unremarkable.

**GASTROINTESTINAL TRACT:**

The esophagus is intact and lined by smooth, tan mucosa. The stomach, small bowel, colon, and appendix are unremarkable. The stomach contains 600 milliliters of brown fluid.

**MUSCULOSKELETAL:**

Muscle development is normal. There are degenerative changes of the 11<sup>th</sup> and 12<sup>th</sup> thoracic vertebrae.

**ADDITIONAL PROCEDURES**

1. Specimens retained for toxicology testing and/or DNA identification are: Blood, vitreous fluid, urine, liver, bile, myocardium, lung, kidney, spleen, psoas muscle, adipose tissue and gastric contents.
2. Selected portions of organs are retained in formalin.
3. Personal effects are released with the body.
4. Recovered evidence: None.
5. Documentary photographs are taken by (b)(6) OAFME).

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**BOOBY**

NEUROPATHOLOGY CONSULTATION (AFIP)<sup>2</sup>

## GROSS DESCRIPTION:

Brain weight: 1660 gm

The specimen consists of the intracranial dura and brain of an adult.

Fragments of red-black coagulated blood, averaging 0.5 cm thick, lie loosely on the inner surface of the right cerebral convexity dura and outer surface of the underlying right cerebral leptomeninges. This extends from the mid-frontal to the mid-occipital lobes and from the falx cerebri to the lateral resection margin. The venous sinuses are patent.

The brain is diffusely swollen (the right cerebral hemisphere slightly more than the left). In both hemispheres the gyri are widened and the sulci are compressed but the gyri have an otherwise normal anatomic configuration. The perimesencephalic and basal cisterns are completely effaced due to brain swelling. Moderately deep tentorial grooves indent each uncus (R>L) 1.2 cm from the medial margin on the right and 0.5 cm on the left. The right uncus groove continues over the surface of the parahippocampal gyrus approximately 1 cm from its medial margin. There is prominent distortion of the cerebellar tonsils due to impression from the foramen magnum. The mamillary bodies are pressed downward and caudal into the interpeduncular fossa. The leptomeninges are thin, delicate and acutely congested.

Except as noted, the external aspects of the brainstem and cerebellum are not remarkable. The arteries at the base of the brain follow a normal distribution and there are no aneurysmal dilatations or sites of occlusion. All the identifiable cranial nerve roots are not remarkable.

Coronal sections of the cerebrum reveal no focal lesions in the cortex, white matter or deep nuclear structures. There is moderate rightward midline shift of the cerebral hemispheres with a resultant slight enlargement of the left lateral ventricle consistent with compression of the foramen of Munro. There is cavum septum pellucidum. The cross section of the midbrain is narrow and elongated (dorsal/ventral) due to compression from the swollen cerebral hemispheres. The medulla is not remarkable. Except as noted, the cerebellum shows no diffuse or focal abnormalities. The substantia nigra and locus coeruleus are well pigmented.

Except as noted, the ventricular system and aqueduct of Sylvius are patent with a normal anatomic configuration. The choroid plexus is unremarkable and the ependymal surfaces are smooth and glistening.

## PATHOLOGIC FINDINGS:

The acute subdural hematoma, while not thick, covers an extensive area of the right cerebral hemisphere and is associated with significant brain swelling with downward herniation (early transtentorial and trans-foramen magnum herniation and slight right to left cerebral midline shift). The fact that the coagulated blood does not adhere to the inner surface of the dura when the dura is lifted (at least as much blood remains lying on the surface of the brain as adheres to the inner surface of the dura) suggests a recent injury such as within 36 hours.

<sup>2</sup> Only excerpts from the Neuropathology Consultation are included in this report. For the complete report please see AFIP Form 45.

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FINAL AUTOPSY REPORT: (b)(6)

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BTB Tor Jan

The microscopic findings reveal widespread, predominantly subcortical white matter edema. In these areas, the GFAP reveals diffuse swollen astrocytes in the white matter and also in a perivascular pattern. There is no acute ischemic neuronal injury ("red neurons").

The beta amyloid precursor reaction demonstrates extensive axonal injuring in the vascular pattern in the corpus callosum, the subcortical cingulate white matter, the anterior limb of the internal capsule and the base of the pons. This is a result of vascular compromise of these areas due to a rising intracranial pressure. In addition, there are small groups and individual positively stained axons in the septum pellucidum, the internal capsule, the periventricular white matter around the third ventricle, the periventricular white matter around the temporal horn of the lateral ventricle and in the bases of the pons and midbrain that suggest traumatic axonal strain.

There is striking ependymal cell loss and gliosis with ependymal granulations along the ventricular surface of the corpus callosum, the septum pellucidum and the occipital horn of the lateral ventricle. The gliosis appears chronic and there are associated hyalinized small blood vessels. This is a degenerative change that is not expected in one of this age group.

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0002BT





**DEPARTMENT OF DEFENSE FORENSIC TOXICOLOGY**

<b>TO:</b> ARMED FORCES INSTITUTE OF PATHOLOGY ATTN: DIVISION OF FORENSIC TOXICOLOGY BUILDING 51 695 16TH STREET, N.W. WASHINGTON, DC 20306-6000	<b>FORWARD!</b>	Dover AFB Port Mortuary  Incident : OIF Remains/Case # (b)(6) Recovery/TC #: Process Date: 01 Jul 08 ME #: (b)(6)
---	-----------------	---

NAME OF PATIENT (Last, First, MI)	SOCIAL SECURITY #	AGE	SEX	RACE
For, Jon				

DATE OF INCIDENT / ACCIDENT	TIME AND PLACE OF DEATH	CAUSE OF DEATH
26 Jun 08		

TESTS REQUESTED	TESTS PERFORMED	TESTS AVAILABLE
<input checked="" type="checkbox"/> Vitreous x2	<input checked="" type="checkbox"/> Urine	<input checked="" type="checkbox"/> Adipose
<input checked="" type="checkbox"/> Bile	<input checked="" type="checkbox"/> Lung	<input checked="" type="checkbox"/> Kidney
<input checked="" type="checkbox"/> Blood	<input checked="" type="checkbox"/> Liver	<input checked="" type="checkbox"/> Heart
<input checked="" type="checkbox"/> Gastric Content	<input checked="" type="checkbox"/> Spleen	<input type="checkbox"/>

**EXAMINER'S REPORT DETAILS** (Include pertinent information from autopsy report)

Retained individual  $\Sigma$  subdural hemorrhage  
 please use 2nd vitreous for electrolytes.

**DFT#**  
(b)(6)

PRINTED NAME OF SUBMITTER	DATE	TIME	INITIALS
(b)(6)	(b)(6)	1 Jul 08	(b)(6)

**CHAIN OF CUSTODY**

INITIALS	SIGNATURE	DATE	REMARKS
(b)(6)	(b)(6)		
(b)(6)	(b)(6)		
(b)(6)	(b)(6)	JUL 07 2008	Received From Courier
(b)(6)	(b)(6)	JUL 07 2008	TOXICOLOGY TESTING SECURED STORAGE
(b)(6)	(b)(6)		

(REMOVE, REVERSE AND RE-INSERT CARBONS BEFORE COMPLETING THIS SIDE)

DISPOSITION OF REMAINS			
NAME OF MORTICIAN PREPARING REMAINS	GRADE	LICENSE NUMBER AND STATE	OTHER
INSTALLATION OR ADDRESS 436 SVC/SVD 116 26th Street, Dover AFB DE 19902	DATE	SIGNATURE	
NAME OF CEMETERY OR CREMATORY	LOCATION OF CEMETERY OR CREMATORY		
TYPE OF DISPOSTION		DATE OF DISPOSTION	
REGISTRATION OF VITAL STATISTICS			
REGISTRY <i>(Town and Country)</i>	DATE REGISTERED	FILE NUMBER	
		STATE	OTHER
NAME OF FUNERAL DIRECTOR	ADDRESS		
SIGNATURE OF AUTHORIZED INDIVIDUAL			

DD FORM 2064, APR 1977 (BACK)

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**EXHIBIT**  
000101

CERTIFICATE OF DEATH (OVERSEAS) Acte de décès (D'Outre-Mer)			
NAME OF DECEASED (Last, First, Middle) Nom du décédé (Nom et prénoms) <b>BTB Tor Jan, ,</b>		GRADE Grade	BRANCH OF SERVICE Arme <b>Civilian</b>
ORGANIZATION Organisation		NATION (e.g. United States) Pays	SOCIAL SECURITY NUMBER Numéro de l'Assurance Social <b>CID-36-9437365H9B</b>
RACE Race		MARITAL STATUS État Civil	RELIGION Culte
<input checked="" type="checkbox"/>	CAUCASOID Caucasique	SINGLE Célibataire	PROTESTANT Protestant
	NEGROID Negroïde	MARRIED Marié	CATHOLIC Catholique
	OTHER (Specify) Autre (Spécifier)	WIDOWED Veuf	JEWISH Juif
NAME OF NEXT OF KIN Nom du plus proche parent		RELATIONSHIP TO DECEASED Parenté du décédé avec le sus	
STREET ADDRESS Domicilé à (Rue)		CITY OR TOWN OR STATE (Include ZIP Code) Ville (Code postal compris)	
MEDICAL STATEMENT Déclaration médicale			
CAUSE OF DEATH (Enter only one cause per line) Cause du décès (N'indiquer qu'une cause par ligne)			INTERVAL BETWEEN ONSET AND DEATH Intervalle entre l'attaque et le décès
DISEASE OR CONDITION DIRECTLY LEADING TO DEATH <sup>1</sup> Maladie ou condition directement responsable de la mort.		Blunt force head injury	
ANTECEDENT CAUSES	MORBID CONDITION, IF ANY, LEADING TO PRIMARY CAUSE Condition morbide, s'il y a lieu, menant à la cause primaire		
Symptômes précurseurs de la mort.	UNDERLYING CAUSE, IF ANY, GIVING RISE TO PRIMARY CAUSE Condition morbide, s'il y a lieu, menant à la cause primaire		
OTHER SIGNIFICANT CONDITIONS <sup>2</sup> Autres conditions significatives <sup>2</sup>			
MODE OF DEATH Condition de décès	AUTOPSY PERFORMED Autopsie effectuée <input checked="" type="checkbox"/> YES Oui <input type="checkbox"/> NO Non	CIRCUMSTANCES SURROUNDING DEATH DUE TO EXTERNAL CAUSES Circonstances de la mort suscitées par des causes extérieures	
NATURAL Mort naturelle	MAJOR FINDINGS OF AUTOPSY Conclusions principales de l'autopsie		
ACCIDENT Mort accidentelle	NAME OF PATHOLOGIST Nom du pathologiste		
SUICIDE Suicide	(b)(6)		
<input checked="" type="checkbox"/> HOMICIDE Homicide	SIGNATURE Signature (b)(6)	DATE Date 1 July 2008	AVIATION ACCIDENT Accident à Avion <input type="checkbox"/> YES Oui <input checked="" type="checkbox"/> NO Non
DATE OF DEATH (day, month, year) Date de décès (le jour, le mois, l'année) 26 June 2008	PLACE OF DEATH Lieu de décès Afghanistan		
I HAVE VIEWED THE REMAINS OF THE DECEASED AND DEATH OCCURRED AT THE TIME INDICATED AND FROM THE CAUSES AS STATED ABOVE. J'ai examiné les restes mortels du dé funt et je conclus que le décès est survenu à l'heure indiquée et à la suite des causes énumérées ci-dessus.			
NAME OF MEDICAL OFFICER Nom du médecin militaire ou du médecin sanitaire (b)(6)		TITLE OR DEGREE Titre ou diplôme Medical Examiner	
GRADE Grade (b)(6)	INSTALLATION OR ADDRESS Installation ou adresse Dover AFB, Dover DE		
DATE Date 10/8/2008	SIGNATURE Signature (b)(6)		
<sup>1</sup> State disease, injury or complication which caused death, but not mode of dying such as heart failure, ect. <sup>2</sup> State conditions contributing to the death, but not related to the disease or condition causing death. <sup>1</sup> Préciser la nature de la maladie, de la blessure ou de la complication qui a contribué à la mort, mais non la manière de mourir, telle qu'un arrêt du coeur, etc. <sup>2</sup> Préciser la condition qui a contribué à la mort, mais n'avant aucun rapport avec la maladie ou à la condition qui a provoqué la mort.			

FORM DD1 APR 77 2064

REPLACES DA FORM 3565, 1 JAN 72 AND DA FORM 3565-R(PAS), 26 SEP 75, WHICH ARE OBSOLETE.

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EXHIBIT  
000102