

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

For use of this form, see AR 190-45; the proponent agency is the Provost Marshal General

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943
PRINCIPAL: 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. Control Information

Thru:	
To:	Commander 3rd Special Forces Group, Attn: COL Benton Ft Bragg, NC 28311
Referred By:	SAC CID Office: Afghanistan CID Office (b)(6),(b)(7)(C)

USACRC Number:	0065-2008-CID369-43686-5H1A
MP Report Number:	N/A
Sub-Installation:	AF09354DC
Referral Date:	8/4/2008
Suspense Date:	9/18/2008

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

2. Offender Identification

Last Name:	(b)(6),(b)(7)(C)
First Name:	
Middle Name:	
Cadency:	

Grade:	E-8 U.S. Army (MSG)
SSN:	(b)(6),(b)(7)(C)
Date of Birth:	

3. Referral Information

Commander Decision Date: 8/4/2008

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
1	Murder [5H1A]	UCMJ Article 118	2/29/2008	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
2				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
3				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

3. Referral Information (continued)

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

4. Action Taken

- Administrative**
 Non-Adverse Referrals
 Adverse Personnel Actions
- Non-Judicial (Article 15)**
 (see details below)
- Judicial**
 Court Martial or Civilian Criminal Court

Non-Judicial Punishment Authority (select one):

- Summarized
 Company Grade
 Field Grade
 Principal Assistant
- GCMCA Imposed
 General Officer Imposed

Judicial Punishment Authority (select one):

- Summary Court Martial
 Special Court Martial
 Civilian Criminal/Magistrate
- General Court Martial

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	Murder [5H1A] [5H1A]	N	Murder [5H1A] [5H1A]	N
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

6. Administrative Actions

Non-Adverse

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adverse

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

6. Administrative Actions (continued)

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

7. Details of Administrative Separation

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

8. Non-Judicial/Judicial Sanctions

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

9. Suspended Sanctions

Were Any Sanctions Suspended? Yes No
 If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

10. Commander's Remarks

USASCRC Number: 0065-2008-CID369-43686-5H1A

Sanction: A2 2009/02/28

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

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

Name and Grade:

Signature:

Signature Date: 2/28/2009

AKO e-Mail Address:



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

03 Aug 2008

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0065-2008-CID369-43686 -
5H1A / 9G2F

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 MAR 2008, 0001 - 19 MAR 2008, 1800; UNKNOWN LOCATION VICINITY OF
FOB ROBINSON, APO, AE

DATE/TIME REPORTED: 19 MAR 2008, 1625

INVESTIGATED BY:

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

SUBJECT:

1 (b)(6),(b)(7)(C) MSG (b)(6),(b)(7)(C) DOB); (POB); MALE;
WHITE; C CO, OPERATIONAL DETACHMENT ALPHA 3232, 2ND BATTALION, 3RD
SPECIAL FORCES GROUP (A), APO, ARMED FORCES AFRICA, CANADA, EUROPE &
MIDDLE EAST 09314; CT ; [MURDER]

VICTIM:

1. UNKNOWN, ; FRCIV; (POB); MALE; [MURDER] (NFI)

INVESTIGATIVE SUMMARY:

This is an Operation Enduring Freedom Investigation.

This office was notified by MAJ (b)(6),(b)(7)(C) Office of the Staff Judge Advocate, Special

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

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Operations Task Force 32 (SOTF32), Bagram Airfield, Afghanistan, that an Operational Detachment Alpha (ODA) member reported a murder to the chain of command.

Investigation determined MSG (b)(6), (b)(7)(C) committed the offense of Murder when he shot and killed an unarmed Afghan male. SSG (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) Mr. (b)(6), (b)(7)(C) and Mr. (b)(6), (b)(7)(C) witnessed the incident and forensic examination of evidence collected corroborated their accounts of the incident.

STATUTES:

Article 188, UCMJ: Murder

EXHIBITS:

Attached:

1. Agent's Investigation Report (AIR) of SA (b)(6), (b)(7)(C), 28 Mar 08.
2. Sworn Statement of CPT (b)(6), (b)(7)(C), 20 Mar 08.
3. Sworn Statement of CSM (b)(6), (b)(7)(C), 23 Mar 08.
4. DA Form 3745, Search and Seizure Authorization, 24 Mar 08.
5. Affidavit supporting Search and Seizure Authorization, 24 Mar 08.
6. Sworn Statement and sketch of SSG (b)(6), (b)(7)(C), 25 Mar 08.
7. Sworn Statement of SFC (b)(6), (b)(7)(C), 25 Mar 08.
8. Sworn Statement of SSG (b)(6), (b)(7)(C), 25 Mar 08.
9. Non-Waiver Certificate of MSC (b)(6), (b)(7)(C), 26 Mar 08.
10. Photographic Packet. (recovery scene)

11. Recovery Scene Sketch, 26 Mar 08.
12. Recovery Scene Sketch, 26 Mar 08.
13. (13-1 thru 13-2) DA Form 4137, Evidence/Property Custody Document (EPCD) Document Number (DN) 043-08, 26 Mar 08, and DN 044-08, 26 Mar 08.
14. Photographic Packet. (recovery scene)
15. Recovery Scene Sketch, 27 Mar 08.
16. EPCD DN 045-08, 27 Mar 08.
17. Sworn Statement of SGT (b)(6),(b)(7)(C) 8 Mar 08.
18. Canvass Interview Worksheet, 28 Mar 08.
19. EPCD DN 046-08, 29 Mar 08.
20. DD Form 2922, Laboratory Examination Request, 1 Apr 08.
21. AIR of SA (b)(6),(b)(7)(C) 10 Apr 08.
22. DA Form 3745, Search and Seizure Authorization, 1 Apr 08.
23. Affidavit supporting Search and Seizure Authorization, 1 Apr 08.
24. EPCD DN 049-08, 2 Apr 08.
25. DD Form 2922, Laboratory Examination Request, 3 Apr 08.
26. Sworn Statement and sketch of (b)(6),(b)(7)(C) 10 Apr 08.
27. AIR of SA (b)(6),(b)(7)(C) 2 May 08.
28. Sworn Statement and sketch of (b)(6),(b)(7)(C) 21 Apr 08.

29. Pashtu language interview notes and translation of interview with (b)(6),(b)(7)(C) 21 Apr 08.

30. Photographic Packet. (Evidence)

31. CD containing all original images associated with Exhibits 10, 14, and 29. (USACRC and file copies only)

32. EPCD DN 067-08, 26 Apr 08.

33. Final Report (USACIL), 22 Apr 08.

34. DA Form 3745, Search and Seizure Authorization, 30 Apr 08.

35. Affidavit supporting Search and Seizure Authorization, 30 Apr 08.

36. Translation, 2 May 08.

37. AIR of SA (b)(6),(b)(7)(C) 4 Jun 08.

38. Translation, 17 May 08.

39. Sworn Statement of SGT (b)(6),(b)(7)(C) 27 May 08.

40. Sworn Statement and sketch of SGT (b)(6),(b)(7)(C) 27 May 08.

41. Final Report (USACIL), 8 May 08.

42. AIR of SA (b)(6),(b)(7)(C) 19 Jul 08.

Not Attached:

None.

The originals of Exhibits 1, 9, 11, 12, 15, 21, 27, 31, 37, and 42 are forwarded with the

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USACRC copy of this report. The originals of Exhibits 2 thru 8, 17, 18, 22, 23, 26, 28, 29, 33 thru 36, and 38 thru 41 are retained in the case files of this office, pending adjudication. The original of Exhibits 13, 16, 19, and 24 are retained within the files of the Evidence Depository, this office. The originals of Exhibits 20 and 25, and a second original of Exhibits 33 and 41 are retained in the files of the U.S. Army Criminal Investigation Laboratory.

STATUS: This is a Final (C) Report. Commander's Report of Disciplinary or Administrative Action (DA Form 4833) is pending.

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 in Charge

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA

11th MP BN CID

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

3rd MP Group, USACIDC, Fort Gillem, GA (email only)

CG, USACIDC, FT BELVOIR CIOP-ZA

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

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

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

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

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

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

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

SAC, AFGHANISTAN CID OFFICE

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

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

CDR, 3rd SFG (CPT (b)(6),(b)(7)(C)) (email only) (b)(6),(b)(7)(C) @ahqb.soc.mil

CDR, 3rd SFG (COL (b)(6),(b)(7)(C)) @ahqb.soc.mil

SJA, SOC, FT Bragg (CPT (b)(6),(b)(7)(C)) @ahqb.soc.mil

FILE

DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

For use of this form see AR 27-10; the proponent agency is TJAG

TO: Commander
United States Army Special Forces Command
Fort Bragg, North Carolina, 28310

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v. MASTER SERGEANT (b)(6), (b)(6), Headquarters and Headquarters Company, 3rd Special Forces Group (Airborne) (Rear) (Provisional), Fort Bragg, North Carolina 28310.

2. Trial by General court-martial on 17 Sep 08, 9 Jan 09, 18-20 Feb 09, 23-25 Feb 09, at Fort Bragg, North Carolina, convened by: Court-Martial Convening Order Number 1, Headquarters, United States Army Special Forces Command, dated 10 July 2008; as amended by Court-Martial Convening Order Number 1, dated 9 February 2009; as amended by Court-Martial Convening Order Number 2, dated 17 February 2009.

3. Summary of offenses, pleas, and findings:

CH	ART	SPEC	BRIEF DESCRIPTION OF OFFENSE(S)	PLEA	FINDING
I	118	The	Premeditated murder of an unknown Afghani male on or about 5 Mar 08	NG	NG
II	134	The	Wrongful mutilation of a dead body by cutting off an ear on or about 5 Mar 08	NG	NG

4. SENTENCE:

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade: N/A. (See UCMJ Article 57-58b and R.C.M. 1101)

6. Contents of pretrial agreement concerning sentence, if any: None.

7. Number of days of presentence confinement, if any: N/A.

8. Number of days of judge-ordered administrative credit for illegal presentence confinement or restriction found tantamount to confinement, if any: N/A.

9. Total presentence confinement credit toward post-trial confinement, if any: N/A.

10. Name(s) and SSN(s) of companion accused or co-accused, if any: None.

11. DNA Processing IAW 10 U.S.C. Sect 1565 is is not required.

12. Conviction(s) does does not require sex offender registration IAW 42 U.S.C. Sect 14071.

CF: 1- Unit Cdr, 1- Confinement, 1- TDS (b)(6) (b)(6), 1-Criminal Law Division, 1-SJA

TYPED NAME

(b)(6)

(b)(6)

RANK

Captain

BRANCH OF SERVICE

U.S. Army

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

03 Aug 2008

MEMORANDUM FOR: SEE DISTRIBUTION

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5H1A / 9G2F

DATES/TIMES/LOCATIONS OF OCCURRENCES:

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FOB ROBINSON, APO, AE

DATE/TIME REPORTED: 19 MAR 2008, 1625

INVESTIGATED BY:

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

SUBJECT:

1. (b)(6), (b)(7)(C) MSG; (b)(6), (b)(7)(C) (DOB); (POB); MALE;
WHITE; C CO, OPERATIONAL DETACHMENT ALPHA 3232, 2ND BATTALION, 3RD
SPECIAL FORCES GROUP (A), APO, ARMED FORCES AFRICA, CANADA, EUROPE &
MIDDLE EAST 09314; CT ; [MURDER]

VICTIM:

1. UNKNOWN, ; FRCIV; (POB); MALE; [MURDER] (NFI)

INVESTIGATIVE SUMMARY:

This is an Operation Enduring Freedom Investigation.

This office was notified by MAJ (b)(6), (b)(7)(C) Office of the Staff Judge Advocate, Special

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ACLU DDII CID ROIS 36727 0008

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STATUTES:

Article 188, UCMJ: Murder

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ACLU DDII CID ROIS 367310012

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Report Prepared By:

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

[Redacted]

Special Agent

Report Approved By:

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

[Redacted]

Special Agent in Charge

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

CDR, 3rd SFG (CPT (b)(6), (b)(7)(C)) (email only) (b)(6), (b)(7)(C)@ahqb.soc.mil

CDR, 3rd SFG (COL (b)(6), (b)(7)(C))@ahqb.soc.mil

SJA, SOC, FT Bragg (CPT (b)(6), (b)(7)(C))@ahqb.soc.mil

FILE

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0065-08-CID369-43686

PAGE 1 OF 3 PAGES

DETAILS:

BASIS FOR INVESTIGATION: About 1639, 19 Mar 08, SA (b)(6), (b)(7)(C) this office, was notified by MAJ (b)(6), (b)(7)(C) Special Operations Task Force 32 (SOTF32), Bagram Airfield, APO AE 09354 (BAF) of a possible murder committed by one of the SOTF32 members. MAJ (b)(6), (b)(7)(C) provided the unclassified Serious Incident Report (SIR) that did not contain any identification information.

About 1000, 20 Mar 08, SA (b)(6), (b)(7)(C) this office, interviewed CPT (b)(6), (b)(7)(C) Operational Detachment Alpha (ODA) 3232, C Co, 2nd BN, 3rd Special Forces Group (SFG) (A), FOB Robinson, APO AE 09314, who provided a sworn statement wherein he detailed he learned from his chain of command that MSG (b)(6), (b)(7)(C) ODA 3232, C Co, 2nd BN, 3rd SFG (A), FOB Robinson, APO AE 09314, may have been involved in a body mutilation or unjustified shooting of a local national.

Agent's Comment: CPT (b)(6), (b)(7)(C) recently had an appendectomy and was taking medication (Percocet and Valium) for pain and sleep. CPT (b)(6), (b)(7)(C) related that he had not taken the medication for sixteen hours due to this interview.

About 1940, 23 Mar 08, SA (b)(6), (b)(7)(C) interviewed CSM (b)(6), (b)(7)(C) ODA 3230, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO AE 09314, who provided a sworn statement wherein he detailed he was informed by SFC (b)(6), (b)(7)(C) ODA 3232, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO AE 09314, that SSG (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C), all members of ODA 3232, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO AE 09314, witnessed MSG (b)(6), (b)(7)(C) shoot an unarmed Afghani National and mutilate the body by cutting off an ear. SGM (b)(6), (b)(7)(C) was instructed by his command to take MSG (b)(6), (b)(7)(C) into custody and confine him. MSG (b)(6), (b)(7)(C) while in confinement on FOB Robinson, informed SGM (b)(6), (b)(7)(C) he believed he was in trouble for shooting somebody and he had a human ear located in his quarters on a shelf.

About 1230, 24 Mar 08, SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C) Military Magistrate, CJTF-82, BAF, and provided an affidavit documenting the details of this investigation and requesting a search authorization for MSG (b)(6), (b)(7)(C) living quarters. CPT (b)(6), (b)(7)(C) authorized the search of SSG (b)(6), (b)(7)(C) quarters.

About 1325, 25 Mar 08, (b)(6), (b)(7)(C) interviewed SSG (P) (b)(6), (b)(7)(C) who rendered a sworn statement where in he witnessed MSG (b)(6), (b)(7)(C) shoot an unarmed Afghani male once in the chest, and what he believed was once in the head. MSG (b)(6), (b)(7)(C) then cut off the man's ear and showed it to SSG (P) (b)(6), (b)(7)(C) SSG (P) (b)(6), (b)(7)(C) provided a sketch of the incident.

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
(b)(6), (b)(7)(C), (b)(7)(F)		Afghanistan CID Detachment Bagram Airfield, APO AE 09354	
SIGNATURE	DATE	EXHIBIT	
(b)(6), (b)(7)(C)	28 Mar 08		

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS:

Agent's Comment: At the conclusion of the interview SSG (P) (b)(6), (b)(7)(C) was provided a DD Form 2701.

About 1730, 25 Mar 08, (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) who rendered a sworn statement detailing how he was notified about the incident with MSG (b)(6), (b)(7)(C) by fellow team members and his conversations with MSG (b)(6), (b)(7)(C)

About 1515, 25 Mar 08, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) who rendered a sworn statement detailing his knowledge of the incident.

About 1055, 26 Mar 08, SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C), ODA 3232, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO AE 09314. SFC (b)(6), (b)(7)(C) was not on the mission when the incident occurred. MSG (b)(6), (b)(7)(C) gave SFC (b)(6), (b)(7)(C) a cellular phone two days after the mission and stated he had taken the phone from a man he shot in the desert. MSC (b)(6), (b)(7)(C) further stated that the man was Taliban and he believed the words "Al Qaida", in Arabic, were on the display screen of the phone. A few days later, while on a mission, MSG (b)(6), (b)(7)(C) separated a few men from a group of Afghani Nationals he and SFC (b)(6), (b)(7)(C) were questioning. MSG (b)(6), (b)(7)(C) stated, "We need to wait for people to leave to put these guys down". SFC (b)(6), (b)(7)(C) believed MSG (b)(6), (b)(7)(C) meant to kill the men but, due to the number of civilians in the area and the intervention of his team members, he was not able to. SFC (b)(6), (b)(7)(C) had no further knowledge of the incident.

About 1425, 26 Mar 08, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) this office, interviewed MSG (b)(6), (b)(7)(C). SA (b)(6), (b)(7)(C) advised MSG (b)(6), (b)(7)(C) of his legal rights, which he invoked and requested to seek legal counsel.

Between 1557 and 1755, 26 Mar 08, (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted a recovery scene examination of Connex number four, identified as MSG (b)(6), (b)(7)(C) assigned quarters at FOB Robinson, Helmand Province, Afghanistan, APO AE 09314. The connex was a metal and wood type structure used primarily as a single person living structure. The connex was extremely cluttered with a lived in appearance, there were clothes and other items strewn all over the connex and on the floor. Furniture in the connex consisted of a desk flush with the south wall directly to the west of the only entrance/exit. The desk was completely cluttered with various items to include a laptop computer. Directly to the south of the desk and flush with the west wall was a shelving unit, which also contained various items in disarray. Located on the second shelf amongst other items was what appeared to be a human ear, which was subsequently collected as evidence. Flush with the north wall was a single bed with mattress. On the bed were various items including a box, clothes, and other military equipment. A DCU blouse was located on top of the box and collected as evidence.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

Afghanistan CID Detachment
Bagram Airfield, APO AE 09354

SIGNATURE

DATE

28 Mar 08

EXHIBIT

ACLU DDJ CID ROIS 36734

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0065-08-CID369-43686

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DETAILS:

A pair of DCU trousers was located in the box and collected as evidence. Inside the back right pocket of the DCU trousers was a knife, which was collected as evidence. Located inside the right cargo pocket of the DCU trousers was what appeared to be human ear hair, which was collected as evidence. Also located on the bed was a white and black colored scarf that was collected as evidence. Located to the southwest of the bed on the floor was a pair of black gloves that were collected as evidence. Located to the east of the shelving unit was a pair of Oakley brand boots that were collected as evidence. Located on top of a bag adjacent to the east wall was an additional black and white colored scarf that was collected as evidence. All items of evidence were collected on an Evidence/Property Custody Document (EPCD). (b)(6), (b)(7)(C) exposed photographs using a Pentax Optio M40 digital camera, and SA (b)(6), (b)(7)(C) completed a recovery scene sketch.

Between 1440 and 1503, 27 Mar 08, (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted recovery scene examination of the vehicle driven by MSG (b)(6), (b)(7)(C) during the incident, identified as a Truck Utility, 4 x 4, W/E HMMWV, M1113, Serial Number 221849, Registration Number NG6B20. The vehicle was a standard four door up-armored HMMWV, with the exception that the passenger's door was missing. The examination focused on the passenger's side of the vehicle as that was the reported location of the victim. An examination of the passenger's side seat cushion revealed what appeared to be dried blood on the underside of the cushion and the base of the seat. SA (b)(6), (b)(7)(C) collected the seat cover as evidence and collected several swabs from the base of the seat as evidence. A search of the remainder of the vehicle with an alternate light source failed to identify any other areas or items of evidentiary value. SA (b)(6), (b)(7)(C) exposed photographs using a Cannon Powershot SD400 digital camera, which were incorporated into a photographic packet, and completed a recovery scene sketch.

About 1850, 28 Mar 08, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) ODA 3232, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO AE 09314, who rendered a sworn statement detailing his knowledge of the incident and how MSG (b)(6), (b)(7)(C) showed him a human ear.

Between 1908 and 1930, 28 Mar 08, (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted canvass interviews of the remaining members of C Co., 2nd BN, 3rd SFG, ODA 3232. SFC (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) were on the mission, when the incident occurred, but in a different vehicle than MSG (b)(6), (b)(7)(C). They assisted MSG (b)(6), (b)(7)(C) in stopping a vehicle while providing security for the main element. MSG (b)(6), (b)(7)(C) separated an unarmed male from the other occupants of the vehicle and had him get on the back of his vehicle. MSG (b)(6), (b)(7)(C) stated he was going to question the man and release him on the way back to the main element. MSG (b)(6), (b)(7)(C) stopped about half way back and got out of his vehicle. MSG (b)(6), (b)(7)(C) signaled for SFC (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) to keep driving and they continued on the location of the main element. They had no further information about the incident. None of the other canvassed individuals had anything pertinent to add to this investigation.///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

Afghanistan CID Detachment
Bagram Airfield, APO AE 09354

SIGNATURE

DATE

28 Mar 08

EXHIBIT

SWORN STATEMENT

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354

FILE NUMBER:

DATE: 20 Mar 08 (b)(6), (b)(7)(C)

TIME: 1535 (b)(6), (b)(7)(C)

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

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

GRADE/RANK: 03 / CPT

ORGANIZATION OR ADDRESS: ODA 3232, C CO, 2nd BN, 3rd Special Forces Group (A), FOB Robinson, Afghanistan, APO AE 09314

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

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

On or about 18 Mar 2008, while at KAF preparing to be MEDEVAC'd to BAF, 3 of my soldiers came by my room to say goodbye. During the visit, SFC (b)(6), (b)(7)(C) stated to me that he needed to see the CSM in order to file a complaint against MSG (b)(6), (b)(7)(C). He referenced that 2 soldiers on the Detachment were upset with MSG (b)(6), (b)(7)(C). Due to me getting ready to depart I didn't put much interest into it. I down played it as a NCO issue and would follow up later. Another one of my soldiers, SFC (b)(6), (b)(7)(C) also pulled me aside and stated that there may be legal issues with the complaint. This did raise more attention but since I was leaving, I told SFC (b)(6), (b)(7)(C) I would call in reference to this issue once I reached BAF. Once I arrived at BAF, I was told I was going to be EVAC'd further to Germany that night so I went to Camp Vance for a meal and to tell the command I was leaving soon. At approximately 1930 local time on 18 Mar 2008, I was asked to go to (b)(6), (b)(7)(C) the CJSOTF-A Commander. I reported to him while he was on the phone with who I assumed to be LTC (b)(6), (b)(7)(C) the TF-32 commander, my Battalion Commander. The JAG also came in soon after me and (b)(6), (b)(7)(C) stated that there may be allegations of a wrongful shooting in combat and possibly a mutilation of a body, referring to an ear being removed from one of the insurgents. I was also instructed by the JAG to not discuss this with anyone since there will be an investigation. At this time, I am not aware of the time, date, or place that this event took place.

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

A:

Q: Are you the Detachment Commander for ODA 3232?

A: Yes.

Q: How long have you been with ODA 3232?

A: I have been the Detachment Commander for two years. I have been with most of the team members for two years. We are a tight knit team and everyone gets along.

Q: What does ODA stand for?

A: Operational Detachment Alpha also known as an A-Team.

Q: Who is SFC (b)(6), (b)(7)(C)

A: He is the assistant Team Sergeant and operations sergeant and has been on the team the second longest.

Q: Who is SFC (b)(6), (b)(7)(C)

A: SFC (b)(6), (b)(7)(C) is the team intelligence NCO and has been on the team the longest.

Q: Who is MSG (b)(6), (b)(7)(C)

A: He is the team sergeant and the senior NCO and the person the complaints are about.

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

PAGE 1 OF 5 PAGES

DA Form 2823-E

STATEMENT OF: CPT (b)(6), (b)(7)(C) TAKEN AT: BAF, APO AE 09554, ON: 20Mar 08
CONTINUED:

Q: What are the dates you became ill?

A: I was diagnosed on 13 Mar 08 and went to surgery on 13 Mar08.

Q: Where was the surgery performed?

A: At Kandahar Airfield.

Q: Have you returned to FOB Robinson since the surgery?

A: No I should have been home in the states on 21 Mar 08.

Q: What type of team leader is MSG (b)(6), (b)(7)(C)

A: Before he came to our team he was relieved from another team because of an issue with ammo. The team members turned their backs on him and he had to be moved. He was placed in an administrative job by the Command Sergeant Major. He was eventually moved to my ODA so he could be with a strong team and build his leadership qualities. I have had to counsel him on weak leadership in combat as he tried to show that he knew it all, but would not listen to other seasoned team members. The second time I counseled him was for poor performance on mission planning. He has been improving but team members still go to SFC (b)(6), (b)(7)(C) for guidance because team members do not trust MSG (b)(6), (b)(7)(C)

Q: Did you know about MSG (b)(6), (b)(7)(C) before he came to your team?

A: Yes I do a background check on all the soldiers coming to my team and he would not have been my first choice. He was sent to my team to be groomed and improve his leadership.

Q: Has MSG (b)(6), (b)(7)(C) had any out of the ordinary violent outburst?

A: Yes he has had two that were not just your normal venting but pure anger. I had reported this to the Company CSM that MSG (b)(6), (b)(7)(C) has anger problems.

Q: Has MSG (b)(6), (b)(7)(C) displayed any anger toward the local population?

A: No.

Q: What was the complaint SFC (b)(6), (b)(7)(C) made?

A: He said that two guys had issues with the Team Sergeant but did not say what the issues were.

Q: Did SFC (b)(6), (b)(7)(C) tell you the names of the two soldiers?

A: No.

Q: Did SFC (b)(6), (b)(7)(C) say what the legal issue was?

A: No he just said there was a legal issue and I was surprised because I would never suspect my team doing something illegal.

Q: Is that all the information you received from SFC (b)(6), (b)(7)(C)

A: Yes. I have not spoken to SFC (b)(6), (b)(7)(C) since.

Q: Did you receive any further information from SFC (b)(6), (b)(7)(C)

A: No. I have not spoken to him after he requested to see the CSM.

Q: You were told about this incident by (b)(6), (b)(7)(C) did he say where the information came from?

A: No. I heard (b)(6), (b)(7)(C) talking to my Commander LTC (b)(6), (b)(7)(C) in the phone when I came to his office. They were talking about my team leader. (b)(6), (b)(7)(C) then told the SJA this is a possible allegation of an unjustified shooting.

Q: What is the Force Protection policy when a patrol leaves the FOB?

A: A minimum of 2 gun trucks, 6 ODA'S and the Afghanistan National Army (35). I have a team policy that all team members, 4 gun trucks and the contingent of Afghanistan National Army go out on patrol. For each patrol a Concept of Operation is submitted to CJSOTF-A, the command at Bagram, 48 hours prior to the patrol leaving the FOB. An Operational Summary is completed at the end of the patrol and submitted to the B team. We are running about 3 patrols a week.

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

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DA Form 2823-E

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EXHIBIT 2

STATEMENT OF: CPT (b)(6), (b)(7)(C) TAKEN AT: BAF, APO AE 09534, ON: 20 Mar 08
CONTINUED:

Q. What is CJSOTF-A?

A. Combined Joint Special Operations Task Force Afghanistan.

Q. What is the B Team?

A. The Company Headquarters.

Q. Does MSG (b)(6), (b)(7)(C) write any of the Concept of Operations and Operational Summaries?

A. Yes I have my NCO'S do the summaries and operational plan to learn.

Q. Do your patrols stop vehicles or do traffic control points?

A. Yes we are training the Afghanistan Army in population control so we set up vehicle check points.

Q. Has your team been involved in a fire fight at one of these vehicle check points?

A. No.

Q. If a vehicle approaching the check point turns around before passing the location will team members chase the vehicle?

A. No. The Afghanistan Army will chase down the vehicle.

Q. Will your team respond after the stop?

A. No we try not to get involved with the Afghanistan National Army. We want them to do the job on there own.

Q. Has your team been involved in any firefights with insurgents in a vehicle?

A. Yes, the incidents involved insurgents on motorcycles or in vehicles at distances of 800 meters or more. This happened at the beginning of our tour.

Q. After a firefight and it is known that insurgents have been killed does the team recover the bodies?

A. No I will send a team to do a quick battle damage assessment if I am sure they are able to. One of the tactics of insurgents is to wait for a team to do a battle damage assessment and engage when the team is closer. My team does not recover any bodies the local nationals handle that.

Q. Has your team lost any team members?

A. Yes we recently lost our MP dog handler.

Q. Was there any talk of getting a payback?

A. No not really.

Q. Do you go out on all patrols?

A. I have been on all patrols except four of them.

Q. Why did you miss four patrols?

A. Administrative issues, I was either in Kandahar or monitoring the patrols from the FOB.

Q. On the patrols you missed who ran the team?

A. The Team Sergeant, MSG (b)(6), (b)(7)(C)

Q. Do you know the dates of the four patrols you missed?

A. No

Q. Where were you at the beginning of March?

A. We did a mission at Karez Da Baba the first week of March.

Q. How long was the mission?

A. It was six days and involved the entire B- Team. We had to travel about 100 kilometers from FOB ROBINSON.

Q. Could this incident have occurred during Karez Da Baba?

A. It is possible. I have mounted over watch and dismounts and I can't possibly see everything. However the B-Team was on this mission as were British troops.

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

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DA Form 2823-E

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ACLU-RDI 5571 p.25

ACLU RDI CID ROIS 36738 0019

EXHIBIT

STATEMENT OF: CPT (b)(6), (b)(7)(C) TAKEN AT: BAF, APO AE 09554, ON: 20 Mar 08
CONTINUED:

Q. Who is in charge of the dismounts?

A. MSG (b)(6), (b)(7)(C)

Q. Did you see or hear anything involving a mutilation or unjustified shooting during this mission or any follow on missions?

A. No.

Q. What happened after the mission ended?

A. We went to FOB Price and stayed there approximately four days for truck repairs and to wait for resupply for the convoy back to FOB Robinson. We got back to FOB Robinson on the 9th or 10th of March and went out on another mission the next day.

Q. What is your opinion on this event?

A. I don't know what happened but I believe in my NCO'S and the validity of what they are saying. SFC (b)(6), (b)(7)(C) and SFC (b)(6), (b)(7)(C) are professional soldiers and I trust what they say.

Q. Is there anyone else that might have knowledge of this incident?

A. The two witnesses.

Q. Who are the two witnesses?

A. I can only speculate that it is his truck crew, SSG (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) but he was wounded and sent home.

Q. When was SGT (b)(6), (b)(7)(C) wounded?

A. He was wounded on 11 Mar 08 during the initial attack on Tamba.

Q. Was this a large fight?

A. Yes we had seventy insurgents firing on us.

Q. Did this fight last a long time?

A. Yes the mission lasted 3 days and the main fight ended the first day.

Q. Did you leave before the fight was over?

A. No the mission ended about 1000 on 13 Mar 08.

Q. Did MSG (b)(6), (b)(7)(C) function separately from you?

A. Yes I was mounted and he was dismounted and I didn't always have sight of him.

Q. Did you see or hear of any mutilations or unjustified shootings after this mission?

A. No.

Q. This being an attack on fighting positions did your team move through of the positions where dead insurgents would be.

A. Yes the dismounts moved through the fighting positions when they were taken. I do not know if there were any dead insurgents as they are carried out by others for immediate burial. This fight was the most intense battle my team has been involved in during the deployment. The dismounts did not report any confirmed enemy killed.

Q. Would this battle have been the best opportunity for a team member to mutilate a body or have an unjustified shooting?

A. Just guessing the answer would be yes because we were so close to the enemy.

Q. Could SFC (b)(6), (b)(7)(C) and SFC (b)(6), (b)(7)(C) been on a dismount patrol with MSG (b)(6), (b)(7)(C)

A. Yes they could have.

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

A: No./// End of Statement/// (b)(6), (b)(7)(C)

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

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DA Form 2823-E

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ACLU-RDI 5571 p.26

EXHIBIT 2

AFFIDAVIT

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

I, (b)(6), (b)(7)(C) have read or have had read to me this statement which begins on page 1 and ends on page 5. 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.

Witness #1:

Witness #2:

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

(Signature of Person Administering Oath)

Subscribed and sworn before me, a person authorized by law to administer oaths, this 20th day of Mar 2008 at Bagram Airfield, APO AE 09354.

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

(Name of Person Administering Oath)

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

(Typed name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

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

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DA Form 2823-E

ACLU-RDI 5571 p.27

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ACLU DDII CID ROIS 36740 0021

EXHIBIT 2

SWORN STATEMENT

File Number : 0065-08-CID369-43686
Location : Afghanistan CID Office, Bagram, Afghanistan (BAF)
 APO AE 09354
Date : March 23, 2008 (b)(6), (b)(7)(C)
Time : 1940 (b)(6), (b)(7)(C)
Statement of : SGM (b)(6), (b)(7)(C)
Grade/Status : E-9/AD
SSN : (b)(6), (b)(7)(C)
Org/Address : Operational Detachment B 3230, C Co, 2nd BN, 3rd Special
 Forces Group, FB Robinson, Helmand Province, Afghanistan

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

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

About 17 March, 2008 I received a phone call from SFC (b)(6), (b)(7)(C) (ODA 3232) from KAF stating that he just spoke to MAJ (b)(6), (b)(7)(C) (2nd Bn XO) about how things were going with his detachment. He began by telling me that he wished he would of come to me first before he told (b)(6), (b)(7)(C) about a situation that he was informed about by other members of the team. He then stated that he was informed that while out on a mission, his Team SGT MSG (b)(6), (b)(7)(C) had shot a guy and then cut off his ears. MSG (b)(6), (b)(7)(C) observed a man speaking on a phone and called the guy over to his position, he ask the guy a question through at interpreter, and the response was not he wanted to hear and then took out his pistol and shot the man and while he laid there dead he cut off his ears. There was a bad connection on the telephone and I was unable to completely understand what he was trying to tell me. I told SFC (b)(6), (b)(7)(C) to write what he was trying to tell me in an e-mail so I could understand what he was trying to say. We hung up and I received another phone call several minutes later from MAJ (b)(6), (b)(7)(C) he said that he instructed SFC (b)(6), (b)(7)(C) not to write me an e-mail because he was concerned that the e-mail would not have the same intention. Then I told (b)(6), (b)(7)(C) to put (b)(6), (b)(7)(C) back on the telephone (At that time I ask for everybody to leave the operation center). SFC (b)(6), (b)(7)(C) stated that while his team was on mission his Team SGT MSG (b)(6), (b)(7)(C) shot a local and cut his ears off. He also stated that he was informed about the incident from other team members that were extremely bothered by this act and brought it to his attention as soon as the mission was over and they returned to FB Robinson. I told him that I would handle it and hung up the phone, and immediately called my Company Commander (MAJ (b)(6), (b)(7)(C) who was at a different FB. I explained to MAJ (b)(6), (b)(7)(C) about the conversation I just had with SFC (b)(6), (b)(7)(C) he was as shocked as I was, and stated to stand-by so he could call the Battalion Commander (b)(6), (b)(7)(C). After discussing the information with the (b)(6), (b)(7)(C) MAJ (b)(6), (b)(7)(C) informed me that they were drafting up a counseling packet with the Bn JAG that would give specific instruction for the seriousness of this allegation. I informed CW3 (b)(6), (b)(7)(C) about my conversation with all listed above, I told him that I am devising a plan to take MSG (b)(6), (b)(7)(C) into custody at the appropriate time. The date of all the occurrences took part on or about the 17 March 2008. After my conversations were complete with MAJ (b)(6), (b)(7)(C) opened the operation center up for total access, MSG (b)(6), (b)(7)(C) came to me immediately and ask if everything was alright, I replied with there is a family issue with somebody in the company. He immediately stated that he was worried someone may have told on him for doing something he did (semi-joking). I did not tell anybody else except CW3 (b)(6), (b)(7)(C) about the phone calls to keep this information from getting out. Over the next couple days I received the counseling and instructions from MAJ (b)(6), (b)(7)(C) printed the counseling out and reviewed it in the privacy of my room. On 20 March 2008, I (b)(6), (b)(7)(C)

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

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT _____ PAGE 1 OF 4 PAGES

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STATEMENT OF: (b)(6), (b)(7)(C) TAKEN AT: Afghanistan CID Office; DATED: March 23, 2008 CONTINUED.
 received a phone call from MAJ (b)(6), (b)(7)(C) stating that we need to take MSG (b)(6), (b)(7)(C) to custody immediately. I went and got all the parties that I had as a part of my plan and we assembled into the operation center, all additional personnel were removed and I went and called MSG (b)(6), (b)(7)(C) to come in and sit down. I told him he was under investigation for a crime and we had to go through some administrative items, once that was completed I told him I was ordered to confine him until we have the means to exfil him on a helicopter. CW3 (b)(6), (b)(7)(C) began reading the counseling packet, once he was complete CW3 (b)(6), (b)(7)(C) ask MSG (b)(6), (b)(7)(C) if he understands his rights? MSG (b)(6), (b)(7)(C) replied with yes he does. I went to tell him that he will be searched and remain under armed escort and be placed into a locked room until we depart. At this time we got everybody that works at FB Robinson together and told them we are on a Black-Out (Meaning that there can be no telephone calls or e-mail until further notice) this was done to ensure that this incident did not leak out. After the meeting I was asked by SSG (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) they could talk to me, I said yes. They both said that they were there when the incident happened (but did not discuss details) and said that they were worried that if the information came out later then they wanted it to come out because they were afraid of what would happen to them and the detachment, I explained to them although I wish they would have come to me sooner, but they were absolutely doing the right thing keeping us informed. I ask when the incident occurred, and they stated when we were coming back from the Kajaki mission and the Jinga trucks were stuck in the first wadi. I said that we were all trying hard to get the vehicles out of the sand and never saw or heard anything. The Black-out lasted approximately 24 hours and we reinstated the privileges. On 21 March 2008 at approximately 1100, I went to visit MSG (b)(6), (b)(7)(C) in his holding cell. MSG (b)(6), (b)(7)(C) stated that he knew that this was about him shooting somebody that was trying to attack him. I told him that he should not tell me anything like that, we continued to speak and he stated that he was worried about the alcohol that he had in his room, I said at this time the room is sealed and everything was documented by a camera. He then said that he had an ear on his second or third shelf in his room. I responded with "A what?" He said an ear, I ask what kind of ear? He said a Human Ear, I said "My God (b)(6), (b)(7)(C) and he said "it is bad". I ended the conversation with what else can I do to make you more comfortable? He said he was fine, and I encouraged him to keep eating and drinking. I departed from the room where he was being detained. I went to see him again on the 23 March 2008 at his request and his only concern was that he wondered if anybody said anything to his spouse, I told him that I would look into that and let him know. He also requested his wedding ring. I gave it to the guard for MSG (b)(6), (b)(7)(C) to ware it. On the 22 March 2008 we received a Helicopter at FB Robinson in order to move MSG (b)(6), (b)(7)(C) KAF and subsequently to BAF on 23 March 2008.

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

A: SGM (b)(6), (b)(7)(C)

Q: Who are SSG (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C)

A: They are members of ODA3232, who were with MSG (b)(6), (b)(7)(C) when the incident occurred. SSG (b)(6), (b)(7)(C) is a junior communications sergeant (18E) and SSG (b)(6), (b)(7)(C) is a junior engineer sergeant (18C).

Q: Did SSG (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) give any details on the incident?

A: Just the location.

Q: When was the Kajaki mission?

A: About the end of February and the incident occurred on the way back from the mission on about the first week of march.

Q: Were you on the mission when the incident occurred?

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

STATEMENT OF: (b)(6), (b)(7)(C) TAKEN AT: Afghanistan CID Office; DATED: March 23, 2008 CONTINUED.

A: Yes.

Q: Did you witness the incident involving SSG (b)(6), (b)(7)(C) while on the mission?

A: No.

Q: Did you go into MSG (b)(6), (b)(7)(C) room after he was confined?

A: No.

Q: What is a Jinga truck?

A: A local national's commercial truck.

Q: What you mean by Jinga truck stuck in a wadi?

A: A wadi is a dried up river bed that is usually very sandy. The weight of the Jinga trucks gets them stuck in the sand and we have to pull the out.

Q: Do you know of any other incidents involving MSG (b)(6), (b)(7)(C)

A: No.

Q: Have you ever witnessed MSG (b)(6), (b)(7)(C) become violent toward local nationals?

A: No.

Q: Do you know of MSG (b)(6), (b)(7)(C) losing control or acting inappropriately during missions?

A: No.

Q: What is SFC (b)(6), (b)(7)(C) role on the team?

A: He is the senior weapons sergeant. He was not on the mission but SSG (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) told him about the incident and he informed MAJ (b)(6), (b)(7)(C)

Q: What is CW (b)(6), (b)(7)(C) role?

A: He is the company operations warrant officer.

Q: Did you type the narrative portion of this statement?

A: Yes.

Q: Do you understand that the answers in this statement are a typed written account of your verbal answers to my questions?

A: Yes.

Q: Are the typed answers an accurate account of your answers to my questions?

A: Yes.

Q: How were you treated during this interview?

A: Good.

Q: Were allowed to take breaks as need?

A: Yes.

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

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

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

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

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STATEMENT OF: (b)(6), (b)(7)(C) TAKEN AT: Afghanistan CID Office; DATED: March 23, 2008 CONTINUED.

AFFIDAVIT

I, (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.

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

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this March 23, 2008, at Afghanistan CID Office, BAF

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

SPECIAL AGENT (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

WITNESS:

WITNESS:

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

SEARCH AND SEIZURE AUTHORIZATION

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: (Name and Organization of the person to whom authorization is given)

Special Agent (b)(6), (b)(7)(C) 7018 Afghanistan CID Office, Bagram Air Field, Afghanistan

(An affidavit) (A sworn) or (unsworn) oral statement having been made before me by SA (b)(6), (b)(7)(C) Sworn Statements of (Name of Affiant)

(b)(6), (b)(7)(C) ODB 3230 and CPT (b)(6), (b)(7)(C) ODA 3232, 2BN-3SFG Fire Base Robinson Helmand Province, AFG (Organization or Address of Affiant)

(which affidavit is attached hereto and made a part of this authorization), and as I am satisfied that there is probable cause to believe that the matters mentioned in the affidavit are true and correct, that the offense set forth therein has been committed, and that the property to be seized is located (on the person) (at the place) to be searched, you are hereby ordered to search the (person) (place) known as

assigned living quarters of MSC (b)(6), (b)(7)(C) DDA 32-30, C Co/2BN/3SF Group, to include all possible storage locations.

for the property described as human body parts, specifically the ear or pieces of the ear of a human being and clothing worn during the perpetration of the act.

bringing this order to the attention of the (person searched) (person in possession, if any person be found at the place or on the premises searched). The search will be made in the (daytime) (nighttime), and if the property is found there, you shall seize it, issue a receipt therefor to the person from whom the property is taken or in whose possession the property is found, deliver the property to:

Afghanistan CID Office, Afghanistan CID, Bagram Airfield APO AE 09354 (Name and Organization of Authorized Custodian)

and prepare a written inventory of the property. If there is no person at the searched place to whom the receipt may be delivered, the receipt will be left in a conspicuous location at the place or on the premises where the property is found.

Dated this 24 day of March, 2008

TYPED NAME AND GRADE OF AUTHORIZING OFFICIAL (b)(6), (b)(7)(C) CPT, JA	DUTY POSITION OF AUTHORIZING OFFICIAL Military Magistrate
ORGANIZATION OF AUTHORIZING OFFICIAL CJTF-82 OSJA Bagram Air Field, Afghanistan	SIGNATURE OF AUTHORIZING OFFICIAL (b)(6), (b)(7)(C)

ACLU DDII CID ROIS 36745

**AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION
TO SEARCH AND SEIZE OR APPREHEND**

For use of this form, see AR 27-10; the proponent agency is
TJAG

BEFORE COMPLETING THIS FORM, SEE INSTRUCTIONS ON PAGE 2

1. I, (b)(6), (b)(7)(C) Afghanistan CID Office, APO,
AE 09354
(Name) (Organization or Address)

Having been duly sworn, on oath depose and state that:

A preliminary investigation conducted under Report of Investigation 0065-08-CID369-43686, identified MSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Operational Detachment A 3232 (ODA 3232), C Co, 2nd BN, 3rd Special Forces Group (SFG), FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314, as being suspected of murder of an Afghani National.

2. The affiant further states that:

About 1000, 20 Mar 08, CPT (b)(6), (b)(7)(C), ODA 3232, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314, rendered a Sworn Statement wherein he detailed his chain of command informed him that members of MSG (b)(6), (b)(7)(C) ODA had witnessed MSG (b)(6), (b)(7)(C) shoot an unarmed Afghani National and mutilate the body by removing an ear.

About 1940, 23 Mar 08, SGM (b)(6), (b)(7)(C), ODA 3230, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314, rendered a Sworn Statement wherein he detailed he was informed by SFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) that SSG (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) of MSG (b)(6), (b)(7)(C) ODA witnessed MSG (b)(6), (b)(7)(C) shoot an unarmed Afghani National and mutilate the body by cutting off an ear. On 20 March 08, SGM (b)(6), (b)(7)(C) was instructed by his command to take MSG (b)(6), (b)(7)(C) into custody and confine him. About 1100, 21 Mar 08, while in confinement on FOB Robinson, MSG (b)(6), (b)(7)(C) informed SGM (b)(6), (b)(7)(C) he believed he was in trouble for shooting somebody. MSG (b)(6), (b)(7)(C) further stated that he had a human ear located in his quarters on a shelf.

3. In view of the foregoing, the affiant requests authorization to search MSG (b)(6), (b)(7)(C) assigned government quarters and any container found within said quarters that may contain aforementioned human body part (ear) and any items worn or used to facilitate the act.

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

Special Agent
Afghanistan CID Office
USACIDC, APO, AE 09354

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

(TYPED NAME AND ORGANIZATION OF AFFIANT) (SIGNATURE OF AFFIANT)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 24th DAY OF
March 2008, AT B AF, Afghanistan

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

ACLU DDII CID ROIS 36747 0023

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SWORN STATEMENT

LOCATION	DATE	TIME	FILE NUMBER
Kandahar Airfield Afghanistan	25-Mar-08	1615Z	(b)(6), (b)(7)(C)
NAME:	SSN:	GRADE/STATUS:	
(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	E-6(P) / AD	
ORGANIZATION/ADDRESS:			

C Co., 3rd Special Forces Group, 2nd Battalion ODA 3232

I, (b)(6), (b)(7)(C) want to make the following statement under oath:

On MAR 5, around noon I was gunning on truck 6 with MSG (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) an interpreter by the name of (b)(6), (b)(7)(C) and one ANA soldier. The ODA was convoying jingle trucks from FOB Price to FOB Robinson. Around noon the jingle trucks were stuck in a wadi around the east side of highway 611 parallel to the Hyderabad area our patrol formed a perimeter and attempted to get the jingle trucks unstuck. I had seen two vehicles about 1200m away to our west on the other side of highway 611. The vehicles were meeting with each other. I sent the information over the radio. We did nothing at that time with those vehicles. The vehicles separated and left the area. Around 5 minutes later the vehicles meet again at the same location. I notified (b)(6), (b)(7)(C) and he said that we were going to that location to check out the vehicles. We departed from our assembly area with truck four consisting of SSG (b)(6), (b)(7)(C) and SFC (b)(6), (b)(7)(C) and our truck in lead. Once we arrived to the location of the suspected vehicles (b)(6), (b)(7)(C) dismounted and started separating the men, woman, and children, he had asked all the individuals for their phones. All of the locals turned their phones in (b)(6), (b)(7)(C). One local grabbed his phone from his daughter and gave the phone to (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) looked at the phone and then showed it to me. The phone had a picture of a pkm as a screen saver and I replied with "this guy is probably a bad guy" (b)(6), (b)(7)(C) then ordered all of the locals back into their trucks and ordered them to drive away. He ordered the local with the questionable phone to get on the back of the truck and hang on while we drive. I was assuming that we were driving back to our assembly area where the jingle trucks were. Once we drove into the open desert (b)(6), (b)(7)(C) ordered truck four to keep driving and we will catch up with them. Truck four drove away and we stopped (b)(6), (b)(7)(C) got out of the vehicle along with the interpreter (b)(6), (b)(7)(C) the ANA soldier. I was on the gun in the turret and SSG (b)(6), (b)(7)(C) was in the driver seat. (b)(6), (b)(7)(C) began to question the local. He was asking if he was Taliban, where the Taliban was at, and questions regarding his phone and the pictures on it (b)(6), (b)(7)(C) was breathing deep heavy breaths as he was questioning the local. He was approximately 5 meters from the local, (b)(6), (b)(7)(C) and the ANA soldier were on the side of the local (b)(6), (b)(7)(C) then told (b)(6), (b)(7)(C) that this guy was Taliban (b)(6), (b)(7)(C) interpreted back that he said he wasn't (b)(6), (b)(7)(C) then breathing heavy told the (b)(6), (b)(7)(C) to tell the local to leave (b)(6), (b)(7)(C) interpreted this and then (b)(6), (b)(7)(C) threw his M4 down and shot the local in the chest. The local fell to the ground and (b)(6), (b)(7)(C) walked up to him and shot another time. He then told (b)(6), (b)(7)(C) and the ANA soldier to get into the truck and He also got into the truck and told SSG (b)(6), (b)(7)(C) to drive away. We then drove back to the Assembly Area and (b)(6), (b)(7)(C) got out of the vehicle and began to walk around to the other vehicles. Me and SSG (b)(6), (b)(7)(C) were silent and a little shell shocked (b)(6), (b)(7)(C) then returned to the truck kind of nervous and asking if we had ISR on station. He then ordered SSG (b)(6), (b)(7)(C) to drive back out to the body. We drove back out to the site stopped about 100m

Initials of Person Making Statement (b)(6), (b)(7)(C)

ACLU DDII CID ROIS 36748

Statement of (b)(6), (b)(7)(C) taken at Kandahar Airfield, Afghanistan, Dated 25-Mar-08 Continued

off of it and (b)(6), (b)(7)(C) ran up to the body, pulled out his knife, poked the local in the eye to ensure he was dead and then began to cut. (b)(6), (b)(7)(C) returned back to the vehicle and showed me the ear that he had cut off the body. We then drove back to the assembly area. SSG (b)(6), (b)(7)(C) got out of the vehicle along with the interpreter and the ANA soldier (b)(6), (b)(7)(C) once again went around to the other vehicles, came back to our truck and told me that he was driving back out to the body because he wanted to blow him up when we blow up our stuck jingle truck that could not be recovered. We drove out to the body (b)(6), (b)(7)(C) told me to get out of the truck and help him put the body in the vehicle. I got out of the truck but refused to touch the body (b)(6), (b)(7)(C) put the body inside the passenger side of the GMV and we drove back to the assembly area. Once we were back to the assembly area (b)(6), (b)(7)(C) got out of the vehicle left me at the truck with the body and walked up to the stuck jingle truck that was going to be blown up (b)(6), (b)(7)(C) then returned back to my vehicle told me that we were not going to blow up the jingle truck and he needed to get rid of the body. He then drove about 300m to a sand dune got out of the truck, pulled the body to the ground by the dune, kicked dirt all over the body (b)(6), (b)(7)(C) then got into the truck and we returned back to the assembly area. We blew up the vehicle and then continued our mission back to FOB Robinson.

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

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

Q: Was the above narrative typed by you?

A: Yes.

Q: Who is SSG (b)(6), (b)(7)(C)

A: (b)(6), (b)(7)(C) he was driving the vehicle.

Q: Who is (b)(6), (b)(7)(C)

A: Is the interpreter, he is an Afghni, I do not know his last name.

Q: Have you worked on MSG (b)(6), (b)(7)(C) truck prior to this incident?

A: It was a continuous mission, for two weeks, other than that two weeks, no.

Q: How did you come to be assigned on his vehicle for this mission?

A: It was just personnel assignment, he put me and (b)(6), (b)(7)(C) on that truck before we left out.

Q: What was your trucks responsibility?

A: We were basically pulling local security and keeping accountability of all the trucks cause it is the Team Sergeant's truck.

Q: What is your role for the team?

A: 18 E, communications.

Q: Were there any communications issues on the mission?

A: No.

Q: Did this incident happen on Mar 5, 2008?

A: Yes, to my ability I believe it was, all the days seem the same to me.

Q: When MSG (b)(6), (b)(7)(C) dispersed the rest of the family with the afghani male, where did the rest of the family members go?

A: They headed North down highway 611, in their vehicles.

Q: Was that one of the two vehicles you had seen previously?

A: Yes.

Q: Describe the vehicle?

A: A white truck, four door with a flat bed, and the other was a white van, normal tow door. Both vehicles left together.

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 2 of 7 Pages

ACLU DDII CID ROIS 36749

0030

Statement of (b)(6), (b)(7)(C) taken at Kandahar Airfield, Afghanistan, Dated 25-Mar-08 Continued

Q: What is a pkm?
A: One of there weapons, the equivalent to our 240, a type of machine gun.
Q: And the Afghani male had a picture of this weapon on his phone?
A: Yes, I saw the picture.
Q: Why would he have a pkm on his phone?
A: I would say, honestly I don't know, it could be a number of reasons, they decorate their AK-47's, I don't know why. Could be that that identifies him as a bad guy to other bad guys. Or identifies a phone used to talk to bad guys.
Q: What has been your experience with locals and these phones?
A: They use them to communicate with one another and to relate what our locations are, and to set up IED attacks.
Q: Have you gathered intel in the past that other people have used their phones in a similar manner?
A: Yes.
Q: Was this mission for your unit to safeguard the movement of your equipment?
A: Uh, it was supplies, fuel and rations.
Q: How many trucks were in the convoy?
A: I want to say 12 jingle trucks.
Q: Did you see how many people were in the vehicles when they met approximately 120 meters away?
A: Yeah, I could count four in the truck, three in the bed, and there was about four in van.
Q: Did these vehicles come from separate locations?
A: Yes, one from the South to the North, and the other from the North to the South.
Q: What is the protocol for this type of situation when two or more vehicles meet?
A: Normally just gather them up and get information from them, their name, get the tribal name, get the information from the phone, who are you calling, take his phone to see what information is on it, if he is identified as a bad guy we would apprehend him. Depending on what information we get, we would send it up higher.
Q: Describe the Afghani man that was killed?
A: He had black hair, about 20-23, barely a beard coming in, a black scarf, about 5 foot 6 or 7, real skinny, wearing local attire, white man dress, gold vest.
Q: Had you ever seen the Afghani male before?
A: No.
Q: How far away from the assembly area were you?
A: Um, 600 meters.
Q: Could the personnel at the assembly area see what was happening?
A: Not at our position, due to the terrain, we were higher.
Q: Did the Afghani man speak English?
A: No.
Q: Did the Afghani male have a weapon?
A: Nope.
Q: Did the Afghani male express any violent tendencies?
A: No.
Q: What was MSG (b)(6), (b)(7)(C) wearing?
A: DCU's, Oakley boots, maybe a baseball cap, I do not remember.
Q: Was there anything descript about the DCU's?

Initials of Person Making Statement (b)(6), (b)(7)(C)

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EXHIBIT

Statement of (b)(6), (b)(7)(C) taken at Kandahar Airfield, Afghanistan, Dated 25-Mar-08 Continued

A: No.

Q: What is ISR?

A: I don't recall the nomenclature, it s basically overhead coverage from aircraft.

Q: Did you determine there was ISR?

A: We determined there was not.

Q: Describe the ear, was it a left or right ear?

A: It was a basic looking ear, it was the whole ear, I want to say it was the left ear.

Q: Did you MSC (b)(6), (b)(7)(C) cut it off from the man?

A: I was not physically seeing him cutting the ear because his back was toward me, and he was about 100 meters away, I could see his knife out and he was making cutting motion and showed me the ear.

Q: What did he say when he showed you the ear?

A: He just kind of wiggled it and smiled.

Q: Did you say anything to him regarding the ear?

A: No.

Q: Did you see the man without an ear?

A: No I did not, I was not trying to look for it either.

Q: Did you touch the body at any time?

A: No.

Q: Where is the body now?

A: In the middle of the desert 300m off of highway 611.

Q: Did MSC (b)(6), (b)(7)(C) have any blood on him?

A: There was blood on the seat cover on the passenger seat, he just flipped it over, but I did not see any blood on him.

Q: Describe the GMV you drove?

A: Normal GMV, 240 on the side, no passenger door, the radio system is in the back of the vehicle instead of the front, tan.

Q: Is it your regularly assigned vehicle?

A: Yes.

Q: Was there any blood in the vehicle?

A: Not other than the passenger's side cover that I noticed.

Q: Could the remainder of the team see the actions of driving the Afghani male around and dumping the body?

A: No I don't think so, due to their position.

Q: Why did MSG (b)(6), (b)(7)(C) want to dump the body?

A: I'm not sure, I did not ask him.

Q: Have you experienced this type of behavior with MSG (b)(6), (b)(7)(C) since this incident or before?

A: No.

Q: Did he tell you why he shot the Afghani male?

A: After the fact he had come to my room and asked me how I felt about the situation and told me the guy was a bad guy and he later confirmed it. He had mentioned the guys brother and knew the brother was a bad guy.

Q: What was the ANA Soldiers name?

A: I don't know.

Q: What happened when you returned to the assembly area?

Initials of Person Making Statement (b)(6), (b)(7)(C)

ACLU DDII CID ROIS 36751 0032

Statement of (b)(6), (b)(7)(C) taken at Kandahar Airfield, Afghanistan, Dated 25-Mar-08 Continued

A: We ended up blowing up the vehicle and continued on with the mission up to FOB Robinson.

Q: What did MSG (b)(6), (b)(7)(C) use to cut off the Afghani males ear?

A: His benchmade knife it is on his vest strapped to his shoulder harness.

Q: Where is the ear now?

A: No idea.

Q: What else did he take from the body?

A: His black scarf.

Q: What happened to the black scarf?

A: I don't know.

Q: When was the last time you saw the black scarf?

A: In the GMV, he put it next to the console.

Q: Did the Afghani male have any type of weapon?

A: No.

Q: Did the Afghani male ever attempt to approach MSG (b)(6), (b)(7)(C)

A: No.

Q: Did MSG (b)(6), (b)(7)(C) have any reason to be fearful or threatened by the Afghani male?

A: No.

Q: What is a jingle truck?

A: Just basically a big truck they load from the back, has a Mercedes symbol in the front.

Q: Is it normal to blow up a jingle truck if it cannot be moved?

A: Yes.

Q: Did MSG (b)(6), (b)(7)(C) ever threaten you or any other member of the team?

A: No.

Q: Did MSG (b)(6), (b)(7)(C) ask you not to disclose information regarding this incident?

A: No he didn't, we did talk about the situation about five days ago, he asked me into my room and we talked about it. He asked me how I felt about it, and I told him that I did not like being put in that position. He was making decisions for me, and he should have asked the two other people that were with him if he thought that he should shoot the guy, because it probably would not have happened. I told him now I have to deal with this and did not ask for it. He told me that he did not think that anything would come of it, and if it did that he would say that the Afghani male tried to attack him, which did not happen, and I knew it would end up being his word against mine.

Q: From what you saw did the Afghani male try to attack MSG (b)(6), (b)(7)(C)

A: No.

Q: Was there any time that you did not see what was happening between MSG (b)(6), (b)(7)(C) and the Afghani male?

A: No.

Q: Why do you believe MSG (b)(6), (b)(7)(C) shot the Afghani male?

A: I believe MSG (b)(6), (b)(7)(C) thought he was a bad guy, and not right now, but in the future set and IED, or be part of an IED cell and he was eliminating that threat as his mind would have perceived it.

Q: Did you discuss this with SSG (b)(6), (b)(7)(C) after the incident?

A: Yes me and him discussed things, it was brief and we agreed he flipped a switch and had a screw lose, and we requested to be off his truck immediately.

Q: When you submitted the request did this raise any alarms?

Initials of Person Making Statement (b)(6), (b)(7)(C)

ACLU DDII CID ROIS 36752

0033

Statement of (b)(6), (b)(7)(C) taken at Kandahar Airfield, Afghanistan, Dated 25-Mar-08 Continued

A: No.

Q: What did SSG (b)(6), (b)(7)(C) see?

A: I don't know, he said he did not see him shoot, but he heard it.

Q: What did (b)(6), (b)(7)(C) see?

A: Mark saw everything.

Q: How was the weather that day?

A: Hot, a little windy.

Q: What else about this incident that we have we not talked about that you think is important?

A: That's all I can think of right now.

Q: Have you been in MSG (b)(6), (b)(7)(C) room?

A: yes, after the incident I went into the room to inventory his sensitive items and get him a change of clothes. I wore gloves the whole time, it was locked after that and no one has been in there since.

Q: Were you given the opportunity to take breaks?

A: Yes (b)(6), (b)(7)(C)

Q: How were you treated during this interview?

A: Fine (b)(6), (b)(7)(C)

Q: Is everything in this statement true and correct?

A: Yes (b)(6), (b)(7)(C)

Q. Do you have anything else to add to this statement?

A. Yes I don't want to seem like I am saying that this local was not a bad guy. He very possible could have been and in the future could have been a threat to the ODA. At the time of this incident he was not an apparent immediate threat to our mission or the members of the ODA.

Q. Do you have anything else to add to this statement?

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

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 6 of 7 Pages

ACLU DDII CID ROIS 36753

0034

Statement of (b)(6), (b)(7)(C) taken at Kandahar Airfield, Afghanistan, Dated 25-Mar-08 Continued

NOT USED

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

AFFIDAVIT

I (b)(6), (b)(7)(C) have read or have read to me this statement which begins on page 1 and ends on page 7. 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.

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

(ing Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of Mar, 2008 at Kandahar Airfield

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

(Signature of Person Administering Oath)

Organization or Address

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

(Typed Name of Person Administering Oath)

10 USC 936

Organization or Address

(Authority To Administering Oaths)

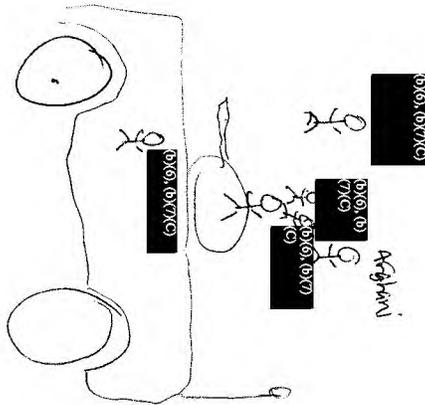
Initials of Person Making Statement

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

Page 7 of 7 Pages

ACLU DDII CID ROIS 367540035

GMV vehicle



(b)(7)(C)

1359, 25 AMM CS

SWORN STATEMENT

LOCATION	DATE	TIME	FILE NUMBER
Kandahar Airfield Afghanistan	25-Mar-08	(b)(6), (b)(7) 921	(b)(6), (b)(7)(C) 0065-08-CID369
NAME:	SSN:	GRADE/STATUS:	
(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	E-7 / AD	

ORGANIZATION/ADDRESS:

C Co., 2nd Battalion, 3rd Special Forces Group, ODA 3232, Afghanistan

I, (b)(6), (b)(7)(C) want to make the following statement under oath: Around the first week of March 2008 I returned to Afghanistan from emergency leave to the states when I arrived at our firebase my teammate SSC (b)(6), (b)(7)(C) came to me and told me that he was glad that I am back and that I need to get him of (b)(6), (b)(7)(C) truck because (b)(6), (b)(7)(C) has lost his mind and executed a guy right in front of him, I asked him if he was serious he said yes he saw the whole thing, I told him no problem and took him of the truck and assigned him to another vehicle the next day after mission planning myself (b)(6), (b)(7)(C) was in the opscen when (b)(6), (b)(7)(C) walked by and said to (b)(6), (b)(7)(C) I haven't heard anything about our cell phone friend (b)(6), (b)(7)(C) looked at me and said what the hell is his problem, I asked what happened and (b)(6), (b)(7)(C) told me that (b)(6), (b)(7)(C) executed a guy and came back and told him about it and now that I am back I can handle the situation, the next day we went on a mission and took early contact with the enemy we had three dismount element one lead by me the other two lead by (b)(6), (b)(7)(C) during the firefight (b)(6), (b)(7)(C) our team medic and mark our terp who was with (b)(6), (b)(7)(C) element was shot, our other terp (b)(6), (b)(7)(C) who was with my element was also shot during that engagement with the enemy, after the initial fighting the three elements was combined into two elements and we sweep through the engagement area clearing the compounds in that area where we received fire from, we took several fighting age men with us back to the high ground for questioning, while there I was talking to some ANA soldiers when gene came to me and said (b)(6), (b)(7)(C) about to execute a guy you need to stop him, I immediately called out to (b)(6), (b)(7)(C) and moved towards him, as he moved towards me, we meet and I told him that he cannot do what he was about to do he asked me what and I told him I knew what he was about to do and that he cannot do it he then told me that he got away with more that that already and that is the only way to deal with these people, I told him that I knew what he did in the dessert while I was at home and that he cannot do things like that, he looked at me and said we just let a guy that was shooting at us walk away freely, I told him that's life and he walked away I then called (b)(6), (b)(7)(C) who was with (b)(6), (b)(7)(C) and asked him what was about to happen just now and he said (b)(6), (b)(7)(C) was about to smoke this guy and some villagers walked up and saved him, later that night while we were in the MSS (b)(6), (b)(7)(C) came to me and thanked me for what I did earlier, he said to me you were right earlier I can't do things like that, that's not how we operate, the mission lasted for three days and on our return to the firebase the captain had to be flown out to KAF (b)(6), (b)(7)(C) came to me to me the next day and told me that what he saw (b)(6), (b)(7)(C) was bothering him and he is not comfortable with it I asked him what happened out there and he told me that (b)(6), (b)(7)(C) was questioning a guy who had a cell phone and the he just shot him then walked up to him and cut his ears of show it to him an put it in his pocket, he also told me he think (b)(6), (b)(7)(C) is sick, I asked him who was there he told me (b)(6), (b)(7)(C) an ANA soldier and (b)(6), (b)(7)(C) told him I'll take care of it I asked lane if what (b)(6), (b)(7)(C) said was true and he said yes, I was getting ready to fly out to KAF when we learned of another

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 1 of 1 Pages

ACLU DDII CID ROIS 36756

0037

mission the guys started hinting that they don't want to go on mission with (b)(6), (b)(7)(C) if I was not going to be there, so I called a team meeting without (b)(6), (b)(7)(C) being present and we talked about what happened and I asked if anyone felt comfortable going on a mission with (b)(6), (b)(7)(C) and was told no because if me and the captain is not there then there is no one to control (b)(6), (b)(7)(C) we decided that we have to do something about the situation I told the guys I will help them as much as I can to plan the mission before I leave and that it was a mission they have done before and if (b)(6), (b)(7)(C) does anything stupid just stop him, and I will take care of the situation when I return, before I left that day (b)(6), (b)(7)(C) asked me to talk to (b)(6), (b)(7)(C) and ask him to calm down I told (b)(6), (b)(7)(C) that the whole team is not happy with him because of what he did and that it will come out and that he may even go to jail for it he told me he has 21 years he can just retire, I asked him what about the two guys that saw him do it if he was aware of the situation he put them in and that what they saw was seriously messing with their minds and that his decision was a bad one he agreed that that was a bad decision and told me next time he does it he just have to make sure he is alone, I told him he can't do these kind of stuff, that's not how we operate he asked me what was he suppose to do just let these guys get away I told him that the way things are at which time I had to leave to catch my flight for KAF so I told him we'll talk when I get back. When I arrived at KAF I meet up with the captain I told him what I had learned and I asked him if he knew about (b)(6), (b)(7)(C) cutting the guy's ears of he said no, I told him that I would have to talk to the sergeant major and he agreed, I then went and spoke to the battalion XO who told me that I have to call the SGM and tell him right away which I did, later that night the XO told me that I had to talk to the CSM and the BN commander and I sat down with them and told them what he guys have told me.

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

A: SFC (b)(6), (b)(7)(C)

Q: Was the narrative portion above typed by you?

A: Yep.

Q: Who is SSG (b)(6), (b)(7)(C)

A: He was the gunner on (b)(6), (b)(7)(C) truck, he is the team commo guy, his first name is (b)(6), (b)(7)(C)

Q: Who is (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) is MSG (b)(6), (b)(7)(C) he is the team sergeant.

Q: Who is (b)(6), (b)(7)(C)

A: (b)(6), (b)(7)(C) is SFC (b)(6), (b)(7)(C) and he us the intel NCO on the team.

Q: Who is (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) is the teams tactical humint team, attached to the team.

Q: Who is (b)(6), (b)(7)(C)

A: (b)(6), (b)(7)(C) is one of the teams medics, SSG (b)(6), (b)(7)(C)

Q: Who is (b)(6), (b)(7)(C)

A: One of the local interpreters, I don't know his last name.

Q: Did you witness MSG (b)(6), (b)(7)(C) shoot an unarmed Afghani male?

A: No.

Q: Did you witness his actions toward the Afghani male during the second incident you described?

A: No I did not actually see what happened.

Q: What did MSG (b)(6), (b)(7)(C) tell you about the first incident while you were on leave?

A: When I told him that I knew about it the first time, he told me that he got away with it, when we talked about it after that he told me that it was a bad decision, and that was the only way to deal with these people.

Q: What people was he referring to?

A: He was referring to the bad guys.

Q: What did he mean by get away with it?

A: I mean I guess he did it and nothing came of it?

Q: What is it?

A: I just told him that I knew what he did, and he said that I got away with it.

Q: Did you at any time say anything about a shooting?

A: Yep, I told him that I know you killed that dude in the desert.

Q: What was his response?

A: I think he said yhea I know.

Q: Did he say anything about being threatened, or in fear from the Afghani male?

A: No.

Q: What was his demeanor when he said that he got away with it?

A: He was pretty calm, normal.

Q: Did he tell you why he shot the Afghani male?

A: No.

Q: Has he explained the situation to you?

A: No.

Q: Why do you think he shot the Afghani male?

A: I think he has some mental issues, the pressure of seeing guys killed just got to him.

Q: When you had the team meeting did you discover any other members that witnessed the incident?

A: Nobody else saw it happen, but he told SGT (b)(6), (b)(7)(C) told me MSG (b)(6), (b)(7)(C) showed him the ears.

Q: Did MSG (b)(6), (b)(7)(C) deny shooting the unarmed Afghani male?

A: No.

Q: Do you now the name of the ANA Soldier that went on the first mission?

A: No I don't.

Q: How were you treated during this interview?

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

Q: Were you given the opportunity to take breaks?

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

Q: Is everything in this statement true and correct?

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

Q: What else do you think is important about this investigation that we have not talked about?

A: We talked about (b)(6), (b)(7)(C) mental condition, that is the biggest thing that I am concerned about. I am also concerned about the guys that witnessed the incident and how it is going to effect them.

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

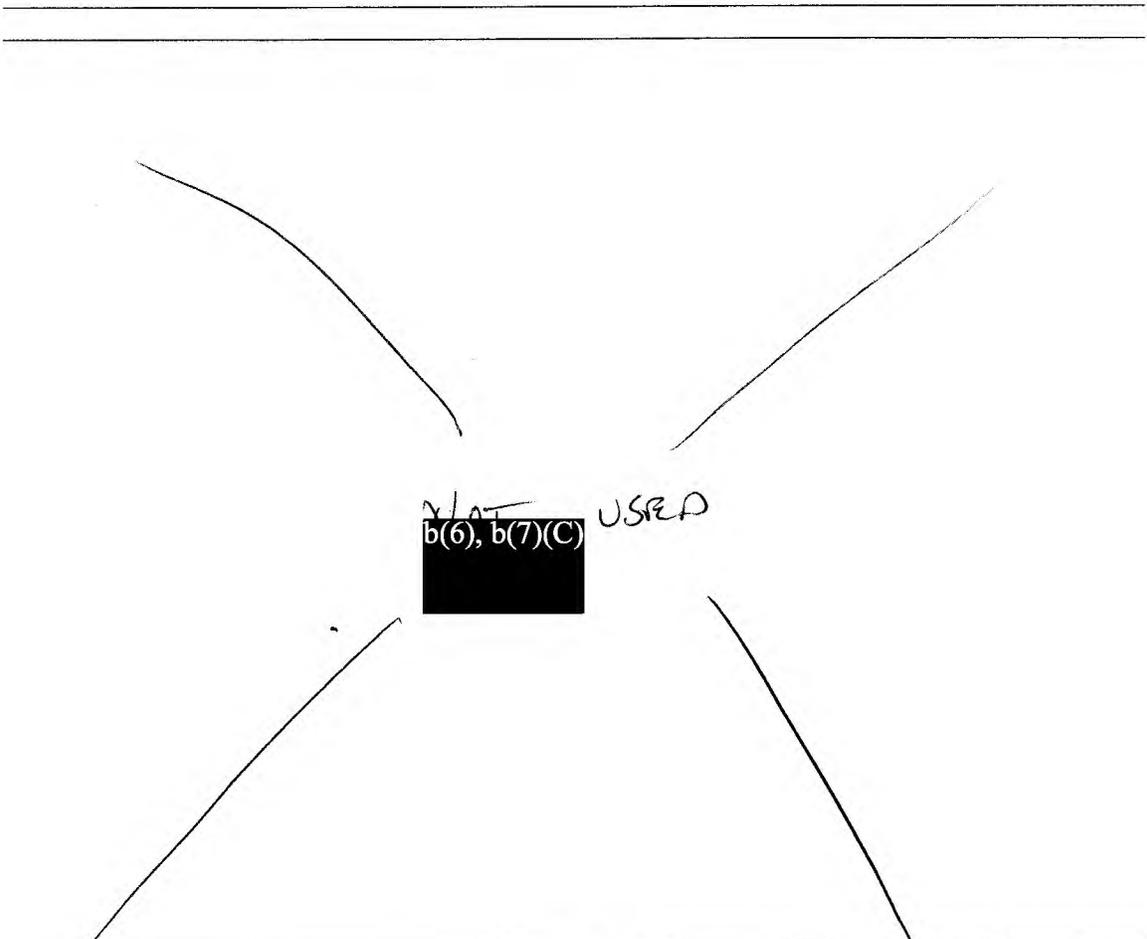
A: No ///END OF STATEMENT// (b)(6), (b)(7)(C)

ACLU DDII CID ROIS 367580039

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EXHIBIT 7

Statement of (b)(6), (b)(7)(C) taken at Kandahar, Dated 25-Mar-08 Continued



AFFIDAVIT

I (b)(6), (b)(7)(C) have read or have 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.

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of March, 2008, at Kandahar Airfield

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

(Signature of Person Administering Oath)

Organization or Address

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

(Typed Name of Person Administering Oath)

10 USC 936

Organization or Address

(Authority To Administering Oaths)

Initials of Person Making Statement (b)(6), (b)(7)(C)

ACLU DDII CID ROIS 36759 0040

SWORN STATEMENT

LOCATION	DATE	TIME	FILE NUMBER
Kandahar Airfield Afghanistan	(b)(6), (b)(7)(C) 25-Mar-08	2107 (b)(6), (b)(7)(C)	0065-08-CID369
NAME:	SSN:	GRADE/STATUS:	
(b)(6), (b)(7)(C)		E-6 / AD	

ORGANIZATION/ADDRESS:

C Co., 2nd Battalion, 3rd Special Forces Group, ODA 3232, Afghanistan

I, (b)(6), (b)(7)(C) want to make the following statement under oath:
 On 5 Mar 2008 we were convoying from FOB Price to FOB Robinson (ROB) with the Operational Detachment Bravo 3230 (ODB), our Afghanistan National Army (ANA) soldiers, and 10 jingle trucks. On my GMV was MSG (b)(6), (b)(7)(C) the Truck Commander, SSG (b)(6), (b)(7)(C) the 50 cal gunner, (b)(6), (b)(7)(C) our interpreter (terp) was sitting in the back with one ANA soldier named (b)(6), (b)(7)(C) and myself as the Driver. We started out early morning to start the movement back to FOB ROB. We traveled down HYW 1 until we reached HWY 611 out which time we moved North for approximately 10 to 15 Km. From that point on we moved to the East off HYW 611 due to the IED factor that is known in that area. Once off 611 we went about a km before we reached our first big wadi that was almost completely made of sand, our vehicles made it through but the jingle trucks, which are local Afghani commercial trucks, couldn't make it through with out getting stuck. The first four trucks were stuck once they got into the wadi. Our team that was in the lead took up security with the ANA soldiers to the North side of the wadi while we waited for the trucks to try and get themselves out. We were approximately 200 to 300 meters east of 611. While we were waiting for the ODB to start pulling out the jingle trucks we saw a white pickup that was acting suspicious on 611 so my truck and our teams truck that was in the rear went to stop the pickup and search it. We crossed to the West side of 611 and got the truck to stop. Once we had it stopped we noticed that it had women and children in the back so we decided to let it go with out searching it. Our GMVs returned to the convoy too see what was going on with the jingles that were stuck. They were all still stuck so our trucks started to help pull out the trucks. The LMTV and 2 RG-31s were doing most of the recovery work but the GMVs were trying to help out as much as possible. Once the GMVs helped with the ones that it could help with we moved back to our original positions north of the wadi providing overwatch. By this time we had been there for around two hours. While we were waiting, our terp was monitoring his Icom scanner, a small short distance radio that can pickup other Icom traffic, and he told us that we were being observed. (b)(6), (b)(7)(C) said he heard the insurgents say that they have 4 jingles stuck in the wadi and that they were trying to get them out. As we watched over 611 we saw two white pickups come together on the west side of 611 and they went apart and later came back together and stop. What looked like men got out and got into a group, we figured that that was the people that were watching us. We put down some warning shots in that direction to break them up and they got in the trucks and took off as fast as they could. One went west out of our sight and the other went north on 611. After that we saw what appeared to be the same truck coming back down 611 a little later and it turned around and started heading back north again. MSG (b)(6), (b)(7)(C) decided that we needed to stop that truck and

Initials of Person Making Statement (b)(6), (b)(7)(C)

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Statement of (b)(6), (b)(7)(C) Taken at the Kandahar Airfield Afghanistan, Dated 25-Mar-08
Continued

search it. We started driving toward the truck and fired warning shots to stop it. It stopped along with a sedan type of vehicle. Our truck pulled out on to 611 close to the white pickup and the other truck that came along with us stay back 100 m to provide overwatch. MSG (b)(6), (b)(7)(C) the ANA solder and myself got out to search the pickup. As we moved up we told the people to get out of the truck. There were 5 or 6 males, 2 or 3 women and 2 younger girls in the truck. The 2 girls were in the back of the truck. MSG (b)(6), (b)(7)(C) told them to pull out their cell phones and Icoms if they had any. One man went up to the little girls and got his cell phone from them. The men were separated from the women and the men were searched by the ANA soldier. We did not search the other sedan. MSG (b)(6), (b)(7)(C) looked at the phone the man had got from the little girl and showed it to me there was a picture of what appeared to be a PK machine gun firing and some words underneath it. MSC (b)(6), (b)(7)(C) told that guy to sit by himself in another area. After he showed it to me and while the men were being searched I searched the pick up and didn't find anything. MSG (b)(6), (b)(7)(C) began asking the men basic questions about they were doing and if there were any insurgents in the area. Once they got all the information they could get MSG (b)(6), (b)(7)(C) told everyone but the man with the PK picture cell phone to get in the pickup and leave. At first they wouldn't because they were waiting for the other guy to get in but we told them to leave anyway, and they did along with the sedan. We got back in the GMV and MSC (b)(6), (b)(7)(C) told the man to get into the back of the GMV with (b)(6), (b)(7)(C) and the ANA Soldier. Our truck went past the other one and started back towards the wadi where everyone was trying to get the jingles out. The second GMV was following us. MSC (b)(6), (b)(7)(C) told me to stop the GMV once we were about 100 m to the east of 611 and got out. I stayed inside the GMV; MSG (b)(6), (b)(7)(C) must have waved to the other GMV on because it went around us and continued towards the wadi. At that time SSC (b)(6), (b)(7)(C) was in the gun, I was in the driver seat and to the best of my knowledge (b)(6), (b)(7)(C) and the ANA soldier were in the back with man that MSG (b)(6), (b)(7)(C) was questioning more. After a couple of minutes I heard a shot followed by another one. I ask SSC (b)(6), (b)(7)(C) that was that and he said MSC (b)(6), (b)(7)(C) had shot the guy. Then MSG (b)(6), (b)(7)(C) got back into the GMV and said lets go. I saw in my drivers side mirror the man's body lying on the ground. MSC (b)(6), (b)(7)(C) asked me if I was alright and I told him I was fine, I was still in disbelief and shock that he had shot the guy. Once we were back in our security MSC (b)(6), (b)(7)(C) got out went to find our other ter (b)(6), (b)(7)(C) to ask him what the words were on the phone. When he came back he asked (b)(6), (b)(7)(C) to read the words under the PK and he said there were no words under it. MSG (b)(6), (b)(7)(C) then told him that (b)(6), (b)(7)(C) said the words said Al-Qaeda. MSC (b)(6), (b)(7)(C) then said that he knew that he was a bad guy and that he wanted to go back out to see the guy again. So at that point myself, MS (b)(6), (b)(7)(C), SC (b)(6), (b)(7)(C) and I believe (b)(6), (b)(7)(C) and the ANA Soldier went back up to the body. I turned the vehicle around so that it would be easier to go back; we were about 50 meters from the body. MSC (b)(6), (b)(7)(C) then at that time went up to the body; I couldn't see what was going on because I was pointed in the wrong direction but was told later that MSG (b)(6), (b)(7)(C) took his knife off his kit and poked the body in the face area and made a cutting motion. MSC (b)(6), (b)(7)(C) then came back to the GMV and pulled the man's ear out of his pocket and showed it to SSC (b)(6), (b)(7)(C) I did not see the ear for myself at any time. MSC (b)(6), (b)(7)(C) told me that whatever grain bullet he had worked good because the man had the same look as it did when he first shot him. We then went back to our security position again. After a while I was told to get ready to blow the jingle fuel truck in place

Initials of Person Making Statement (b)(6), (b)(7)(C)

ACLU DDII CID ROIS 36761 0042

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EXHIBIT 8

Statement of (b)(6), (b)(7)(C) Taken at the Kandahar Airfield Afghanistan, Dated 25-Mar-08
Continued

that had its axel locked in place in the wadi and could not be pulled out. I went down there next to the fueler and waited for the go ahead to blow it. MSC (b)(6), (b)(7)(C) came over and asked me if we were going to blow the truck and I told him yes. He asked me if he should put the body under the fueler when we blow it. I told him whatever because at this time I have no idea what he could do next. I waited around the fueler while they continued to work on getting the last of the other jingles unstuck. I was told later that during that time MSC (b)(6), (b)(7)(C) drove the GMV with SSC (b)(6), (b)(7)(C) in the gun back over to the body, and told SS (b)(6), (b)(7)(C) to help him get the body in the TC seat. SS (b)(6), (b)(7)(C) refused to help him and MSC (b)(6), (b)(7)(C) put the body in the GMV by himself. And then they drove back to the wadi again. I was still in the wadi by the fueler. It was decided to try and pull out the last truck one more time; again it would not come out. With people still all around the fueler I guess that he decided to just drop the body off in a small depression near the security position. After that he drove down by the fueler with the truck so I could get in after I pulled the initiator. We drove to a safe distance and watched it explode. After that we went and checked the fueler up close, then turned around and started moving towards FOB ROB. We spent around a total of about 4 hours around the wadi. We moved the rest of the way with out further incident. Once at FOB Rob I found out later he gave the phone to SFC (b)(6), (b)(7)(C) to be sent up to be examined. When SFC (b)(6), (b)(7)(C) asked him where it came from MSC (b)(6), (b)(7)(C) told him the story. I believe that with in a few days everyone on the team knew. Around 7 Mar SFC (b)(6), (b)(7)(C) came back out to FOB Rob after his baby was born. SS (b)(6), (b)(7)(C) and I told SFC (b)(6), (b)(7)(C) what had happened because we considered him to be the internal team leader and we trusted him. We went out on a mission a few days later and even though he didn't do it because he was stopped by other people MSC (b)(6), (b)(7)(C) seemed ready to shoot another man that we had in control after a long firefight that we had casualties in. After the mission CPT (b)(6), (b)(7)(C) had appendicitis and had to flown out at the earliest chance. This meant that MSG (b)(6), (b)(7)(C) was left in command of the team. No one was comfortable with this and we had a team meeting to discuss what needed to happen. This took place before SFC (b)(6), (b)(7)(C) and the other senior NCOs on the team had to return to KAF to clear OPFUND. This is when SFC (b)(6), (b)(7)(C) told the chain of command what had happened. The day the senior NCOs left MSC (b)(6), (b)(7)(C) pulled both SS (b)(6), (b)(7)(C) and me aside by ourselves to talk. MSG (b)(6), (b)(7)(C) asked if I was upset with him and I said yes. I asked him if the ANA Sergeant Major knew about it and he said he had told him. I told him that it was illegal what he did and that that is not how we fight, that we are better than that. I told him that SS (b)(6), (b)(7)(C) and I are rational people that would never be a part of what went on out there and that he had drug us into this whole situation. He said that he was sorry for bringing us into it. A couple of days later we were called into the OPCEN and CSM (b)(6), (b)(7)(C) and CW3 (b)(6), (b)(7)(C) told us that MSC (b)(6), (b)(7)(C) had been put into custody.

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

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

Q: Was the narrative portion above typed by you?

A: Yes.

Q: How long have you been on the team?

A: Since October 2007.

Q: How long have you worked with MSG (b)(6), (b)(7)(C)

A: Since October 2007.

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 3 of 5 Pages

ACLU DDII CID ROIS 36762 0043

Statement of (b)(6), (b)(7)(C), Taken at the Kandahar Airfield Afghanistan, Dated 25-Mar-08
Continued

Q: Are you usually on MSG (b)(6), (b)(7)(C) truck?
A: No.
Q: Why were you on MSG (b)(6), (b)(7)(C) truck on this mission?
A: I did not want to be the gunner on the RG-31. So, I was put on MSG (b)(6), (b)(7)(C) truck.
Q: Who was the interpreter?
A: I don't know. We just call him (b)(6), (b)(7).
Q: What is a GMV?
A: HMMWV
Q: What is a LMTV?
A: Five ton but newer. Cargo transport.
Q: What is a RG-31?
A: Anti-mine vehicle.
Q: What is an Icom?
A: Hand held radio.
Q: Who did (b)(6), (b)(7)(C) mean by "they" mentioned in the insurgent Icom radio traffic?
A: About us.
Q: Why do you monitor Icom traffic?
A: Only the insurgents use the Icom.
Q: Why do the insurgents use Icoms?
A: They use them to coordinate attacks against us.
Q: Who was in the other truck when you stopped the vehicle?
A: SSC (b)(6), (b)(7)(C) and SFC (b)(6), (b)(7)(C) on ODA 3232.
Q: Did any of the Soldiers in the other truck see MSG (b)(6), (b)(7)(C) shot the man?
A: No.
Q: Describe what MSG (b)(6), (b)(7)(C) was wearing when shot the man.
A: body armor and DCUs
Q: Was there anything unique about MSG (b)(6), (b)(7)(C) uniform?
A: No.
Q: Did you see any blood on MSG (b)(6), (b)(7)(C)?
A: No.
Q: Did you see the ear or anything else MSG (b)(6), (b)(7)(C) may have taken off the man?
A: No.
Q: What is the TC seat?
A: Front passenger side seat.
Q: Did you see any blood in the TC seat?
A: I think he showed me a few drops because he said something about blood in his seat.
Q: Did you see MSG (b)(6), (b)(7)(C) dispose of the body?
A: No.
Q: Who is SFC (b)(6), (b)(7)(C)?
A: (b)(6), (b)(7)(C) he is the intelligence sergeant on ODA 3232 and was not on the mission.
Q: Were you at the second incident involving MSG (b)(6), (b)(7)(C)?
A: I was on the mission but did not witness the incident.
Q: Has MSG (b)(6), (b)(7)(C) ever been violent towards you?
A: No.

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 4 of 5 Pages

ACLU DDII CID ROIS 36763 0044

Statement of (b)(6), (b)(7)(C) Taken at the Kandahar Airfield Afghanistan, Dated 25-Mar-08
Continued

Q: Have you witnessed any other incidents or behavior of this nature from MSG (b)(6), (b)(7)(C)

A: No.

Q: Did MSG (b)(6), (b)(7)(C) show you the ear or tell you about it after the incident?

A: No.

Q: Did you see a black scarf on the center consul of the truck?

A: No.

Q: How far away were you from the main party of the convoy shot the man?

A: 200 to 300 meters.

Q: Was anybody from the main party of the convoy able see you from their location?

A: I don't think so due to the terrain.

Q: How were you treated during the interview?

A: Respectfully with out judgement to what had happened (b)(6), (b)(7)(C)

Q: Were you given the opportunity to take breaks?

A: Yes I was able to get dinner before it closed. (b)(6), (b)(7)(C)

Q: Is everything in this statement true and correct?

A: Yes - (b)(6), (b)(7)(C)

Q: What else do you think is important about this investigation that we have not talked about?

A: I think that the deployment has been tough on him due to all the casualties and injuries. I think the deployment broke him down and he would not have done that at the beginning of the deployment.

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

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

AFFIDAVIT

I, (b)(6), (b)(7)(C) have read or have read to me this statement which begins on page 1 and ends on page 5. 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 re (b)(6), (b)(7)(C) and without coercion, unlawful influence, or unlawful inducement.

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of Mar, 2008 at Kandahr Airfield

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

(Signature of Person Administering Oath)

Organization or Address

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

(Typed Name of Person Administering Oath)

10 USC 936

Organization or Address

(Authority To Administering Oaths)

Initials of Person Making Statement

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

ACLU DDII CID ROIS 36764

0045

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: BAGRAM AIRFIELD APO AE 09354
2. DATE: 26 MAR 09
3. TIME: 1425
4. FILE NO. (b)(6), (b)(7)(C)
5. NAME (Last, First, MI): (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E-8/MSG
8. ORGANIZATION OR ADDRESS: C Co 2nd BN 3rd SFG, FOB ROBINSON APO AE

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below is with the United States Army SA (b)(6), (b)(7)(C) and wanted to question me about the following offense(s) of which I am suspected: UN (b)(7)(C) STATES CRIM (b)(7)(C) INVESTIGATOR COMMAND MURDER

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

- 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.
3. (For persons 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.
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer, 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)

HAVE YOU REQUESTED A LAWYER WITHIN THE LAST 30 DAYS. NO

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
3. SIGNATURE OF INTERVIEWEE
4. SIGNATURE OF INVESTIGATOR (b)(6), (b)(7)(C)
5. TYPED NAME OF INVESTIGATOR SA (b)(6), (b)(7)(C)
6. ORGANIZATION OF INVESTIGATOR AFGHANISTAN CID, BAGRAM AIRFIELD APO AE 09354

Section C. Non-waiver

1. I do not want to discuss my rights. I do not want to be questioned or say anything.

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)



PHOTOGRAPH PACKET



NUMBER

DESCRIPTION OF PHOTOGRAPHS

- | | |
|----|--|
| 1 | West view down walkway to MSG (b)(6), (b)(7)(C) living quarters. |
| 2 | East view down walkway to MSC (b)(6), (b)(7)(C) living quarters. |
| 3 | Entry to MSG (b)(6), (b)(7)(C) living quarters. |
| 4 | Inside MSG (b)(6), (b)(7)(C) living quarters. |
| 5 | North wall MSG (b)(6), (b)(7)(C) living quarters. |
| 6 | Northwest corner MSC (b)(6), (b)(7)(C) living quarters. |
| 7 | West wall MSC (b)(6), (b)(7)(C) living quarters. |
| 8 | Northeast corner MSG (b)(6), (b)(7)(C) living quarters. |
| 9 | South wall MSG (b)(6), (b)(7)(C) living quarters. |
| 10 | Southeast corner MSG (b)(6), (b)(7)(C) living quarters. |
| 11 | Southwest corner MSG (b)(6), (b)(7)(C) living quarters. |
| 12 | Shelves on west wall. |
| 13 | Shelves on west wall. |
| 14 | Shelves on west wall. |
| 15 | Shelve on south wall above desk. |
| 16 | Center of floor. |
| 17 | Bed with DCU's. |
| 18 | Shelve with human ear. |

~~FOR OFFICIAL USE ONLY~~

ACLU DDII CID ROIS 36767

EXHIBIT



PHOTOGRAPH PACKET



- | | |
|----|------------------------------------|
| 19 | Human ear. |
| 20 | Human ear. |
| 21 | Human ear. |
| 22 | Human ear with scale. |
| 23 | Human ear with scale. |
| 24 | DCU bottoms and knife. |
| 25 | DCU pocket with fibers. |
| 26 | Tuff box with black scarf. |
| 27 | Tuff box with black scarf. |
| 28 | Knife with scale. |
| 29 | Knife with scale. |
| 30 | Fibers from DCU pocket with scale. |
| 31 | Fibers from DCU pocket with scale. |
| 32 | Gloves with scale. |
| 33 | Gloves with scale. |
| 34 | Glove with scale. |

~~FOR OFFICIAL USE ONLY~~

ACLU DDII CID ROIS 36768

EXHIBIT



PHOTO #1



PHOTO #2



PHOTO #3



PHOTO #4



PHOTO #5

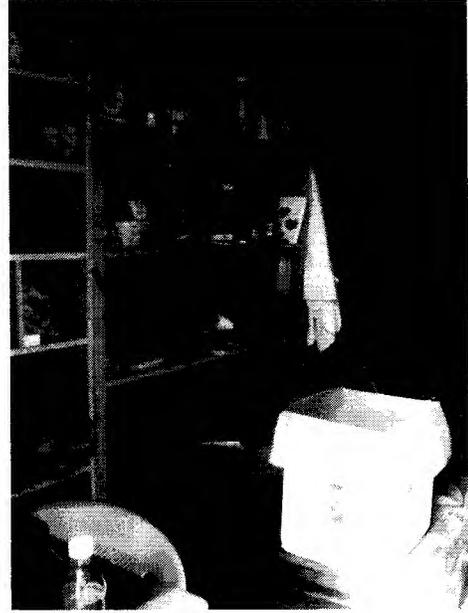


PHOTO #6



PHOTO #7



PHOTO #8



PHOTO #9

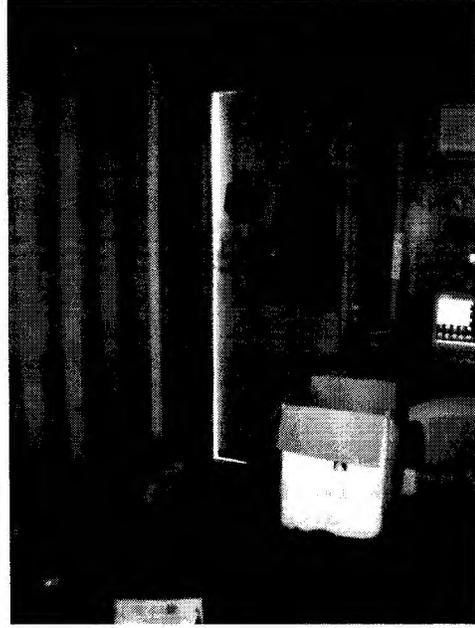


PHOTO #10



PHOTO #11



PHOTO #12



PHOTO #13



PHOTO #14

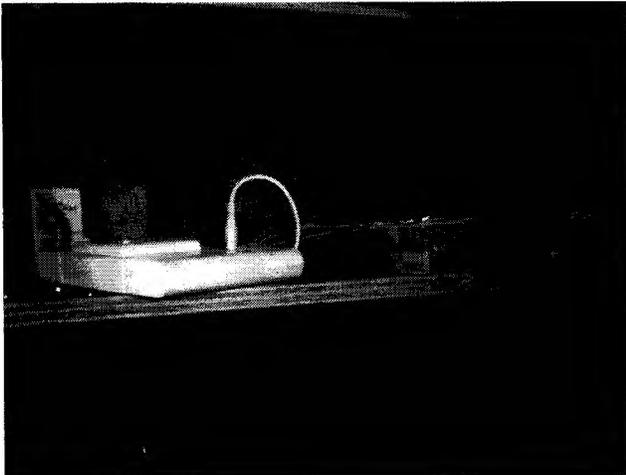


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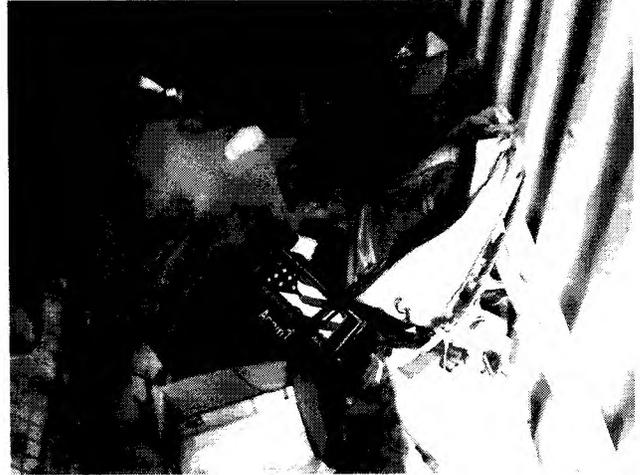


PHOTO #16



**WITHHOLD
GRAPHIC PHOTO**

PHOTO #17

PHOTO #18

**WITHHOLD
GRAPHIC PHOTO**

**WITHHOLD
GRAPHIC PHOTO**

PHOTO #19

PHOTO #20

WITHHOLD
GRAPHIC PHOTO

WITHHOLD
GRAPHIC PHOTO

PHOTO #21

PHOTO #22

WITHHOLD
GRAPHIC PHOTO



PHOTO #23

PHOTO #24



PHOTO #25

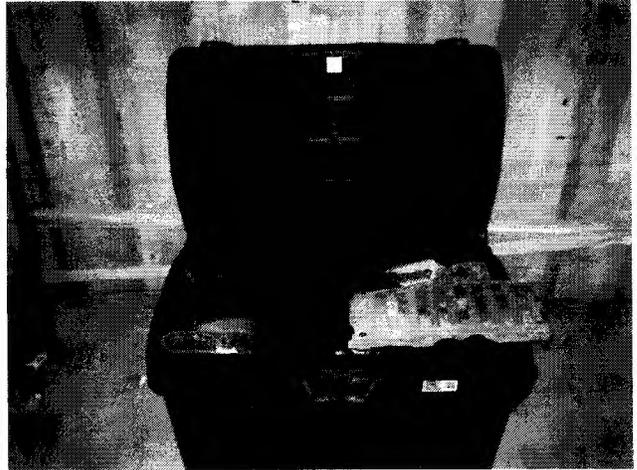


PHOTO #26

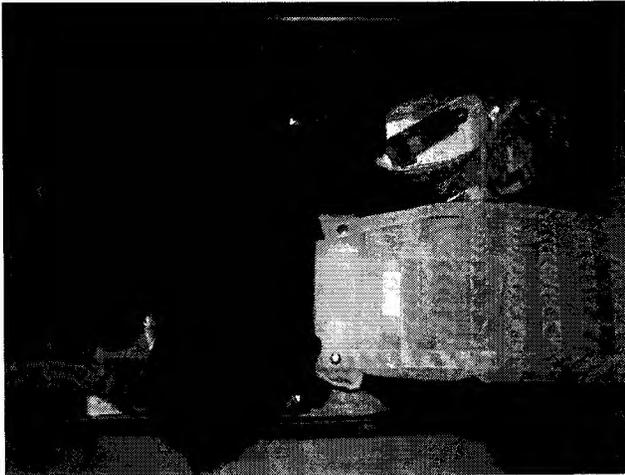


PHOTO #27



PHOTO #28

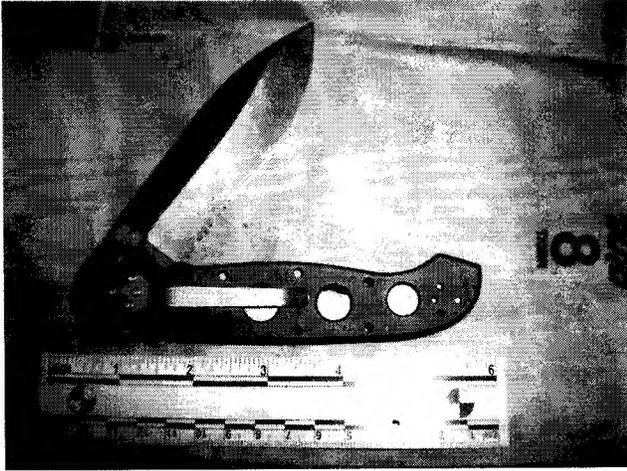


PHOTO #29

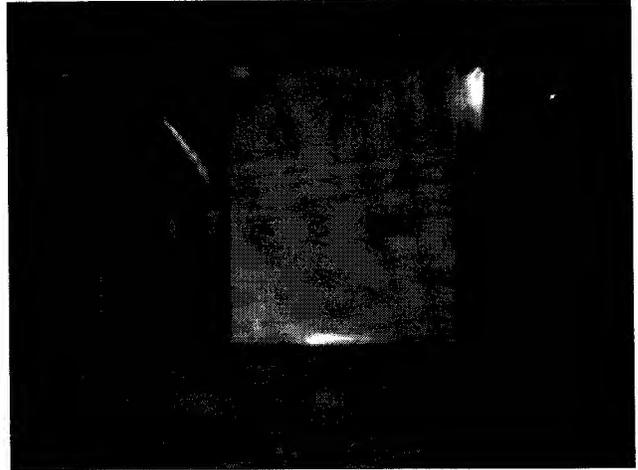


PHOTO #30

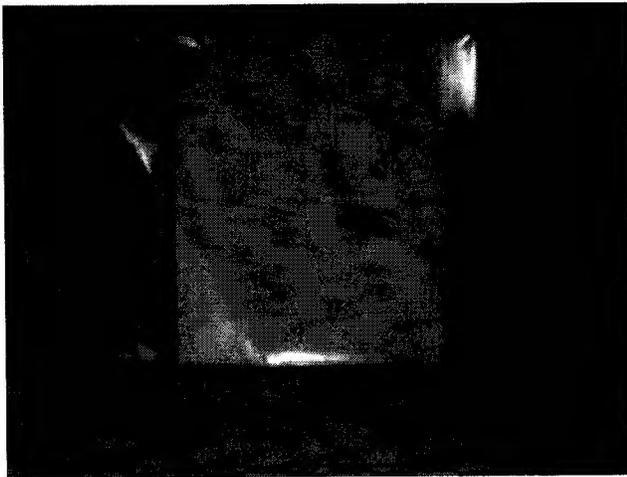


PHOTO #31

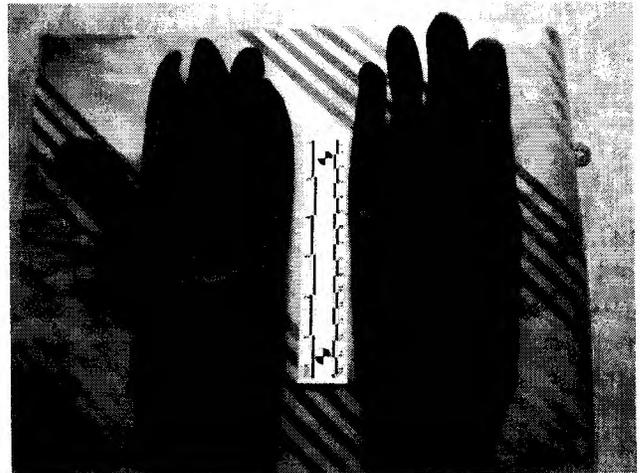


PHOTO #32

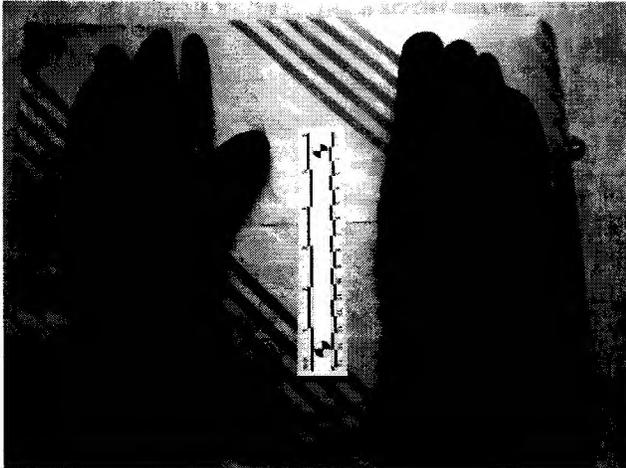


PHOTO #33

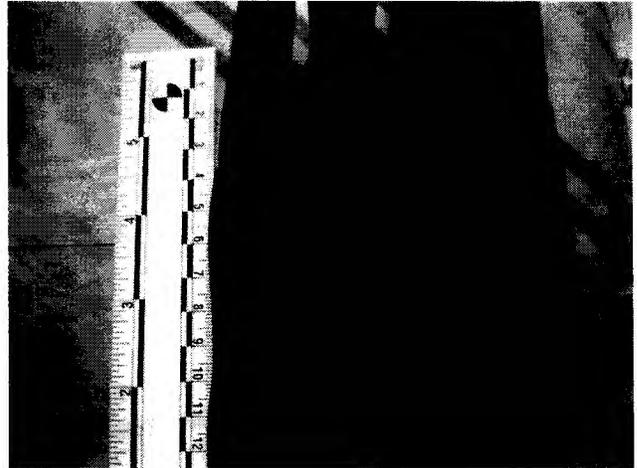
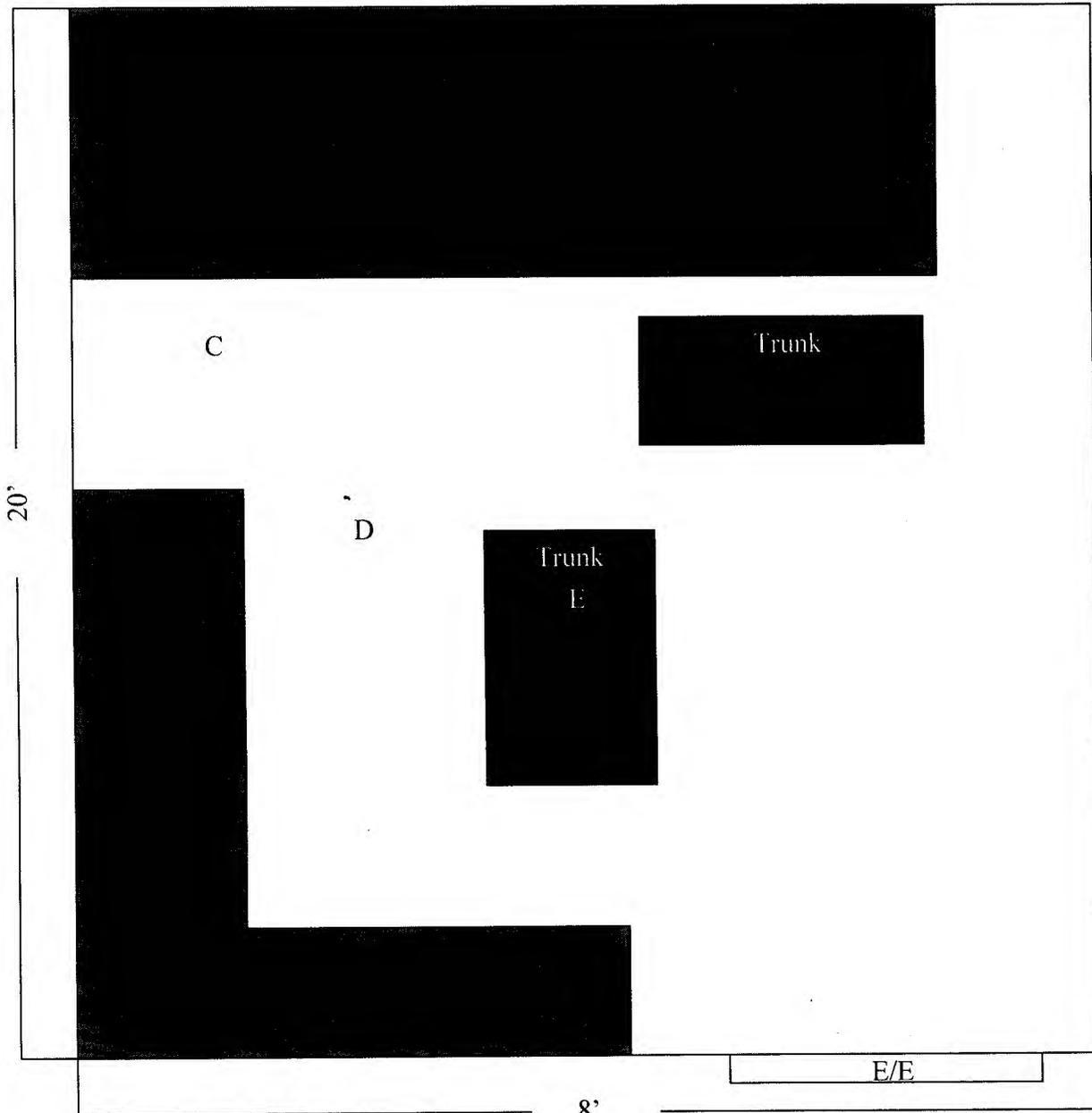


PHOTO #34

ROUGH SKETCH DEPICTING RECOVERY SCENE



LEGEND

TITLE BLOCK

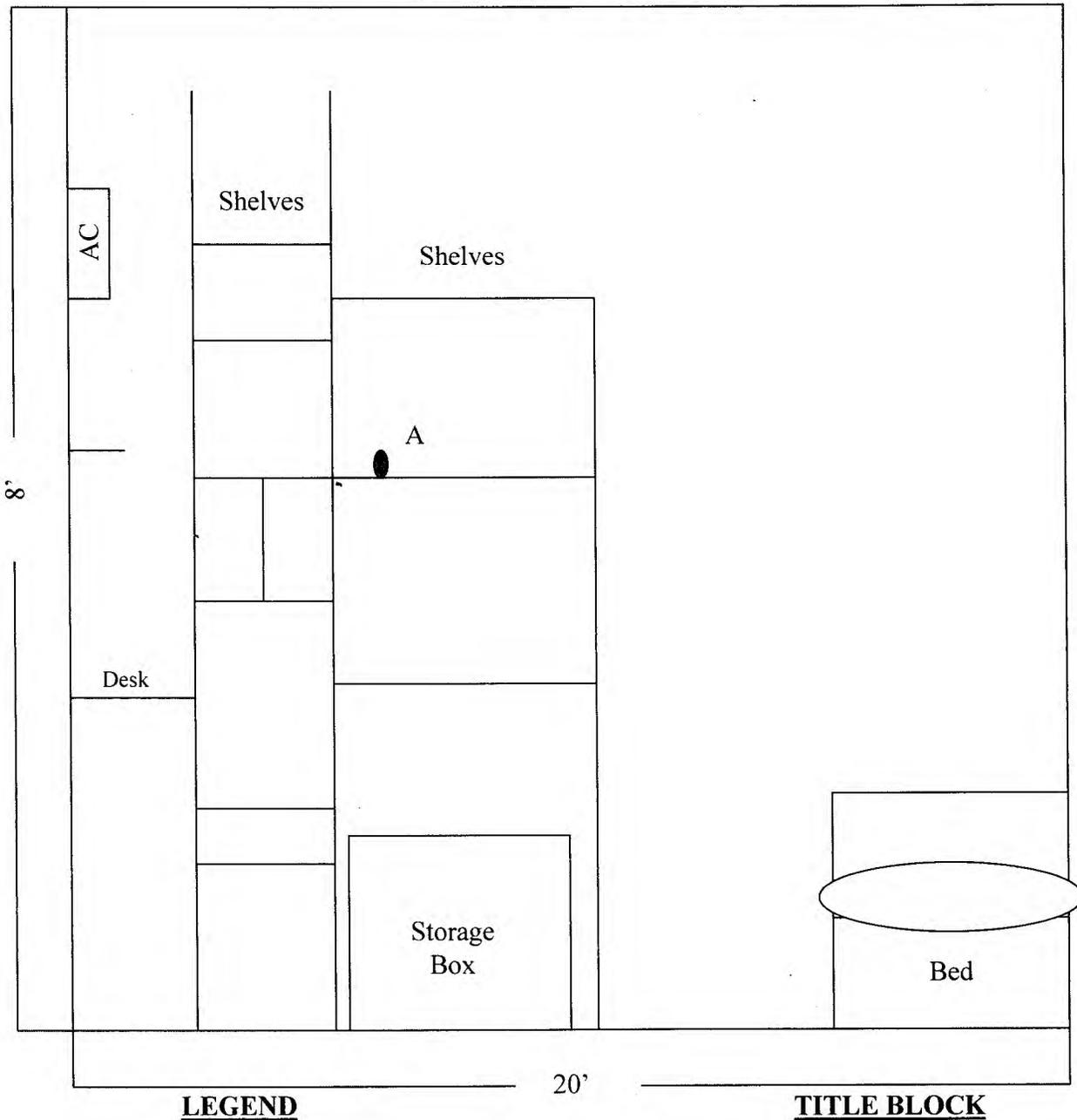
- A. DCU top on box
- B. DCU bottom w/knife in box
- C. Pair gloves
- D. Pair boots
- E. Scarf



CASE NUMBER: 0065-08-CID369-43686
OFFENSE: Murder
SCENE PORTRAYED: Living Quarters
LOCATION: Connex B-4, FOB Robinson, Afghanistan APO, AE 09314
VICTIM: Unknown
TIME/DATE BEGAN: 1557/26 Mar 08
SKETCHED BY: SA (b)(6), (b)(7)(C)
VERIFIED BY: SA (b)(6), (b)(7)(C)

NOT TO SCALE **ACLU DDII CID ROIS 36778** 0059

**ROUGH SKETCH DEPICTING RECOVERY SCENE
(Inside Surface of west wall)**



A. Human Ear

CASE NUMBER: 0065-08-CID369-43686

OFFENSE: Murder

SCENE PORTRAYED: Living Quarters

LOCATION: Connex B-4, FOB Robinson,
Afghanistan APO, AE 09314

VICTIM: Unknown

TIME/DATE BEGAN: 1557/26 Mar 08

SKETCHED BY: SA (b)(6), (b)(7)(C)

VERIFIED BY: SA (b)(6), (b)(7)(C)



NOT TO SCALE **ACLU DDII CID ROIS 36779**

EVIDENCE/PROPERTY CUSTODY DOCUMENT

MPR/CID SEQUENCE NUMBER
0065-08-CID369

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army
Criminal Investigation Command

CRD REPORT/CID ROI NUMBER
43686

RECEIVING ACTIVITY Afghanistan CID Office		LOCATION APO AE 09035
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER Recovery scene <input checked="" type="checkbox"/> OTHER		ADDRESS (Include Zip Code) Connex B-4, Fire Base Robinson, Afghanistan 09314- (b)(6), (b)(7)(C) N/A
LOCATION FROM WHERE OBTAINED From various locations within Connex B-4, Fire Base Robinson, Afghanistan	REASON OBTAINED As Evidence	TIME/DATE OBTAINED 1557-1650/26 Mar 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>
1	1	Human ear, black, red, and pink in color, flesh and cartilage type construction, contains what appears to be several black hairs, used condition, placed in a suitable container and sealed, MFID with 1557, 26 Mar 08 (b)(6), (b)(7)(C) Shelf) <i>Possibly Biohazard</i> (b)(6), (b)(7)(C)
2	1	Pair of DCU trousers, beige, white, and brown in color, nylon and cotton type construction, soiled and used condition, size medium regular, placed in a clean paper bag and sealed, MFID with 1640, 26 Mar 08 (b)(6), (b)(7)(C) Bed) <i>Possibly Biohazard</i> (b)(6), (b)(7)(C)
3	1	Knife, black and silver in color, metal type construction, soiled and used condition, contains silver metal clip on one side, one side of the blade has CRKY written on it in black lettering, and the reverse side has, Carson Design ...808 written on it in black lettering, placed in a clean bag and sealed, MFID with 1641, 26 Mar 08 (b)(6), (b)(7)(C) Right rear pocket of item 2) <i>Possibly Biohazard</i> (b)(6), (b)(7)(C)
4	1	Hairs, small clump, brown and black color, approximately half inch in length, soiled and used condition, placed in a clear plastic ziplock bag with a white band for collection, then placed in a clean envelope and sealed, MFID with 1643, 26 Mar 08, (b)(6), (b)(7)(C) Right cargo pocket of item 2) <i>Possibly Biohazard</i> (b)(6), (b)(7)(C)

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-5	26 Mar 08	SIGNATURE N/A	SIGNATURE (b)(6), (b)(7)(C)	Evidence
		NAME, GRADE OR TITLE Recovery Scene	NAME, GRADE OR TITLE SA (b)(6), (b)(7)(C)	
1-5	31 Mar 08	SIGNATURE (b)(6), (b)(7)(C)	SIGNATURE (b)(6), (b)(7)(C)	Released to evidence custodian SCLRL1-A11
		NAME, GRADE OR TITLE SA (b)(6), (b)(7)(C)	NAME, GRADE OR TITLE SA (b)(6), (b)(7)(C)	
1-5	02 APR 2008	(b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C)	SIGNATURE RB 941 969 139 US NAME, GRADE OR TITLE REGISTERED MAIL	Forwarded to USACI via Registered Mail for examination SCLRL1
1-5	4/17/08	SIGNATURE <i>Reg Mail</i>	SIGNATURE (b)(6), (b)(7)(C)	
		NAME, GRADE OR TITLE 941-469-139	NAME, GRADE OR TITLE N (b)(6), (b)(7)(C)	
1-5	4/21/08	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Exams
		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	

CHAIN OF CUSTODY (Continued)

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-5	16 May 08	(b)(6), (b)(7)(C)	SIGNATURE REGISTERED MAIL #	Returned to Saturn Returned to submitter USACIL, via Registered Mail SCRW1-All
			NAME, GRADE OR TITLE RE-330 959 593 US	
1-5	30 MAY 2008	SIGNATURE RE 330 959 593 US	(b)(6), (b)(7)(C)	
		NAME, GRADE OR TITLE REGISTERED MAIL		
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

FINAL DISPOSITION ACTION

RELEASE TO OWNER OR OTHER (Name/Unit) _____
 DESTROY _____
 OTHER (Specify) _____

FINAL DISPOSITION AUTHORITY

ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____
 _____ (Grade)
 _____ (IS) (ARE) NO LONGER
 _____ (Name) _____ (Organization)

REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If article(s) must be retained, do not sign, but explain in separate correspondence.)

 (Typed/Printed Name, Grade, Title) (Signature) (Date)

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) _____ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE

 (Typed/Printed Name, Organization) (Signature)

ACLU DDII CID ROIS 36781 0062

Continuation of Description of Articles received from Connex B4, Fire Base Robinson

<u>Item #</u>	<u>Quantity</u>	<u>Description of Articles</u>
5 5.	2	Gloves, black and gray in color, neoprene, nylon and cotton type construction, unknown brand, bear white colored manufacturers tags in each glove with black lettering, Mens L, made in U.S.A., Seirus innovation, placed in a clean paper bag and sealed, MFID with 1650, 26 Mar 08 (b)(6), (b)(7)(C) Floor, left side near bed) <i>possibly</i> <i>Bo hazard</i> (b)(6), (b)(7)(C)

//////////////////////////////////////LAST ENTRY//////////////////////////////////////

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5: the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER 0065-08-CID369
CRD REPORT/CID ROI NUMBER 43686

RECEIVING ACTIVITY Afghanistan CID Office, USACIDC	LOCATION APO AE 09354
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER Recovery Scene <input checked="" type="checkbox"/> OTHER	ADDRESS (Include Zip Code) N/A
LOCATION FROM WHERE OBTAINED From various locations within Connex B-4, Fire Base Robinson, Afghanistan.	REASON OBTAINED EVIDENCE
	TIME/DATE OBTAINED 1742-1755/26 Mar 08

5/6
7

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>
1	1	Scarf, tan and black in color, cloth type material, approximately 3' x 4' in size, used condition, with brownish red stains. Scarf has straight black lines near the borders of all four sides. Scarf has black wavy lines in the middle of the scarf and between the straight lines near the borders. Scarf has two opposite ends with tassels tied in knots. Placed in a clean paper bag and sealed, marked for ID 1742, 26 Mar 08 (b)(6), (b)(7)(C) Bed) <i>Possibly Brokha Zard</i> (b)(6), (b)(7)(C)
2	1	Coat, US Military DCU, tan, brown, and light green in color, a tag tan and black in color inside lower right front indicates 50% nylon/50% cotton, another tag tan and black in color near inside neck line indicates size large-regular, and stock number "8415-01-327-5313", soiled and used condition. Coat has a black, red, green, and gold in color cloth type Afghani flag and a tan and brown cloth type patch with markings "Beast 32...FOB ROB" on upper left sleeve. Coat has a black and brown subdued in color, plastic type US flag and a tan and brown cloth type patch with markings (b)(6), (b)(7)(C) "05 Feb 08" on upper right sleeve. Coat has a tan and brown cloth type name tape with markings "U.S.ARMY" on top right front and a tan and brown cloth type name tape with markings "U.S.ARMY" on top left front. ---Continued on Page 2 of 2 Pages---

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-4	31 Mar 08	SIGNATURE N/A NAME, GRADE OR TITLE RECOVERY SCENE	(b)(6), (b)(7)(C) NAME, GRADE OR TITLE (b)(6), (b)(7)(C)	Evaluation as Evidence
1-4	31 Mar 08	(b)(6), (b)(7)(C) SA	(b)(6), (b)(7)(C) SA	Release to Evidence Custodian
1-4	02 APR 2008	(b)(6), (b)(7)(C) SA	SIGNATURE RB 941 969 139 US NAME, GRADE OR TITLE REGISTERED MAIL	Forwarded to USAAC via Registered Mail for examination
1-4	4/1/08	SIGNATURE Reg Mail	(b)(6), (b)(7)(C)	SECRET
1-4	4/2/08	NAME, GRADE OR TITLE 941-969-139	(b)(6), (b)(7)(C)	Lab exams
1-4	4/2/08	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Forensic DNA Examined

CHAIN OF CUSTODY (Continued)

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-4	16 May 08	(b)(6), (b)(7)(C) Forensic DNA Examiner	SIGNATURE REGISTERED MAIL # NAME, GRADE OR TITLE RE 330 959 593 US	Returned to Submitter Returned from USACIL, via Registered Mail STC001-011
1-4	20 MAY 2008	SIGNATURE RE 330 959 593 US NAME, GRADE OR TITLE REGISTERED MAIL	SIGNATURE (b)(6), (b)(7)(C) NAME, GRADE OR TITLE (b)(6), (b)(7)(C)	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

FINAL DISPOSITION ACTION

RELEASE TO OWNER OR OTHER (Name/Unit) _____
 DESTROY _____
 OTHER (Specify) _____

FINAL DISPOSITION AUTHORITY

ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____
 _____ (Grade)
 _____ (IS) (ARE) NO LONGER
 _____ (Name) _____ (Organization)

REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If article(s) must be retained, do not sign, but explain in separate correspondence.)

 (Typed/Printed Name, Grade, Title) (Signature) (Date)

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) _____ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE

 (Typed/Printed Name, Organization) (Signature)

ACLU DDII CID ROIS 36784

0065

Continuation of Description of Articles received from Connex B-4, FB Robinson:

<u>Item #</u>	<u>Quantity</u>	<u>Description of Articles</u>
8	3	<p>Placed in a clean paper bag and sealed, marked for ID with 1745, 26 Mar 08 (b)(6), (b)(7)(C) Bed) <i>Possible Brohazart</i> (b)(6), (b)(7)(C)</p> <p>Boots, Oakley brand, brown in color, suede and plastic type materials, size 11.5, used and soiled condition. Boots have black in color, cloth and plastic type inserts with tan triangular shaped mark on heal. Right boot has dark brown stains, boots have brown in color cloth type laces, placed in clean paper bag and sealed, marked for ID with 1752, 26 Mar 08 (b)(6), (b)(7)(C) Floor next to bed) <i>Possible Brohazart</i> (b)(6), (b)(7)(C)</p>
9	4	<p>Scarf, white and black in color, cloth type material, approximately 3' x 4' in size, used and soiled condition. Scarf is bordered in mostly in black. Scarf has straight black and white lines near the borders of all four sides beginning and ending at the border. Scarf has a black and white checkered pattern in the middle of the scarf and between the straight lines near the borders. Scarf has tassels tied in knots on all sides and longer tassel on the corners. Placed in a clean paper bag and sealed, marked for ID 1755, 26 Mar 08 (b)(6), (b)(7)(C) Pop of ruck sack near door) <i>Possible Brohazart</i></p>

//////////////////////////////////////LAST ITEM//////////////////////////////////////



PHOTOGRAPH PACKET



<u>NUMBER</u>	<u>DESCRIPTION OF PHOTOGRAPHS</u>
1	Passenger side of HMMWV.
2	Front and passenger side of HMMWV.
3	Rear and passenger side of HMMWV.
4	Rear and driver side of HMMWV.
5	Front and driver side of HMMWV.
6	Bed of HMMWV.
7	Gun mount of HMMWV.
8	Rear bumper number.
9	Rear bumper number.
10	Front bumper number.
11	Front bumper number.
12	Passenger seat.
13	Passenger seat.
14	Passenger seat cushion turned up, showing reddish stains.
15	Passenger seat cushion turned up, showing reddish stains.
16	Base of passenger seat showing reddish stain w scale.
17	Seat cover with scale.

~~FOR OFFICIAL USE ONLY~~

ACLU DDII CID ROIS 36786 0067

EXHIBIT _____



PHOTO #1



PHOTO #2



PHOTO #3



PHOTO #4



PHOTO #5



PHOTO #6

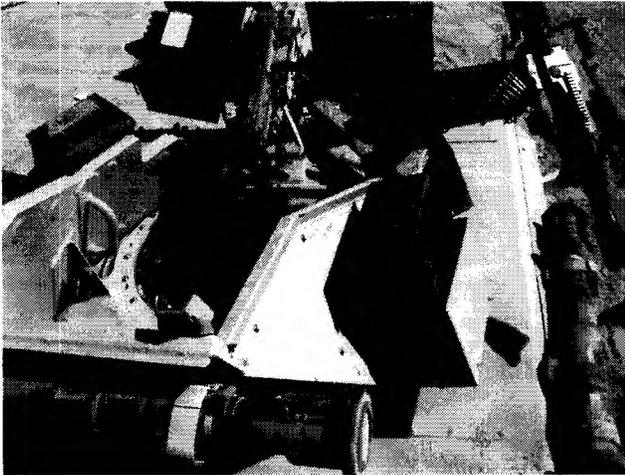


PHOTO #7



PHOTO #8



PHOTO #9

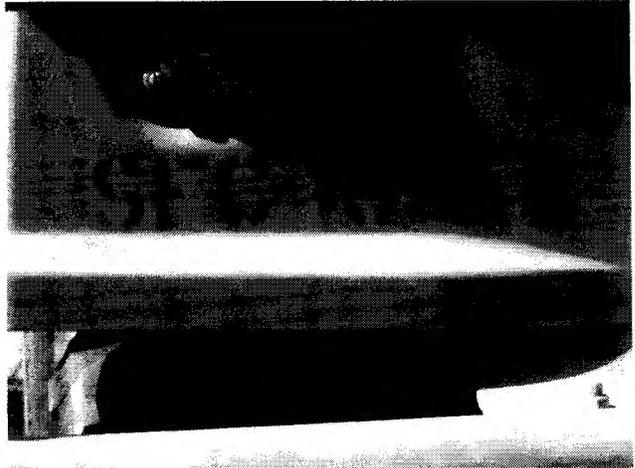


PHOTO #10



PHOTO #11



PHOTO #12



PHOTO #13



PHOTO #14



PHOTO #15

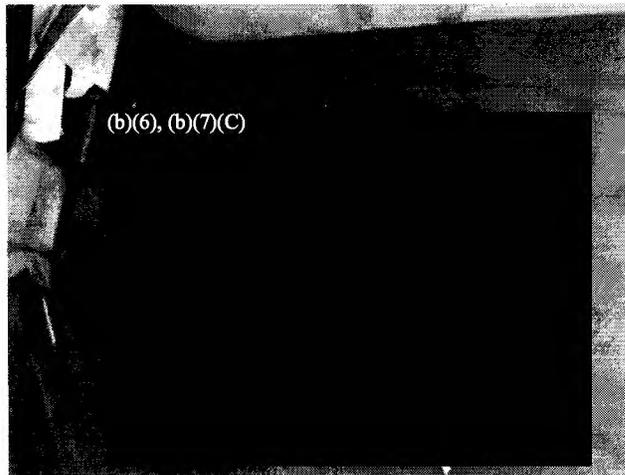


PHOTO #16

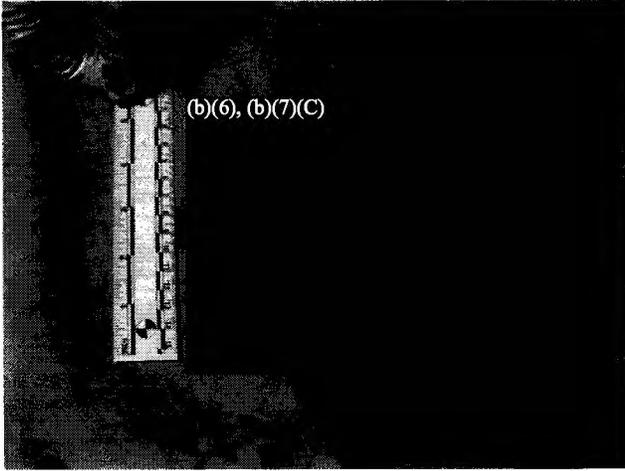
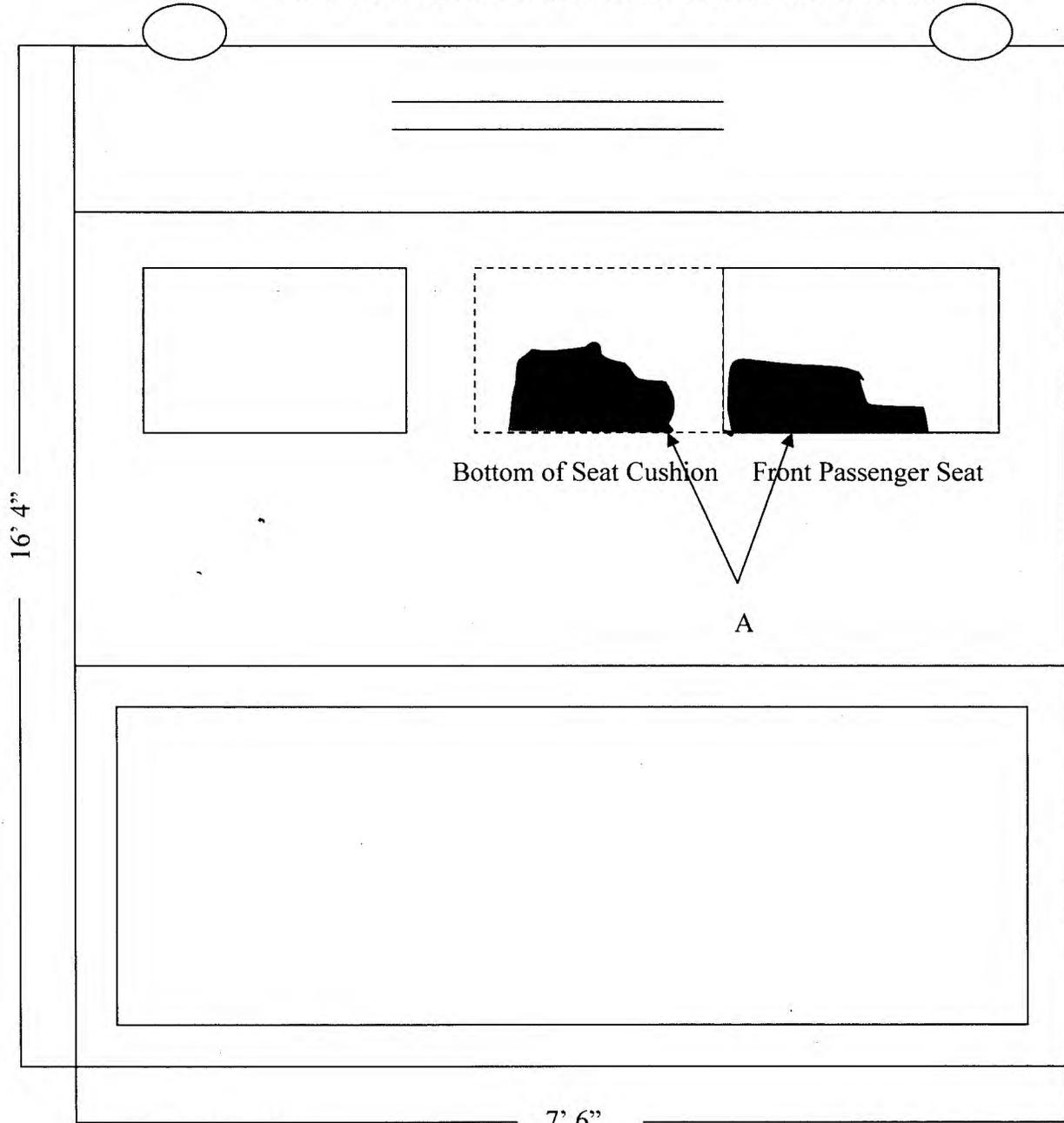


PHOTO #17

ROUGH SKETCH DEPICTING RECOVERY SCENE



LEGEND

A. **Brownish Red Stains**

TITLE BLOCK

CASE NUMBER: 0065-08-CID369-43686
OFFENSE: Murder
SCENE PORTRAYED: GMV
LOCATION: FOB Robinson, Afghanistan APO, AE 09314
VICTIM: Unknown
TIME/DATE BEGAN: 1450/27 Mar 08
SKETCHED BY: SA (b)(6), (b)(7)(C)
VERIFIED BY: SA (b)(6), (b)(7)(C)



NOT TO SCALE **ACLU DDII CID ROIS 36792**

EVIDENCE/PROPERTY CUSTODY DOCUMENT

MPR/CID SEQUENCE NUMBER
0065-08-CID369

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army
Criminal Investigation Command

CRD REPORT/CID ROI NUMBER
43686

RECEIVING ACTIVITY Afghanistan CID Office, USACIDC	LOCATION APO AE 09354
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER Recovery Scene <input checked="" type="checkbox"/> OTHER	ADDRESS (Include Zip Code) N/A
LOCATION FROM WHERE OBTAINED From front passenger seat GMV, Serial # 221849, Registration # NG6B20, Fire Base Robinson, Afghanistan.	REASON OBTAINED EVIDENCE
	TIME/DATE OBTAINED 1450-1502/27 Mar 08

11/01
11
12
13

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Seat Cover, tan in color, vinyl type material, approximately 1' x 1' in size, used and soiled condition. Seat cover has a white in color plastic type zipper on one side. Seat cover has brownish red stains. Placed in clean paper bag and sealed. Marked for ID 1450, 27 Mar 08 (b)(6), (b)(7)(C) Front passenger seat) Biohazard ^{Possible}
2	1	Swab, white and brown in color, cotton and wood type materials, approximately 6" in size, used condition, containing unknown substance. Placed in suitable container and sealed. Marked for ID 1458, 27 Mar 08 (b)(6), (b)(7)(C) Base front passenger seat) Biohazard ^{Possible}
3	1	Swab, white and brown in color, cotton and wood type materials, approximately 6" in size, used condition, containing unknown substance. Placed in suitable container and sealed. Marked for ID 1500, 27 Mar 08 (b)(6), (b)(7)(C) Base front passenger seat) Biohazard ^{Possible}
4	1	Swab, white and brown in color, cotton and wood type materials, approximately 6" in size, used condition, containing unknown substance. Placed in suitable container and sealed. Marked for ID 1501, 27 Mar 08 (b)(6), (b)(7)(C) Base front passenger seat) Biohazard ^{Possible}

---Continued on Page 2 of 2 Pages---

CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-5	31 Mar 08	SIGNATURE N/A	(b)(6), (b)(7)(C)	Evaluation as Evidence
		NAME, GRADE OR TITLE RECOVERY SCENE	NAME, GRADE OR TITLE (b)(6), (b)(7)(C) SA	
1-5	31 Mar 08	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Release to Evidence Custodian SCRUW-111
		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	
1-5	APR 2008	(b)(6), (b)(7)(C)	SIGNATURE RB 941 969 139 us	Forwarded to USAAC via Registered Mail for examination
		(b)(6), (b)(7)(C)	NAME, GRADE OR TITLE REGISTERED MAIL	
1-5	4/17/08	SIGNATURE Reg Mail	(b)(6), (b)(7)(C)	SCRUW
		NAME, GRADE OR TITLE 941-969-139	(b)(6), (b)(7)(C)	
1-5	4/21/08	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Lab exams
		(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	

Forensic DNA Examiner
ACLU DDII CID ROIS 36793

CHAIN OF CUSTODY (Continued)

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-5	16 May 08	(b)(6), (b)(7)(C) Forensic DNA Examiner	SIGNATURE REGISTERED MAIL #	Returned to Submitter
			NAME, GRADE OR TITLE RE 330 959 593 US	
1-5	30 MAY 2008	SIGNATURE RE 330 959 593 US	(b)(6), (b)(7)(C)	Returned from USACIL, via Registered Mail SCXCN-All
		NAME, GRADE OR TITLE REGISTERED MAIL		
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

FINAL DISPOSITION ACTION

RELEASE TO OWNER OR OTHER (Name/Unit) _____
 DESTROY _____
 OTHER (Specify) _____

FINAL DISPOSITION AUTHORITY

ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____ (Grade)
 _____ (Name) _____ (Organization) (IS) (ARE) NO LONGER

REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If article(s) must be retained, do not sign, but explain in separate correspondence.)

 (Typed/Printed Name, Grade, Title) (Signature) (Date)

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) _____ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE

 (Typed/Printed Name, Organization) (Signature)

ACLU DDII CID ROIS 36794

0074

Continuation of Description of Articles received from GMV, FB Robinson:

<u>Item #</u>	<u>Quantity</u>	<u>Description of Articles</u>
14 5 .	1	Swab, white and brown in color, cotton and wood type materials, approximately 6" in size, used condition, used as control sample. Placed in suitable container and sealed. Marked for ID 1502,27 Mar 08 (b)(6), (b)(7)(C) Base front passenger seat (b)(6), (b)(7)(C)
////////////////////////////////////LAST ITEM////////////////////////////////////		

ACLU DDII CID ROIS 36795 740 2 of 2 0873

ACLU-RDI 5571 082
FBI OFFICIAL USE ONLY LOCATION Bin 9
LAW ENFORCEMENT SENSITIVE

DOCUMENT NUMBER

EXHIBIT

SWORN STATEMENT

LOCATION	DATE	TIME	FILE NUMBER
FOB Robinson Afghanistan	28-Mar-08	(b)(6), (b)(7)(C) 20 28	(b)(6), (b)(7)(C) 0065-08-CID369
NAME:	SSN:	GRADE/STATUS:	
(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	E-5 /AD	

ORGANIZATION/ADDRESS:

C Co., 3rd Special Forces Group, 2nd Battalion ODA 3232

I, (b)(6), (b)(7)(C) want to make the following statement under oath:
 On Mar 08, my team planned and executed a Combat Recon Patrol from Fob Price to Fob Robinson with the help of ODB 3230 and a platoon of Afghan National Army. The mission was to escort cargo trucks loaded with supplies for Fob Robinson. The terrain is sandy and the trucks get stuck very easy. I was tasked to gun SGM (b)(6), (b)(7)(C) mounted vehicle (GMV) for the mission. I was usually gunning for MSG (b)(6), (b)(7)(C) but SSG (b)(6), (b)(7)(C) took my position. About the halfway point a cargo truck got stuck and my GMV was tasked with handling security for the pull out operation. The other GMVs were also pulling security until some firing started and two GMVs left the circle to indict a vehicle that was approaching. I overwatched them though bins but did not see anything out of place, so I returned my attention of the security of the cargo truck. I heard some shooting and asked on the radio what happened, I got no response. Later the two GMVs came back and stayed with the convoy. I did not notice anything wrong. I did not find out about the situation until we returned to Fob Robinson. Two days later, I stopped by MSC (b)(6), (b)(7)(C) room to give him a report. He then showed me a human ear and commented on how the 77 grain 5.56mm works. I did not say anything and left. I was disgusted and went to SFC (b)(6), (b)(7)(C) room, there I told (b)(6), (b)(7)(C)

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

A: SGT (b)(6), (b)(7)(C)

Q: Did MSG (b)(6), (b)(7)(C) tell you where he got the ear?

A: No, and I did not ask.

Q: Did MSG (b)(6), (b)(7)(C) ever discuss what happened on the mission you mentioned above?

A: No.

Q: What did MSC (b)(6), (b)(7)(C) mean when he commented on the 77 grain 5.56mm?

A: I am not sure but when he showed me the ear, I believe he meant it was effective round for combat.

Q: Can you describe the ear?

A: It was pale and a human ear. It was really white and that is all I remember.

Q: Where did MSG (b)(6), (b)(7)(C) have the ear when he showed it to you?

A: I believe from his body armor.

Q: Did MSG (b)(6), (b)(7)(C) display abnormal behavior before the incident?

A: Yes, he took thing over board. He was more aggressive toward local Afghani Nationals. He would use more force than what the rest of the team thought was necessary. He would escalate force before it was necessary.

Q: How long was MSC (b)(6), (b)(7)(C) vehicle away from the reminder of the element?

A: Approximately half hour to 45 minutes.

Initials of Person Making Statement (b)(6), (b)(7)(C)

ACLU DDII CID ROIS 36796

FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE

Statement of (b)(6), (b)(7)(C) taken at FOB Robinson, Afghanistan, Dated 28-Mar-08 Continued

Q: Did you hear any shots fired when they were away from the remainder of the element?

A: yes I did, but they were from the big guns, I believe they were shooting warning shots at the vehicles.

Q: Did you see MSG (b)(6), (b)(7)(C) vehicle after it left?

A: no.

Q: Did you hear any small arms fire from the general location of where MSG (b)(6), (b)(7)(C) vehicle was?

A: No.

Q: Did you see the unidentified Afghani male get onto MSG (b)(6), (b)(7)(C) vehicle?

A: No.

Q: Did MSG (b)(6), (b)(7)(C) tell you he shot an Afghani male during the mission?

A: No.

Q: Did he tell you anything at all about the Afghani male?

A: No.

Q: Were you given the opportunity to take breaks?

A: Yes.

Q: How were you treated during this interview?

A: Great.

Q: Is everything in this statement true and correct?

A: Yes.

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

A: Yes. The local could have been and in the future could have been a threat to the ODA. I'm not judging anybody because I wasn't there.

Q: What else about this investigation you think is important that we have not discussed?

A: Nothing.

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

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

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 2 of 3 Pages

ACLU DDII CID ROIS 36797

Statement of (b)(6), (b)(7)(C) taken at FOB Robinson, Afghanistan, Dated 28-Mar-08 Continued

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

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

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

Not used

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

AFFIDAVIT

I, (b)(6), (b)(7)(C) have read or have read to me this statement which begins on page 1 and ends on page 3. 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 (b)(6), (b)(7)(C) this statement freely without hope of benefit or reward, without threat of punishment, without unlawful influence, or unlawful inducement.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of Mar, 2008 at Kandahar Airfield

Organization or Address

Organization or Address

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

10 USC 936

(Authority To Administering Oaths)

Initials of Person Making Statement

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

Page 3 of 3 Pages

ACLU DDII CID ROIS 36798

0078

CANVASS INTERVIEW WORKSHEET FOR:

006-05-110369-43686

Conducted By: SA (b)(6), (b)(7)(C)

Date Name: (b)(6), (b)(7)(C) Rank: SGT SSN: (b)(6), (b)(7)(C)

28 Mar 06 Unit Address: TH 618 Tactical Hunt Team

Residence Address: (b)(6), (b)(7)(C)

Time Service Member: (b)(6), (b)(7)(C)

1905 Home # (b)(6), (b)(7)(C) Work:

Remarks:

Nothing to add

Date Name: (b)(6), (b)(7)(C) Rank: SFC SSN: (b)(6), (b)(7)(C) DOB: (b)(6), (b)(7)(C)

28 Mar 08 Unit Address: ODA-3232 18C

Residence Address: N/A

Time Service Member:

1910 Home # (b)(6), (b)(7)(C) Work: (b)(6), (b)(7)(C)

Remarks:

Yes, on mission, in second vehicle that stopped victim truck, returned w/ SFC (b)(6), (b)(7)(C) vehicles who had AN to question and told he was going to release AN half way back and drove back to main unit. No Further Information.

Date Name: (b)(6), (b)(7)(C) Rank: SSG SSN: (b)(6), (b)(7)(C)

29 Mar 09 Unit Address: C-4, 2nd Air 3rd Special Forces Group Operations Department 3232

Residence Address: (b)(6), (b)(7)(C)

Time Service Member:

1930 Home # (b)(6), (b)(7)(C) Work: (b)(6), (b)(7)(C)

Remarks: NO FURTHER INFORMATION

Date Name: Rank: SSN:

Unit Address:

Residence Address:

Time Service Member:

Home # Work:

Remarks:

ACLU DDII CID ROIS 36799

0073

CANVASS INTERVIEW WORKSHEET FOR 0085-09-CID 369-43696

Conducted By: SA (b)(6), (b)(7)(C)

Date Name: (b)(6), (b)(7)(C) Rank: SGT SSN: (b)(6), (b)(7)(C)
28 MAR 08 Unit Address: Co 2nd Battalion, 3rd SPECIAL FORCES GROUP, OPERATIONAL DETACHMENT ALPHA 3232
Residence Address: (b)(6), (b)(7)(C)
Time Service Member:
1908 Home # (b)(6), (b)(7)(C) Work: SAME
Remarks: NO INFORMATION

Date Name: (b)(6), (b)(7)(C) Rank: TSGT SSN: (b)(6), (b)(7)(C)
29 MAR 08 Unit Address: 21 STS POPE AFB NC 28308
Residence Address: (b)(6), (b)(7)(C)
Time Service Member:
1910 Home # (b)(6), (b)(7)(C) Work: (b)(6), (b)(7)(C)
Remarks: NO INFORMATION

Date Name: (b)(6), (b)(7)(C) Rank: SSG SSN: (b)(6), (b)(7)(C)
29 MAR 08 Unit Address: Co 2nd Bn 3rd Special Forces Group, Operational Detachment Alpha 3232
Residence Address: (b)(6), (b)(7)(C)
Time Service Member:
1912 Home # (b)(6), (b)(7)(C) Work: (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
Remarks: NO INFORMATION

Date Name: (b)(6), (b)(7)(C) Rank: SSG SSN: (b)(6), (b)(7)(C)
29 MAR 08 Unit Address: Co 2nd Bn 3rd Special Forces Group, Operational Detachment Alpha 3232
Residence Address: (b)(6), (b)(7)(C)
Time Service Member:
1915 Home # (b)(6), (b)(7)(C) Work: (b)(6), (b)(7)(C)
Remarks: WENT WITH VEHICLE TO INITIAL CONTACT WITH UNKNOWN
MALE, THEN BIDDLE CONTACT - SAW MSH (b)(6), (b)(7)(C) PUT MARK ON
BALL OF VEHICLE. DROVE BACK TO REMAINDER OF VEHICLES. NO
FURTHER INFORMATION.

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ACLU DDII CID ROIS 36800 0080

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5: the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER
0065-08-CID369
CRD REPORT/CID ROI NUMBER
43686

RECEIVING ACTIVITY
Afghanistan CID Office, USACIDC

LOCATION
APO AE 09354

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED
 OWNER
 OTHER
Recovery Scene

ADDRESS (Include Zip Code)
N/A

LOCATION FROM WHERE OBTAINED
From various locations within Connex B-4, Fire Base Robinson, Afghanistan.

REASON OBTAINED
EVIDENCE

TIME/DATE OBTAINED
2000/29 Mar 08

EL
15

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>
1*	1	Scarf, black in color, cloth type material, approximately 3' x 15' in size, used condition. Placed in a clean paper bag and sealed, marked for ID 2000, 29 Mar 08 (b)(6), (b)(7)(C) (inside trunk) Biohazard ^{Possible}
////	////	////////////////////LAST ITEM////////////////////////////////////

CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	31 Mar 08	SIGNATURE N/A	(b)(6), (b)(7)(C)	Evaluation as Evidence
1	31 Mar 08	NAME, GRADE OR TITLE RECOVERY SCENE (b)(6), (b)(7)(C)	NAME, GRADE OR TITLE (b)(6), (b)(7)(C)	Released to Evidence Custodian SCRUM
1	2 APR 2008	SIGNATURE (b)(6), (b)(7)(C)	SIGNATURE ZB 941 969 139 US	Forwarded to USACIL via Registered Mail for examination
1	4/17/08 4/19/08	NAME, GRADE OR TITLE 941-969-139	NAME, GRADE OR TITLE (b)(6), (b)(7)(C)	SCRUM
1	4/21/08	SIGNATURE (b)(6), (b)(7)(C)	SIGNATURE (b)(6), (b)(7)(C)	

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CHAIN OF CUSTODY (Continued)

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	16 May 2008	(b)(6), (b)(7)(C)	SIGNATURE REGISTERED MAIL #	Returned to Submitter
		POIENSIC DNA EXAMINER	NAME, GRADE OR TITLE RE 330 959 593 US	
1	20 MAY 2008	SIGNATURE RE 331 959 593 US	(b)(6), (b)(7)(C)	Returned from USACIL, via Registered Mail
		NAME, GRADE OR TITLE REGISTERED MAIL	NAME (b)(6), (b)(7)(C) SA	SECRET-ALL
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

FINAL DISPOSITION ACTION

RELEASE TO OWNER OR OTHER (Name/Unit) _____
 DESTROY _____
 OTHER (Specify) _____

FINAL DISPOSITION AUTHORITY

ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____ (Grade)
 _____ (Name) _____ (Organization) (IS) (ARE) NO LONGER

REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If article(s) must be retained, do not sign, but explain in separate correspondence.)

 (Typed/Printed Name, Grade, Title) (Signature) (Date)

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) _____ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE

 (Typed/Printed Name, Organization) (Signature)

ACLU DDII CID ROIS 36802

6082

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~~LAW ENFORCEMENT SENSITIVE~~

FORENSIC LABORATORY EXAMINATION REQUEST

1. TO: Director USACIL <input checked="" type="checkbox"/> 4930 N. 31st Street Forest Park, GA 30297-5205 <input type="checkbox"/> Other (Specify): ATTN: Trace Evidence <i>Serology Division</i>	2. FROM: Special Agent in Charge Afghanistan CID Office APO, AE 09354 3. RETURN EVIDENCE TO: Special Agent in Charge Afghanistan CID Office APO, AE 09354	4. EXAM PRIORITY <input type="radio"/> ROUTINE <input checked="" type="radio"/> EXPEDITE <input type="checkbox"/> Trial/Article 32/39A (*) <input checked="" type="checkbox"/> Subject in pre-trial confinement <input type="checkbox"/> Subject pending PCS/ Separation/Reenlist (*) <input type="checkbox"/> Other (Specify in Block 13) *Date _____	5. LAB USE ONLY a. LAB CASE # b. METHOD OF RECEIPT c. RECEIVED BY/DATE
---	--	--	--

6. SUBMITTING AGENCY CASE NUMBER 0065-08-CID369-43686	7. TYPE OF OFFENSE Murder
---	-------------------------------------

8. PREVIOUS EVIDENCE SUBMITTED			
DATE:	MAIL METHOD:	LAB CASE #:	SUSPECT(S):

9. SUSPECT(S) [Last, first and middle name(s)] (b)(6), (b)(7)(C)	10. VICTIM(S) [Last, first and middle name(s)] Unknown
--	--

11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED (e.g., Summary of investigation, crime scene sketches/photographs, statements)

Witnesses reported that during a mission the suspect shot and killed an unknown male. The suspect further mutilated the body by cutting off an ear. The body was placed in the front passenger seat of a vehicle and disposed of. The suspect kept the ear and a black scarf worn by the victim. A search of the suspects quarters revealed the following; a human ear, a black scarf, possible hairs related to the victim, a knife possibly used, and clothing possibly worn during the commission of the crime. A search of the front passenger seat of the vehicle revealed the following; a seat cover with brownish red stains and swabs from the base of the seat containing an unknown substance.

12. EVIDENCE SUBMITTED	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
1	Human ear (Item 1, voucher 043/08)
2	DCU trousers (Item 2, voucher 043/08)
3	Knife (Item 3, voucher 043/08)
4	Hairs (Item 4, voucher 043/08)
5	Gloves (Item 5, voucher 043/08)
6	Scarf (Item 1, voucher 044/08)
7	DCU coat (Item 2, voucher 044/08)
8	Boots (Item 3, voucher 044/08)
9	Scarf (Item 4, voucher 044/08)
10	Seat cover (Item 1, voucher 045/08)
11	Swab (Item 2, voucher 045/08)
12	Swab (Item 3, voucher 045/08)
13	Swab (Item 4, voucher 045/08)
14	Swab (Item 5, voucher 045/08)
15	Scarf (Item 1, voucher 046/08)

02 APR 2008
REGISTERED
 NO. 20081619159 US

ACLU DDII CID ROIS 36803

12. EVIDENCE SUBMITTED (Continued)

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT

13. EXAMINATION(S) REQUESTED (Briefly furnish any information or instructions that might assist the laboratory in examining the evidence)

Trace evidence: examine exhibits 2,3,5-10 and 15 for trace evidence.
 DNA: examine exhibits 1-13 and 15 for possible DNA.
 If DNA found on exhibit 1, compare to any DNA found on all other exhibits.

14. a. INVESTIGATOR AND ALTERNATE POC
 (Typed or Printed) (Mandatory Information)

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

Alt: SA (b)(6), (b)(7)(C)

b. TELEPHONE (Primary/Alt): (b)(6), (b)(7)(C)

c. DSN (Primary/Alt): (b)(6), (b)(7)(C)

d. Fax: N/A

e. E-Mail: (b)(6), (b)(7)(C)@afghan.swa.army.mil

15. I CERTIFY EVIDENCE HAS NOT BEEN SUBMITTED TO ANOTHER LABORATORY FOR THE SAME EXAMINATION

a. DATE

2008-04-01

b. TYPED/PRINTED NAME OF REQUESTOR

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

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

d. TELEPHONE (Primary/Alt): (b)(6), (b)(7)(C)

e. DSN (Primary/Alt): (b)(6), (b)(7)(C)

f. Fax: N/A
 (b)(6), (b)(7)(C)

g. E-Mail: (b)(6), (b)(7)(C)@afghan.swa.army.mil

16. LAB USE ONLY

LAB CASE #

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0065-08-CID369-43686

PAGE 1 OF 1 PAGES

DETAILS:

About 1315, 30 Mar 08, SA (b)(6), (b)(7)(C) interviewed Mr (b)(6), (b)(7)(C) AKA (b)(6), (b)(7)(C) Interpreter, International Management Service, Kandahar, Afghanistan. Mr (b)(6), (b)(7)(C) was on the mission when the incident occurred. MSG (b)(6), (b)(7)(C) showed Mr (b)(6), (b)(7)(C) a cellular phone and asked him to translate the words on the display. Mr (b)(6), (b)(7)(C) informed MSG (b)(6), (b)(7)(C) that the words were "al qaima" which meant menu. Mr (b)(6), (b)(7)(C) clarified the pronunciation and the meaning of "al qaima" several times but MSG (b)(6), (b)(7)(C) repeated it as "Al Qaida". Some time later during the mission, Mr (b)(6), (b)(7)(C) AKA (b)(6), (b)(7)(C) Interpreter, International Management Service, Kandahar, Afghanistan, attempted to tell Mr (b)(6), (b)(7)(C) something but MSG (b)(6), (b)(7)(C) told him to be quiet. Mr (b)(6), (b)(7)(C) appeared to be very upset and worried but said nothing further. Mr (b)(6), (b)(7)(C) had no further knowledge of the incident.

About 2008, 1 Apr 08, SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C) Military Magistrate, CJTF-82, BAF, and provided an affidavit documenting the details of this investigation and requested a search authorization for DNA from MSG (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) authorized a swab of SSG (b)(6), (b)(7)(C) mouth for a DNA sample.

About 1335, 2 Apr 08, SA (b)(6), (b)(7)(C) obtained a DNA sample from MSG (b)(6), (b)(7)(C)

About 2115, 2 Apr 08, (b)(6), (b)(7)(C) received a USACRC name check of MGS (b)(6), (b)(7)(C) The name check revealed MSG (b)(6), (b)(7)(C) was titled for the offence of Larceny of Government funds in 1998 and discharged from service.

About 0840, 10 Apr 08, SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) who rendered a sworn statement where in he witnessed MSG (b)(6), (b)(7)(C) shoot an unarmed Afghani male twice in the chest. Mr (b)(6), (b)(7)(C) related the incident occurred 250m to 300m from where the main element was located and provided a sketch of the incident. ///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

Afghanistan CID Detachment
Bagram Airfield, APO AE 09354

SIGNATURE

DATE

10 Apr 08

EXHIBIT

SEARCH AND SEIZURE AUTHORIZATION

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: (Name and Organization of the person to whom authorization is given)

Special Agent (b)(6), (b)(7)(C) 7018 Afghanistan CID Office, Bagram Air Field, Afghanistan.

(An affidavit) (A sworn) or (unsworn) oral statement) having been made before me by SA (b)(6), (b)(7)(C) DA Form 2823s of (Name of Affiant)

(b)(6), (b)(7)(C) C Co, 2nd Bn, 3rd SFG, ODA 3232, Afghanistan (Organization or Address of Affiant)

(which affidavit is attached hereto and made a part of this authorization), and as I am satisfied that there is probable cause to believe that the matters mentioned in the affidavit are true and correct, that the offense set forth therein has been committed, and that the property to be seized is located (on the person) (at the place) to be searched, you are hereby ordered to search the (person) (place) known as

MSG (b)(6), (b)(7)(C) C Co, 2nd Bn, 3rd SFG, ODA 3232, Afghanistan

for the property described as to swab MSG (b)(6), (b)(7)(C) mouth to retrieve an accurate DNA sample.

bringing this order to the attention of the (person searched) (person in possession, if any person be found at the place or on the premises searched). The search will be made in the (daytime) (nighttime), and if the property is found there, you shall seize it, issue a receipt therefor to the person from whom the property is taken or in whose possession the property is found, deliver the property to:

Afghanistan CID Office, Afghanistan CID, Bagram Airfield APO AE 09354 (Name and Organization of Authorized Custodian)

and prepare a written inventory of the property. If there is no person at the searched place to whom the receipt may be delivered, the receipt will be left in a conspicuous location at the place or on the premises where the property is found.

Dated this 1 day of April, 2008

TYPED NAME AND GRADE OF AUTHORIZING OFFICIAL (b)(6), (b)(7)(C) CPT, JA	DUTY POSITION OF AUTHORIZING OFFICIAL Military Magistrate
ORGANIZATION OF AUTHORIZING OFFICIAL CJTF-82 OSJA Bagram Air Field, Afghanistan	(b)(6), (b)(7)(C)

ACLU DDII CID ROIS 36806

**AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION
TO SEARCH AND SEIZE OR APPREHEND**

For use of this form, see AR 27-10; the proponent agency is
TJAG

BEFORE COMPLETING THIS FORM, SEE INSTRUCTIONS ON PAGE 2

1. I, (b)(6), (b)(7)(C) Afghan CID Office, APO, AE 09354
(Name) (Organization or Address)

Having been duly sworn, on oath depose and state that:

A preliminary investigation conducted under Report of Investigation 0065-08-CID369-43686, identified MSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Operational Detachment A 3232 (ODA 3232), C Co, 2nd BN, 3rd Special Forces Group (SFG), FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314, as being suspected of murder of an Afghani National.

2. The affiant further states that:

About 1000, 20 Mar 08, CPT (b)(6), (b)(7)(C) ODA 3232, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314, rendered a Sworn Statement wherein he detailed his chain of command informed him that members of MSG (b)(6), (b)(7)(C) ODA had witnessed MSG (b)(6), (b)(7)(C) shoot an unarmed Afghani National and mutilate the body by removing an ear.

About 1940, 23 Mar 08, SGM (b)(6), (b)(7)(C) ODA 3230, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314, rendered a Sworn Statement wherein he detailed he was informed by SFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) that SSG (b)(6), (b)(7)(C) ODA 3230, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314, and SSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) ODA 3230, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314, of MSG (b)(6), (b)(7)(C) ODA witnessed MSG (b)(6), (b)(7)(C) shoot an unarmed Afghani National and mutilate the body by cutting off an ear. On 20 March 08, SGM (b)(6), (b)(7)(C) was instructed by his command to take MSG (b)(6), (b)(7)(C) into custody and confine him. About 1100, 21 Mar 08, while in confinement on FOB Robinson, MSG (b)(6), (b)(7)(C) informed SGM (b)(6), (b)(7)(C) he believed he was in trouble for shooting somebody. MSG (b)(6), (b)(7)(C) further stated that he had a human ear located in his quarters on a shelf.

About 1325, 25 Mar 08, SSG (b)(6), (b)(7)(C) rendered a sworn statement where in he witnessed MSG (b)(6), (b)(7)(C) shoot an unarmed Afghani male once in the chest, and what he believed was

ACLU DDII CID ROIS 36807

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0087

once in the head. MSG (b)(6), (b)(7)(C) a short time later, returned to the scene and cut off the man's ear. MSG (b)(6), (b)(7)(C) showed SSG (b)(6), (b)(7)(C) the ear. After returning a third time to the scene, MSG (b)(6), (b)(7)(C) placed the body in the front passenger seat of his vehicle and disposed of the body at a different location. MSG (b)(6), (b)(7)(C) kept the ear and a black scarf the victim was wearing.

About 1515, 25 Mar 08, SSG (b)(6), (b)(7)(C) rendered a sworn statement detailing he did not see MSG (b)(6), (b)(7)(C) shoot the victim but heard the shots from inside the vehicle. After SSG (b)(6), (b)(7)(C) heard the shots, MSG (b)(6), (b)(7)(C) returned to the vehicle, displayed an ear to SSG (b)(6), (b)(7)(C) and inferred he shot the victim.

Between 1557 and 1755, 26 Mar 08, (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted a recovery scene examination of Connex number nine, identified as MSG (b)(6), (b)(7)(C) assigned quarters.

Directly to the south of the desk and flush with the west wall was a shelving unit. Located on the second shelf amongst other items was what appeared to be a human ear, which was subsequently collected as evidence. Flush with the north wall was a single bed with mattress. On the bed were various items including a box, clothes, and other military equipment. A DCU blouse was located on top of the box and collected as evidence. A pair of DCU trousers was located in the bed and collected as evidence. Inside the back right pocket of the DCU trousers was a knife, which was collected as evidence. Located inside the right cargo pocket of the DCU trousers was what appeared to be human ear hair, which was collected as evidence. Also located on the bed was a white and black colored scarf that was collected as evidence. Located to the southwest of the bed on the floor was a pair of black gloves that were collected as evidence. Located to the east of the shelving unit was a pair of Oakley brand boots that were collected as evidence. Located on top of a bag adjacent to the east wall was an additional black and white colored scarf that was collected as evidence. All items of evidence were collected on an Evidence/Property Custody Document (EPCD).

Between 1640 and 1503, 27 Mar 08, (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted an examination of the vehicle driven by MSG (b)(6), (b)(7)(C) during the incident, identified as a Truck Utility, 4 x 4, W/E MMMWV, M1113, Serial Number 221849, Registration Number NG6B20. The vehicle was a standard four door up-armored HMMWV, with the exception that the passenger's door was missing. The examination focused on the passenger's side of the vehicle as that was the reported location of the victim.

ACLU DDII CID ROIS 36808

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0088

An examination of the passenger's side seat cushion revealed what appeared to be dried blood on the underside of the cushion and the base of the seat. SA (b)(6), (b)(7)(C) collected the seat cover as evidence and collected several swabs from the base of the seat as evidence. A search of the remainder of the vehicle with alternate and alternate light source failed to identify any other areas or items of evidentiary value.

At 1850, 28 Mar 08, SGT (b)(6), (b)(7)(C) rendered a sworn detailing his knowledge of the incident and how MSG (b)(6), (b)(7)(C) showed him the human ear.

3. In view of the foregoing, the affiant requests authorization to retrieve a sample of DNA from the inside MSG (b)(6), (b)(7)(C) mouth utilizing a swab. The sample of DNA will be compared to DNA samples taken from the aforementioned evidence.

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

Special Agent
Afghanistan CID Office
USACIDC, APO, AE 09354

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

(TYPED NAME AND ORGANIZATION OF AFFAIANT)

(SIGNATURE OF AFFAIANT)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 1st DAY OF
April 2008, AT BAF, Afghanistan

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

ACLU DDII CID ROIS 36809

0089

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ENCLOSURE

EVIDENCE/PROPERTY CUSTODY DOCUMENT

MPR/CID SEQUENCE NUMBER

0065-08-CID369

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

CRD REPORT/CID ROI NUMBER

43686

RECEIVING ACTIVITY Afghanistan CID Office, USACIDC		LOCATION Bagram Airfield, Afghanistan, APO, AE 09354	
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input checked="" type="checkbox"/> OWNER MSG (b)(6), (b)(7)(C) <input type="checkbox"/> OTHER		ADDRESS (Include Zip Code) C Co, 2 nd BN, 3 rd Special Forces Group, FB Robinson, Afghanistan, APO, AE 09314	
LOCATION FROM WHERE OBTAINED From the hands of MSG (b)(6), (b)(7)(C) while at Base Defense Operation Center, Camp Vance, Bagram Airfield, Afghanistan.		REASON OBTAINED EVIDENCE	TIME/DATE OBTAINED 1335/2 Apr 08

16

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>
1	2	Swab, white and brown in color, cotton and wood type materials, approximately 6" in size, containing DNA from the mouth of MSG (b)(6), (b)(7)(C). Placed in suitable container, sealed, and marked for ID 1335, 2 Apr 08 (b)(6), (b)(7)(C) Possible Biohazard //////////////////////////////////////LAST ITEM//////////////////////////////////////

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	2 Apr 08	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Evaluation as Evidence
1	2 Apr 08	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) SA	Release to Evidence Custodian SCREENI - MII
1	03 APR 2008	(b)(6), (b)(7)(C)	SIGNATURE RB 941 969 173 US NAME, GRADE OR TITLE REGISTERED MAIL	Forwarded to USACI via Registered Mail for examination
1	4/17/08	SIGNATURE RB 941 969 173 US NAME, GRADE OR TITLE REGISTERED MAIL	(b)(6), (b)(7)(C)	SCREENI Shipping Container
1	4/21/08	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Lab exams

DA FORM 4137 1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R, Privacy Act Statement 26 Sep 75 Which are Obsolete

ACLU DDII CID ROIS 36810

DOCUMENT NUMBER 049708

ACLU-RDI 5571

p.97

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0090 EXHIBIT

CHAIN OF CUSTODY (Continued)

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	16 May 08	(b)(6), (b)(7)(C)	SIGNATURE REGISTERED MAIL #	Returned to Submitter
			NAME, GRADE OR TITLE RE 330 959 593 US	
1	30 MAY 2008	RE 330 959 593 US	(b)(6), (b)(7)(C)	Returned from USACIL, via Registered Mail SRCM
		NAME, GRADE OR TITLE REGISTERED MAIL		
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

FINAL DISPOSITION ACTION

RELEASE TO OWNER OR OTHER (Name/Unit) _____
 DESTROY _____
 OTHER (Specify) _____

FINAL DISPOSITION AUTHORITY

ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____ (Grade)
 _____ (Name) _____ (Organization) (IS) (ARE) NO LONGER

REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If article(s) must be retained, do not sign, but explain in separate correspondence.)
 _____ (Typed/Printed Name, Grade, Title) _____ (Signature) _____ (Date)

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) _____ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE
 _____ (Typed/Printed Name, Organization) _____ (Signature)

ACLU DDII CID ROIS 36811

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~~LAW ENFORCEMENT SENSITIVE~~

FORENSIC LABORATORY EXAMINATION REQUEST											
<p>1. TO:</p> <p><input checked="" type="checkbox"/> Director USACIL 4930 N. 31st Street Forest Park, GA 30297-5205</p> <p><input type="checkbox"/> Other (Specify): Serology Division</p>	<p>2. FROM:</p> <p>Special Agent in Charge Afghanistan CID Office APO, AE 09354</p>	<p>4. EXAM PRIORITY</p> <p><input type="radio"/> ROUTINE <input checked="" type="radio"/> EXPEDITE</p> <p><input type="checkbox"/> Trial/Article 32/39A (*)</p> <p><input checked="" type="checkbox"/> Subject in pre-trial confinement</p> <p><input type="checkbox"/> Subject pending PCS/ Separation/Reenlist (*)</p> <p><input type="checkbox"/> Other (Specify in Block 13)</p> <p>*Date _____</p>	<p>5. LAB USE ONLY</p> <p>a. LAB CASE #</p> <hr/> <p>b. METHOD OF RECEIPT</p> <hr/> <p>c. RECEIVED BY/DATE</p>								
<p>6. SUBMITTING AGENCY CASE NUMBER</p> <p>0065-08-CID369-43686</p>		<p>7. TYPE OF OFFENSE</p> <p>Murder</p>									
<p>8. PREVIOUS EVIDENCE SUBMITTED</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">DATE:</td> <td style="width: 25%;">MAIL METHOD:</td> <td style="width: 25%;">LAB CASE #:</td> <td style="width: 25%;">SUSPECT(S):</td> </tr> <tr> <td>2008-04-02</td> <td>Registered Mail</td> <td>Unknown</td> <td>(b)(6), (b)(7)(C)</td> </tr> </table>				DATE:	MAIL METHOD:	LAB CASE #:	SUSPECT(S):	2008-04-02	Registered Mail	Unknown	(b)(6), (b)(7)(C)
DATE:	MAIL METHOD:	LAB CASE #:	SUSPECT(S):								
2008-04-02	Registered Mail	Unknown	(b)(6), (b)(7)(C)								
<p>9. SUSPECT(S) [Last, first and middle name(s)]</p> <p>(b)(6), (b)(7)(C)</p>		<p>10. VICTIM(S) [Last, first and middle name(s)]</p> <p>Unknown</p>									
<p>11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED (e.g., Summary of investigation, crime scene sketches/photographs, statements)</p> <p>Witnesses reported that during a mission the suspect shot and killed an unknown male. The suspect further mutilated the body by cutting off an ear. The body was then placed in the front passenger seat of a vehicle and disposed of. The suspect kept the ear and a black scarf worn by the victim. A search of the suspect's quarters revealed the following; a human ear, a black scarf, possible hairs related to victim, a knife possibly used, and clothing possibly worn during the commission of the crime. A search of the front passenger seat of the vehicle revealed the following: a seat cover with brownish red stains and swabs from the base of the seat containing an unknown substance.</p>											
12. EVIDENCE SUBMITTED											
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT										
16	Swabs (Item 1, voucher 049/08)										

03 APR 2008
REGISTERED
NO. 2B941919134

ACLU DDII CID ROIS.36812

12. EVIDENCE SUBMITTED (Continued)	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
<p>13. EXAMINATION(S) REQUESTED (Briefly furnish any information or instructions that might assist the laboratory in examining the evidence)</p> <p>DNA: examine exhibit 16 for possible DNA. If DNA found on exhibit 16, compare to any DNA found on all other exhibits.</p>	
<p>14.a. INVESTIGATOR AND ALTERNATE POC (Typed or Printed) (Mandatory Information)</p> <p>SA (b)(6), (b)(7)(C)</p> <p>Alt: SA (b)(6), (b)(7)(C)</p>	<p>b. TELEPHONE (Primary/Alt): (b)(6), (b)(7)(C)</p> <p>c. DSN (Primary/Alt): (b)(6), (b)(7)(C)</p> <p>d. Fax: N/A</p> <p>e. E-Mail: (b)(6), (b)(7)(C)@afghan.swa.army.mil</p>
<p>15. I CERTIFY EVIDENCE HAS NOT BEEN SUBMITTED TO ANOTHER LABORATORY FOR THE SAME EXAMINATION</p>	
<p>a. DATE</p> <p>2008-04-03</p>	<p>b. TYPED/PRINTED NAME OF REQUESTOR</p> <p>SA (b)(6), (b)(7)(C)</p> <p>c. SIGNATURE</p> <p>(b)(6), (b)(7)(C)</p>
	<p>d. TELEPHONE (Primary/Alt): (b)(6), (b)(7)(C)</p> <p>e. DSN (Primary/Alt): (b)(6), (b)(7)(C)</p> <p>f. Fax: N/A</p> <p>g. E-Mail: (b)(6), (b)(7)(C)@swa.army.mil</p>
<p>16. LAB USE ONLY</p> <p>LAB CASE #</p>	

DD FORM 2922 (BACK), JUL 2006

ACLU DDII CID ROIS 36813 0093

SWORN STATEMENT

File Number : 0065-08-CID369-43686
Location : Kabul Military Hospital, Kabul, Afghanistan
Date : April 10, 2008 (b)(6), (b)(7)(C)
Time : 11:37 (b)(6), (b)(7)(C)
Statement of : (b)(6), (b)(7)(C)
Grade/Status : CIV
SSN : N/A
Org/Address : IMS, Inc., Kandahar, Afghanistan, ODA 3232, C Co, 2nd
 BN, 3rd SFG (A), APO, AE 09314

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

About 5 Mar 08, I was on a mission with ODA 3232 as the team interpreter. I was riding in MSG (b)(6), (b)(7)(C) truck with (b)(6), (b)(7)(C) as gunner, (b)(6), (b)(7)(C) as the driver, MSG (b)(6), (b)(7)(C) as the TC, and one ANA soldier in the back with me. We were returning to Forward Operating Base Robinson from Fire Base Price as escorts for 20 or 25 local commercial transport (Jinga) trucks. On the way back to FOB Robinson, most of the trucks got stuck in a wadi and had to be towed out. MSG (b)(6), (b)(7)(C) had our truck move out to Highway 611 to pull security. I was monitoring the ICOM chatter and there was radio chatter about the Jinga trucks being stuck in the sand. The voices said they were near the fuel station and they could see the Jinga trucks stuck in the sand. MSG (b)(6), (b)(7)(C) had our truck and another truck move up to Highway 611 and we pulled over two trucks and searched everyone in the trucks. MSG (b)(6), (b)(7)(C) had them take out their cell phones and inspect the cell phones for phone numbers and names. One cell phone had a picture of a PKM rifle on the main screen. This cell phone belonged to a young man who looked about 18 years old. The young man had black hair and eyes and was very skinny. He had a little bit of facial hair on his cheeks and was wearing a black turban and black Afghani clothes. MSG (b)(6), (b)(7)(C) asked the young man where he was coming from and where he was going to. The young man told MSG (b)(6), (b)(7)(C) that he was traveling with mother and sister and they were coming from Lashkarga on their way to his brother's wedding in Sangen DC. MSG (b)(6), (b)(7)(C) told the other people to leave but he kept the young man and his cell phone. After the trucks left, MSG (b)(6), (b)(7)(C) had the young man stand on the back step of our vehicle and we drove back towards the wadi where the Jinga trucks were stuck. After about 200 or 300 meters, MSG (b)(6), (b)(7)(C) stopped the truck and told me and the young man to get out. We moved around behind the truck and MSG (b)(6), (b)(7)(C) asked the young man some questions. I was standing next to MSG (b)(6), (b)(7)(C) and the boy was standing in front of us. MSG (b)(6), (b)(7)(C) asked the young man again where he was from and where he was going. The young man replied with the same answer as before. MSG (b)(6), (b)(7)(C) asked him if he saw the Taliban on Highway 611. The young man answered that he didn't see any Taliban. MSG (b)(6), (b)(7)(C) then got very serious and I got scared and then MSG (b)(6), (b)(7)(C) shot the young man in the chest with his rifle, which looked like an M16 but I am not sure exactly what type of weapon it was. After the young man fell to the ground, he shot him again in the chest. I looked at the young man laying on the ground and could see that his eyes had rolled back and he was not breathing or moving. I believe he was dead. MSG (b)(6), (b)(7)(C) then said "Let's go." We got back in the vehicle and returned to the wadi where the trucks were stuck. MSG (b)(6), (b)(7)(C) then showed the cell phone to (b)(6), (b)(7)(C) an interpreter who was with the vehicles at the wadi. MSG (b)(6), (b)(7)(C) then came back to me and showed me the cell phone and asked me what the Arabic phrase was that was on the phone. I told him that it was "Al Qaimat". He asked me what that means and I told him it means "menu." MSG (b)(6), (b)(7)(C) told me that I was wrong and that it means "Al Qaeda." He told me that (b)(6), (b)(7)(C) told him (b)(6), (b)(7)(C)

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

ACLU DDII CID ROIS 36814 0094

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ACLU-RDI 5571 p.101

EXHIBIT

STATEMENT OF: (b)(6), (b)(7)(C) TAKEN AT: Kabul Military Hospital; DATED: April 10, 2008 CONTINUED.

that it means Al Qaeda and that I didn't know how to speak Arabic. 10 or 15 minutes later, I asked (b)(6), (b)(7)(C) if he knows what the word means and he said that he knows it is Al Qaima but that he didn't know what it means. I told him that MSG (b)(6), (b)(7)(C) said he translated it as "Al Qaeda" and (b)(6), (b)(7)(C) told me that he never said that. (b)(6), (b)(7)(C) told me that he told MSG (b)(6), (b)(7)(C) that the word is "Al Qaima" but that he didn't know what it means. After being at the wadi for about 20 minutes, MSG (b)(6), (b)(7)(C) had us drive back out to the place where the body was laying. MSG (b)(6), (b)(7)(C) told SSG (b)(6), (b)(7)(C) to stop the truck about 100 meters from the body. I saw MSG (b)(6), (b)(7)(C) pull something from his side but could not see what he did. I heard SSG (b)(6), (b)(7)(C) tell SSG (b)(6), (b)(7)(C) that MSG (b)(6), (b)(7)(C) had pulled his knife from his vest but I don't know what he did with the knife. MSG (b)(6), (b)(7)(C) leaned over the body and was busy for a minute or two. When he returned to the vehicle, he was carrying the young man's turban back in his left hand. MSG (b)(6), (b)(7)(C) got back in the truck and we returned to our same position at the wadi. I got out of the truck and help coordinate with the team and the drivers of the jinga trucks. I would translate between the drivers and the team members. One fuel truck was stuck in the sand and could not be towed or pulled out so they blew it up. After they blew up the fuel truck we drove back to FOB Robinson. Nothing happened after we got back to FOB Robinson.

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

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

Q: What is an ICOM?

A: It is a hand held radio.

Q: Why were you scared when MSG (b)(6), (b)(7)(C) got serious?

A: He stopped for a second and stared at the sky then his eyes were really red, like he was drunk and then he was very serious. He then shot the boy.

Q: Did the boy ever threaten or attack MSG (b)(6), (b)(7)(C) in any way?

A: No. He did not say or do anything threatening.

Q: Did you tell anybody about the incident?

A: No.

Q: Had MSG (b)(6), (b)(7)(C) ever done anything like this before?

A: No.

Q: Other than combat, had MSG (b)(6), (b)(7)(C) ever acted violent toward anybody before?

A: Two or three times (b)(6), (b)(7)(C) hit people that were just civilians.

Q: When MSG (b)(6), (b)(7)(C) hit the people were they threatening him in any way?

A: No.

Q: Do you understand that this is a typed written account of your verbal statement?

A: Yes.

Q: Are the typed answers an accurate account of your answers to my questions?

A: Yes.

Q: How were you treated during this interview?

A: Good.

Q: Were allowed to take breaks as need?

A: Yes.

Q: Are you on any medication?

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

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

ACLU DDII CID ROIS 36815

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0095

STATEMENT OF: (b)(6), (b)(7)(C) TAKEN AT: Kabul Military Hospital; DATED: April 10, 2008 CONTINUED.

A: No.

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

A: No, nothing.///END OF STATEMENT/// (b)(6), (b)(7)(C)

(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 36816 8096

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STATEMENT OF: (b)(6), (b)(7)(C) TAKEN AT: Kabul Military Hospital; DATED: April 10, 2008 CONTINUED.

AFFIDAVIT

I, (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 (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 UNLAWFUL INDUCEMENT.

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

Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this April 10, 2008, at Kabul Military Hospital, Kabul, Afghanistan

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

(Signature of Person Administering Oath)

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

SPECIAL AGENT

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

WITNESS:

WITNESS:

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

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT

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

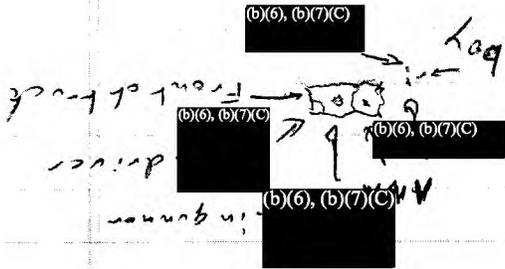
PAGE 4 OF 4 PAGES

ACLU DDII CID ROIS 36817

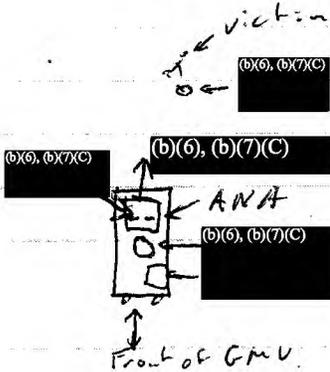
0097

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1. (b)(6), (b)(7)(C) " Mr. (b)(6), (b)(7)(C) 10 Apr 08 0915
Location at time of incident
Sketch by (b)(6), (b)(7)(C) Labeled by SA (b)(6), (b)(7)(C)



2nd time sketch by SA (b)(6), (b)(7)(C) - 10 Apr 08 0950
Location upon returning to scene a 2nd time per Mr. (b)(6), (b)(7)(C)



ACLU DDII CID ROIS 36818 0098

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0065-08-CID369-43686

PAGE 1 OF 1 PAGES

DETAILS:

About 1315, 21 Apr 08, SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) a Soldier in the Afghanistan National Army, through an interpreter fluent in Dari, Mr. (b)(6), (b)(7)(C) DOD Contractor, SMI Global Mission, Kandahar, Afghanistan, who rendered a sworn statement where in he witnessed MSG (b)(6), (b)(7)(C) shoot an unarmed Afghani male twice. Mr. (b)(6), (b)(7)(C) provided a sketch of the incident.

About 1115, 22 Apr 08, SA (b)(6), (b)(7)(C) re-interviewed Mr. (b)(6), (b)(7)(C) with Mr. (b)(6), (b)(7)(C) interpreting. Mr. (b)(6), (b)(7)(C) related he assumed the victim was from Gareshg because he heard the group mention Gareshg several times. Mr. (b)(6), (b)(7)(C) did not see who or if the body was moved or disposed of. Mr. (b)(6), (b)(7)(C) was shown a 9mm pistol, AK-47 rifle and M-4 rifle. Mr. (b)(6), (b)(7)(C) indicated the type of weapon MSG (b)(6), (b)(7)(C) used to shoot the victim was an M-4 rifle.

About 1945, 26 Apr 08, SA (b)(6), (b)(7)(C) collected as evidence a cellular phone believed to be victim's from SFC (b)(6), (b)(7)(C) C Co., 2nd BN, 3rd SFG, ODA 3332 and documented the collection of the phone on a EPCD. SFC (b)(6), (b)(7)(C) collected the phone from a shelf in the living quarters of SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) CJSOTF-A, TF 71, FOB Robinson. SA (b)(6), (b)(7)(C) exposed photographs using a Cannon Powershot SD400 digital camera, which were incorporated into a photographic packet

About 1200, 27 Apr 08, SA (b)(6), (b)(7)(C) re-interviewed Mr. (b)(6), (b)(7)(C) who was shown a cellular phone believed to belong to the victim. Mr. (b)(6), (b)(7)(C) indicated the phone was the one MSG (b)(6), (b)(7)(C) had taken from the victim.

About 1130, 30 Apr 08, SA (b)(6), (b)(7)(C) received the Final Report, Case Number 2008-CID131-0709, from Trace Evidence Branch, US Army Criminal Investigation Laboratory (USACIL). None of the fibers were present in sufficient quantity and/or type to attribute any potential significance to them without a source for comparison.

About 2008, 30 Apr 08, SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C), Military Magistrate, CJTF-82, BAF, and provided an affidavit documenting the details of this investigation and requested a search authorization for a cellular phone believe to belong to the victim. CPT (b)(6), (b)(7)(C) authorized the search of the phone to ascertain the identity of the victim.

About 1600, 2 May 08, Mr. (b)(6), (b)(7)(C) translated and recorded data contained on a cellular phone believed to belong to the victim. Translation indicated a number possibly belonging to the uncle of the victim. ///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

Afghanistan CID Detachment
Bagram Airfield, APO AE 09354

SIGNATURE

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

DATE

2 May 08

EXHIBIT

AGLU DDII CID ROIS 36819

SWORN STATEMENT

File Number : 0065-08-CID369-43686
 Location : Kandahar Airfield, Afghanistan
 Date : April 21, 2008 (b)(6), (b)(7)(C)
 Time : 6:30pm (b)(6), (b)(7)(C)
 Statement of : (b)(6), (b)(7)(C)
 Grade/Status : N/A
 SSN : N/A
 Org/Address : Afghani National Army, ODA 3232, C Co, 2nd BN, 3rd SFG
 (A), FOB Robinson, Afghanistan, APO, AE 09314

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

About Mar 08, I was on a mission with US Army. I was riding in a truck with a US Soldier named (b)(6), (b)(7)(C) two other US Army Soldiers and an interpreter in the back with me. We were returning to Forward Operating Base Robinson, Sangen from Fire Base Price as escorts for local commercial transport (Jinga) trucks. On the way back to FOB Robinson, most of the trucks got stuck in a wadi and had to be unstuck (b)(6), (b)(7)(C) and our truck move out to pull security. We saw a pickup truck going fast and carrying a lot of people going in the direction of Sangen. We thought this activity was suspicious and they maybe Taliban (b)(6), (b)(7)(C) and our truck go after and pull over the truck by firing two warning shots. We followed the truck until it stopped (b)(6), (b)(7)(C) had me search everyone in the truck and the US Soldiers searched the truck. The truck had six males and two females. The US Soldiers could not find anything in the truck or on the people. The US Soldiers held on to a 18 to 19 year old boy. They let the pickup truck go and brought the boy back about 200 meters from where we stopped the truck. While the other US Soldiers were in the truck (b)(6), (b)(7)(C) questioned the boy through the interpreter. They questioned the boy in Pashto. I do not speak Pashto and did not understand what they were saying (b)(6), (b)(7)(C) shot the boy, I believe once in the stomach and once in the chest. I asked the interpreter what was going on and why (b)(6), (b)(7)(C) killed the boy. The interpreter did not answer me. The boy had a black turban on, was about 5' 6", and slim. We were about 300 meters from the main group when (b)(6), (b)(7)(C) shot the boy. We went back to the group and the US Soldier dropped me and the interpreter off. The three US Soldiers returned to the same spot where the boy was shot and (b)(6), (b)(7)(C) returned with a black turban. We stayed another one to two hours more getting the trucks unstuck and returned to FOB Robinson. We had to blow up one of the trucks because we could not get it unstuck. I do not know the names of the other two US Soldiers or the interpreter.

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

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

Q: What did you look for when searching the people?

A: Weapons. If they have weapons they maybe Taliban.

Q: Have you worked with (b)(6), (b)(7)(C) before and if so, how many times and for how long?

A: That was my first time.

Q: How far away was the main body?

A: About three hundred meters.

Q: Did you or the US Soldiers find anything on the people or in the truck?

A: No.

Q: Did anyone in the group of Afghani locals say anything about Al Qaeda, the Taliban, or other group of this type?

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE (b)(6), (b)(7)(C) 4 (b)(6), (b)(7)(C)

ACLU DDII CID ROIS 36820

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8100

STATEMENT OF: (b)(6), (b)(7)(C) TAKEN AT: Kandahar Airfield, Afghanistan; DATED: April 21, 2008
CONTINUED.

A: No, I did not hear anything.

Q: Did anyone say anything about the victim being associated with Al Qaeda, the Taliban, or other group of this type?

A: No, I did not see that. They spoke a lot but I did not understand.

Q: Did the group or victim do or say anything to make you think they were associated with Al Qaeda, the Taliban, or other group of this type?

A: No, I did not see or hear anything.

Q: Did the group or victim have anything that made you think they were apart of Al Qaeda, the Taliban, or other group of this type?

A: No.

Q: Did you see the victim's cellular phone?

A: I saw (b)(6), (b)(7)(C) with a Nokia cell phone with flash light on top.

Q: Where did (b)(6), (b)(7)(C) get the cell phone?

A: I do not know. I saw him showing it to the other US Soldiers after he shot the man.

Q: How do you know the phone was a Nokia?

A: I have seen them and I am familiar with them.

Q: Did you see what was on the phone?

A: No, I did not get close to it.

Q: What was (b)(6), (b)(7)(C) wearing?

A: A US Army uniform, not the new pattern but the older pattern brown and tan, with a helmet and a scarf around his neck.

Q: Can you describe the victim?

A: Shorter than me, slim, very light mustache, very slim face.

Q: Can you identify the victim?

A: I think he was from Gareshg in the Helmand Province.

Q: Did the boy ever threaten or attack (b)(6), (b)(7)(C) anybody else in any way?

A: No, they were talking normally and had no argument. I did not see anything or him do anything to make (b)(6), (b)(7)(C) mad.

Q: What did (b)(6), (b)(7)(C) say to the victim?

A: No. *I did not understand what (b)(6), (b)(7)(C) said.* (b)(6), (b)(7)(C)

Q: What did the victim say to (b)(6), (b)(7)(C)?

A: No. *I did not understand what the boy said to (b)(6), (b)(7)(C)*

Q: How many times and where did (b)(6), (b)(7)(C) shoot the victim?

A: The first time I see the boy standing and weapon was at his stomach. The second time the boy was on the ground and the weapon was pointed at his chest.

Q: What type of weapon did (b)(6), (b)(7)(C) shoot the victim with?

A: An American rifle.

Q: Could you see that the victim was dead?

A: The first time he shot the boy; he fell and did not move or breath. The second shot I believe was to make sure he was dead and the boy did not move.

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT _____ AGE 27 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

STATEMENT OF: (b)(6), (b)(7)(C) TAKEN AT: Kandahar Airfield, Afghanistan; DATED: April 21, 2008
CONTINUED.

Q: Did you go back the second time (b)(6), (b)(7)(C) went to the scene?
A: No.
Q: Did (b)(6), (b)(7)(C) see what (b)(6), (b)(7)(C) did to the body?
A: I saw (b)(6), (b)(7)(C) put his hand on the boy's chest right after he shot him. Nothing else.
Q: Did you see (b)(6), (b)(7)(C) use his knife to poke the eye of or cut off the ear of the victim?
A: No.
Q: Did you see (b)(6), (b)(7)(C) take anything off the victim and if so, what was it?
A: No.
Q: Did you tell anybody about the incident?
A: No.
Q: Did Joe say anything to you about the incident?
A: No, that was first and last time I saw (b)(6), (b)(7)(C)
Q: Did (b)(6), (b)(7)(C) say anything to your commander or anyone else about the incident?
A: I do not know.
Q: Did anybody talk to you about the incident?
A: No.
Q: What do you think about this incident?
A: I was thinking that the boy was suspicious and possibly Taliban.
Q: Do you think (b)(6), (b)(7)(C) thought this way?
A: I think so because that is what I thought.
Q: What made you think the boy was Taliban?
A: Because of my experience, I have been on many of these missions; the Taliban is always around us, in front and behind reporting on us.
Q: Had (b)(6), (b)(7)(C) ever done anything like this before?
A: No.
Q: During the time you worked with (b)(6), (b)(7)(C) was (b)(6), (b)(7)(C) ever violent toward anybody else?
A: Yes, one driver tried to pass another truck on a hill and the engine stopped (b)(6), (b)(7)(C) yelled at the driver and kicked him in his leg.
Q: Do you understand that this is a typed written account of your verbal statement?
A: Yes.
Q: Are the typed answers an accurate account of your answers to my questions?
A: Yes.
Q: How were you treated during this interview?
A: I liked the way I was treated.
Q: Were allowed to take breaks as need?
A: Yes.
Q: Is there anything you would like to add to this statement?
A: No, nothing.///END OF STATEMENT// (b)(6), (b)(7)(C)

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 3 (b)(6), (b)(7)(C) 4 (b)(6), (b)(7)(C)

STATEMENT OF: (b)(6), (b)(7)(C) TAKEN AT: Kandahar Airfield, Afghanistan; DATED: April 21, 2008
CONTINUED.

AFFIDAVIT

I, (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 (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 UNLAWFUL INDUCEMENT.

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

(statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this April 21, 2008, at Kandahar Airfield, Afghanistan.

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

(Signature of Person Administering Oath)

SPECIAL AGENT (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

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

WITNESS:

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 4 (b)(6), (b)(7)(C)

ACLU DDII CID ROIS 36823

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0103

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ACLU DDII CID ROIS 36824 0105

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

21/4/08

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

time 13/30
Translation

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

Transliteration Dari To English

the same spot us Army scout towis I believe one
is stomuk one is chast he had black torben
That's all I remember he's around ^{tall} 5'6 slim
and start driving back to join with group our
group is 300 m away from has we get to the
group an 3 us Army drop me and the Torpe
The went back same spot was hapen in came
back with hes torben whis was black torben

Transilate (Torp) he's a witness all so. I dont know
is name after week in an the road sid pam b hes
was injerd hes in vaction right now almost 20
day I dont know hes come back or not

and the person who should is name is (b)(6), (b)(7)(C) I believe
hes in jail

ACLU DDII CID ROIS 36828 0108

we are going to sangin with odc we get the. The point
we stack I was with 3 U.S. Army t. trip in side
_{in ground.}
all our group was standing we saw a pickup truck
going fast and caring a lot of people ^{in back} driving to

> Sangen we was worry we think they are Taliban
with ~~very~~ very fast speed. driving
we are start driving that side u.s. Army shout
to wiss the pick up truck dosent stop we keep follow
him until they stop us Army told me to serch people
and us Army serch The ^{pick} truck in side. The
The truck 6 mail and 2 fuel They cant find.
find anythink from truck U.S Army hold on of the
guys. who he's. between 18-19 years old
let the pick up truck go us Army bring The person
200 m back asking questing in pashto I dont
know what they are saying I ask for Torp what's
is going on has not answering me

ACLU DDII CID ROIS 36829 109



PHOTOGRAPH PACKET



NUMBER

DESCRIPTION OF PHOTOGRAPHS

- 1 Cell phone with scale.
- 2 Cell phone.
- 3 Display scene in Arabic.
- 4 Display scene in Arabic.
- 5 Display scene in Arabic.
- 6 Display scene in English.
- 7 Display scene in English.
- 8 Display scene in English.

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ACLU DDII CID ROIS 36830

EXHIBIT

30

0110

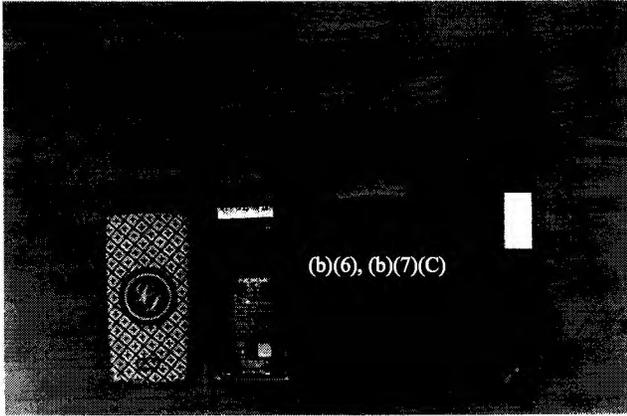


PHOTO #1

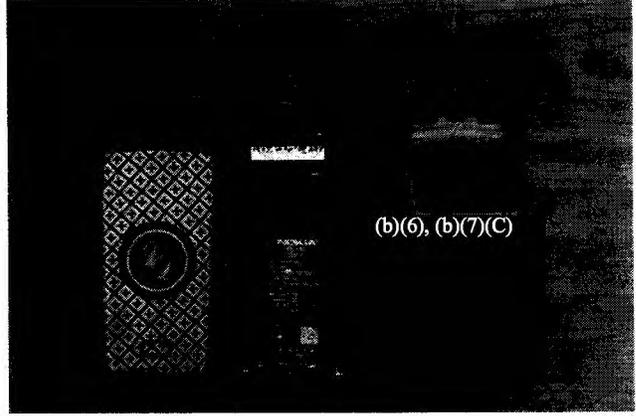


PHOTO #2

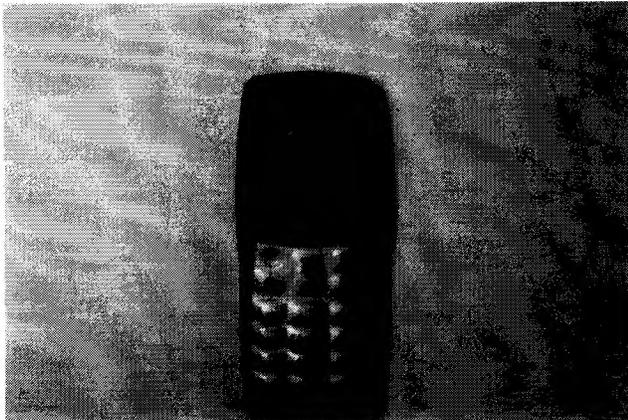


PHOTO #3

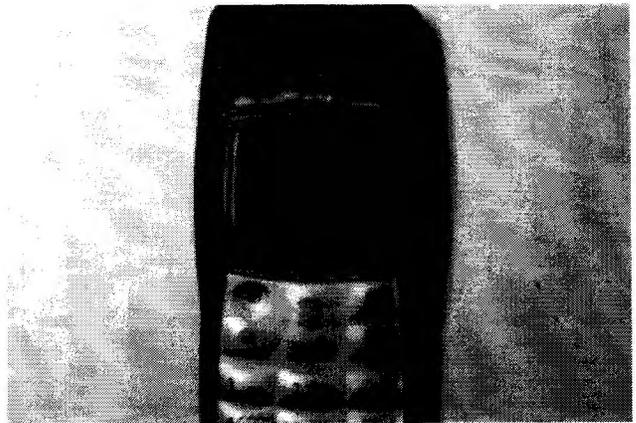


PHOTO #4

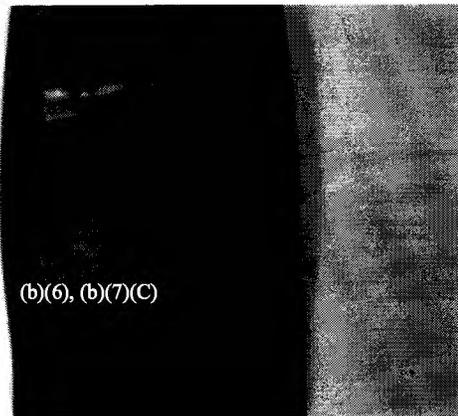


PHOTO #5

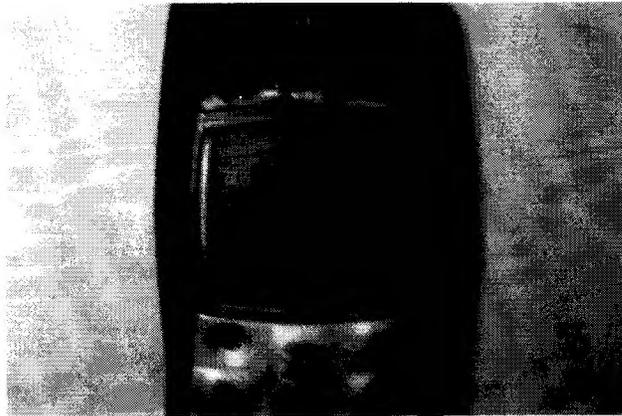


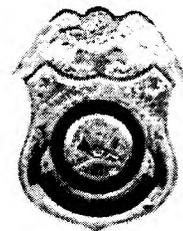
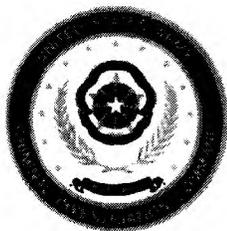
PHOTO #6



PHOTO #7



PHOTO #8



0065-08-CID369-43686

COMPACT DISC CONTAINING ALL
ORIGINAL IMAGES OF RECOVERY
SCENES AND EVIDENCE.



ACLU DDII CID ROIS 36834

114



ACLU DDII CID ROIS 36835

115



ACLU DDII CID ROIS 36836

116



ACLU DDII CID ROIS 36837

117



ACLU DDII CID ROIS 36838

118



ACLU DDII CID ROIS 36839

119



ACLU DDII CID ROIS 36840

120



ACLU DDII CID ROIS 36841

121



ACLU DDII CID ROIS 36842

122



ACLU DDII CID ROIS 36843

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER

0065-08-CID369

CRD REPORT/CID ROI NUMBER

43686

RECEIVING ACTIVITY
Afghanistan CID Office, USACIDC

LOCATION
APO AE 09354

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED
 OWNER
 OTHER SFC (b)(6), (b)(7)(C)

ADDRESS (Include Zip Code)
ODA 3332, C Co, 3rd BN, 3rd Special Forces Group, FOB Robinson, Afghanistan, APO, AE 09314

LOCATION FROM WHERE OBTAINED
From (b)(6), (b)(7)(C) while at SOTF-32, Kandahar Airfield, Afghanistan.

REASON OBTAINED
EVIDENCE

TIME/DATE OBTAINED
1945 / 26 Apr 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>
1	1	Cellular phone, Nokia brand, Model 1100, blue, gray, silver, red and white in color, plastic, and metal type materials, approximately 4" X 2" X 1/2" in size, with bar code number 35939800/567328/5, appears to be missing the ear piece cover and the battery cover depicts in script type writing "LD". The phone has a Nokia battery, gray, black, gold, and white in color, plastic and metal type materials, model number BL-5C, and a number 0670400363563 N143223109052. The phone has a Roshan SIM card, blue, white, red, black, and gold in color, plastic and metal type materials, has a number 8993 2002 0000 6287 066. All items are used, very scratched, and very dirty in condition. All items marked for ID with 1945/26 Apr 08/ (b)(6), (b)(7)(C)
///////	//////////	//////////////////////////////////////LAST ITEM//////////////////////////////////////

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-1	26 Apr 08	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Evaluation as Evidence
1-1	28 Apr 08	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Released to Evidence Custodian
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

ACLU DDII CID ROIS 36844 0124

DA FORM 4137

Replaces DA FORM 4137, 1 Aug 74 and

ACLU-RDI 5571 p 128

DA FORM 4137-R, Privacy Act Statement 28 Sep 75 Which are Obsolete

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DOCUMENT NUMBER

067708

EXHIBIT

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22 April 2008

INTERIM LABORATORY EXHIBIT LISTING

SUBJECT: USACIL Case Number 2008-CID131-0709/A1
Submitter Case Number 0065-08-CID369-43686

EXHIBITS:

- 1 - Ear (Item 1, Doc 043-08).
- 2 - Pants (Item 2, Doc 043-08).
- 3 - Knife (Item 3, Doc 043-08).
- 4 - Hairs (Item 4, Doc 043-08).
- 5 - Gloves (Item 5, Doc 043-08).
- 6 - Scarf (Item 1, Doc 044-08).
- 7 - Coat (Item 2, Doc 044-08).
- 8 - Boots (Item 3, Doc 044-08).
- 9 - Scarf (Item 4, Doc 044-08).
- 10 - Seat cover (Item 1, Doc 045-08).
- 11 - Swab (Item 2, Doc 045-08).
- 12 - Swab (Item 3, Doc 045-08).
- 13 - Swab (Item 4, Doc 045-08).
- 14 - Swab (Item 5, Doc 045-08).
- 15 - Scarf (Item 1, Doc 046-08).
- 16 - Swab (Item 1, Doc 049-08).

ACLU DDII CID ROIS 36845 0125

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1 of 1



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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-TE

21 April 2008

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, AFGHANISTAN CID OFFICE,
BAGRAM AIR FIELD, APO AE 09354

SUBJECT: Trace Evidence Branch - Final Report
USACIL Case Number 2008-CID131-0709
Submitter Case Number 0065-08-CID369-43686

EXHIBITS:

- 2 - Pants (Item 2, Doc 043-08).
- 3 - Knife (Item 3, Doc 043-08).
- 5 - Gloves (Item 5, Doc 043-08).
- 6 - Scarf (Item 1, Doc 044-08).
- 7 - Coat (Item 2, Doc 044-08).
- 9 - Scarf (Item 4, Doc 044-08).
- 10 - Seat cover (Item 1, Doc 045-08).
- 15 - Scarf (Item 1, Doc 046-08).

FINDINGS:

1. Foreign fibers and miscellaneous debris were collected from Exhibits 2, 5, 6, 7, 9, 10, and 15. Foreign fibers were collected from Exhibit 3. None of the fibers were present in sufficient quantity and/or type to attribute any potential significance to them without a possible source for comparison purposes. If a possible source(s) for these foreign fibers becomes available and that source is pertinent to the case, please resubmit these exhibits along with the possible source(s) for fiber comparisons. Hairs were collected from Exhibits 2, 6, 7, 9, and 10. No judgment as to the suitability of these hairs for examination has been made. No hairs were observed on Exhibits 3, 5, or 15.



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

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1 of 2

ACLU DDII CID ROIS 36846 0126

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CILA-TE

SUBJECT: Trace Evidence Branch - Final Report
USACIL Case Number 2008-CID131-0709
Submitter Case Number 0065-08-CID369-43686

2. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110/4612/4613/4614, Commercial (404) 469-7082/7109/7110.4612/4613/4614, Fax DSN 797-4615, or Email: usacil@conus.army.mil.

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


Forensic Chemist

ACLU DDII CID ROIS 36847

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2 of 2 0127

SEARCH AND SEIZURE AUTHORIZATION

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: *(Name and Organization of the person to whom authorization is given)*
(b)(6), (b)(7)(C) Afghanistan CID Office, APO, AE 09354

(An affidavit) (A sworn) or (unsworn) oral statement) having been made before me by (b)(6), (b)(7)(C) of _____
(Name of Affiant)

Afghanistan CID Office, APO AE, 09354
(Organization or Address of Affiant)

(which affidavit is attached hereto and made a part of this authorization), and as I am satisfied that there is probable cause to believe that the matters mentioned in the affidavit are true and correct, that the offense set forth therein has been committed, and that the property to be seized is located *(on the person) (at the place)* to be searched, you are hereby ordered to search the *(person) (place)* known as

Nokia Cellular Phone, bar number 35939800/567328/5

for the property described as information to ascertain the identity of the victim

bringing this order to the attention of the *(person searched) (person in possession, if any person be found at the place or on the premises searched)*. The search will be made in the *(daytime) (nighttime)*, and if the property is found there, you shall seize it, issue a receipt therefor to the person from whom the property is taken or in whose possession the property is found, deliver the property to:

Afghanistan CID Office
(Name and Organization of Authorized Custodian)

and prepare a written inventory of the property. If there is no person at the searched place to whom the receipt may be delivered, the receipt will be left in a conspicuous location at the place or on the premises where the property is found.

Dated this 30 day of April, 2008

TYPED NAME AND GRADE OF AUTHORIZING OFFICIAL
(b)(6), (b)(7)(C) CPT, JA

DUTY POSITION OF AUTHORIZING OFFICIAL
Military Magistrate

ORGANIZATION OF AUTHORIZING OFFICIAL
CJTF-82 OSJA
Bagram Air Field, Afghanistan

(b)(6), (b)(7)(C) _____ CIAL

ACLU DDII CID ROIS 36848

**AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION
TO SEARCH AND SEIZE OR APPREHEND**

For use of this form, see AR 27-10; the proponent agency is
TJAG

BEFORE COMPLETING THIS FORM, SEE INSTRUCTIONS ON PAGE 2

1. I, (b)(6), (b)(7)(C) Afghan CID Office, APO, AE 09354
(Name) (Organization or Address)

Having been duly sworn, on oath depose and state that:

A preliminary investigation conducted under Report of Investigation 0065-08-CID369-43686, identified MSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Operational Detachment A 3232 (ODA 3232), C Co, 2nd BN, 3rd Special Forces Group (SFG), FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314, as being suspected of murder of an Afghani National.

2. The affiant further states that:

About 1325, 25 Mar 08, SSG (b)(6), (b)(7)(C) ODA 3232, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314, rendered a sworn statement where in he witnessed MSG (b)(6), (b)(7)(C) shoot an unarmed Afghani male once in the chest, and what he believed was once in the head. MSG (b)(6), (b)(7)(C) separated the victim from a group of Afghanis due to the victim's cellular phone. MSG (b)(6), (b)(7)(C) believed the victim was Taliban because the phone had a pkm rifle as a screen saver. MSG (b)(6), (b)(7)(C) questioned the victim extensively, through an interpreter, regarding the phone and his involvement with the Taliban before he shot the victim.

About 1515, 25 Mar 08, SSG (b)(6), (b)(7)(C) ODA 3232, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314, rendered a sworn statement detailing he did not see MSG (b)(6), (b)(7)(C) shoot the victim but heard the shots from inside the vehicle. After SSG (b)(6), (b)(7)(C) heard the shots, MSG (b)(6), (b)(7)(C) returned to the vehicle, displayed an ear to SSG (b)(6), (b)(7)(C) and inferred he shot the victim. MSG (b)(6), (b)(7)(C) separated the victim from a group of Afghanis due to the victim's cellular phone which had a pkm rifle as a screen saver.

About 1055, 26 Mar 08, SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) ODA 3232, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314. SFC (b)(6), (b)(7)(C) was not on the mission when the incident occurred. MSG (b)(6), (b)(7)(C) gave SFC (b)(6), (b)(7)(C) a cellular phone two days after the mission and stated he had taken the phone from a man he

ACLU DDII CID ROIS 36849

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0129

shot in the desert. MSG (b)(6), (b)(7)(C) further stated that the man was Taliban and he believed the words "Al Qaida", in Arabic, were on the display screen of the phone.

About 1315, 30 Mar 08, SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) aka (b)(6), (b)(7)(C) interpreter, International Management Service, Kandahar, Afghanistan. Mr. (b)(6), (b)(7)(C) was on the mission when the incident occurred. MSG (b)(6), (b)(7)(C) showed Mr. (b)(6), (b)(7)(C) a cellular phone and asked him to translate the words on the display. Mr. (b)(6), (b)(7)(C) informed MSG (b)(6), (b)(7)(C) the words were "al qaima" which meant menu. Mr. (b)(6), (b)(7)(C) clarified the pronunciation and the meaning of "al qaima" several times but MSG (b)(6), (b)(7)(C) repeated it as "Al Qaida". Some time later during the mission, Mr. (b)(6), (b)(7)(C) aka (b)(6), (b)(7)(C) interpreter, International Management Service, Kandahar, Afghanistan, attempted to tell Mr. (b)(6), (b)(7)(C) something but MSG (b)(6), (b)(7)(C) told him to be quiet. Mr. (b)(6), (b)(7)(C) appeared to be very upset and worried but said nothing further. Mr. (b)(6), (b)(7)(C) had no further knowledge of the incident.

About 0840, 10 Apr 08, SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) who rendered a sworn statement where in he witnessed MSG (b)(6), (b)(7)(C) shoot an unarmed Afghani male twice in the chest. MSG (b)(6), (b)(7)(C) believed the victim was Taliban because the victim's cellular phone had a pkm rifle as a screen saver. MSG (b)(6), (b)(7)(C) questioned the victim extensively, through Mr. (b)(6), (b)(7)(C), regarding the phone and his involvement with the Taliban before he shot him.

About 1945, 26 Apr 08, SA (b)(6), (b)(7)(C) collected as evidence a cellular phone believed to be victim's from SFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) ODA 3332, C Co, 2nd BN, 3rd SFG, FOB Robinson, Helmand Province, Afghanistan, APO, AE 09314. The phone was a Nokia brand, Model 1100, blue, gray, silver, red and white in color, plastic, and metal type materials, approximately 4" X 2" X 1/2", with bar code number 35939800/567328/5, appears to be missing the ear piece cover and the battery cover depicts in script type writing "LD".

About 1200, 27 Apr 08, SA (b)(6), (b)(7)(C) re-interviewed Mr. (b)(6), (b)(7)(C) who was shown the cellular phone believed to belong to the victim. The phone had a pkm rifle as a screen saver. Mr. (b)(6), (b)(7)(C) indicated the phone was the one MSG (b)(6), (b)(7)(C) had taken from the victim.

ACLU DDII CID ROIS 36850 130

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3. In view of the foregoing, the affiant requests authorization to search the Nokia cellular phone, bar code number 35939800/567328/5 for information ascertain the identity of the victim.

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

Special Agent
Afghanistan CID Office
USACIDC, APO, AE 09354

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

(TYPED NAME AND ORGANIZATION OF AFFAIANT)

(SIGNATURE OF AFFAIANT)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30th DAY OF April
2008, AT Bagram Airfield, Afghanistan

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

ACLU DDII CID ROIS 36851 0131

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0065-08-CID369-43686

PAGE 1 OF 1 PAGES

DETAILS:

About 1600, 17 May 08, Mr (b)(6), (b)(7)(C) called the contact numbers contained on a cellular phone believed to belong to the victim. Mr (b)(6), (b)(7)(C) was unable to identify the victim.

About 0930, 27 May 08, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) who rendered a sworn statement relating he received a cellular phone soon after the incident under investigation occurred. SGT (b)(6), (b)(7)(C) was shown a phone believed to be related to the victim and identified it as the one he had been given. SGT (b)(6), (b)(7)(C) was on a mission with MSG (b)(6), (b)(7)(C) a few days after the incident. During the mission, MSG (b)(6), (b)(7)(C) separated an unarmed male from a group of local nationals and contemplated shooting him. MSG (b)(6), (b)(7)(C) changed his mind and let the man leave the area. SGT (b)(6), (b)(7)(C) was not on the mission when the incident occurred and had no other pertinent information.

About 1000, 4 Jun 08, SA (b)(6), (b)(7)(C) received the Final Report, Case Number 2008-CID131-0709/A1, from DNA Branch, US Army Criminal Investigation Laboratory (USACIL). DNA from the ear matched DNA on the seat cover, the swabs from the seat, the scarf believed to belong to the victim. MSG (b)(6), (b)(7)(C) DCU trousers, MSG (b)(6), (b)(7)(C) flight boot, MSG (b)(6), (b)(7)(C) knife, and MSG (b)(6), (b)(7)(C) DCU coat.///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

Afghanistan CID Detachment
Bagram Airfield, APO AE 09354

SIGNATURE

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

DATE

4 Jun 08

EXHIBIT

ACLU RDI CID ROIS 36853

0915 17/ may/08

Contact list	Name	phone	date	time
Missed call	(b)(6), (b)(7)(C)	[REDACTED]	08/01/2002	11:59pm
Received call	[REDACTED]	[REDACTED]	08/01/2002	05:51pm
Dialed	[REDACTED]	[REDACTED]	08/01/2002	09:34 pm
	[REDACTED]	[REDACTED]	08/01/2002	07:32 pm
	[REDACTED]	[REDACTED]	08/01/2002	07:39pm
	[REDACTED]	[REDACTED]	08/01/2002	08:02am
	[REDACTED]	[REDACTED]	08/01/2002	08:02am
	[REDACTED]	[REDACTED]	08/01/2002	05:55am
	[REDACTED]	[REDACTED]	08/01/2002	03:05am

Numbers called from contact list and response.

10:10 dialed 777 check voice mail.

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

10:15 dialed 555 to get phone number

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

9

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

[REDACTED]

1. 10-21- called (b)(6), (b)(7)(C) did not go through
2. 10-30-called (b)(6), (b)(7)(C) did not go through
3. 10-40- called (b)(6), (b)(7)(C) did not recognize the number
4. 11:05 - called (b)(6), (b)(7)(C) did not go through
5. 11:08- called (b)(6), (b)(7)(C) did not go through
6. 11:13- called (b)(6), (b)(7)(C) did not go through
7. 11:15- called (b)(6), (b)(7)(C) did not go through
8. 11:24- called (b)(6), (b)(7)(C) answered but did not recognize the phone.
9. 4:21- called (b)(6), (b)(7)(C) answered but did not recognize the phone.
10. 14:45- called (b)(6), (b)(7)(C) answered but did not recognize the phone
11. 14:55- called (b)(6), (b)(7)(C) answered but did not recognize the phone
12. 14:59- called (b)(6), (b)(7)(C) did not go through
13. 15:00- called (b)(6), (b)(7)(C) did not go through
14. 15:03- called (b)(6), (b)(7)(C) did not go through
15. 15:15- called (b)(6), (b)(7)(C) answered, (b)(6), (b)(7)(C) knows the owner phone his name is (b)(6), (b)(7)(C) he is (b)(6), (b)(7)(C) relative, (b)(6), (b)(7)(C) also mentioned that (b)(6), (b)(7)(C) lives in two different districts of Helmand province(Lashakarga ,Sangeen districts).
16. 16:00- called (b)(6), (b)(7)(C) did not go through
17. 16:04- called (b)(6), (b)(7)(C) answered, he introduced him self mentioned his name (b)(6), (b)(7)(C) he is (b)(6), (b)(7)(C) uncle. He also mentioned that obaidullah lives in Helmand province(sangeen and lashkarga)districts

18
 (b)(6), (b)(7)(C)

0915, 17 May 08 - 0065-08 page 1 of 3

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

	Name	NO	Date	Time
missed	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	08-01-2002	11:59 PM
Received	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	08	05:51 AM
Dated		(b)(6), (b)(7)(C)	08-01-2002	09:34 PM
		(b)(6), (b)(7)(C)	08-01-2002	09:32 PM
		(b)(6), (b)(7)(C)	08-01-2002	07:39 PM
		(b)(6), (b)(7)(C)	08-01-2002	08:03 AM
		(b)(6), (b)(7)(C)	08-01-2002	08:02 AM
		(b)(6), (b)(7)(C)	08-01-2002	05:55 AM
		(b)(6), (b)(7)(C)	08-01-2002	03:05 AM

Numbers called from contact list and responses:

10:10 - dialed 877 - to check voice mail nothing

10:15 - dialed 555 - to get phone number

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

- 1. 1021 - called (b)(6), (b)(7)(C) - did not go through
- 2. 1030 - called (b)(6), (b)(7)(C) - did not go through
- 3. 1040 - called (b)(6), (b)(7)(C) - answer -

(b)(6), (b)(7)(C) is from Helmand Lashkarga district. He is driver. he did not recognize the number which I asked. He said, he will ask and call me back.

- 4. 1105 - (b)(6), (b)(7)(C) - off
- 5. 11:08 - (b)(6), (b)(7)(C) - off
- 6. 11:13 - (b)(6), (b)(7)(C) - off
- 7. 11:15 - (b)(6), (b)(7)(C) - off
- 8. 11:20
- 9. 11:24 - (b)(6), (b)(7)(C) - answered the phone but did not recognize it. (from Helmand Province)
- 10. 02:21 - (b)(6), (b)(7)(C) - He did not recognize the number. he asked me to call him back after an hour. I called this number but he did not recognize number that we look for. and he said he will check it.
- 11. 14:45 - (b)(6), (b)(7)(C)
- 12. 14:55 - (b)(6), (b)(7)(C) - off or out side the coverage area.
- 13. 14:59 - (b)(6), (b)(7)(C) - off or out side the coverage area.
- 14. 15:00 - (b)(6), (b)(7)(C) - off or out side the coverage area.
- 15. 15:03 - (b)(6), (b)(7)(C) - off
- 16. 15:15 - (b)(6), (b)(7)(C) - he called knows the owner the phone - his name is (b)(6), (b)(7)(C) living in Lashkarga, and sangeen (relative)

page 3 of 3

15:00 - (b)(6), (b)(7)(C)

16:04 - (b)(6), (b)(7)(C)

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

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

is

phone's owner. (b)(6), (b)(7)(C) he also said that his name is (b)(6), (b)(7)(C) - living in - sangeen- and Lashkarga - districts.

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LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

File Number : 0065-08-CID369-43686
Location : Afghanistan CID Office, Bagram Airfield, Afghanistan
Date : May 27, 2008
Time : 1250
Statement of :
Grade/Status : E-5/AR
SSN :
Org/Address : CJSOTF-A, MID, TF 71, FOB Robinson, Afghanistan, APO, AE 09314

I, (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
About 5 Mar 08, I was at Fire Base Robinson when ODA 3232 returned from an over 20 day-long mission to Kariz De Baba, in northern Helmand Province. Approximately one hour after the group returned, interpreter (b)(6), (b)(7)(C) brought me a blue Nokia mobile phone with a red back. I asked (b)(6), (b)(7)(C) about the basic circumstances of its capture: its owner, when, where, why, and what it was related to. He had no further information other than the phone was captured during the Kariz De Baba operation. I placed the phone into a plastic bag used for evidence processing. As an intelligence collector, I commonly received intelligence-related evidence for exploitation during and after patrols. It was not uncommon to receive evidence with improper handling or no circumstances of capture. I have a space on my shelf where such un-exploitable intelligence evidence is stored; this is where the blue Nokia phone was stored. Sometimes local nationals come to reclaim materials confiscated by Fire Base Robinson personnel. During the first week of May 2008, I was on my way out of theatre for Rest and Recuperation Leave, and I began to receive directives from my command to procure a phone related to a criminal investigation. They said the phone came to Fire Base Robinson during the first week of March. I recommended to MA (b)(6), (b)(7)(C) that the phone in my room, the blue Nokia previously described, may be the phone they sought. Sometime during the first week of May 2008, a member of ODA 3232 forwarded the phone to the investigating officers.

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

A: SGT (b)(6), (b)(7)(C)

Q: Do you know who had the phone prior to (b)(6), (b)(7)(C)?

A: I do not know.

Q: Did anyone have or move the phone after you received it before it was given to CID?

A: No, I had custody the entire time it was in my room.

Q: Did anyone else have access to the phone?

A: SGT (b)(6), (b)(7)(C) my team member, had the combination to my quarters, and would have access to the mobile phones on my shelf.

Q: Did SGT (b)(6), (b)(7)(C) ever access the phone?

A: No. For the time that I was present.

Q: Do you know who got the phone from you room and gave it to CID?

A: I do not know.

Q: Why do you not know who got the phone?

A: I was on Rest and Recuperation leave.

Q: What dates were you on R and R?

EXHIBIT INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 1 OF 3 PAGES

ACLU DDII CID ROIS 36859 0139

A: I was away from FOB Robinson from 20 April till currently. I still have not gone back.
Q: Did you examine the phone?
A: I turned it on for a cursory examination and then turned it off and stored it until I could obtain full information on its capture. I never received any further information.
Q: Did you remember anything about the phone after you turned it on?
A: I do not remember.
Q: Do you remember or did you record any information from the phone?
A: I had no information to record.
Q: How did (b)(6), (b)(7)(C) acquire the phone?
A: I do not know.
Q: Was the phone on or off when you received it?
A: It was off.
Q: Why did you consider the phone un-exploitable?
A: I had not been given the circumstances of its acquisition.
Q: Did you ask anybody about the phone?
A: Yes, I asked (b)(6), (b)(7)(C) about the circumstances under which the phone was acquired. He had no information. I also asked several team members who had been on the patrol, exactly whom I do not remember, if they knew anything about the phone, but they did not.
Q: Why did you not examine the phone for more information?
A: There is no standard procedure to exploit material that has not been specifically identified as a potential source of intelligence by those whom acquired it.
Q: Did any local nations come to claim the phone?
A: No. No one came to claim it.
Q: Has anyone else inquired about the phone?
A: Just your office.
Q: Did you type the narrative part of this statement?
A: Yes.
Q: Are the typed answers an accurate account of your answers to my questions?
A: Yes.
Q: How were you treated during this interview?
A: Fine.
Q: Were allowed to take breaks as need?
A: Yes.
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 2 OF 3 PAGES (b)(6), (b)(7)(C)

STATEMENT OF: (b)(6), (b)(7)(C) TAKEN AT: Afghanistan CID Office; DATED: May 27, 2008 CONTINUED.

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. (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 UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, on May 27, 2008, at Afghanistan CID Office, Bagram Airfield, Afghanistan.

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

(Signature of Person Administering Oath)

SPECIAL AGENT (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

WITNESS:

WITNESS:

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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

ACLU DDII CID ROIS 36861 0141

SWORN STATEMENT

File Number : 0065-08-CID369-43686
Location : Afghanistan CID Office, Bagram Airfield, Afghanistan
Date : May 27, 2008
Time : 1250
Statement of :
Grade/Status : E-5/AR
SSN :
Org/Address : CJSOTF-A, MID, TF 71, FOB Robinson, Afghanistan, APO, AE 09314

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

About 11 Mar 08, I was on a mission with ODA 3232 near Tambah, Helmand Province, AF. I was dismounted with MSG [redacted] SGT [redacted] interpreter [redacted] and a squad of Afghan National Army (ANA) soldiers as one element of a multi-element operation to conduct a combat reconnaissance patrol. SGT [redacted] and [redacted] were wounded in the morning during an approximately 30 minute engagement with Taliban forces as we entered the village. SFC [redacted] augmented MSG [redacted] and myself to clear the vicinity of the ambush site. MSG [redacted] SFC [redacted] and I assisted the ANA soldiers in detaining and questioning between five and ten fighting age males who reacted suspiciously as we approached. The compound was in the path of the enemy direction of escape after the firefight. We found no weapons. MSG [redacted] SFC [redacted] and I assisted the ANA in returning the fighting age males to an interim collection point 100 meters east of the only canal crossing into Tambah. At approximately 1600, I was walking beside the detainees with MSG [redacted] east of the canal crossing. As the detainees stopped and began loading onto ANA trucks for transport to the overnight camp, MSG [redacted] looked over all the ANA detainees and singled out one Afghan male from the group. MSG [redacted] said he positively identified the male as a shooter from the morning engagement. MSG [redacted] directed the ANA to set the man free. He then asked me for my M4, as his weapon was on his truck some distance away. I handed him my M4. The unidentified Afghan male detainee, then unbound and free to leave, began walking west back toward the village with some persuasion by ANA soldiers. He walked approximately 100 meters and MSG [redacted] raised his weapon to aim at the man's back. He did not specifically state his intentions to me, but it appeared to me that he at first wanted to shoot the man, but then decided against it. He had over two to three minutes of an unobstructed shot before the man rejoined the villagers. MSG [redacted] did not shoot, lowered the weapon, and handed it back to me. I parted with MSG [redacted] to return to my vehicle and passed SFC [redacted] SFC [redacted] asked me what had just happened. I said, "I think [redacted] was going to smoke that guy, but he didn't, and now he's walking free." MSG [redacted] had no further significant interaction with me or the ANA detainees I assisted in handling for the rest of 11 Mar 2008.

Q: SA [redacted]
A: SGT [redacted]

Q: Who was present when MSG [redacted] was aiming the weapon at the man?
A: Just myself, MSG [redacted] and some ANA guards whose name I do not know.

Q: Had MSG [redacted] ever displayed this type of behavior before?
A: Not that I witnessed.

Q: Have you ever seen MSG [redacted] in the past act unjustifiably violent towards anyone?
A: No.

EXHIBIT [redacted] INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE [redacted] OF [redacted] PAGES

ACLU DDII CID ROIS 36862 6142

Q: Why was the man, MSG (b)(6), (b)(7)(C) released, not returned to the group?

A: The convoy was leaving and we had to go and MSG (b)(6), (b)(7)(C) was the senior NCO and he wanted the team to go.

Q: Did anyone ask MSG (b)(6), (b)(7)(C) about letting the man go?

A: I do not know if anyone approached him about letting the man go but I felt it was not my place to question his decision to let the man go.

Q: Describe the man MSG (b)(6), (b)(7)(C) was pointing the weapon?

A: About 5' 9", maybe a white turban and white dish-dasha, about 35 to 40. I do not recall his facial features.

Q: Was he walking or running away?

A: He walked.

Q: What did MSG (b)(6), (b)(7)(C) say specifically about the man?

A: I do not know specifically what he said but he identified the man as a shooter from the previous engagement.

Q: Did you recognize the man from the previous engagement?

A: No.

Q: How did the ANA persuade the man to leave?

A: The man was hesitant at first and he had to be told to leave. They did not hit him, just told him to leave.

Q: Who else saw MSG (b)(6), (b)(7)(C) pointing the weapon at the man?

A: I don't know. I did not see anyone else.

Q: Did you or anyone else interview the man?

A: I did not talk to him and I do not know if anybody else talked to him.

Q: Why was MSG (b)(6), (b)(7)(C) weapon on the truck?

A: He was preparing to leave and on the way to load the detainees, he must have put it in his truck.

Q: What did MSG (b)(6), (b)(7)(C) say after the incident?

A: I did not talk to him at all.

Q: Did you type the narrative part of this statement?

A: Yes.

Q: Are the typed answers an accurate account of your answers to my questions?

A: Yes.

Q: How were you treated during this interview?

A: Ok.

Q: Were allowed to take breaks as need?

A: Yes.

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

A: No, nothing.///END OF STATEMENT///(b)(6), (b)(7)(C)

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT

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

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

PAGE 2 OF 5 PAGES

STATEMENT OF: (b)(6), (b)(7)(C) TAKEN AT: Afghanistan CID Office; DATED: May 27, 2008 CONTINUED.

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE (b)(6), (b)(7)(C) I 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.

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

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, on May 27, 2008, at Afghanistan CID Office, Bagram Airfield, Afghanistan.

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

(Signature of Person Administering Oath)

SPECIAL AGENT (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

WITNESS:

WITNESS:

EXHIBIT _____

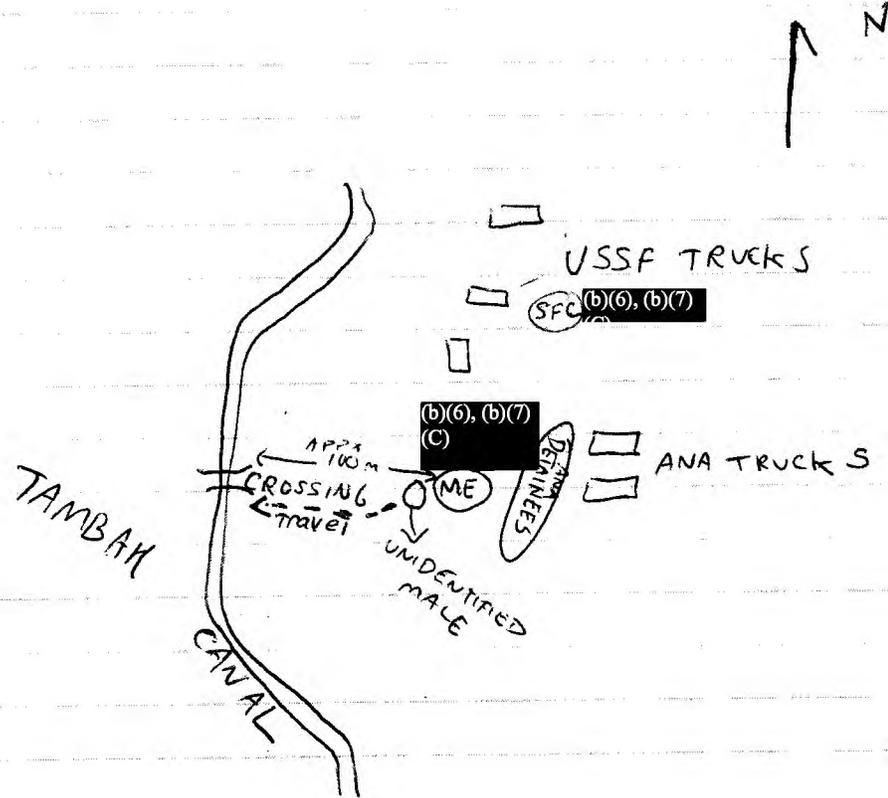
INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE

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

2 OF 2 PAGES

ACLU DDII CID ROIS 36864 0144

1159, 27 May 08 = sketch by SGT (b)(6), (b)(7)(C) of scene.
on 11 Mar 08.



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LAW ENFORCEMENT SENSITIVE

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16 May 2008

FINAL LABORATORY EXHIBIT LISTING

SUBJECT: USACIL Case Number 2008-CID131-0709/A1
Submitter Case Number 0065-08-CID369-43686

EXHIBITS:

- 1 - Ear (Item 1, Doc 043-08).
- 2 - Pants (Item 2, Doc 043-08).
- 3 - Knife (Item 3, Doc 043-08).
- 4 - Hairs (Item 4, Doc 043-08).
- 5 - Gloves (Item 5, Doc 043-08).
- 6 - Scarf (Item 1, Doc 044-08).
- 7 - Coat (Item 2, Doc 044-08).
- 8 - Boots (Item 3, Doc 044-08).
- 9 - Scarf (Item 4, Doc 044-08).
- 10 - Seat cover (Item 1, Doc 045-08).
- 11 - Swab (Item 2, Doc 045-08).
- 12 - Swab (Item 3, Doc 045-08).
- 13 - Swab (Item 4, Doc 045-08).
- 14 - Swab (Item 5, Doc 045-08).
- 15 - Scarf (Item 1, Doc 046-08).
- 16 - Swab (Item 1, Doc 049-08).

ACLU DDII CID ROIS 36866

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1 of 1

0146



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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-DNA

8 May 2008

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, AFGHANISTAN CID OFFICE,
BAGRAM AIR FIELD, APO AE 09354

SUBJECT: DNA Branch - Final Report
USACIL Case Number 2008-CID131-0709/A1
Submitter Case Number 0065-08-CID369-43686

EXHIBITS:

- 1 - Ear (Item 1, Doc 043-08).
- 2 - Trousers of (b)(6), (b)(7)(C) Item 2, Doc 043-08).
- 3 - Knife (Item 3, Doc 043-08).
- 4 - Hairs (Item 4, Doc 043-08).
- 5 - Gloves of (b)(6), (b)(7)(C) (Item 5, Doc 043-08).
- 6 - Scarf (Item 1, Doc 044-08).
- 7 - Coat of (b)(6), (b)(7)(C) (Item 2, Doc 044-08).
- 8(1-2) - Boots of (b)(6), (b)(7)(C) (Item 3, Doc 044-08).
 - 8(1) - Left boot.
 - 8(2) - Right boot.
- 9 - Scarf (Item 4, Doc 044-08).
- 10 - Seat cover (Item 1, Doc 045-08).
- 11 - Swab (Item 2, Doc 045-08).
- 12 - Swab (Item 3, Doc 045-08).
- 13 - Swab (Item 4, Doc 045-08).
- 14 - Swab (Item 5, Doc 045-08).
- 15 - Scarf (Item 1, Doc 046-08).
- 16 - Swab from (b)(6), (b)(7)(C) (Item 1, Doc 049-08).

FINDINGS:

1. Blood was identified on the ear, trousers, coat, right boot, seat cover, and swabs (Exhibits 11-13).



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

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1 of 4

ACLU DDII CID ROIS 36867 0147

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CILA-DNA

SUBJECT: DNA Branch - Final Report
USACIL Case Number 2008-CID131-0709/A1
Submitter Case Number 0065-08-CID369-43686

2. A chemical indication of blood was obtained on the knife blade and the scarf (Exhibit 15).
3. No blood was detected on the gloves, scarves (Exhibits 6 and 9), or left boot.
4. No examinations were performed on Exhibits 4 or 14.
5. DNA (deoxyribonucleic acid) was extracted from the following samples: Ear (cutting and swabbing), trousers (areas 4, 5 and 13), knife (blade and handle), coat (areas 3 and 4), right boot, seat cover (areas 1 and 2), swabs (Exhibits 11-13), scarf (Exhibit 15), and swabs from (b)(6), (b)(7)(C)
6. DNA profiles were obtained using PCR (polymerase chain reaction) technology on the fifteen STR (short tandem repeat) loci D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, FGA and the gender identification locus Amelogenin.
7. The DNA profile obtained from the ear (cutting and swabbing), seat cover (areas 1 and 2), swabs (Exhibits 11-13), and scarf (Exhibit 15) is consistent with originating from unknown individual #1 that genetically types as male.
8. No DNA profile foreign to (b)(6), (b)(7)(C) was obtained from the trousers (area 4).
9. A mixture of DNA profiles from at least two individuals was obtained from the trousers (area 5) and right boot.
 - A. The major DNA profile from the trousers (area 5) and right boot matches the DNA profile from unknown individual #1.
 - B. (b)(6), (b)(7)(C) is included as a possible contributor to the minor DNA profile obtained from the trousers (area 5) and right boot.

ACLU DDII CID ROIS 36868 0148

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CILA-DNA

SUBJECT: DNA Branch - Final Report
USACIL Case Number 2008-CID131-0709/A1
Submitter Case Number 0065-08-CID369-43686

10. A mixture of DNA profiles from at least two individuals was obtained from the knife blade. (b)(6), (b)(7)(C) and unknown individual #1 are included as possible contributors to the mixed DNA profile obtained.

11. The DNA profile obtained from the coat (area 4) matches the DNA profile from unknown individual #1. Additional genetic typing information was detected at one locus, but cannot be conclusively interpreted.

12. The DNA profile obtained from the knife handle could not be conclusively interpreted due to mixture complexity and/or lack of genetic typing information.

13. The DNA profile obtained from the trousers (area 13) is consistent with originating from unknown individual #2 that genetically types as male.

14. The DNA profile obtained from the coat (area 3) matches the DNA profile from unknown individual #2. Additional genetic typing information was detected at one locus, but cannot be conclusively interpreted.

15. The DNA results may be compared to other potential DNA contributors when suitable standards for comparison are submitted to this laboratory.

16. The above listed exhibit(s) will be returned to the submitting agency upon the completion of laboratory testing. Retain the swabs from the knife handle prepared during analysis with the evidence.

17. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory.

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ACLU DDII CID ROIS 36869 149

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CILA-DNA

SUBJECT: DNA Branch - Final Report
USACIL Case Number 2008-CID131-0709/A1
Submitter Case Number 0065-08-CID369-43686

Point of contact is the Evidence Processing Branch, DSN 797-782/7109/7110/4612/4613/4614, Commercial (404) 469-7082/7109/7110/4612/4613/4614, Fax DSN 797-4615, or Email: usacil@conus.army.mil.

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



ACLU DDII CID ROIS 3687050

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0065-08-CID369-43686

PAGE 1 OF 1 PAGES

DETAILS:

About 1600, 19 Jul 08, SA (b)(6), (b)(7)(C) discussed the investigative findings pertaining to MSG (b)(6), (b)(7)(C) with MAJ (b)(6), (b)(7)(C) 3rd Special Forces Group (Airborne), Group Judge Advocate, Ft Bragg, NC, who opined there was probable cause to believe MSG (b)(6), (b)(7)(C) committed the offense of Murder.///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

Afghanistan CID Detachment
Bagram Airfield, APO AE 09354

SIGNATURE

DATE

19 Jul 08

EXHIBIT