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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Afghanistan CID Office
Building 823, Bagram Airfield, APO AE 09354

31 Dec 2007

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL/SSI - 0141-2007-CID369-14190 - 5H1A / 5Y2E

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 APR 2007, 0100 - 30 APR 2007, 2359; 42 S UA 429 911, VICINITY OF SHAJOY, AFGHANISTAN

DATE/TIME REPORTED: 18 JUL 2007, 1827

INVESTIGATED BY:

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

SUBJECT:

1. UNKNOWN-1945961-0141-2007-CID369-I ; [CRUELTY OF SUBORDINATES (UNFOUNDED)], [MURDER (UNFOUNDED)] (NFI)

VICTIM:

1. UNKNOWN-1945962-0141-2007-CID369-I ; [CRUELTY OF SUBORDINATES (UNFOUNDED)], [MURDER (UNFOUNDED)] (NFI)

INVESTIGATIVE SUMMARY:

This report is for ACI2 purposes only. The original ROI contained classified data.

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SECRET/NOFORN

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(U) This is an Operation Enduring Freedom Investigation.

(U) SA (b)(6),(b)(7)(C) this office was notified by LTC (b)(6),(b)(7)(C) Office of the Staff Judge Advocate, Task Force Phoenix, Afghanistan, that CPT (b)(6),(b)(7)(C) 205th Afghan Regional Security Integration Command, Kandahar Airfield, Afghanistan, reported a suspected Taliban detainee was executed during questioning by United States Forces assigned to the Combined Joint Special Operations Task Force-Afghanistan.

(U) Investigation determined the offenses of Murder and Cruelty of Subordinates were not committed as reported by CPT (b)(6),(b)(7)(C). All members of the Combined Joint Special Operations Task Force-Afghanistan that were present during the time of the alleged incident were interviewed and stated the prisoner in question died of wounds sustained from Close Air Support during the Troops in Contact after being treated by United States Forces medical personnel. Further, all personnel interviewed stated CPT (b)(6),(b)(7)(C) was not present during the Troops in Contact and arrived on the objective after the prisoner in question died.

(U) STATUTES:

Article 93, UCMJ: Cruelty of Subordinates (Unfounded)

Article 118, UCMJ: Murder (Unfounded)

(U) EXHIBITS/SUBSTANTIATION:

(U) Attached:

- (b)(6), (b)(7)(C) 1. Agent's Investigation Report (AIR) of SA (b)(6),(b)(7)(C) 30 Aug 07. (b)(6),(b)(7)(C)
- 2. Sworn Statement of CPT (b)(6),(b)(7)(C) 25 Jul 07. (b)(6),(b)(7)(C)
- 3. Sketch, prepared by CPT (b)(6),(b)(7)(C) 25 Jul 07. (b)(6),(b)(7)(C)
- 4. Sworn Statement of (b)(6),(b)(7)(C) 26 Jul 07. (b)(6),(b)(7)(C)

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(b) (6), (b) (7)(C) 15. Waiver Certificate and Sworn Statement of MSG (b)(6),(b)(7)(C) 27 Jul 07.

(b) (6), (b) (7)(C) 6. Sworn Statement of SFC (b)(6),(b)(7)(C) 27 Jul 07. (b)(6),(b)(7)(C)

(b) (6), (b) (7)(C) 7. Sworn Statement of CPT (b)(6),(b)(7)(C) 27 Jul 07. (b)(6),(b)(7)(C)

8. After Action Review of Troops in Contact, 11-12 Apr 07. (b)(6),(b)(7)(C)

9. Sworn Statement of SSG (b)(6),(b)(7)(C) 28 Jul 07. (b)(6),(b)(7)(C)

10. Sworn Statement of CW2 (b)(6),(b)(7)(C) 28 Jul 07. (b)(6),(b)(7)(C)

11. Sworn Statement of SSG (b)(6),(b)(7)(C) 28 Jul 07. (b)(6),(b)(7)(C)

12. Sworn Statement of SFC (b)(6),(b)(7)(C) 28 Jul 07. (b)(6),(b)(7)(C)

13. Sworn Statement of TSGT (b)(6),(b)(7)(C) 28 Jul 07. (b)(6),(b)(7)(C)

14. CD containing photographs exposed by SFC (b)(6),(b)(7)(C) during the SSE. (b)(7)(C)

15. Rules of Engagement, 13 Feb 06. (b)(6),(b)(7)(C)

16. The Law of War briefing. (b)(6),(b)(7)(C)

17. AIR of SA (b)(6),(b)(7)(C) 13 Sep 07. (b)(6),(b)(7)(C)

18. Sworn Statement of SSG (b)(6),(b)(7)(C) 21 Nov 07. (b)(6),(b)(7)(C)

19. AIR of SA (b)(6),(b)(7)(C) 29 Nov 07. (b)(6),(b)(7)(C)

20. Memorandum For Record pertaining to MSG (b)(6),(b)(7)(C) 20 Oct 07. (USACRC and copies only) (b)(6),(b)(7)(C)

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21. Memorandum For Record pertaining to SSG (b)(6),(b)(7)(C) 6 Nov 07. (USACRC and file copies only) (b)(6),(b)(7)(C)

(U) Not Attached:

(U) None

(U) The originals of Exhibits 1 through 7, 9 through 13, and 17 through 21 are forwarded with the USACRC copy of this report. The originals of Exhibits 8 and 14 through 16 are retained in the files of Combined Joint Special Operations Task Force - Afghanistan, Bagram Airfield, Afghanistan.

(U) STATUS: This is a Final Report. The Commanders Report of Disciplinary or Administrative Action (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:

Report Approved By:

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

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

Special Agent

Special Agent

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