

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

**DEPARTMENT OF THE ARMY**  
U.S. ARMY CRIMINAL INVESTIGATION COMMAND  
62d Military Police Detachment (CID)  
4871 Netherly Street, Fort Drum, New York 13602-5013

25 Aug 2004

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0133-2004-CID452-63629 -  
5C1A / 5M3A / 5X3 / 5Y2D2 / 5C2B

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 05 DEC 2003, 0001 - 29 FEB 2004, 2359; IN AND AROUND FIRE BASE (FB)  
TYCZE, DAE RAH WOD (DRW), AFGHANISTAN

2. 08 JUL 2004, 1423 - 08 JUL 2004, 1423; CID OFFICE, BUILDING 4871, FORT  
DRUM, NY 13602

DATE/TIME REPORTED: 13 JUL 2004, 1310

INVESTIGATED BY: b7c-1, b6-1, b2

SA [REDACTED]

SA [REDACTED]

SA [REDACTED]

SA [REDACTED]

SUBJECT: b7c-5, b6-5 b7c-5, b6-5

1. [REDACTED] SPC; [REDACTED]  
[REDACTED] MALE; WHITE; BRAVO COMPANY, 2/22ND INFANTRY BN, FORT  
DRUM, NY 13602; FC ; AGGRAVATED ASSAULT (UNFOUNDED), MAKING A FALSE  
STATEMENT, ASSESSORY BEFORE THE FACT, DERELICTION OF DUTY

2. b7c-5, b6-5 [REDACTED] SGT; b7c-5, b6-5 [REDACTED]  
[REDACTED] MALE; OTHER; BRAVO COMPANY, 2/22ND INFANTRY BN, 10TH  
MOUNTAIN DIVISION (LI), FORT DRUM, NY 13602; FC ; AGGRAVATED ASSAULT  
(UNFOUNDED), DERELICTION OF DUTY

3. b7c-5, b6-5 [REDACTED] SPC; b7c-5, b6-5 [REDACTED]  
[REDACTED] MALE; WHITE; BRAVO COMPANY, 2/22ND INFANTRY BN, 10TH  
MOUNTAIN DIVISION (LI), FORT DRUM, NY 13602; FC ; AGGRAVATED ASSAULT

1

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

0000001

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

(UNFOUNDED), DERELICTION OF DUTY

4. <sup>b7C-5, 66-5</sup> [REDACTED] SPC; <sup>b7C-5, 66-5</sup> [REDACTED] MALE;  
UNKNOWN; BRAVO COMPANY, 2/22ND INFANTRY BN, 10TH MOUNTAIN DIVISION  
(LI), FORT DRUM, NY 13602; FC ; AGGRAVATED ASSAULT (UNFOUNDED),  
DERELICTION OF DUTY

5. <sup>b7C-5, 66-5</sup> [REDACTED] SPC; <sup>b7C-5, 66-5</sup> [REDACTED]  
[REDACTED] MALE; WHITE; BRAVO COMPANY, 2/22ND  
INFANTRY BN, 10TH MOUNTAIN DIVISION (LI), FORT DRUM, NY 13602; FC ;  
AGGRAVATED ASSAULT (UNFOUNDED), DERELICTION OF DUTY

6. <sup>b7C-5, 66-5</sup> [REDACTED] SPC; <sup>b7C-5, 66-5</sup> [REDACTED]  
MALE; UNKNOWN; ALPHA COMPANY, 41ST ENGINEER BN, 10TH MOUNTAIN  
DIVISION (LI), FORT DRUM, NY 13602; FC ; AGGRAVATED ASSAULT  
(UNFOUNDED), DERELICTION OF DUTY

7. <sup>b7C-5, 66-5</sup> [REDACTED] SSG; <sup>b7C-5, 66-5</sup> [REDACTED]  
[REDACTED] MALE; WHITE; B COMPANY, 2/22 INF BN, FORT DRUM, NY 13602; FC ;  
AGGRAVATED ASSAULT (UNFOUNDED), DERELICTION OF DUTY

8. <sup>b7C-5, 66-5</sup> [REDACTED] PFC; <sup>b7C-5, 66-5</sup> [REDACTED]  
[REDACTED] MALE; WHITE; BRAVO COMPANY, 2/22ND INFANTRY BN, 10TH  
MOUNTAIN DIVISION (LI), FT. DRUM, NY 13602; FC ; AGGRAVATED ASSAULT  
(UNFOUNDED), DERELICTION OF DUTY

9. <sup>b7C-5, 66-5</sup> [REDACTED] SPC; <sup>b7C-5, 66-5</sup> [REDACTED]  
[REDACTED] MALE; BLACK; HEADQUARTERS SUPPORT  
BATTERY (HSB), 3/321ST FIELD ARTILLERY BN, 82ND AIRBORNE DIVISION, FORT  
BRAGG, NC 28307; FC ; ASSAULT

VICTIM:

1. UNKNOWN DETAINEE, ; AGGRAVATED ASSAULT (UNFOUNDED),  
ASSAULT (NFI)

2. U.S. GOVERNMENT; FORT DRUM, NY 13602; MAKING A FALSE  
STATEMENT, ASSESSORY BEFORE THE FACT, DERELICTION OF DUTY

INVESTIGATIVE SUMMARY:

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

THIS IS AN OPERATION ENDURING FREEDOM (OEF) INVESTIGATION.

This Report of Investigation (ROI) was initiated at the direction of the Deputy Chief of Staff for Operations (DCSOPS), USACIDC, Fort Belvoir, VA, regarding soldiers assigned to 2nd Platoon, B Co, 2nd Battalion, 22nd Infantry, (2/22nd Inf Bn), Fort Drum, NY (FDNY), who allegedly participated in the abuse or maltreatment of detainees (Persons Under U.S. Control (PUC)) while deployed in support OEF. The original complaint was initiated under USACIDC ROI 0078-04-CID369-69288, by the Afghanistan Military Police Detachment (MP Det) (CID), APO AE 09354.

On 24 Jun 04, the Afghanistan MP Det (CID) obtained a compact disk (CD) containing digital images of what appeared to be abuse and maltreatment of detainees under the control of members of 2nd Platoon, B Co, 2/22nd Inf Bn, while deployed to Afghanistan. A review of the CD disclosed digital images of uniformed Soldiers pointing pistols and M-4 rifles at the heads of bound and hooded detainees, at what was subsequently identified as Fire Base (FB) Tycze, Dah Rah Wod (DRW), Afghanistan. One image on the CD identified during the preliminary investigation by the Afghanistan MP Det (CID), appeared to depict a dead local national from apparent gunshot wounds; it was not known whether the death was combat related or a result of foul play.

Investigation determined the deceased local national was shot after he launched an armed attack against a guard post on FB Tycze in which three soldiers were seriously wounded.

Investigation established probable cause to believe PFC [REDACTED] SGT [REDACTED], SPC [REDACTED], SPC [REDACTED], SPC [REDACTED], SSG [REDACTED], and PFC [REDACTED] committed the offense of dereliction of duty, when as guards detailed to secure and protect detainees, they willfully failed to perform their duties with no reasonable or just excuse, by jokingly pointing weapons at the bound detainees, and exposed photographs of this unwarranted activity.

Investigation established the offense of aggravated assault did not occur as initially reported, in respect to PFC [REDACTED], SGT [REDACTED], SPC [REDACTED], SPC [REDACTED], SPC [REDACTED], SPC [REDACTED], SSG [REDACTED], and PFC [REDACTED]. Investigation did not establish credible information to indicate an intent on behalf of these individuals to harm the PUC's, and no evidence identified to indicate the bound detainees were in fear for their lives, or of grievous bodily harm, or even aware weapons were being pointed at them as depicted in the images.

Investigation established probable cause to believe SPC [REDACTED] committed the offenses of accessory before the fact and false official statement, when he exposed photographs of referenced soldiers pointing weapons at the detainees and later rendering a sworn statement

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

0000003

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

denying any participation in such activity; a statement he knew at the time to be false.

Investigation established probable cause to believe SPC [REDACTED] committed the offense of assault consummated by a battery, when he punched a bound detainee in the back of the head.

**STATUTES:**

Article 78, UCMJ: Accessory  
Article 92, UCMJ: Dereliction of Duty  
Article 128, UCMJ: Assault Consummated by a Battery  
Article 128, UCMJ: Aggravated Assault (Unfounded)

**EXHIBITS/SUBSTANTIATION:**

Attached:

1. Agent's Investigative Report (AIR) of SA [REDACTED], 9 Jul 04, documenting the basis for investigation; interviews of CPT [REDACTED], 1SG [REDACTED], CPT [REDACTED], 1SG [REDACTED], [REDACTED] and PFC [REDACTED], subject interviews of SGT [REDACTED] and SPC [REDACTED], interview of SSG [REDACTED], SSG [REDACTED], and PFC [REDACTED], and consent searches pertaining to PFC [REDACTED], SGT [REDACTED], SPC [REDACTED], and PFC [REDACTED].
2. AIR of SA [REDACTED], 2 Jul 04, documenting her interviews with CPT [REDACTED] and 1SG [REDACTED].
3. Sworn Statement of CPT [REDACTED], 2 Jul 04, concerning his knowledge of the existence of the CD found in the SJA office in Afghanistan in Jun 04.
4. Sworn Statement of 1SG [REDACTED], 2 Jul 04, concerning his knowledge of the CD found in the SJA office and identification of some of the individuals in the photographs.
5. AIR of SA [REDACTED], 7 Jul 04, documenting the subject interview of SGT [REDACTED] and search of SGT [REDACTED] personal vehicle and residence, and collection of evidence pursuant to the search.
6. Rights Warning Procedure/Waiver Certificate of SGT [REDACTED], 7 Jul 04, where in he requested legal counsel.
7. Rights Warning Procedure/Waiver Certificate and statement of SPC [REDACTED], 8 Jul 04, regarding his knowledge of the individuals depicted in the photographs from the CD.

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

0000004

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

8. Sworn Statement of PFC [REDACTED] <sup>b7C-5, b6-5</sup>, 9 Jul 04, detailing his knowledge of the incident and identified several individuals in the photographs.
9. AIR of SA [REDACTED] <sup>b7C-1, b6-1</sup>, 15 Jul 04, documenting collection of unit computers from B Co, 2/22nd Inf Bn, as evidence; commanders coordination; interview of SSG [REDACTED] and collection of evidence from SSG [REDACTED], interview of SGT [REDACTED] and collection of evidence from SGT [REDACTED], interview of SGT [REDACTED], interview of SPC [REDACTED], subject interview of SPC [REDACTED], and search of SPC [REDACTED] personal property. b7C-4  
b6-4
10. Sworn Statement of SGT [REDACTED] <sup>b7C-5, b6-5</sup> <sup>b7C-4, b6-4</sup>, 12 Jul 04, wherein he identified several individuals in the photographs.
11. Sworn Statement of SPC [REDACTED] <sup>b7C-4, b6-4</sup>, 14 Jul 04, wherein he identified several individuals in the photographs.
12. Rights Warning Procedure/Waiver Certificate and Statement of SPC [REDACTED] <sup>b7C-5, b6-5</sup>, 15 Jul 04, wherein he admitted to posing for a photograph in which he is pointing a weapon at a detainee with SPC [REDACTED] <sup>b7C-5, b6-5</sup>
13. AIR of SA [REDACTED] <sup>b7C-1, b6-1</sup>, 19 Jul 04, documenting the interviews of SGT [REDACTED] <sup>b7C-4, b6-4</sup> and collection of evidence from SGT [REDACTED] <sup>b7C-4, b6-4</sup> and the interview of PFC [REDACTED] <sup>b7C-4, b6-4</sup>
14. Sworn Statement of SGT [REDACTED] <sup>b7C-4, b6-4</sup>, 8 Jul 04, detailing his knowledge of the incident and identification of several individuals in the photographs.
15. Sworn Statement of PFC [REDACTED] <sup>b7C-4, b6-4</sup>, 15 Jul 04, detailing his knowledge of the incident and identification of several individuals in the photographs.
16. AIR of SA [REDACTED] <sup>b7C-1, b6-1</sup>, 8 Jul 04, documenting the subject interview of SPC [REDACTED] <sup>b7C-4, b6-4</sup>
17. Rights Warning Procedure/Waiver Certificate and Sworn Statement of SPC [REDACTED] <sup>b7C-4, b6-4</sup>, 8 Jul 04, wherein he admitted to posing in a photograph, at least twice, while pointing a weapon at a detainee.
18. AIR of SA [REDACTED] <sup>b7C-1, b6-1</sup>, 16 Jul 04, documenting interviews of SGT [REDACTED] <sup>b7C-4, b6-4</sup>, PVI [REDACTED] <sup>b7C-4, b6-4</sup>, PFC [REDACTED], SPC [REDACTED], SPC [REDACTED], SPC [REDACTED], and law enforcement record checks. <sup>b7C-4, b6-4</sup> <sup>b7C-4, b6-4</sup> <sup>b7C-4, b6-4</sup>
19. Sworn Statement of SGT [REDACTED] <sup>b7C-4, b6-4</sup>, 8 Jul 04, detailing his knowledge of this incident.

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

20. Sworn Statement of PVT [REDACTED], 12 Jul 04, detailing his knowledge of the incident and identification of several individuals in the photographs.
21. Sworn Statement of PFC [REDACTED], 13 Jul 04, detailing his knowledge of the incident and identification of several individuals in the photographs. b7c-4  
b6-4
22. Sworn Statement of SPC [REDACTED], 14 Jul 04, detailing his knowledge of the incident and identification of several individuals in the photographs.
23. Sworn Statement of SPC [REDACTED], 15 Jul 04, detailing his knowledge of the incident and identification of several individuals in the photographs.
24. Sworn Statement of SPC [REDACTED], 16 Jul 04, detailing his knowledge of the incident and identification of several individuals in the photographs.
25. AIR of SA [REDACTED] <sup>b7c-1, b6-1</sup>, 16 Jul 04, documenting the interviews of PFC [REDACTED] <sup>b7c-4, b6-4</sup>, SGT [REDACTED], PFC [REDACTED], PFC [REDACTED], and PFC [REDACTED], and cursory searches of seized computers. b7c-4, b6-4      b7c-4, b6-4
26. Rights Warning Procedure/Waiver Certificate and Sworn Statement of PFC [REDACTED] <sup>b7c-4, b6-4</sup>, 16 Jul 04, admitting to posing in pictures depicting him pointing weapons at bound detainees and further detailing PFC [REDACTED] <sup>b7c-5, b6-5</sup> assaulting a bound detainee.
27. AIR of SA [REDACTED] <sup>b7c-4, b6-1</sup>, 13 Jul 04, documenting the interview of SFC [REDACTED] <sup>b7c-4, b6-4</sup> and collection of evidence from SPC [REDACTED] <sup>b7c-4, b6-4</sup>
28. Sworn Statement of SFC [REDACTED], 12 Jul 04, detailing his knowledge of the incident and the identification of individuals in the photographs.
29. Hand-drawn sketch prepared by SFC [REDACTED], 12 Jul 04, detailing the layout of FB Tycze. b7c-4  
b6-4
30. AIR of SA [REDACTED], 16 Jul 04, detailing interview of SPC [REDACTED] and consent to search.
31. AIR of SA [REDACTED], 20 Jul 04, detailing interview of SPC [REDACTED].
32. Sworn Statement of SPC [REDACTED], 20 Jul 04, detailing his knowledge of the incident and the identification of individuals in the photographs.

**FOR OFFICIAL USE ONLY**

Law Enforcement Sensitive

33. AIR of SA [REDACTED] 2 Aug 04, documenting the interview of PFC [REDACTED] and consent to search. <sup>b7C-1,66-1</sup> <sup>b7C-5,66-5</sup>
34. Rights Warning Procedure/Waiver Certificate and Sworn Statement of PFC [REDACTED], 2 Aug 04, wherein he denied assaulting any detainee while in Afghanistan as alleged. <sup>b7C-5,66-5</sup>
35. AIR of SA [REDACTED], 11 Aug 04, documenting the interviews of SSG [REDACTED] SPC [REDACTED], SSG [REDACTED], and SPC [REDACTED], consent search of SSG [REDACTED] and coordination with SJA and action commander. <sup>b7C-1,66-1</sup> <sup>b7C-5,66-5</sup> <sup>b7C-5,66-5</sup>
36. Rights Warning Procedure/Waiver Certificate and Sworn Statement of SSG [REDACTED], 20 Jul 04, wherein he admitted to pointing weapons at bound detainees. <sup>b7C-5,66-5</sup>
37. Rights Warning Procedure/Waiver Certificate and Sworn Statement of SPC [REDACTED], 20 Jul 04, wherein he recanted his earlier statement by admitting to pointing weapons at bound detainees. <sup>b7C-5,66-5</sup>
38. Rights Warning Procedure/Waiver Certificate and Sworn Statement of SSG [REDACTED], 22 Jul 04, detailing why he advised SPC [REDACTED] to delete questionable images from his camera. <sup>b7C-4,66-4</sup> <sup>b7C-5,66-5</sup>
39. AIR of SA [REDACTED] 21 Jul 04, documenting the interview of SPC [REDACTED] and consent search of SPC [REDACTED]. <sup>b7C-1,66-1</sup> <sup>b7C-5,66-5</sup>
40. Rights Warning Procedure/Waiver Certificate and Sworn Statement of SPC [REDACTED], 21 Jul 04, admitting to posing in pictures depicting him pointing weapons at bound detainees. <sup>b7C-5,66-5</sup>
41. AIR of SA [REDACTED], 8 Jul 04, documenting the interview of SPC [REDACTED]. <sup>b7C-1,66-1</sup> <sup>b7C-5,66-5</sup>
42. Rights Warning Procedure/Waiver Certificate and Sworn Statement of SPC [REDACTED], 8 Jul 04, wherein he admitted to pointing a weapon at the head of a detainee. <sup>b7C-5,66-5</sup>
43. Hand-drawn sketch prepared by SPC [REDACTED], 8 Jul 04, detailing the layout of FB Tycze. <sup>b7C-5,66-5</sup>
44. AIR of SA [REDACTED], 09 Jul 04, documenting the interview and consent to search of 1LT [REDACTED]. <sup>b7C-1,66-1</sup> <sup>b7C-4,66-4</sup>
45. Sworn Statement of 1LT [REDACTED], 07 Jul 04, detailing his knowledge of the incident and identification of several individuals in the photographs. <sup>b7C-4,66-4</sup>
46. AIR of SA [REDACTED], 08 Jul 04, documenting the interview of PFC [REDACTED]. <sup>b7C-1,66-1</sup> <sup>b7C-4,66-4</sup>

**FOR OFFICIAL USE ONLY**

Law Enforcement Sensitive

\*0000007

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

47. Sworn Statement of PFC [REDACTED] <sup>b7C-4, b6-4</sup>, 08 Jul 04, detailing his knowledge of the incident.
48. AIR of SA [REDACTED] <sup>b7C-1, b6-1</sup>, 08 Jul 04, documenting the interview of SSG [REDACTED] <sup>b7C-4, b6-4</sup>
49. Sworn Statement of SSG [REDACTED] <sup>b7C-4, b6-4</sup>, 08 Jul 04, detailing his knowledge of the incident.
50. AIR of SA [REDACTED] <sup>b7C-1, b6-1</sup>, 08 Jul 04, documenting the interview and consent to search of SGT [REDACTED]
51. Sworn Statement of SGT [REDACTED] <sup>b7C-4, b6-4</sup>, 08 Jul 04, detailing his knowledge of the incident and identification of individuals in the photographs.
52. List prepared by SGT [REDACTED] <sup>b7C-4, b6-4</sup>, 8 Jul 04, documenting the sequential identification of individuals in the photographic packet
53. AIR of SA [REDACTED] <sup>b7C-1, b6-1</sup>, 08 Jul 04, documenting the interview of SSG [REDACTED] <sup>b7C-4, b6-4</sup>
54. Rights Warning Procedure/Waiver Certificate and Sworn Statement of SSG [REDACTED] <sup>b7C-4, b6-4</sup>, 08 Jul 04, wherein he denied any knowledge of the incident and identified individuals in the photographs.
55. AIR of SA [REDACTED] <sup>b7C-1, b6-1</sup>, 08 Jul 04, documenting the interview of SPC [REDACTED] <sup>b7C-4, b6-4</sup>
56. Sworn Statement of SPC [REDACTED] <sup>b7C-4, b6-4</sup>, 08 Jul 04, detailing his knowledge of the incident and identification of individuals in the photographs.
57. Hand-drawn sketch prepared by PFC [REDACTED] <sup>b7C-4, b6-4</sup>, depicting the layout of FB Tyeze.
58. AIR of SA [REDACTED] <sup>b7C-1, b6-1</sup>, 08 Jul 04, documenting his coordination with SPC [REDACTED] <sup>b7C-4, b6-4</sup>
59. AIR of SA [REDACTED] <sup>b7C-1, b6-1</sup>, 09 Jul 04, documenting the interview of SPC [REDACTED] <sup>b7C-4, b6-4</sup>
60. Rights Warning Procedure/Waiver Certificate and Sworn Statement of SPC [REDACTED] <sup>b7C-4, b6-4</sup>, 08 Jul 04, detailing his knowledge of the incident.
61. Photographs with descriptions provided by SPC [REDACTED] <sup>b7C-4, b6-4</sup>, 08 Jul 04, detailing his knowledge of individual in the photographs. (USACIDC, SJA and Commander copies only)
62. AIR of SA [REDACTED] <sup>b7C-1, b6-1</sup>, 09 Jul 04, documenting detailing interview of SPC [REDACTED] <sup>b7C-4, b6-4</sup>



**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

63. Sworn Statement of SPC [REDACTED] <sup>b7c-4, b6-4</sup>, 09 Jul 04, detailing his knowledge of the incident.
64. AIR of SA [REDACTED] <sup>b7c-1, b6-1</sup>, 09 Jul 04, documenting the interviews of SGT [REDACTED] <sup>b7c-4, b6-4</sup> and PFC [REDACTED] <sup>b7c-4, b6-4</sup>
65. Sworn Statement of SGT [REDACTED], 09 Jul 04, detailing his knowledge of the incident and the identification of individuals in the photographs.
66. Hand-drawn sketch prepared by SGT [REDACTED], 09 Jul 04, detailing the layout of FB Tycze. b7c-4  
b6-4
67. Sworn Statement of PFC [REDACTED], 09 Jul 04, detailing his knowledge of the incident and the identification of individuals in the photographs.
68. Hand-drawn sketch prepared by PFC [REDACTED], 09 Jul 04, detailing the layout of FB Tycze.
69. AIR of SA [REDACTED] <sup>b7c-1, b6-1</sup>, 12 Jul 04, documenting the interview of SPC [REDACTED] <sup>b7c-4, b6-4</sup>
70. Sworn Statement of SPC [REDACTED] <sup>b7c-4, b6-4</sup>, 09 Jul 04, detailing his knowledge of the incident.
71. Photographs with descriptions provided by SPC [REDACTED] <sup>b7c-4, b6-4</sup>, 09 Jul 04, detailing his knowledge of the individuals and photographs. (USACIDC, SJA and Commander copies only)
72. AIR of SA [REDACTED] <sup>b7c-1, b6-1</sup>, 05 Aug 04, documenting the interview and consent search of SGT [REDACTED] <sup>b7c-4, b6-4</sup>
73. Sworn Statement of SGT [REDACTED], 05 Aug 04, detailing his knowledge of the incident.
74. Consent to Search pertaining to PFC [REDACTED], 6 Jul 04.
75. Consent to Search pertaining to SGT [REDACTED], 7 Jul 04
76. Consent to Search pertaining to SSG [REDACTED], 7 Jul 04
77. (2) Consent to Search pertaining to 1LT [REDACTED], 07 Jul 04
78. Consent to Search pertaining to SPC [REDACTED], 8 Jul 04 b7c-4  
b6-4

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

79. Consent to Search pertaining to SGT [REDACTED], 8 Jul 04
80. Consent to Search pertaining to SGT [REDACTED], 08 Jul 04
81. Consent to Search pertaining to SGT [REDACTED], 08 Jul 04
82. Consent to Search pertaining to SPC [REDACTED], 08 Jul 04
83. Consent to Search pertaining to PFC [REDACTED], 08 Jul 04
84. Consent to Search pertaining to SPC [REDACTED], 9 Jul 04
85. Consent to Search pertaining to SGT [REDACTED], 12 Jul 04
86. Consent to Search pertaining to PFC [REDACTED], 12 Jul 04
87. Consent to Search pertaining to PVT [REDACTED], 12 Jul 04
88. (2) Consent to Search pertaining to SFC [REDACTED], 12 and 13 Jul 04
89. Consent to Search pertaining to PFC [REDACTED], 13 Jul 04
90. Consent to Search pertaining to SPC [REDACTED], 14 Jul 04
91. Consent to Search pertaining to SPC [REDACTED], 14 Jul 04
92. Consent to Search pertaining to PFC [REDACTED], 15 Jul 04
93. Consent to Search pertaining to SPC [REDACTED], 15 Jul 04
94. Consent to Search pertaining to PFC [REDACTED], 15 Jul 04
95. Consent to Search pertaining to SPC [REDACTED], 16 Jul 04
96. Consent to Search pertaining to PFC [REDACTED], 16 Jul 04
97. Consent to Search pertaining to PFC [REDACTED], 16 Jul 04
98. Consent to Search pertaining to SPC [REDACTED], 16 Jul 04

**FOR OFFICIAL USE ONLY**

Law Enforcement Sensitive

99. Consent to Search pertaining to SSG [REDACTED] 20 Jul 04
100. Consent to Search pertaining to SPC [REDACTED] 21 Jul 04
101. Consent to Search pertaining to SGT [REDACTED] 05 Aug 04
102. Photographic Packet comprised of 31 photographs. (USACIDC, SJA and Commander copies only)
- a. Packet containing photographs 1-20 (found Images - original CD)
  - b. Packet containing photographs 21-31 (found Images)
103. CD 040133.452 containing all photographic images and the originals of Exhibit 102. (USACRC copy only)
104. (3) Crime Lab Examination Request, 3, 19, and 20 Aug 04. (USACRC and file copies only)
105. DA Form 4137, Evidence/Property Custody Document, Document Number (DN) 044-04 through 046-04, 6-7 Jul 04; 047-04 through 049-04, 8 Jul 04; 051-04, 09 Jul 04; and 052-04, 13 Jul 04.

Not Attached:

Forwarded to USACIL, Fort Gillem, GA:

106. Laptop (US Government), Item 1, DN 044-04
107. Laptop (US Government), Item 3, DN 044-04
108. Laptop (US Government), Item 4, DN 044-04
109. Laptop (US Government), Item 5, DN 044-04
110. CPU (SGT [REDACTED]), Item 2, DN 045-04
111. CPU (SSG [REDACTED]), Item 3, DN 046-04
112. Three Disposable Cameras (SGT [REDACTED]), DN 047-04

**FOR OFFICIAL USE ONLY**

Law Enforcement Sensitive

..0000011

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

113. Two rolls 35mm film (SGT <sup>b7C-4, b6-4</sup> [REDACTED], Item 1, DN 048-04)
114. Laptop (SPC <sup>b7C-5, b6-5</sup> [REDACTED], Item 1, DN 049-04)
115. Camera (PFC <sup>b7C-4, b6-4</sup> [REDACTED], Item 3, DN 051-04)
116. Digital Camera (SFC <sup>b7C-4, b6-4</sup> [REDACTED], Item 1, DN 052-04)
117. Laptop (US Government), Item 2, DN 044-04

Retained in the Evidence Depository, this office:

118. Digital Camera (SGT <sup>b7C-4, b6-4</sup> [REDACTED], Item 1, DN 045-04)
119. Compact Disc Case and one CD (SSG <sup>b7C-4, b6-4</sup> [REDACTED], Item 1, DN 046-04)
120. Digital Camera (SPC <sup>b7C-5, b6-5</sup> [REDACTED], Item 3, DN 049-04)
121. Seven Mini-Cassettes (PFC <sup>b7C-4, b6-4</sup> [REDACTED]), Item 2, DN 051-04)
122. Compact Disc Case and two CDs (SSG <sup>b7C-4, b6-4</sup> [REDACTED], Item 2, DN 046-04)
123. CD (SPC <sup>b7C-5, b6-5</sup> [REDACTED], Item 2, DN 049-04)
124. CD (original), Item 1, DN 053-04

Released to Owner:

125. 20 CD's (PFC <sup>b7C-4, b6-4</sup> [REDACTED], Item 1, DN 051-04)

The originals of Exhibits 1 through 5, 8 through 11, 13 through 16, 18 through 25, 27 through 33, 35, 38, 39, 41, 43 through 74, 76, 77, 79 through 81, 83 through 92, 94, 95, 97, 98, and 101 were forwarded with the USACRC copy of this report. The originals of Exhibits 6, 7, 12, 17, 26, 34, 36, 37, 40, 42, 75, 78, 82, 93, 96, 99 and 100, were retained in the files of this office pending adjudication. The originals of Exhibit 104 were retained at the US Army Criminal Investigation Laboratory, Ft Gillem, GA. The originals of Exhibit 105 were retained in the files of the evidence depository, this office.

STATUS: This is a Final (C) report. Commander's report of action taken (DA 4833) is pending.

12  
**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

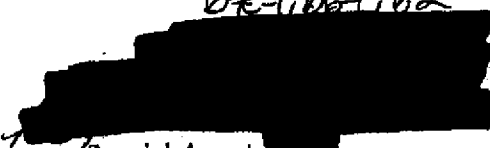
00000012

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

This investigation was terminated in accordance with paragraph 4-17a (5) and (12), CIDR 195-1, where in the supported SJA was of the opinion sufficient admissible evidence was available to prosecute the subjects for the listed offenses, and further investigative activity would no result in the identification of additional subjects or offenses; and the supported commander indicated an intent to take action amounting to less than a courts-martial, and no further assistance from the USACIDC was required.

As a result of early termination, investigative efforts to fully identify, locate, and interview individuals referenced in certain statements, who were not assigned to B Co, 2/22d Inf Bn (e.g. SF Soldiers at FB Tycze), were not accomplished. A supplemental report will be generated on receipt of the laboratory findings on evidence submitted for forensic examination.

REPORT PREPARED BY

  
(Special Agent,

REPORT APPROVED BY

  
(Special Agent-in-Charge

**DISTRIBUTION:**

Dir, USACRC, Ft Belvoir, VA  
THRU: CDR, 2/22nd Inf Bn, FDNY (w/exhibits)  
TO: CDR, B Co, 2/22nd Inf Bn, FDNY  
THRU: CDR, 41<sup>st</sup> Eng Bn, FDNY (w/exhibits)  
TO: CDR, A Co, 41<sup>st</sup> Eng Bn, FDNY  
THRU: CDR, 3/321st FA BN, 82nd ABN DIV, FT BRAGG NC (w/exhibits)  
TO: CDR, HSB, 3/321st FA BN, 82nd ABN DIV, FT BRAGG NC (w/exhibits)  
SJA, CHIEF, CRIM LAW, FDNY (w/exhibits)  
THRU: CDR, WASH DIST (CID), FT MYER VA (w/exhibits)  
TO: CDR 3D MP GRP USACIDC FT GILLEM GA  
TO: CDR, USACIDC, ATTN: CIOP-ZA, FT BELVOIR VA  
SGS, 10TH MTN DIV, FDNY  
PM, 10TH MTN DIV, FDNY  
DES RECORDS SECT FDNY  
FILE

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

<b>AGENT'S INVESTIGATIVE REPORT</b>	<b>ROI NUMBER</b> 0133-04-CID452-63629
<i>CID Regulation 195-1</i>	Page 1 of 5

**DETAILS**

Basis for Investigation: About 1310, 13 Jul 04, the Deputy Chief of Staff for Operations (DCSOPS), USACIDC, Fort Belvoir, VA 22060, directed this office initiate a ROI in relation to a Request for Assistance (RFA) from the Afghanistan MP Det (CID), pertaining to alleged detainee maltreatment by members of B Co, 2/22<sup>nd</sup> Inf Bn, FNDY, under ROI 0078-04-CID369-69288.

**Agent's Comment:** For reader clarification, this AIR incorporates investigative activity conducted under the original RFA (0122-04-CID452) prior to 13 Jul 04 when the CID DCSOPS directed the Fort Drum CID to manage the ROI pertaining to this incident. Further, the letter P followed by a number (P-1 thru 21) refers to photographs of suspected detainee abuse produced from the CD found in the SJA office in Afghanistan, containing images of suspected detainee abuses. Distribution of the photographic packet (Exhibit 02) produced from the CD is limited to specific recipients of this report, and was used during this investigation to facilitate interviews and to ensure accurate descriptions and identification of the of images.

About 1640, 2 Jul 04, CPT [REDACTED] <sup>b7C-2, b6-3</sup>, Office of the Staff Judge Advocate (SJA), FDNY, was interviewed by SA [REDACTED] and SA [REDACTED], regarding his knowledge of the CD found in the SJA office in Afghanistan. CPT [REDACTED] rendered a sworn statement wherein he had no knowledge of the existence of the CD while in Afghanistan. (See AIR of SA [REDACTED] and statement for details).

About 2145, 2 Jul 04, 1SG [REDACTED] <sup>b7C-4, b6-4</sup>, HHC, 2/22<sup>nd</sup> Inf Bn, FDNY was interviewed by SA [REDACTED], and rendered sworn statement where in he claimed he had no knowledge concerning the existence of the CD found in the Afghanistan office. 1SG [REDACTED] identified SSG [REDACTED] <sup>b7C-4, b6-4</sup> SFC [REDACTED] <sup>b7C-4, b6-4</sup> and PVT [REDACTED], all of B Co, 2/22<sup>nd</sup> Inf Bn, in some of the photographs. 1SG [REDACTED] described the images of what appeared to be bound Soldiers, as an activity called PUC'ing (Person Under Control); a ritualistic activity done on birthdays, re-enlistments, and similar events, by fellow platoon members. In respect to the photographs of Soldiers pointing weapons at bound and hooded detainees, 1SG [REDACTED] stated such activity was not sanctioned by the unit SOP or any level of the command. (See statement for details) <sup>b7C-4, b6-4</sup>

About 1045, 06 Jul 04, SA [REDACTED] <sup>b7C-1, b6-1</sup> interviewed CPT [REDACTED] <sup>b7C-3, b6-3</sup>, Legal Claims, Staff Judge Advocate (SJA), FDNY, who was also deployed in the theater of operations where the CD was initially found. CPT [REDACTED] stated he had no knowledge as to where the CD originated, or how it came to be found in the former SJA office there. He did not recall seeing the CD while deployed there. CPT [REDACTED] stated there were numerous boxes in his office, which he never looked through, and believed the CD was put in his office after he left on or about 1 Apr 04. CPT [REDACTED] recalled one instance where an interpreter (NFI) gave him a disc and asked him to put some photographs on it. CPT [REDACTED] related he never looked at the CD, and never got around to putting any images on it. CPT [REDACTED] asked the interpreter whether he wanted the CD returned; however, the interpreter told him not to worry about it. He described the interpreter as a thin, Middle Eastern male, about 5'6", who normally wore "preppy" clothing, and worked at the Bagram Collection Point <sup>b7C-3, b6-3</sup>

<b>TYPED AGENT'S NAME AND SEQUENCE NUMBER</b> SA [REDACTED] <sup>b7C-1, b6-1</sup>		<b>ORGANIZATION</b> 62 <sup>nd</sup> Military Police Detachment (CID) Fort Drum, NY 13602	
<b>SIGNATURE</b> [REDACTED]		<b>DATE</b> 09 Jul 04	<b>EXHIBIT</b> 1

CID FORM 94  
1 FEB 77

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

0000014

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

AGENT'S INVESTIGATIVE REPORT	ROI NUMBER 0133-04-CID452-63629
CID Regulation 195-1	Page 2 of 5

DETAILS  
67C-3, 66-3  
(BCP). CPT [REDACTED] was unsure whether that particular CD was the CD found with the questioned images found in the SJA office. CPT [REDACTED] related he did not know anyone from 2/22<sup>nd</sup> Inf Bn personally; however, he had clients in his office from the unit for claims and legal assistance issues (NFI).

67C-3, 66-3  
About 1430, 6 Jul 04, SA [REDACTED] 67C-1, 66-1 and SA [REDACTED] 67C-1, 66-1, this office, coordinated with 1SG [REDACTED] B Co, 2/22nd Inf Bn, FDNY, and determined the entire company was on block leave through the end of Jul 04. 1SG [REDACTED] provided copies of all leave forms and a tracking sheet generated by the unit to assist in locating individuals for interviews.

67C-1, 66-1  
About 1745, 6 Jul 04, SA [REDACTED] 67C-1, 66-1 and INT [REDACTED] 67C-2, 66-2, this office, interviewed PFC [REDACTED] B Co, 2/22nd Inf Bn, FDNY, who stated he deployed to Afghanistan at the end of July 03 with 2<sup>nd</sup> platoon. His duties included grenadier and guard at FB Tycze. PFC [REDACTED] stated he was deployed from Jul 03 to approximately Dec 03, at which time he went on emergency leave, and the returned and was at FB Tycze. He stated his duties included patrol, guard duty, and detainee guard. PFC [REDACTED] stated after his mission in FB Tycze, his platoon was assigned to Qualot until April 04, after which he returned to Kandahar for redeployment. PFC [REDACTED] stated the detainees lived in suitable living conditions, which subsequently improved when the new PUC facility was built. PFC [REDACTED] stated he felt they lived in better conditions than the soldiers. PFC [REDACTED] was shown the images taken from the CD. After view several images contained in a photographic packet PFC [REDACTED] identified SSG [REDACTED] and SFC [REDACTED] as the individuals depicted in P-1, and PVT [REDACTED] in P-2. PFC [REDACTED] believed SPC [REDACTED] was depicted in P-4, since SPC [REDACTED] was the only one PUC'd in the old PUC facility. PFC [REDACTED] defined this particular conduct (being PUC'd), as a sort of "right of passage" or event, which occurred on birthdays and special events, and was done in and aspect of camaraderie. He was not aware of any individual ever complaining about being PUC'd, and everyone who was went along with the activity. PFC [REDACTED] identified the individual depicted in P-7 as PFC [REDACTED] HHC, 2/22<sup>nd</sup> Inf Bn, FDN, when he was PUC'd. PFC [REDACTED] stated he did not witness the event occur and believed it happened on PFC [REDACTED] birthday. PFC [REDACTED] was unable to identify any individuals from P-7 through P-9. PFC [REDACTED] stated he was unaware of any detainees being treated inhumanely and was shocked to see individuals from his unit would participate in this sort of behavior. When asked to define maltreatment, PFC [REDACTED] stated it would be hitting, slapping, or general mistreatment of other individuals. PFC [REDACTED] stated the activity depicted in the photographs he viewed was abuse and maltreatment. PFC [REDACTED] stated no standard operating procedure (SOP) was published by the chain of command, or by the Special Force (SF) leadership at FB Tyzce. PFC [REDACTED] stated they were authorized to play loud music and keep detainees awake if the interrogators wanted them to. PFC [REDACTED] stated they kept the detainees awake by holding them up or by playing the loud music. PFC [REDACTED] further related the detainees were only kept at the facility from only a few days to about to a week. PFC [REDACTED] related P-11 depicted tower one at FB Tycze, after it was struck by a rocket-propelled grenade (RPG) from an Afghanistan male. PFC [REDACTED] stated this occurred about 0145, 18 Jan 04, while he was on

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] 67C-1, 66-1, 66-3	ORGANIZATION 62 <sup>nd</sup> Military Police Detachment (CID) Fort Drum, NY 13602	
SIGNATURE [REDACTED] 67C-1, 66-1	DATE 09 Jul 04	EXHIBIT 1

CID FORM 34  
1 FEB 77

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

00000115

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

AGENT'S INVESTIGATIVE REPORT	ROI NUMBER 0133-04-CID452-63629
CID Regulation 195-1	Page 3 of 5

DETAILS  
duty in tower three, which was located across the FB. PFC [REDACTED] stated that there had been machine gun fire the entire night and closer to the time of the attack the gunfire started impacting within the FB. At the time of the attack, he heard three loud explosions and turned back to see tower one had become engulfed in flames. He observed two soldiers blown out of the tower and soldiers firing from the area where the attack came from. PFC [REDACTED] stated the individual depicted in P-20 was the individual who attacked the guard tower that night. PFC [REDACTED] all the photographs he viewed were taken at FB Tycze, to the best of his knowledge, and was not aware of any 2/22<sup>nd</sup> Inf Bn members or the SF soldiers and interrogators at the FB do anything unusual or treat anyone inhumanely. (See photographic packet for details)

Agent's Comment: PFC [REDACTED] declined to provide a written statement documenting the above information.

Between 1850 and 1930, 6 Jul 04, SA [REDACTED] and INT [REDACTED] searched PFC [REDACTED] residence, pursuant to his written consent, for any additional images, cameras, or digital storage media. Nothing of evidentiary value was identified. (See Consent to Search)

About 1030, 7 Jul 04, SGT [REDACTED] was interviewed by SA [REDACTED]. SGT [REDACTED] described his duties in Afghanistan. When shown P-20, depicting what appeared to be a dead foreign national, he described the circumstances surrounding an RPG attack on the FB. He described these images as "bad" ones, which probably should not have been exposed. When asked about the photographs depicted in P-8, P-9, and P-10, he stated he had no knowledge of them. He admitted to exposing and downloading some images of the detainees onto SPC [REDACTED] laptop computer. At this point, SGT [REDACTED] was advised of his rights, based on his spontaneous admission to exposing and downloading images of detainees. SGT [REDACTED] invoked his right legal counsel, and the interview was terminated. (See AIR of SA [REDACTED] and Rights Warning Procedure/Waiver Certificate for details)

Between 1130 and 1245, 7 Jul 04, SA [REDACTED], SA [REDACTED], and INT [REDACTED] this office, searched SGT [REDACTED] residence, pursuant to his written consent, for any additional images, cameras, or digital storage media. SA [REDACTED] seized one Olympus D310 digital camera and one computer as evidence from the residence. (See Consent to Search)

About 1435, 8 Jul 04, SPC [REDACTED] was interviewed by SA [REDACTED]. SPC [REDACTED] detailed his duties and responsibilities in Afghanistan and reviewed the photographs. SPC [REDACTED] stated he took several of the photographs depicting Soldiers holding weapons to the heads of detainees. SA [REDACTED] then advised SPC [REDACTED] of his rights, which he waived, and he continued to admit to taking, but never being in, photographs of soldiers holding weapons to the back of detainees heads. SPC [REDACTED] stated he took the photographs depicting the attack on the base and of the dead local national, with the intention of showing them to the Soldiers injured in the attack what had happened to the attacker. SPC [REDACTED] admitted he took exposed P-10 (depicting SPC [REDACTED]), P-22 through P-24 (depicting SPC [REDACTED] holding a rifle to

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED]	ORGANIZATION 62 <sup>nd</sup> Military Police Detachment (CID) Fort Drum, NY 13602	
SIGNATURE [REDACTED]	DATE 09 Jul 04	EXHIBIT 1

CID FORM 94  
1 FEB 77

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

0040016



FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

AGENT'S INVESTIGATIVE REPORT	ROI NUMBER 0133-04-CID452-63629
CID Regulation 195-1	Page 4 of 5

DETAILS

the back of the heads of several detainees and SGT [REDACTED] (observing), and may have taken P-25 (depicting what he believed was be SSG [REDACTED] B Co, 2/22<sup>nd</sup> Inf Bn, FDNY) and P-26 (depicting SGT [REDACTED]). (See Waiver Certificate and statement for details). b7C-5, b6-5

About 1030, 7 Jul 04, SA [REDACTED] interviewed SSG [REDACTED] B Co, 2/22<sup>nd</sup> Inf Bn, FDNY, regarding his knowledge pertaining to the images found on the CD. (See sworn statement and consent to search for details; and AIR of SA [REDACTED] for additional investigative activity.) b7C-1, b6-1 b7C-4, b6-4

About 1700, 8 Jul 04, SA [REDACTED] searched SPC [REDACTED] room, pursuant to his written consent. SA [REDACTED] reviewed digital images on SPC [REDACTED] computer and found several images depicting potential detainee abuses. One image located in directory "My Photographs", subdirectory "Afghanistan", subdirectory "Photographs of Platoon", image name "[REDACTED]&Puc.jpg" was located. According to SPC [REDACTED], he did not take this photograph, which depicted PV [REDACTED] pointing a rifle at the back of the head of a detainee. SPC [REDACTED] stated he did not expose all the images, as several of them depicting detainee abuse were exposed by other individuals who borrowed his camera. SPC [REDACTED] stated he could not identify the other individuals depicted in the other photographs. SPC [REDACTED] stated SSG [REDACTED] was putting together a CD for the platoon on the computer, using the photographs from Afghanistan. SA [REDACTED] seized the computer, along with a Fuji digital camera, and three compact discs, which SPC [REDACTED] indicated might contain additional images. (See Consent to Search). b7C-1, b6-1 b7C-5, b6-5 b7C-4, b6-4

About 1050, 9 Jul 04, SA [REDACTED] and INT [REDACTED] this office, interviewed SSG [REDACTED] B Co, 2/22<sup>nd</sup> Inf Bn, FDNY, who stated he was assigned to B Co, 2/22<sup>nd</sup> while the unit was assigned to FB Tycze, Afghanistan. SSG [REDACTED] stated his platoon was at FB Tycze from Dec 03 to Feb 04, and he served as a squad leader. He stated the only guidance on the handling of the detainees was to cover their heads with sandbags and flexi cuff them. SSG [REDACTED] stated the original detainee location was a temporary fenced in area, after which a cement building with four areas was built to hold detainees. He stated the detainees were given mats to sleep on and food and water whenever they asked for it. He stated weapons were allowed in the detainee area and there was suppose to be two soldiers guarding the detainees at all times. SSG [REDACTED] stated the overall living condition for the detainees was good. He stated while in Afghanistan he only used a disposable camera. SSG [REDACTED] stated he never observed any detainee abuse or rumors of any detainee abuse. He stated the dead local national died after being shot by the SF Soldiers (NFI) and members of his platoon after the local national attacked the camp with an RPG. He stated he does not know if any formal investigation was conducted after the attack/shooting. SSG [REDACTED] stated he was not on shift when the attack occurred. SSG [REDACTED] stated he did not know who took the photographs of the dead local national or any other photographs. He stated he was never given any digital photographs from anyone in the platoon. SSG [REDACTED] stated he believed the individual in P-8 was either SSG [REDACTED] or SPC [REDACTED] B Co, 2/22<sup>nd</sup> Inf Bn, FDNY. He identified the local national in P-20 and P-21 as the one killed after the attack on the FB. SSG [REDACTED] identified SPC [REDACTED] as [REDACTED]. b7C-1, b6-1 b7C-2 b7C-4, b6-4 b7C-5, b6-5

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7C-1, b6-1, b6-2	ORGANIZATION 62 <sup>nd</sup> Military Police Detachment (CID) Fort Drum, NY 13602	
SIGNATURE [REDACTED]	DATE 09 Jul 04	EXHIBIT 1

CID FORM 94  
1 FEB 77

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

0000117

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

AGENT'S INVESTIGATIVE REPORT	ROI NUMBER 0133-04-CID452-63629
CID Regulation 195-1	Page 5 of 5

DETAILS

the individual depicted in P-22 thru P-24, holding the weapon. He stated he believed the individual in P-25 was SGT [REDACTED] and identified SGT [REDACTED] as the individual in P-26.  
b7C-5, b6-5

Agent's Comment: SSG [REDACTED] stated he took only scenic photographs of the area and never of detainees. He stated those photographs are in his barracks room at FDNY. SA [REDACTED] requested consent to search from SSG [REDACTED] of his vehicle, which he declined. SSG [REDACTED] declined to provide a written statement concerning the information he provided.  
b7C-4, b6-4 b7C-4, b6-4

About 1250, 09 Jul 04, SA [REDACTED] this office, interviewed PFC [REDACTED], B Co, 2/22<sup>nd</sup> Inf Bn, FDNY, who provided a sworn statement detailing his knowledge of detainee abuse. (See statement for details).  
b7C-1, b6-1 b7C-4, b6-4

About 1252, 09 Jul 04, SA [REDACTED] searched PFC [REDACTED] his residence, vehicle, and any digital storage media, pursuant to his written consent. SA [REDACTED] collected numerous CD's, VHS-C videocassettes, and a disposable camera from PFC [REDACTED] as evidence. (See Consent to Search).  
b7C-1, b6-1 b7C-4, b6-4

///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7C-1, b6-1, b2	ORGANIZATION 62 <sup>nd</sup> Military Police Detachment (CID) Fort Drum, NY 13602	
SIGNATURE [REDACTED] b7C-1, b6-1	DATE 09 Jul 04	EXHIBIT 1

CID FORM 94  
1 FEB 77

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

0000118

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

## AGENT'S INVESTIGATIVE REPORT

CID Regulation 195-1

ROI NUMBER

0122-04-CID452-04-CID452-

PAGE / OF / PAGES

## DETAILS

About 1640, 02 Jul 04, SA [REDACTED] interviewed CPT [REDACTED], Office of the Staff Judge Advocate (SJA), Installation Troop Command (ITC), Fort Drum, NY 13602 (FDNY), who rendered a sworn statement detailing he had no knowledge of the unmarked compact disc found in a desk, during an office cleanup, by the SJA at Bagram Airfield, Afghanistan. CPT [REDACTED] further related he had no knowledge of the picture images that were contained on the disc, which depicted suspected detainee abuse (See Sworn Statement of CPT [REDACTED] for details).

About 2145, 02 Jul 04, SA [REDACTED] interviewed 1SG [REDACTED], Headquarters, Headquarters Company (HHC), 2<sup>nd</sup> Battalion, 22<sup>nd</sup> Infantry Battalion (2/22 IN BN), 10<sup>th</sup> Mountain Division (MTN DIV), FDNY, who rendered a sworn statement detailing he had no knowledge the compact disc existed but was able to identify most of the images contained on the disc. 1SG [REDACTED] related the images contained in Group 1 appeared to have been taken around New Years and depicted several members of B Company (Co), 2/22 IN BN, PUC'ing (Placing Under Control) a fellow soldier. 1SG [REDACTED] further related, this platoon had a ritual of hog-tying platoon mates on their birthday, when they re-enlisted or other special events, and the images appear to have been taken at Fire Base Tycze in Doh Rah Wod, Afghanistan. There were three members of B Co, 2/22 IN BN identified in the images, and they were SFC [REDACTED], SSG [REDACTED], and PVT [REDACTED]. The images, depicted in Group 2, appear to be that of PFC [REDACTED] (NFI), Brigade Communications section, being PUC'ed at a different time, these images also appear to have been taken at Fire Base Tycze. 1SG [REDACTED] related the images appearing in Group 3 appear to have been taken at the PUC Facility at Fire Base Tycze. 1SG [REDACTED] was unable to positively identify any of the soldiers in the images. 1SG [REDACTED] further related the actions depicted in the images, by the US Soldiers, were not Standard Operating Procedures (SOP), nor were they known or sanctioned by any level of Command. 1SG [REDACTED] stated the images depicted in Group 4 are that of a guard tower struck by a rocket propelled grenade (RPG) in January 2004. The blood in the images is believed to be that of 3 US Soldiers wounded in the attack. The images depicted in Group 5 appear to be that of an Afghani National and believed to be taken in the Aid Station at Fire Base Tycze, and could possibly be that of the person responsible for firing the RPG at the guard tower (See Sworn Statement of 1SG [REDACTED] for details).

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

ORGANIZATION

62<sup>nd</sup> Military Police Detachment (CID), 3<sup>rd</sup> MP Group (CID)  
Fort Drum, New York 13602

SIGNATURE

DATE

02 Jul 04

EXHIBIT

2

CID FORM 94-E

1 Oct 95

FOR OFFICIAL USE ONLY

PROTECTIVE MARKING IS EXCLUDED FROM  
AUTOMATIC TERMINATION (Para 13, AR 340-16)  
(When Data Is Entered)

FOR OFFICIAL USE ONLY

0000019

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

## SWORN STATEMENT

For use of this form, see AR 190-45. The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION <b>CID OFFICE, FT DRUM NY</b>	DATE <b>02 JUL 04</b>	TIME <b>1640</b>	FILE NUMBER <b>0122-04-CID452</b>
LAST NAME, FIRST NAME, MI <b>[REDACTED]</b>	SOCIAL SECURITY NUMBER <b>[REDACTED]</b>	GRADE/STATUS <b>CPT/RA</b>	
ORGANIZATION OR ADDRESS <b>INSTALLATION/TROOP COMMAND, FORT DRUM, NY 13602</b>			

I, **[REDACTED]** want to make the following statement under oath:

I arrived at Bagram Airfield on 3 December 2003 to serve as the Theater Defense Counsel for operation Enduring Freedom. My office was located in the Base Operations building at BAF. I was the only tenant of that space, along with my paralegal. CPT **[REDACTED]** served as the Chief of Legal Assistance, Claims and Detainee Operations for OEF. His office was located in another building (Motel 6) on BAF. **[REDACTED]**

During the last week of March 2004, I moved the TDS office to a new building closer to the new Joint Operations Center. During that move, I packed up all office supplies to take to the new space. However, I did not take any desks or furniture (aside from one small table and a small file cabinet) to the new office. I was given new desks for the new office by the Base Ops S-4. I left the old desks in the Base Ops building. The desks were completely empty when I moved out. **[REDACTED]**

EXHIBIT <b>3</b>	INITIALS OF PERSON MAKING STATEMENT <b>[REDACTED]</b>	PAGE 1 OF 3 PAGES
---------------------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

00000-20

EXHIBIT 3

STATEMENT OF  
CONTINUED.

FOR OFFICIAL USE ONLY

0122-04-C10452

0133-04-C10452

6

DATED 02 JUL 04

During my 4 1/2 months in Afghanistan, I never received or viewed any CD related to EPWs or PUCs. I am not aware of any information about such a CD, to include the people depicted therein or of the origination of the photographs. I would only be able to guess as to individuals who might have more information about the CD or the photos it contains.

Q: SA [REDACTED] b7c-1, b6-1

A: CPT [REDACTED] b7c-4, b6-4

Q: WHAT DO YOU MEAN BY "CD"?

A: Compact Disk

Q: WHAT DO YOU MEAN BY "EPW"?

A: Enemy Prisoner of War

Q: WHAT DO YOU MEAN BY "PUC"?

A: Persons under U.S. control.

Q: DID CPT [REDACTED] b7c-3, b6-3 EVER MENTION THAT HE HAD RECEIVED A COMPACT DISC CONTAINING QUESTIONABLE PRISONER ABUSE?

A: No.

Q: DO YOU HAVE ANY IDEA WHERE THE COMPACT DISC, CONTAINING THE PHOTOGRAPHS DISCUSSED, CAME FROM?

A: No, I do not.

Q: DO YOU HAVE ANYTHING ELSE TO ADD TO THIS STATEMENT?

0600:21

PAGE 2 OF 3 PAGES

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE  
CID OFFICE

DA FORM 2823 (AUTOMATED) b7c-4, b6-4  
STATEMENT OF [REDACTED] TAKEN AT FT DRUM, NY DATED 02 JUL 04 CONTINUED:

A: No. 111/END OF STATEMENT 111 [REDACTED] b7c-4, b6-4

[Empty lined area for statement content]

b7c-4, b6-4 [REDACTED] AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE HAD 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 OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. b7c-4, b6-4

[REDACTED]  
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

[Empty lined area for witnesses]

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 02 DAY OF JUL 2004 AT 1640 [REDACTED]

ORGANIZATION OR ADDRESS

[Empty lined area for organization or address]

b7c-1, b6-1  
[REDACTED]  
(Signature of Person Administering Oath)

SA [REDACTED]  
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136(h)(4), UCMJ  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGES 3 OF 3 PAGES 0000022

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

0133-04-CID452-6362

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION <b>CID OFFICE, FT. DRUM, NY</b>	DATE <b>02 JUL 04</b>	TIME <b>2145</b>	FILE NUMBER <b>0122-04-CID452</b>
LAST NAME, FIRST NAME, MI <b>[REDACTED] b7c-4, b6-4</b>	SOCIAL SECURITY NUMBER <b>[REDACTED] b7c-4, b6-4</b>	GRADE/STATUS <b>1SG / RA</b>	

ORGANIZATION OR ADDRESS

**HHC, 2/22 IN BN, 10TH MTN DIV (LI), FT. DRUM, NY 13602**

I, **[REDACTED] b7c-4, b6-4** want to make the following statement under oath: **[REDACTED] b7c-4, b6-4**

I served as the Bravo Company 2/22 First Sergeant from ~~June~~ Jun 2003 to May 2004. During that time the Company was deployed to Kandahar Afghanistan from Aug 2003 to Apr 2004. During the deployment 2nd Platoon Bravo 2/22 was detailed to Special Forces at Fire Base Tyce at Deh Rah Wood from Nov 2003 to Jan 2004. I was contacted by special Agent **[REDACTED] b7c-4, b6-4** of the Fort Drum CID office on 2 July 2004 and asked to identify some photos from Afghanistan. In the photo from group one the only individuals that I could identify were SFC **[REDACTED] b7c-4, b6-4**, SSG **[REDACTED] b7c-5, b6-5** and PVT **[REDACTED] b7c-4, b6-4**. I assume the photos were taken around New Year's and they show members of the platoon "Pricing" ~~at~~ (Pricing under control) a fellow soldier. This platoon had a ritual of having platoon meals on their birthday or when they reenlisted or other special events. The photos appear to have been taken at Fire base Tyce in Deh Rah Wood Afghanistan. The photos in group 2 show PFC **[REDACTED] b7c-3, b6-3** from BDE Comm being "priced" at a different time these photos also appear to have been taken at FB Tyce.

EXHIBIT <b>4</b>	INITIALS OF PERSON MAKING STATEMENT <b>[REDACTED] b7c-4, b6-4</b>	PAGE 1 OF 5 PAGES
---------------------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

FOR OFFICIAL USE ONLY

b7c-4, b6-4

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

STATEMENT OF  
CONTINUED.

TAKEN AT CID PFC FT DRAM NY DATED 02 JUL 04

The photos in group 3 appear to have been taken at the POC facility at FB Tycze. I cannot positively identify any U.S. soldiers in the photos. But the actions depicted were not standard operating procedures, nor were they known or sanctioned by any level of command. As I understand interrogation procedures at FB Tycze were handled exclusively by Special Forces, Pyzco personnel, and military interrogation teams I assume that these pictures were posed trophy shots taken by individual soldiers. To the best of my knowledge no prisoners were killed or died at Fire Base Tycze from August 2003 to April 2004. The photos in Group 4 are of a guard <sup>b7c-4, b6-4</sup> ~~who~~ struck by a rocket propelled grenade. The blood in the photos is that of SPC <sup>b7c-3, b6-3</sup> ~~who~~, PFC <sup>b7c-3, b6-3</sup> ~~who~~, and PFC <sup>b7c-3, b6-3</sup> ~~who~~ who were wounded in action during the engagement. This photo had to have been taken early morning on the day of the attack as the tower was almost completely repaired by midday when I visited the Fire Base. The photos in group 5 are of a dead <sup>b7c-4, b6-4</sup> ~~Algerian~~ National and they appear to have been taken in the ~~main~~ aid station at FB Tycze. The nature of the wounds appear to me to be consistent with eyewitness accounts of the RPG attack and lead me to assume that this individual was the one who fired the RPG wounding 3 American servicemen. The nature of the photographs also lead me to believe that they may have been taken for identification purposes.

b7c-1, b6-1

Q: SA ~~\_\_\_\_\_~~

00000024

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

PAGE 2 OF 5 PAGES

----- 4



STATEMENT OF  
CONTINUED.

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE  
TAKEN AT CIDOPC FT BRUNNY

0133 - 04 - CID 452 - 63629

DATED 02 JUL 04

0122 - 04 - CID 452 -

A: 156

Q: DID YOU EVER SEE ANY DETAINEE'S GET HIT, KICKED OR INHUMANLY TREATED WHILE IN U.S. CUSTODY?

A: NO

Q: WHO TOOK THE PICTURES THAT WERE ON THE DISC?

A: I do not know.

Q: WERE ANY OTHER PERSONNEL IN THE AREA WITH YOUR UNIT?

A: AT Fire Base Tyee there were Special Forces Pysops, military integration Teams, Field Artillery, from 1st BDE 1 Infantry Platoon, cooks, Scouts, Commo.

Q: HOW WOULD YOU DESCRIBE THE LIVING CONDITIONS AT THE DETAINEE FACILITY AT YOUR LOCATION?

A: AT FB Tyee the facility was designed to meet <sup>b7c4, b6-4</sup> minimum basic human needs for sanitation, cover from the elements, safety from enemy action, probably better than most Afghani homes.

Q: WERE YOU AWARE OF THE PHOTOGRAPHS JUST VIEWED PRIOR TO THIS INTERVIEW?

A: NO

Q: DO YOU KNOW IF THERE ARE ANY OTHER QUESTIONABLE PHOTOGRAPHS OF DETAINEES TAKEN BY MEMBERS OF B COMPANY 2/22?

PAGE 3 OF 5 PAGES 25

FOR OFFICIAL USE ONLY

STATEMENT OF  
CONTINUED.

FOR OFFICIAL USE ONLY

0122-04-CID452-

b7c, b6, b7c

INTERVIEW DATED 02 JUL 04

0133-04-CID452-63629

A: None that I am aware of.

Q: WERE THERE ANY U.S. GOVERNMENT COMPUTERS OR DIGITAL CAMERAS IN THEATRE WITH THE UNIT?

A: Yes. 2 Digital Cameras neither Camera went to FB Tyce to the best of my recollection. Approximately 7 Laptop Computers deployed to Afghanistan. I believe 1 may have went to FB Tyce.

Q: WHAT SPECIAL FORCES UNIT WAS B COMPANY 2/22 ATTACHED TO AT FB TYCE?

A: I believe it was 3-1

Q: WHAT WAS THE DATE OF THE RPG ATTACK?

A: I believe that it was 12 JAN 2004.

Q: WAS THERE ANY TYPE OF WRITTEN REPORT GENERATED REGARDING THE RPG ATTACK?

A: The Battalion log kept at Kandahar.

Q: WHO WOULD MAINTAIN THAT REPORT?

A: The Battalion S-3.

Q: DO YOU HAVE ANYTHING ELSE TO ADD TO THIS STATEMENT?

A: NO /// END OF STATEMENT ///

b7c, b6, b7c

PAGE

4

OF

5

PAGES

0000026

FOR OFFICIAL USE ONLY

DA FORM 2823  
STATEMENT OF

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

0122-04-CID452-

0133-04-CID452-63625

TAKEN AT

0122-04-CID452

CONTINUED

I, [REDACTED] 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 02 DAY OF JUL 19 AT 2145

(SIGNATURE OF PERSON ADMINISTERING OATH)

(NAME OF PERSON ADMINISTERING OATH)

ART 136(6)(4), UCMJ  
(AUTHORITY TO ADMINISTER OATH)

INITIALS OF PERSON MAKING STATEMENT

PAGES 5 OF 5 PAGES

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY

0000027

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

## AGENTS INVESTIGATION REPORT

CID REGULATION 195-1

CASE NUMBER

0122-2004-CID452

## DETAILS

SGT [REDACTED] B CO, 2ND BN, 22ND INF, 10TH MTN DIV (LI), FORT DRUM, NY (FDNY) 13602: At 1030, 7 Jul 04, SGT [REDACTED] was interviewed by the undersigned and related the following information. Their unit was assigned to Kandahar Air Base, Afghanistan and would move around to different fire bases based on the missions they were conducting. A majority of the fire bases were under the control of Special Forces units in the area. When questioned concerning photographs being exposed which can be considered derogatory in nature, he went on to state that on one occasion he recalls while being assigned to the fire base in Tice, Daira Wu Province (spelling unknown) they had a firefight incident where an enemy soldier or terrorist fired a rocket propelled grenade (RPG) at one of their guard towers. When this occurred in the early morning hours, the unit responded and SGT [REDACTED] led his team to an perimeter area position. SGT [REDACTED] went on to state that this enemy combatant blew up the tower, injuring three unit members, and was in turn justifiably killed by a Special Forces soldier who shot him in the head and SGT [REDACTED] Platoon SGT in turn shot this combatant in the head. This happened in succession to the bombing incident as it occurred and in SGT [REDACTED] mind it was all justifiable. SGT [REDACTED] stated pictures were exposed when they shouldn't have been of the area and dead combatant and went on to reflect that bad pictures were exposed and probably shouldn't have been either. SGT [REDACTED] made this statement and discussed what Persons In Custody (PUC) meant and when he was asked about the "bad" pictures, he stated he had exposed some pictures on his digital camera that was purchased in country and had watched the news of the incidents in Iraq of pictures being exposed and the trouble the soldiers were getting in to. SGT [REDACTED] stated it was his opinion in that he didn't see anything wrong with what they had done. SGT [REDACTED] was then shown photographs 8, 9 and 10 depicting a handgun held by a soldier at the head of an detainee and responded by stating he had no knowledge of this incident, however he did expose some photographs of other detainees and downloaded them on computers provided in the base camp for all to use or on one occasion he downloaded his digital images on SPC [REDACTED] B Co, 2/22nd Inf, FDNY (NFI) personal laptop computer. At this point, the undersigned determined that SGT [REDACTED] may be involved in the abuse and photographing of detainees and the interview was stopped. SGT [REDACTED] was advised of his legal rights, which he did not waive and requested an Attorney. The interview was terminated.

At 1150, 7 Jul 04, SA [REDACTED] this office, and the undersigned conducted a search of SGT [REDACTED] loaned automobile, a unknown year, Dodge Neon, NY Registration [REDACTED], white in color, 4-door sedan which met with negative results in the identification of items of evidentiary value. A subsequent search was then conducted of SGT [REDACTED] quarters, located at [REDACTED]. The search resulted in the seizure of one CPU hard drive and Olympia Digital Camera that were retained against an DA Form 4137 (Evidence/Property Custody Document (ECD)) and subsequently processed in to the Evidence Repository, this office. No other items of evidentiary value were noted during the course of this search (See Consent to Search and Evidence/Property Custody Document for details).

///LAST ENTRY///

SA [REDACTED]

62ND MP DET (CID) 3RD MP GRA, USACIR  
FORT DRUM, NY 13602-5013

7 Jul 04

CID Form 94-E  
1 OCT 95

FOR OFFICIAL USE ONLY  
PROTECTIVE MARKING IS EXCLUDED FROM  
AUTOMATIC TERMINATION (Para 13, AR 340-16)  
(When Data is Entered)

0000028

EXHIBIT 5

FOR OFFICIAL USE ONLY

R1

ENFORCEMENT SENSITIVE

WARNING PROCEDURE/WAIVER CL. 1. DATE

For use of this form, see AR 198-30; 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 <u>CID OFFICE, FT DRUM, NY 13602-5013</u>	2. DATE <u>7 Jul 04</u>	3. TIME <u>11:10</u>	4. FILE NO. <u>0122-04-01452</u>
5. NAME <u>[REDACTED] b7C-5, b6-5</u>	6. ORGANIZATION OR ADDRESS <u>B Co</u> <u>And BN, 22nd INF</u> <u>Fort Drum, NY 13602</u>		
6. SSN <u>[REDACTED] b7C-5</u> <u>[REDACTED] b6-5</u>	7. GRADE/STATUS <u>E-5/RA</u>		

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

## Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command  
As A SPECIAL AGENT and wanted to question me about the following offense(s) of which I am  
 suspected/accused: AGGRAVATED ASSAULT/ASSAULT

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

I do not have to answer any questions or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.

(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have 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 IN THE PAST 30 DAYS?

## Section B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <u>[REDACTED] b7C-1, b6-1</u>
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR <u>[REDACTED] b7C-1, b6-1</u> <u>SA</u>
1b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>62nd MP Det (CID)</u> <u>FT Drum, NY 13602-5013</u>

## Section C. Non-waiver

1. I do not want to give up my rights. [REDACTED] b7C-5, b6-5  
☒ I want a lawyer. [REDACTED] b7C-5, b6-5  
☒ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

0600 29

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

DA FORM 3881, NOV 89

FOR OFFICIAL USE ONLY

## RIGHTS DURING INVESTIGATION 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 62nd MP Det (CID) Ft Drum, NY 13602	2. DATE 8 Jul 01	3. TIME 223	4. FILE NO.
5. NAME (Last, first, middle) [REDACTED] 67C-5, 66-5	6. ORGANIZATION OR ADDRESS B 10 7/22-01 Infantry Bn Ft Drum, NY 13602		
8. SSN [REDACTED] 67C-5, 66-5	7. GRADE/STATUS E-4/AD		

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

## Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation  
Commander 52nd Special Agent and wanted to question me about the following offense(s) of which I am  
 suspected: Aggravated Assault, Conspiracy

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

1. I do not have to answer any question or say anything. [REDACTED] 67C-5, 66-5
2. Anything I say or do can be used as evidence against me in a criminal trial. [REDACTED] 67C-5, 66-5
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. [REDACTED] 67C-5, 66-5

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have 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. [REDACTED] 67C-5, 66-5

## 5. COMMENTS (Continue on reverse side)

## Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. [REDACTED] 67C-5, 66-5

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWER [REDACTED] 67C-5, 66-5
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED] 67C-1, 66-1
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR SA [REDACTED] 67C-1, 66-1
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR 62nd MP Det (CID) Ft Drum, NY 13602
b. ORGANIZATION OR ADDRESS AND PHONE		

## Section C. Non-waiver

1. I do not want to give up my rights  
☐ I want a lawyer ☐ I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE

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

0040030

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
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 62nd MP Det (CID), Ft Drum, NY 13602	2. DATE (YYYYMMDD) 2004/07/08	3. TIME 431	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 67C-5, 66-5	6. SSN [REDACTED] 67C-5, 66-5	7. GRADE/STATUS E-4/AD	
8. ORGANIZATION OR ADDRESS Bco 2/22nd INF Bn, Ft Drum, NY 13602			

9. [REDACTED] 67C-5, 66-5  
I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Went to Afghanistan in the begining of August to perform Combat operations, while there in our 7 month stay we were stationed at KAF (Kandahar Air Field) but we performed many missions all along the eastern side, including missions up in Baram for a month (Mountain Riper), also was were at Daar Wal, FB TYCZ, were we went out to help the locals, defend the FB, guard pockets and help protect the Special Forces guys that went out. We were at FB TYCZ for about 2 months (Dec-begining of Feb) we were also at Qualat another FB close to the Pakistani border, there we did presence patrols, gather weapons, blow up oxos.

I was one of the main picture takers, that went to Afghanistan, or would let other people use my camera.

On January 18th when we got attacked I was the one that took the pictures of the tower and the destruction that happened around it and of the Dead guy who attacked us so I could show [REDACTED] 67C-5, 66-5 what they lived thru.

I also took some of the pics of the pots that we had (People wanted to pose next to them) I did not agree w/ everything that happened in those pics, but I did participate in taking some of the pics.

We didn't beat the pots, we were told not to, we had to keep watch on them for 24 hrs a day and treat them better than we would have been treated. It stopped at pointing empty weapons at them and snapping a few pics, [REDACTED] 67C-5, 66-5

Q: SA [REDACTED] 67C-5, 66-5

A: SPC [REDACTED]

Q: Did you voluntarily waive your rights and agree to

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] 67C-5, 66-5	PAGE 1 OF 7 PAGES
-------------	---	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

00000131

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

STATEMENT OF

TAKEN AT

CID OFFICE

DATED

2004/07/08

B. STATEMENT (Continued)

Speak with SA [redacted] on 08 Jul 04?

A: Yes. [redacted]

Q: In the pictures shown to you, do you recognize anyone in picture #1?

A: Yes, SSG [redacted], SFC [redacted]

Q: In the pictures shown, do you recognize anyone in picture #4?

A: Yes. [redacted] is the one on the ground for his birthday.

Q: In the pictures shown, do you recognize anyone in picture #8?

A: Yes, SSG [redacted] w/ mask on [redacted]

Q: In the pictures shown, do you recognize anyone in picture #9?

A: No. [redacted]

Q: In the pictures shown, do you recognize anyone in picture #10?

A: Yes it was a picture I took of [redacted] w/ the engineers abt to us from the 10th MTN DIV. [redacted]

Q: In the pictures shown, did you take pictures 11-21 depicting the aftermath of the RPG attack and the body of the Afghanistan male who attacked your FB?

A: Yes I did, it was a sad day and I wanted to show the people hurt what they lived through.

Q: Why did you take a picture of the dead Afghanistan male?

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 7 PAGES



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

STATEMENT OF

TAKEN AT

CID Office

DATED

2004/07/08

9. STATEMENT (Continued)

A: So I could show [redacted] the guy who hurt them. [redacted]

Q: In the pictures shown, do you recognize anyone in pictures 22-24?

A: Yes, [redacted], they wanted me to take some pictures of them w/ our pods, we made sure weapons were safe before the pictures were taking, didn't want any accidents to happen. [redacted]

Q: In the pictures shown, do you recognize anyone in pictures 25 and 26?

A: Yes, SSG [redacted] and SGT [redacted], I may have taken the pictures. [redacted]

Q: What type of camera did you use while on deployment?  
A: Digital Fuji camera [redacted]

Q: Did you ever see detainees get kicked, hit, or inhumanely treated while in U.S. custody?  
A: No [redacted]

Q: How did the dead local national die?

A: After the RPG hit he hid out for a little while then he charged the base w/ his AK firing, [redacted] and [redacted] are the ones that shot him, [redacted] put the final round in his head before we went to check on him and any friends of his that might also be around [redacted]

Q: Who authorized you to take the photo of the dead local national?

A: SPC [redacted] said he saw nothing wrong and let me in. [redacted]

Q: Where were the photos described by you taken at?

INITIALS OF PERSON MAKING STATEMENT

[redacted]

PAGE

3

OF

PAGES

2004-07-08

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

STATEMENT OF

TAKEN AT

CID Office

DATED

2004/07/08

2. STATEMENT (Continued)

A: FB TYCZ, Dae Ra Wood Afghanistan.

Q: Were there any SOPs in place for the handling of detainees?

A: No beating them, 1 bottle of water at a time, keep them awake

Q: Who put out these instructions?

A: The SF guys in charge of the Fire Base.

Q: Who were the "SF guys" that were in charge?

A: Not sure what group

Q: How long were detainees maintained at the Fire base?

A: Average 3-4 days, the some for up to 2 weeks.

Q: How would you describe their living conditions?

A: better than what we would have been in

Q: What were your Rules of Engagement?

A: Call first unless we were being shot at first then it was shot back, call up and keep firing

Q: Did you take any other pictures like those depicting SGT and SFC?

A: yes

Q: Explain.

A: There are more of [redacted], trying to get a better view, and others w/ a pistol held up to them but I believe most have been erased, b/c my memory card was not that big, all were safe w/ an empty mag, that was double checked be for any pictures were taking

Q: Who were the other members of the platoon that you took pictures of?

INITIALS OF PERSON MAKING STATEMENT

0000034

PAGE 4 OF 7 PAGES

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

STATEMENT OF

TAKEN AT

CID Office

DATED

2004/07/08

9. STATEMENT (Continued)

A: I'm not sure of all of them, but I think most were erased.

Q: Were all of those depicting soldiers pointing weapons at detainees?

A: No, pretty much just posing w/ them weapon near but not pointing, or w/ it looking like it is.

Q: Why did you erase the pictures?

A: Wanted to take pictures of better things and different places and the memory card was not that big.

Q: Did you download those pictures to any computer?

A: Yes then to Pen sticks or floppy.

Q: What computer did you use to do this?

A: The computer that was there in the FB, platoons computer.

Q: Who's pen-sticks did you download them to?

A: There was one that the platoon had for use.

Q: What is a pen stick?

A: It's a memory stick that goes into the USB port, for easy movement of info.

Q: Who has the floppy disks?

A: [redacted] had them but he has since gotten rid of that camera and the floppy that went w/ it.

Q: Did you put any of the pictures on a Compact Disc?

A: They all were eventually put on CDs, from everyone's camera so people could remember Afghanistan.

Q: Where are these CDs?

A: Not sure.

0000035

INITIALS OF PERSON MAKING STATEMENT

PAGE

5

OF

PAGES

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

STATEMENT OF

TAKEN AT

CID office

DATED

2004/07/08

B. STATEMENT (Continued)

Q: Who had computers in Afghanistan?

A: The platoon computer, I eventually got one near the end of the deployment. [redacted] had to make a desktop there in our tent and sent it back. [redacted] picked up his on the way back to the states. [redacted]

Q: Who has the compact discs now?

A: No one that I know of for def. [redacted] I think [redacted] might, [redacted]

Q: Who had digital cameras in Afghanistan?

A: Me [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]

Q: After when you took the pictures, did you feel they were inappropriate?

A: Not really

Q: You did not feel that pointing a weapon at the back of the head of a bound detainee was inappropriate?

A: Not at the time.

Q: Do you feel that it is inappropriate now?

A: Yes, now that I look back on it

Q: Would you take the same type of pictures today?

A: No

Q: How do you feel you were treated today?

A: Very good

Q: Were you offered the chance to take breaks, to get something to drink, and to use the restroom?

A: Yes

Q: Is there anything you would like to add to your

INITIALS OF PERSON MAKING STATEMENT

PAGE

6

OF

7

PAGES

LAW ENFORCEMENT SENSITIVE

STATEMENT OF

TAKEN AT

CID Office

DATED

2004/07/08

B. STATEMENT (Continued)

statement?

A: not at this time

b7C-5, b6-5

End of Statement

b7C-5, b6-5

## AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD 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.

b7C-5, b6-5

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8<sup>th</sup> day of July, 2004,

at CID Office, Ft Drum, NY 13602.

b7C-1, b6-1

(Signature of Person Administering Oath)

Sgt

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 7 OF 7 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION Fl. Drum, NY	DATE 95404 1250	FILE NUMBER 0122-04-CID452
LAST NAME, FIRST NAME, MI [REDACTED] b7c-4 b6-4	SOCIAL SECURITY NUMBER [REDACTED] b7c-4 b6-4	GRADE/STATUS E-5
ORGANIZATION OR ADDRESS Box 2-22 Fl Drum, NY b7c-4, b6-4		

I, [REDACTED] b7c-4, b6-4 want to make the following statement under oath:  
 all of the packings of soldiers in the photographs were celebrations of soldiers promotions and or birthdays. It was all in good cooperation and spirit from the other soldiers I know of the pictures taken of soldiers and detainees were only for show and no harm came to detainees.

Q: SA [REDACTED] b7c-4, b6-4

A: PFC [REDACTED] b7c-4, b6-4

Q: I'm showing you photo #1, can you identify who is in the photo?

A: Sgt [REDACTED] b7c-5, b6-5 Sgt [REDACTED] b7c-4, b6-4

Q: I'm showing you photo #2, can you identify who is in the photo and what is going on in it?

A: Sgt [REDACTED] b7c-4, b6-4, Sgt [REDACTED] b7c-4, b6-4, pack [REDACTED] b7c-5, b6-5 for his birthday also included [REDACTED] b7c-4, b6-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4, b6-4	PAGE 1 OF 6 PAGES
---------	---	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

ENFORCEMENT SENSITIVE

STATEMENT OF  
CONTINUED.

TAKEN AT Fort Drum NY DATED 9 JUL 04

Q: I'm showing you photo #3, can you explain to me who is in the photo and what is occurring?

A: Same as photo #2, shown [redacted] and [redacted]

Q: I'm showing you photo #4, who is in the photo and what has occurred?

A: [redacted] punched

Q: I'm showing you photos 5, 6, 7, what is depicted in the photos?

A: SPC [redacted] getting punched for his birthday and doused with water.

Q: I'm showing you photos 8, what is depicted in the photo?

A: Sgt [redacted] posing with a detainee with a pistol pointed at his head.

Q: I'm showing you photo 9, what is depicted in the photo?

A: A soldier holding a weapon at a detainee.

Q: I'm showing you photo 10, what is depicted in the photo?

A: A soldier holding a weapon at a detainee.

Q: Do you recognize any of the soldiers pointing weapons at detainees in photos 9, 10?

[redacted] b7c-4, b6-4

PAGE 2 OF 11 PAGES

0600139

FOR OFFICIAL USE ONLY

STATEMENT OF  
CONTINUED.

ENFORCEMENT SENSITIVE

TAKEN AT

Fort Drum

DATED 9 JUL 04

A: No

Q: I'm showing you photos 11, 12, 13, 14, 15, 16, 17, 18, 19, what is depicted in them?

A: Pictures depict "tower #1" at Darnwood after being hit by a rocket. The blood on the ladder is that of my fellow soldiers PFC [REDACTED] SPC [REDACTED], PFC [REDACTED]

Q: I'm showing you photos 21 and 22, what is depicted?

A: This photo shows the man who fired the rocket and hit "tower 1" after we neutralized him.

Q: I'm showing you photo #22, what is depicted in the photo?

A: Photo shows [REDACTED] pointing a weapon at a distance and possibly [REDACTED] standing and watching.

Q: I'm showing you photo #23, what is depicted in the photo?

A: [REDACTED] pointing a weapon at a distance.

Q: I'm showing you photo #24, what is depicted in the photo?

A: Same as above photo #23.

PAGE 3 OF 6 PAGES

0000040

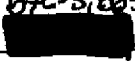
FOR OFFICIAL USE ONLY



STATEMENT OF  
CONTINUED.b7c-4, b6-1  
ENFORCEMENT SENSITIVE

TAKEN AT Fort Drum, NY DATED 9 JUL 04

Q: I'm showing you photos # 25 + #26, what is depicted in the photos?

A: SGT <sup>b7c-5, b6-5</sup>  grabbing a detainee <sup>in photo # 25</sup> and pointing his weapon at a detainee in photo # 26

Q: Did you witness or have any knowledge of suspected detainee abuse?

A: I never witnessed any detainee abuse nor was I present during any of these photographs. I knew of detainee photographs but had no knowledge of how they wanted to take them.

Q: While guarding the detainees was there an established SOP on the handling + guarding of the detainees?

A: Yes, to take them to the bathroom and call Sergeant of Guard if they wanted food or water. We guarded them in pairs and one of us was in the cage and one was outside. Prisoners were not supposed to talk of anything of that nature.

Q: What was your ROE for handling the detainees?

A: Not locked and loaded but at the ready in detainee's direction.

b7c-4, b6-4

PAGE 4 OF 6 PAGES

0600041

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

IN ENFORCEMENT SENSITIVE

STATEMENT OF  
CONTINUED.

TAKEN AT Fort Drum, NY DATED 9 JUL 04

Q: Was there any videotaping made of detainees abuse? If so by whom?

A: I have no knowledge of any such tapes

Q: Do you know who may have taken the photos I have shown you today?

A: Photos 20-21 may have been taken by [REDACTED]

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

A: No. /// END OF STATEMENT ///

67C-4,66-4

PAGE 5 OF 6 PAGES

FOR OFFICIAL USE ONLY

EXHIBIT 42

DA FORM 2823 (AUTOMATED)  
STATEMENT OF

TAKEN AT Ft. Drum, NY DATED 9 JUL 04 CONTINUED:

THIS SIDE NOT USED

AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED]. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 9th DAY OF Jul, 2004 AT Fort Drum NY

(Signature of Person Administering Oath)

(Name of Person Administering Oath)

Art 134, UCMJ  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGES 6 OF 6 PAGES

DA FORM 2823 (AUTOMATED)

FBI OFFICIAL USE ONLY

AGENT'S INVESTIGATION REPORT

0133-04-CID452-63629

CID Regulation 195-1

PAGE 1 OF 5 PAGES

At 1745, 6 Jul 04, SA [REDACTED] collected from 1SG [REDACTED] B Company, 2/22 Infantry Battalion, Fort Drum, NY 13602 five Laptop Computers. The evidence was collected on an Evidence/Property Custody Document (EPCD).

Agent's Note: 1SG [REDACTED] identified U.S. Government computers from his company, which were present in Afghanistan.

At 1950, 6 Jul 04, SA [REDACTED] briefed MAJ [REDACTED] Executive Officer, HHC, 2/22 Infantry Battalion, FDNY on the merits of this investigation. MAJ [REDACTED] stated he was not assigned to the Battalion while deployed to Afghanistan. MAJ [REDACTED] was assigned to HHC, 10<sup>th</sup> Mountain Division. MAJ [REDACTED] was asked to obtain any Summary Intel Report or 15-6 investigations detailing the death of an Enemy soldier killed during a Rocket propelled Grenade attack while at Fire Base TYCZE, Doh Rah Wod, Afghanistan.

At 1030, 7 Jul 04, SA [REDACTED] interviewed SSG [REDACTED] B Company, 2/22 Infantry Battalion, Fort Drum, NY 13602 who provided a verbal statement pertaining to this investigation. SSG [REDACTED] stated he was deployed to Operation Enduring Freedom (OEF), Kandahar, Afghanistan from 31 Jul 03 through approximately 6 May 04. SSG [REDACTED] duties were Squad Leader, Squad Operations, patrol and security during his deployment. Basically health and welfare of soldiers. SSG [REDACTED] stated he was never permanently assigned to Doh Rah Wod (DRW); he only conducted a few supply runs, approximately two times. He only filled in to deliver mail, supplies, food, equipment etc. SSG [REDACTED] stated he did not witness any abuse of detainees and was unable to identify the individual brandishing the weapon to the detainee's head. SSG [REDACTED] stated to his knowledge all detainees were treated humanely. They had bags over their faces and Flexi cuffed, but that was

SA [REDACTED]

62d MP Det (CID)  
Fort Drum, NY 13602

Signature: [REDACTED]

Date: 5-10-04 Exhibit: 9

AGENT'S INVESTIGATION REPORT

0133-04-CID452-63629

CID Regulation 195-1

PAGE 2 OF 5 PAGES

about the extent. During the end of the deployment they were instructed too not place bags over their head and only use blindfolds.

SSG [REDACTED] described the photographs 4 through 6, as being "PUC", Persons Under Control (PUC). This was a very close platoon, and we would tie up a fellow soldier and horseplay around to celebrate a promotion, award or birthday. It was done to be on my birthday, voluntarily, as the other soldiers also participated in the events. The deceased Afghanistan Male (photograph 20 and 21), I do not know who he is. The only one I can think of it being is the guy killed when he shot the Rocket Propelled Grenade (RPG) at the tower on DRW. SSG [REDACTED] was not present during the attacks, and was not aware if a Commanders 15-6 was conducted or a SPOT Report was done. SSG [REDACTED] was briefed prior to deployment of Rules of Engagement (ROE) and numerous times (NFI) in Kandahar. SSG [REDACTED] believes SJA and the unit S-2 provided ROE and scenarios were formed to clarify any questions soldiers had. SSG [REDACTED] stated he was never involved in any type of direct firefights. SSG [REDACTED] is assigned to 2<sup>nd</sup> Platoon, but was conducting his duties at Kandahar, which was approximately a 45-minute flight. b7C-4 b6-4

At 1105, 7 Jul 04, SA [REDACTED] obtained from SSG [REDACTED] a consent to search of his vehicle and residence for evidence pertaining to this investigation and to examine his computer for electronic forensic purposes. (See consent to search for details)

Agent's Note: A Search of SSG [REDACTED] residence revealed on his hard drive photographs of a soldier identified as [REDACTED] holding a M-4 Rifle to the back of a detainee (NFI) and [REDACTED] holding a M-4 Rifle to the head of a detainee. b7C-4, b6-4 b7C-5, b6-5

SA [REDACTED] b7C-1, b6-1

62d MP Det (CID)  
Fort Drum, NY 13602

Signature: [REDACTED] b7C-1, b6-1

for

Date: 6/30/04 Exhibit: 9

CID Form 94

FOR OFFICIAL USE ONLY

000000 45

AGENT'S INVESTIGATION REPORT

0133-04-CID452-63629

CID Regulation 195-1

PAGE 3 OF 5 PAGES

At 1230, 7 Jul 04, SA [REDACTED] collected as evidence from SSG [REDACTED] 3 Compact discs and one Dell Central Processing Unit (CPU) as evidence. Evidence was collected on a DA Form 4137. Evidence/Property Custody Document (EPCD).

At 0850, 8 Jul 04, SA [REDACTED] interviewed SGT [REDACTED], B Company, 2/22 Infantry Battalion, FDNY who provided a verbal statement. SGT [REDACTED] stated he was a voluntarily participant in the "PUC" ritual performed by the platoon and did not recognize the masked soldier with the pistol to the head of the detainee (photograph #8). SGT [REDACTED] stated he was assigned to DRW for approximately 2 1/2 months, from approximately November 2003 through January 2004. SGT [REDACTED] stated the detainees were treated humanely and he never witnessed any type of abuse. SGT [REDACTED] further stated the deceased male Afghanistan (photograph #20 and 21) was the individual killed who performed the RPG Attack on a guard tower at DRW. SGT [REDACTED] was not around enemy detainees and could not elaborate on their living conditions.

At 0915, 8 Jul 04, SA [REDACTED] obtained a consent to search from SGT [REDACTED] to search his home computer, digital camera and hard photographs from his deployment to Iraq. Search revealed negative results and no items were collected as evidence. (See consent to search for details)

At 1135, 12 Jul 04, SA [REDACTED] interviewed SGT [REDACTED], B Company, 2/22 Infantry Battalion, Fort Drum, NY 13602 who rendered a sworn statement detailing his knowledge of this investigation. (See sworn statement of SGT [REDACTED] for details)

SA [REDACTED]

62d MP Det (CID)  
Fort Drum, NY 13602

Signature: [REDACTED]

Date: 5/3/04 Exhibit: 9

CID Form 94

FOR OFFICIAL USE ONLY

0000 46

AGENT'S INVESTIGATION REPORT

0133-04-CID452-63629

CID Regulation 195-1

PAGE 4 OF 5 PAGES

At 1140, 12 Jul 04, SA <sup>b7c-1, b6-1</sup> obtained from SGT <sup>b7c-4, b6-4</sup> a consent to search of his off post residence, vehicle and computer. (See consent to search for details)

At 1200, 12 Jul 04, SA <sup>b7c-1, b6-1</sup> and SA <sup>b7c-1, b6-1</sup>, this office conducted a search of SGT <sup>b7c-1, b6-1</sup> two personally owned vehicles, home computer, digital camera and photographs for any evidentiary value to this investigation. Search met with negative results.

At 1207, 14 Jul 04, SA <sup>b7c-1, b6-1</sup> interviewed SPC <sup>b7c-4, b6-4</sup>, B Company, 2/22 Infantry Battalion, Fort Drum, NY 13602 who rendered a sworn statement detailing his knowledge of this investigation. (See sworn statement of SPC <sup>b7c-4, b6-4</sup> for details)

At 1210, 14 Jul 04, SA <sup>b7c-1, b6-1</sup> obtained a consent to search from SPC <sup>b7c-4, b6-4</sup> to search his personal computer and digital camera. (See consent to search for details)

At 1230, 14 Jul 04, SA <sup>b7c-1, b6-1</sup> searched the property of SPC <sup>b7c-1, b6-1</sup> which met with negative results.

At 1033, 15 Jul 04, SA <sup>b7c-1, b6-1</sup> advised SPC <sup>b7c-5, b6-5</sup>, B Company, 2/22 Infantry Battalion, Fort Drum, NY 13602 of his rights which he waived and rendered a sworn statement admitting to <sup>b7c-5, b6-5</sup> Aggravated Assault (See rights waiver and sworn statement of SPC <sup>b7c-5, b6-5</sup> for details)

At 1130, 15 Jul 04, SA <sup>b7c-1, b6-1</sup> obtained from SPC <sup>b7c-5, b6-5</sup> a Consent to Search of his vehicle, barracks room and media/computer devices. (See consent to search for details)

SA <sup>b7c-1, b6-1</sup>

62d MP Det (CID)  
Fort Drum, NY 13602

Signature: <sup>b7c-1, b6-1</sup>

Date: 15 Jul 04 Exhibit: 9

CID Form 94

FOR OFFICIAL USE ONLY

00000145

AGENT'S INVESTIGATION REPORT

0133-04-CID452-63629

CID Regulation 195-1

PAGE 5 OF 5 PAGES

At 1230, 15 Jul 04, SA [REDACTED] b7C-4,66-1 conducted a search of SPC [REDACTED] b7C-4,66-1 personal property for evidence pertaining to this investigation. Search met with negative results.

At 1230, 15 Jul 04, SA [REDACTED] b7C-4,66-1 and SA [REDACTED] b7C-4,66-1, this office, conducted a search of the personal property of SPC [REDACTED] b7C-4,66-1, which met with negative results.

////LAST ENTRY////

SA [REDACTED]

62d MP Det (CID)  
Fort Drum, NY 13602

Signature: [REDACTED]  
for

Date: 5/10/04 Exhibit: 9

CID Form 94

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

000000 48



SWORN STATEMENT			
For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.			
LOCATION Fort Drum, NY 13601	DATE 12 July 2004	TIME 1135	FILE NUMBER 0122-04-CID452
LAST NAME, FIRST NAME, MI [REDACTED] b7c-4, b6-4	SOCIAL SECURITY NUMBER [REDACTED] b7c-4, b6-4	GRADE/STATUS SGT/RA	
ORGANIZATION OR ADDRESS B Company, 2/22 Infantry Battalion, Fort Drum, NY 13602			

I, SGT [REDACTED] want to make the following statement under oath:

I was deployed to Afghanistan from approximately 1 Aug 2003 to 5 May 2004. I was stationed at Deh Ra Wood (DRW), Afghanistan, 7 Dec 03 until 23 Feb 04. My duties their consisted of guard duties, conducting patrols and Sergeant of the Guard for the perimeter security. The platoon duty was base security and patrols. Mounted and Dismounted patrols and on occasssion we were tasked out to go on missions with Special Forces.

Q. SA [REDACTED] b7c-4, b6-4

A. SGT [REDACTED] b7c-4, b6-4

Q. What type of camera did you use during your deployment?

A. Disposable, which I purchased at the PX in Kandahar.

Q. What locations were you at in Afghanistan?

A. I was at DRW, Dechopan, Qualat. Mostly I was in Kandahar.

Q. Did you ever seen detainees get kicked, hit, or inhumanel treated while in U.S. Custody?

A. No.

Q. Did you witness any U.S. Sodliers mistreat a detainee?

A. No.

Q. I am going to show you photos. In photograph 6/1, do you recognize the two individuals? b7c-5, b6-5

A. Yes. SSG [REDACTED] b7c-4, b6-4, Squad Leader and SFC [REDACTED] b7c-4, b6-4, Platoon Sergeant. In photo 6/2, I recognize the face of PVI [REDACTED] b7c-4, b6-4, I see his face, he is Mexican. To the left is SGT [REDACTED] b7c-4, b6-4. The other two I do not recognize. The photo appears to be a Birthday "PUCing". This is Person Under Confinement (PUC), it is to build camaraderie, unit conhesion. It happens on birthday, promotions, it does not offend anyone and it is only in fun. Photo 6/3 I believe is the same birthday PUCing. I think it is SPC [REDACTED] b7c-5, b6-5. Photograph 6/4 I believe is [REDACTED] b7c-4, b6-4. This happened at DRW, in the old detainee cell. Photogrpahs 6/5, 6/6 and 6/7 are all of SPC [REDACTED] b7c-4, b6-4 (NFI), he was the commo guy assigned to our platoon.

Q. I am now showing you Photgrpah 6/8. Do you recognize the individual?

A. Yes. I believe that it is SSG [REDACTED] b7c-5, b6-5. It looks like him, based on the ball cap, glasses and field coat liner. That was a recognizable uniform he wore.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4, b6-4	PAGE 1 OF 4 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] b7c-4, b6-4 TAKEN AT [REDACTED] b7c-4, b6-4 DATED [REDACTED] b7c-4, b6-4 CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] b7c-4, b6-4 OF [REDACTED] b7c-4, b6-4 PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.		

FOR OFFICIAL USE ONLY

EXHIBIT

Q. In photograph 6/9, do you recognize the individual?

A. No.

Q. Do you recognize the individual in photo 6/10?

A. No.

Q. In photographs 6/11 through 6/19. Can you explain these photos in details?

Q. Yes. 6/11 is a tower, which was hit by an RPG. The photo of 6/20 the deceased male, was the one who fired the rocket at the tower. In the tower was SPC [REDACTED], SPC [REDACTED] and SPC [REDACTED], all with B Company, 2/22 INF BN. This happened approximately 0130 in the morning, Zulu time, which was actually 0530 hours, 18 January 2004. I remember this because it was the only time I fired my weapon. I did fire at the deceased, it was only suppressive fire, and I did not hit him. When the attack first started, my squad was sleeping; we were woken up and informed we were under attack. I got my stuff on, woke up my squad. The deceased fired one RPG, it hit the tower, the blood in the photos is from [REDACTED] and [REDACTED] as they were severely wounded. I got to the scene with SFC [REDACTED]. The deceased was charging the camp, as suppressive fire was shot behind him. SFC [REDACTED] shot the deceased three times in the chest as the deceased was pointing and firing and AK-47 at us, the shot was about 20 meters in distance. Also one of the Special Forces guys (NFI) shot the deceased. The SF sniper shot the guy in the head. Everything was moving fast, we think there was two or three other enemies out there. So there was a lot of firing going on. But most of hit came from the suppressive fire team. I witnessed SFC [REDACTED] shoot the individual, he was about 10 or 15 feet to my right. He did not shoot the guy after he was down.

Q. How did the dead local national die?

A. SFC [REDACTED] shot him, when he attacked our camp.

Q. Who took the picture of the deceased?

A. I do not know.

Q. Where were the photos taken at in Afghanistan?

A. All the photos are of DRW.

Q. Were any SOP's in place about handling of detainee's by your unit or the command?

A. Yes. SOP was separate them. The 5 S's. To my knowledge no detainees were ever abused, until I saw these pictures today.

Q. How long were detainees kept at your location at DRW?

A. No more than a week at a time. If they had pertinent information they were then sent to Bagram or Kandahar.

Q. How would you describe their living condition at the detainee facility at your location?

A. Good. They had mattresses on the ground; food, water and we brought them to use latrines if they needed to.

Statement of Sgt [REDACTED]  
02 12 JUL 04

b7c-4/66-4

take at Ft Drum, NY

b7c-4/66-4

- Q. What were the ROE's during your mission?
- A. To the best of my knowledge. When you are fired at, fire back. Most was use of force if we needed to use it.
- Q. Were you updated periodically on changing ROE's?
- A. Yes. By the command. Meaning Battalion Commander and Company. He would brief through the SOG on updates. It would come down through the chain of command.
- Q. What was the grid location of your Camp in Afghanistan?
- A. I do not remember.
- Q. Did the unit initiate a 15-6 investigation documenting all soldiers' deaths or attacks on unit's bases?
- A. I have no idea. I do not know what a 15-6 Investigation is.
- Q. What Special Forces Representatives were you with?
- A. With ODA, Operation Detachment Alpha, 3/72 and 3/73, out of Ft Bragg, I believe. The snipers name was [REDACTED] (NFI), an 18 D Medic and sniper qualified. b7c-3,66-3
- Q. What specific guidance did they provide concerning detainees?
- A. Keep their heads covered with sandbags so they could not see our nametags, keep hands cuffed and treat them with respect. Do not give them food until we told to. I never witnessed any detainee be abused.
- Q. Do you have anything else to add to this statement?
- A. No.////END OF STATEMENT////

b7c-4/66-4

PAGE 3 OF 4 PAGES

0000051

0122-04, CID 452

DA FORM 2823 (AUTOMATED)  
STATEMENT OF SGT [REDACTED]

TAKEN AT Ft Drum, NY

DATED 1230604 CONTINUED

NOT USED

AFFIDAVIT

I, SGT [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED]. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS [REDACTED] DAY OF [REDACTED], 19 [REDACTED] AT [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

SA [REDACTED]  
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136  
(Authority to Administer Oath)

0000052

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGES 4 OF 4 PAGES

**SWORN STATEMENT**

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION Fort Drum, NY	DATE 14 Jul 2004	TIME 1207	FILE NUMBER b7c-4, b6-4
LAST NAME, FIRST NAME, MI b7c-4, b6-4	SOCIAL SECURITY NUMBER b7c-4, b6-4	GRADE/STATUS SPC/RA	
ORGANIZATION OR ADDRESS B Company, 2/22 Infantry Battalion, Fort Drum, NY 13602			

want to make the following statement under oath:

I, SPC [REDACTED] was deployed to Afghanistan from 31 Jul 03 until 7 May 04. My duties ranged from SAW Gunner, M203 Grenadier and Team Leader. I was assigned to Deh Ra Wud (DRW), from December 03 until February 04. I was assigned to Prisoners Under Control (PUC) guard in all aspect of futies, perimeter guard, roving guard as well as patrols. I had a Pentax Digital Camera. I never witnessed any detainess being abused, actually the Special Forces sodleirs were extremely adamant bout not physically abusing or mistreating prisoners. The living concitions for the detainees was fine, but not a Hilton, the basic necessities were there. They had foo, water and toilet, also blankets. Prisoners that came in, it would take a coupll of days before they would be transferred to another place.

Q. SA [REDACTED] b7c-1, b6-1

A. SPC [REDACTED] b7c-4, b6-4

Q. In photos 6/1 through 6/7 can you identitify any of the personnel?

A. In photo 6/1 is SSG [REDACTED] and SFC [REDACTED]. 6/2 is [REDACTED] and I think SGT [REDACTED] in the corner. In photo 6/3 I think is [REDACTED] in the the back. All these photos are PUC's for birthday's, anniversary, and promotions. This was not against anyones will. 6/4 is possibly [REDACTED]. 6/5, 6/6 and 6/7 is [REDACTED] b7c-4, b6-4

Q. Do you recognize the person in photo 6/8?

A. I think possible SSG [REDACTED] to the best of my ability.

I do not know the identity of the erson in 6/9 or 6/10. I cannot make any details out of the photo.

In photo 6/11 through 6/21, can you describe and explain the photos?

A. On the moring of 18 Jan 04, about 0530 hours. We received machine gun fire, the occupants in tower #1 fired back until they ewer hit with an RPG. Then members of the platoon, fixed and destroyed the enemy target. The blood in the photos belongs to PFC [REDACTED], PFC [REDACTED] and [REDACTED]. They were wouned in the RPG attack. The deceased is the enemy who fired the RPG at the tower. He was killed trying to assault the front gate. He was shot [REDACTED] 18D from SF and SFC [REDACTED]. The enemy was running and firing his weapon at all the personnel on the HESCO wall. SFC [REDACTED] shot him in the chest about 2 or 3 times.

Q. Were you periodically brifed and updated on Rules of Engagement?

A. Oh yeah. There were 3 or 4 times that I can remember being briefed.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4, b6-4	PAGE 1 OF 3 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.</p> <p style="text-align: right;">0000053</p>		

STATEMENT OF SPC [REDACTED] LAW ENFORCEMENT SENSITIVE [REDACTED]  
CONTINUED. TAKEN AT CID OFFICE, FDNY DATED 14 Jul 04

It would be done at the squad level, but also when we in processed into the country we were briefed.

Q. Do you recall a 15-6 investigation being done?

A. I do not know what a 15-6 is. I remember the Brigade and Battalion Commander out to check on it.

Q. I am now showing you photographs 6/22? Do you recognize the soldier?

A. The individual with the rifle is SPC [REDACTED]. I think the other soldier is possible SPC [REDACTED]. Photo 6/23 is definitely [REDACTED]

[REDACTED] Photo 6/24 is [REDACTED] I cannot identify the individual in 6/25. In photo 6/26 is definitely SGT [REDACTED]

Q. How do these photos make you feel?

A. Dumb thing to do. These are all good guys, but they made some poor decisions. This is a good platoon. SFC [REDACTED] ran a tight ship, all his actions throughout the whole deployment kept us all alive and made us better soldiers. If he knew this was going on, he would have handled it.

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

A. NO. ///END OF STATEMENT ///X [REDACTED] b7c-4, b6-4

FOR OFFICIAL USE ONLY  
INFORCEMENT SENSITIVEDA FORM 2823 (AUTOMATED)  
STATEMENT OF SAC

b7c-4, b6-4

TAKEN AT

Ft Drum, NY

DATED

14 JUL 04

CONTINUED:

NOT USED

## AFFIDAVIT

I, SAC b7c-4, b6-4 HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b7c-4, b6-4  
(SIGNATURE OF PERSON MAKING STATEMENT)

## WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 14 DAY OF JULY 2004 AT FT DRUM, NY

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

b7c-4, b6-4  
SA  
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136  
(Authority to Administer Oath)

000005

INITIALS OF PERSON MAKING STATEMENT

b7c-4, b6-4

PAGES 3 OF 3 PAGES

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY  
INFORCEMENT SENSITIVE

EXHIBIT 11

0133-04-CID452-63629

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.

67C-5, 66-5

1. LOCATION FT. Drum, NY 13603	2. DATE 15 JUL 04	3. TIME 1033	4. FILE NO.
6. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS B. Company 2/22 INFANTRY BN Fort Drum, NY 13617		
8. SSN [REDACTED]	7. GRADE/STATUS SPC / RA		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected: Aggravated Assault 111

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

- 1. I do not have to answer any questions or say anything.
- 2. Anything I say or do can be used as evidence against me in a criminal trial.
- 3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- 4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR 67C-1, 66-1 SA [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR 60d and Det (CID) Fort Drum, NY 13637
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-waiver

- 1. I do not want to give up my rights:  
☐ I want a lawyer. ☐ I do not want to be questioned or say anything. 6000056
- 2. SIGNATURE OF INTERVIEWEE

OFFICIAL USE ONLY

FBI/DOJ

ATTACH THIS WAIVER CERTIFICATE TO ANY SUBCOMMITTEE REPORT, REPORT, OR OTHER DOCUMENT



0133-04-CD452-40362

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION Fort Drum, NY 13602	DATE 15 July 2004	TIME 1125	FILE NUMBER b7c-5 b6-5
LAST NAME, FIRST NAME, MI [REDACTED] b7c-5, b6-5	SOCIAL SECURITY NUMBER [REDACTED] b7c-5 b6-5	GRADE/STATUS SPC/RA	
ORGANIZATION OR ADDRESS B Company, 2/22 Infantry Battalion, Fort Drum, NY 13602 b7c-5, b6-5			

I, SPC [REDACTED] want to make the following statement under oath:  
I have been assigned to Fort Drum since August 2002. I was deployed to Afghanistan since July 2003 until January 2004. I was wounded on 18 Jan 04, in a RPG attack on a guard tower. I never witnessed any detainee Abuse while deployed. However, SA [REDACTED] showed me a photograph of myself holding my M-4 Rifle with magazine. I am wearing a Black Fleece coat with black knit hat. I think the individual in the background was [REDACTED] This photograph was taken of me prior to my being wounded. I do not remember the date it was taken or who took the photograph. I actually do not remember the photograph being taken, but it is me in the photo. I did not take a digital camera, only disposable cameras. My duties in Afghanistan were Team leader, which consisted of checking the team, roving patrol, guard duty and training and missions with Special Forces. I was stationed in Kandahar Airbase, Bagram and De Rah Woo (DRW). I never witnessed any detainee kicked, hit or inhumanely treated. I never mistreated a prisoner, but I do admit to placing the weapon to the prisoners head while he was zipped tied and blindfolded.

Q. SA [REDACTED] b7c-5, b6-5

A. SPC [REDACTED] b7c-5, b6-5

Q. Can you describe photographs 6/2 through 6/7?

A. It was Birthday PUC. If someone got promoted, it was platoon tradition and no one objected to it or was hurt.

Q. Do you recognize the individual holding the weapon in photo 6/8?

A. I do not recognize the person.

Q. Do you recognize the person in 6/9?

A. No.

Q. Do you recognize the person 6/10?

A. No.

Q. Do you recognize anyone in photographs 6/22?

A. It looks like [REDACTED] with the weapon, but I am not sure. I do not recognize the individual in the black fleece and cap. Photo 6/23 and 6/24 is definitely [REDACTED] holding the M-4 to the detainees head. I do not recognize the individual in photograph 6/25.

Q. Do you recognize the individual in 6/26?

A. It looks like SGT [REDACTED]

Q. Do you recognize the deceased male in the photo.

0000057

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-5, b6-5	PAGE / OF 3 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.</p>		

STATEMENT OF SPC [REDACTED]

TAKEN AT CID OFFICE, FDNY DATED 15 Jul

04

CONTINUED.

b7c-5, b6-5

Q. Were any SOP's in place about handling of detainees by your unit or command?

A. You can are not allowed to push them around. I never saw any pushed. We did bring them food and water. The SF Guys would instruct us to bring them water or MRE's. Even the SF guys told us not to be rough with them. I remember SFC [REDACTED] would go to meetings and he would put the information out to us. b7c-4, b6-4

Q. How long were detainees kept at your location?

A. I do not know the exact length of time.

Q. How would you describe the detainees living conditions?

A. It was clean area. They had mattresses to sleep on and blankets. If they got new blankets, then the old ones would be burned.

Q. Did SFC [REDACTED] and LT [REDACTED] run a tight ship?

A. Yes. Communication was good between the LT and SSFC [REDACTED], they worked well together. I know SFC [REDACTED] would not stand for this kind of actions. He took care of the soldiers over there and pulled guard when a squad was short.

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

A. I apologize for what I did. It was wrong, I no I did not physically abuse anyone. This was the first time I have seen the photo of me holding the weapon to the detainee's head, and it is I in the photo, regretfully.

//////////////////END OF STATEMENT//////////////////

b7c-5, b6-5

0000058

b7c-5, b6-5

0133-04-CID 453  
-636

DA FORM 2823 (AUTOMATED)  
STATEMENT OF SPC [REDACTED]

TAKEN AT Ft Drum, NY DATED 15 JUL 04 CONTINUED:

NOT USED

I, SPC [REDACTED] b7c-5, b6-5 AFFIDAVIT  
HAVE READ OR HAVE HAD 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 OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS  
STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND  
WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. X [REDACTED] b7c-5, b6-5

X [REDACTED]  
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW  
TO ADMINISTER OATHS, THIS 15 DAY OF JULY 2004  
AT Ft Drum, NY b7c-5, b6-1

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath) b7c-5, b6-1

SA [REDACTED]  
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136 0000059  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT  
[REDACTED] b7c-5, b6-5

PAGES 3 OF 3 PAGES

OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

## AGENT'S INVESTIGATION REPORT

 ROI NUMBER  
0133-2004-CID452-63629

CID Regulation 195-1

PAGE 1 OF 1 PAGE

## DETAILS

About 0930, 08 Jul 04, SA <sup>b7C-4, b6-4</sup> interviewed SGT <sup>b7C-4, b6-4</sup> B Company, 2/22 Infantry Battalion, Fort Drum, NY 13602, who provided a sworn statement detailing his knowledge of the photographs depicting suspected detainee abuse (See Sworn Statement for details).

About 1022, 08 Jul 04, SA <sup>b7C-4, b6-4</sup> obtained from SGT <sup>b7C-4, b6-4</sup> a consent to search of his vehicle and residence for evidence pertaining to this investigation. (See CID Form 87-R-E for details)

At 1058, 08 Jul 04, SA <sup>b7C-4, b6-4</sup> this office, received 3 undeveloped disposable cameras for evaluation as evidence, documented under voucher number 047-04 from the hands of SGT <sup>b7C-4, b6-4</sup>

At 1245, 08 Jul 04, SA <sup>b7C-4, b6-4</sup> received 2 rolls of Kodak undeveloped film for evaluation as evidence, documented under voucher number 048-04 from the hands of SGT <sup>b7C-4, b6-4</sup>

About 1025, 15 Jul 04, SA <sup>b7C-4, b6-4</sup> interviewed PFC <sup>b7C-4, b6-4</sup> B Company, 2/22 Infantry Battalion, Fort Drum, NY 13602, who provided a sworn statement detailing his knowledge of the photographs depicting suspected detainee abuse (See Sworn Statement for details).

About 1238, 15 Jul 04, SA <sup>b7C-4, b6-4</sup> obtained from PFC <sup>b7C-4, b6-4</sup> a consent to search of his vehicle and residence for evidence pertaining to this investigation (See Sworn Statement for details).

///Last Entry///

0000059

 TYPED AGENT'S NAME AND SEQUENCE NUMBER  
SA <sup>[REDACTED]</sup>

 ORGANIZATION  
62<sup>nd</sup> MP Det (CID), 3<sup>rd</sup> MP Grp, USACIDC,  
Fort Drum, NY 13602-5013

 DATE  
19 JUL 04

EXHIBIT

13

 CID FORM 84  
1 FEB 77

 FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

For use of this form, see AR 190-45. The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION	DATE 08 JUL 04	TIME 1705	FILE NUMBER 0122-04-CID452
LAST NAME, FIRST NAME, MI [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-5 SGT	
ORGANIZATION OR ADDRESS BCo 2-22 IN [REDACTED], FONY			

I, SGT [REDACTED] want to make the following statement under oath:

In Daerawa pictures were taken of my soldiers mistreating PIC's. I have seen a few pictures of this nature before but though nothing of it since these people are the ones that are trying to kill us. These people might have been humiliated but I am sure they were never in risk of losing there life while in our custody. During this time in Daerawa I wanted in Mountain Tac as RTO so I never got to work in the towers or in the par cage like everyone else. Few people had cameras as well as camcorders. Are RBE was shoot only when shot at or after the rocket attack they told us to shoot if we saw something suspicious only after calling me on the radio at Mountain Tac. I had already develop [REDACTED] three rolls of film and I have 2 more cameras in my possession but no discriminating pics are on there. Other than that we pulled a few of our own men for birthdays or promotions.

NOT USED

NOT USED

b6-4  
b7C-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 8 PAGES
---------	---	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

0000061

STATEMENT OF  
CONTINUED.

TAKEN AT

DATED

08 JUL 04

Q: SA [REDACTED]

A: SGT [REDACTED] b7c4, b6-4

Q: What type of Camera did you use during your deployment?

A: Kodak Max 3 disposable cameras that we developed at the PX and I have 3 more cameras with about 50% occupancy.

Q: What were your duties while deployed to Afghanistan?

A: RTO till Feb 2004 AS RTO (Radio Telephone Operator) I stayed with my LT and worked in Mountain Top in Daerawos. TL for a week or so before I went to pre range.

Q: What locations were you at in Afghanistan?

A: Daerawos, Kandahar, Bagram

Q: Did you ever see any detainees get kicked, hit, or inhumanely treated while in U.S. Custody?

A: Not that I saw the incident happen but I saw pictures occasionally

Q: Where did you see these pictures?

[REDACTED] b7c4, b6-4

PAGE

2

OF

8

PAGES

0000062

14

STATEMENT OF  
CONTINUED.

TAKEN AT

DATED 08 JUL 04

I saw the pictures on the Mountain Top computer & the computers in the MWR building we had but not so many then.

Q: Where are these Computers NOW?

A: I think they were turned over to the 25<sup>th</sup> TN.

Q: Do you know who downloaded the pictures to the Computers?

A: No there were so many different people who used the computer.

Q: Who do you know that had digital cameras? PFC [REDACTED] b7C-4, b6-4, SFC [REDACTED] b7C-5, b6-5, PFC [REDACTED] b7C-4, b6-4

Q: Can you identify what's in photograph 4/1?

A: SSG [REDACTED] b7C-5, b6-5 & SFC [REDACTED] b7C-4, b6-4 during New Years.

Q: Can you identify what's in photograph 4/2? A: PVT [REDACTED] b7C-4, b6-4, SGT [REDACTED] b7C-4, b6-4

SFC [REDACTED] b7C-4, b6-4 or SSG [REDACTED] b7C-5, b6-5 due to the hat. Parsing one of our guys.

Q: You identified one person in the

STATEMENT OF  
CONTINUED.

TAKEN AT

DATED 08 JUL 04

photo as SFC [REDACTED] or SSG [REDACTED] due to the hat, why so?

A: Only two people had that hat which is our company hat.

Q: What is depicted in photograph 4/3? One of our guys getting pucked for either his b-day or Promotion. It was definitely one of ours because he is in our living quarters. People are SSG [REDACTED], SFC [REDACTED], SFC [REDACTED], SFC [REDACTED], and Myself. I think the person getting pucked is SSG [REDACTED]

Q: What is depicted in photograph 4/4? [REDACTED] is being pucked for his b-day. (Cold puc cage).

Q: What is depicted in photograph 4/5?

A: [REDACTED] being pucked on his b-day. (New puc cage)

Q: What is depicted in photograph 4/6?

A: [REDACTED] getting water dumped on him as he was pucked. (New puc cage)

Q: What is depicted in photograph 4/7?

A: [REDACTED] after the pucking finished.

Q: What is depicted in photograph 4/8?



17-4  
6-4  
STATEMENT OF  
CONTINUED.

TAKEN AT

DATED 08 JUL 04

NOT USED

NOT USED

A: SSG [REDACTED] hazing the detainees  
with a 9mil in the New Puck cage.

Q: What is depicted in photograph 4/9?  
Detainee has a 9mil pointed at his head By?

Q: What is depicted in photograph 4/10?  
A: Detainee has a 9mil pointed at his  
head by possibly PVI [REDACTED] b7C-5, b6-5

Q: What is depicted in photograph 4/11 + 4/12.  
A: Jan 17 3 guys from 2nd platoon were  
hit by an RPG (Rocket Propelled Grenade)  
in tower 1. The blood on the ground  
was that of [REDACTED] and [REDACTED] b7C-3, b6-3

Q: What is depicted in photograph 4/13 - 4/15:  
A: Blood from [REDACTED] b7C-3, b6-3 after the RPG hit.  
tower 1.

Q: What is depicted in 4/16, 4/17, 4/18 + 4/19:  
A: MRE, Ground, Bag covered By  
[REDACTED] b7C-3, b6-3 blood.

Q: What is depicted in 4/20 + 4/21?

A: The individual who ran into our  
camp shooting rockets and AK 47s  
at our soldiers b7C-4, b6-4

STATEMENT OF  
CONTINUED.

TAKEN AT

DATED 08 JUL 01

Q: Do you know of anyone who utilized  
video cameras? b7C-3, b6-3 b7C-3, b6-3

A: [REDACTED]

Q: Where were photographs 4-1 through  
4-21 taken?

A: All pictures were at Daerauoo Afghan

Q: Were any other units located in  
your unit's area?

A: No just SF.

Q: Were any SOP's in place about hand-  
ling of detainees by your unit or the  
command?

A: ~~UNIT~~ UNIT I am not sure  
what the SOP was for care of  
the detainees because I had my  
SOP for radios and vehicle radios.

Q: How would you describe their living  
condition at the detainee facility at  
your location? A: Well they built a new  
puck cage the first month we were  
there so at least we were trying  
to make a little bit more comfortable.  
I suppose the treatment would depend  
on the person watching him

b7C-4, b6-4

PAGE

6

OF

8

PAGES

FOR OFFICIAL USE ONLY

14

b7c-4, b6-4

STATEMENT OF  
CONTINUED.

TAKEN AT

DATED 08 JUL 01

Q: What were the ROE's during your mission. Were you updated periodically on changing ROE's?

A: I am not sure the exact ROE's but I was told while on patrol shoot only when shot at or if anyone were to look like they were a threat be cognizant to shoot.

Q: Do you recall the grid location of your camp(s) in Afghanistan?

A: No

Q: Did your unit initiate a 15-6 investigation documenting all Soldiers deaths or attacks on unit bases/ convoys, etc.? IF so, who was the 15-6 officer?

A: Yes/No When we got hit with the rocket we called it up and our LT typed up what happened and sent it to higher.

Q: What Special Forces representatives were you with? Where were they from (installation/unit)? What specific guidance did they provide concerning

FOR OFFICIAL USE ONLY  
EXEMPT SENSITIVE

DA FORM 2823 (AUTOMATED)

b7c-4, b6-4

STATEMENT OF

TAKEN AT

DATED

08 JUL 04

CONTINUED:

detainees?

A: 2nd or 3rd grade don't know names  
and I don't know what they said  
to the pack guardsQ: Do you wish to add anything further to  
this statement? b7c-4, b6-4

A: No. /// END of statement ///

## AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 8. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b7c-4, b6-4  
(SIGNATURE OF PERSON MAKING STATEMENT)

## WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS \_\_\_\_ DAY OF \_\_\_\_, 19\_\_ AT \_\_\_\_

b7c-1  
b6-1  
ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

SA [REDACTED]  
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, UCMJ  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGES 8 OF 8 PAGES

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION <b>CID</b>	DATE <b>15 JUL 04</b>	TIME <b>17:34</b>	FILE NUMBER <b>0133-04-CID452-</b>
LAST NAME, FIRST NAME, MI <b>[REDACTED] b7c-4, b6-4</b>	SOCIAL SECURITY NUMBER <b>[REDACTED] b7c-4, b6-4</b>	GRADE/STATUS <b>E-3</b>	
ORGANIZATION OR ADDRESS <b>Bco. 2-22 INF Fort Drum, NY 13602</b> <b>b7c-4, b6-4</b>			

I want to make the following statement under oath:

I, **[REDACTED]**,  
Between the Dates of Aug. 1 2003 to May 7, 2004 I was deployed to Afghanistan as Operation Enduring Freedom (The Fight on Terrorism). During that time I was located in different parts of Afghanistan; Kandihar Air Field, Bagram Air Field, Deh Rah Waa Providence, Deh She Pan, Calot. In Afghanistan I had different duties from a AA (Stw Gunner) to an AG and also a Rifleman. During the deployment I did have disposable cameras. I didn't take nor see anyone taking pictures of detainees. I did not see any mistreatment or inhumane treatment of detainees while I was deployed. During the time my unit was deployed to located at the Deh Rah Waa Providence there were SF (Special Forces) located at the same time. SF gave in passed many SOP's down the chain of command. Some SOP's were about detainees that described the treatment and order in which ~~the~~ detainees were treated. All detainees were taught (via translator) what I call the FINGER SYSTEM. If a detainee a detainee holds up ONE, TWO, OR THREE Fingers, each finger depicts a different need or want, such as: Want Water, Want Food, Want Bathroom. If one of the detainees held up a certain amount of fingers we would always fulfill there ~~finger~~ requests. If SF told us to do something they we would do it because ~~they~~ they were in charge. ~~They~~ Detainees were only kept for a couple of days, sometimes more, but usually just a couple days depending on SF and if they were finish doing ~~what~~ what they had to do. When the detainees were under U.S. custody there living conditions were about like ~~ours~~ <sup>ours</sup>. They were given a mattress ~~the~~ (I called a ~~Hiji~~ Mattress because it was ~~the~~ <sup>ours</sup> ~~one~~ <sup>ours</sup> Thred the thickness of a normal American Mattress), but we were giving the same mattress. They had blankets, their clothes, shoes, but they didn't have any personal items (ie: watches, money, mirrors, pens, combs, etc.) ~~the~~ Another part of our SOP was to search & bag the ~~the~~ personal items and hand it over to the SF. ~~the~~ During Afghanistan ~~the~~ our ROE's changed but the Primary ROE was ~~in~~ in my own words, "If you think it is ~~to~~ <sup>to</sup> weird looking call via radio the SOG or the COB" and "If you are being shot AT (TAKING ROUNDS), then Shoot back. During the time my unit was in Deh Rah Waa with SF, specific guidance was provided from SF concerning detainees; For IE: If SF felt that the detainees were of special importance they would log records of their Name & Photos of any body scars of the detainees, we would have <sup>specific</sup> instructions to pull security for them & the ~~interpret~~ interpreter.

(CONTINUED)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <b>[REDACTED] b7c-4, b6-4</b>	PAGE 1 OF 4 PAGES
---------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

EXHIBIT 15

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

STATEMENT OF

TAKEN AT

CID

DATED

15 JUL 04

9. STATEMENT (Continued)

Q: SA

A: PFC

Q: Can you describe what/who is depicted in photograph 5/1?

A: SSG & SFC New Years.

Q: Can you describe photograph 5/2 and 5/3?

A: Private & 3 other soldiers on an another soldiers birthday → 5/2  
5/3 - ME (PFC) & Sgt. and 3 other soldiers giving a soldier for his birthday.

Q: Can you describe photograph 5/4?

A: SFC on his birthday.

Q: Can you describe photograph 5/5?

A: PFC on his Birthday

Q: What is depicted in photograph 5-8?

A: Unknown Soldier pointing a weapon at a PUC in the PUC Cage

Q: What is depicted in photograph 5-9?

A: Unknown Soldier pointing a weapon at a PUC in the PUC Cage.

Q: What is depicted in photograph 5-10?

A: Unknown Soldier pointing a weapon at a PUC in the PUC Cage.

Q: What is depicted in photographs 5-11,

5-12, 5-13, 5-14, and 5-15?

A: Tower Number ONE in Doh Rah was on Jan. 18, 2004. The Tower was HIT with a RPG, 3 U.S. Soldiers were KIA.

Q: What is depicted in photographs 5-16, 5-17, 5-18 & 5-19?

A: The blood in the pictures are the blood of SFC, SFC, SFC after being hit with an RPG in Tower ONE on 18 Jan. 2004.

Q: What is depicted in photographs 5-20 & 5-21?

A: Unknown Afghanian that shot the RPG at Tower One on 18 Jan 2004. He was Killed during the Attack on the 18th Jan 2004.

Q: What is depicted in photograph 5-22?

A: SFC pointing a weapon at a PUC in the PUC Cage, along with what I believe looks like SFC in the PUC Cage.

INITIALS OF PERSON MAKING STATEMENT

b7c.4, b6.4

PAGE

2 OF 4

PAGES

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

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

STATEMENT OF

TAKEN AT

CID

DATED

15 JUL 04

B. STATEMENT (Continued)

Q: What is depicted in photograph 5-23?

A: Sgt. [REDACTED] is pointing a weapon at a PUC in the PUC cage.

Q: What is depicted in photograph 5-25?

A: Sgt. [REDACTED] Holding a PUC's Head on the wall of the PUC cage.

Q: What is depicted in photograph 5-26?

A: Sgt. [REDACTED] pointing a weapon at a PUC in the PUC cage.

Q: Do you wish to add anything further to your statement?

A: No. [REDACTED] // END of statement // [REDACTED]

NOT  
USED

0000071

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 4 PAGES

EXHIBIT

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

0133 - 04 - CID 452 - 63629

DA FORM 2823 (AUTOMATED)  
STATEMENT OF

TAKEN AT

CID

DATED

15 JUL 04

CONTINUED:

NOT  
USED

AFFIDAVIT

I, [REDACTED] 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 15 DAY OF JUL 2004 AT CID

(Signature of Person Administering Oath)

(Name of Person Administering Oath)

(Authority to Administer Oath)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGES 4 OF 4 PAGES

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY

Evil



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER  
0122-04-CID452

PAGE 1 OF 1 PAGES

## DETAILS

SPC [REDACTED] <sup>67C-5,66-5</sup> B CO, 2<sup>ND</sup> BN, 22<sup>ND</sup> INFANTRY, 10<sup>TH</sup> MTN DIV (LI), FORT DRUM, NY (FDNY) 13602: At 1019, 8 Jul 04, the undersigned advised SPC [REDACTED] of his legal rights. SPC [REDACTED] waived his rights and rendered a sworn statement admitting to taking photographs of unit members posing for pictures with weapons aimed at the head of Afghanisti prisoners/detainees and being in about two photographs where he was holding a unloaded pistol at the covered head of a prisoner/detainee (See Waiver Certificate and Sworn Statement for details).

AGENT'S COMMENTS: SPC [REDACTED] <sup>67C-5,66-5</sup> was initially interviewed at 0945, 8 Jul 04 and during the course of the interview, he made a incriminating statement concerning "bad photo's" being exposed by members of his unit prior to the incident in Iraq and only became aware of this after the news broke on television and newspapers of the Iraqi incidents. SPC [REDACTED] went on to state that he knew it was a problem and he himself had taken photo's of the prisoners. SPC [REDACTED] was asked, "What constituted a bad photograph" and his response was something to the effect of, "one where the public would be outraged", and went on to state, "that he was standing behind a prisoner with a weapon holding it at their head". The interview was terminated at this point and SPC [REDACTED] <sup>67C-5,66-5</sup> was advised of his rights.

At 1330, 8 Jul 04, Intern [REDACTED] <sup>67C-2,66-2</sup> this office, and the undersigned conducted a consent to search of SPC [REDACTED] <sup>67C-5,66-5</sup> barrack's room, [REDACTED] FDNY. A search of the barrack's room met with no evidence of evidentiary value. Additionally, a search of SPC [REDACTED] personal laptop computer for files containing photographs was completed, along with his Sony Digital Camera purchased after his return from theater and this also met with negative results in any explicit photographs being identified (See Consent to Search for details).

///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

<sup>67C-1,66-1,62</sup>

ORGANIZATION

62<sup>ND</sup> MP Det (CID), 3<sup>RD</sup> MP Grp, USACIDC,  
Fort Drum, NY 13602-5013

SIGNATURE

DATE

8 Jul 04

EXHIBIT

16 0000073

CID FORM 34  
1 FEB 77

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

## RIL WARNING PROCEDURE/WAIVER CERTIFICATE

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

## 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 CID Office, Ft Drum, NY 13602	2. DATE 8 Jul 04	3. TIME 1619	4. FILE NO. 0122-01-452
5. NAME (Last, First MI) [REDACTED] b7C-5, b6-5	6. ORGANIZATION OR ADDRESS 13 CO, 9th BN, 22nd INF 10th MFG DIV (L2) Ft Drum, NY 13602		
6. SSN [REDACTED] b7C-5, b6-5	7. GRADE/STATUS E-4/RA		

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

## Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION COMMAND  
AS A SPECIAL AGENT and wanted to question me about the following offense(s) of which I am suspected/accused: AGGRAVATED ASSAULT / ASSAULT b7C-5, b6-5  
 Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any questions or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

## 5. COMMENTS (Continue on reverse side)

Q: HAVE YOU REQUESTED A LAWYER IN THE PAST 30 DAYS? No. b7C-5, b6-5

## 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. b7C-5, b6-5

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] b7C-5, b6-5
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED] b7C-1, b6-1
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED] SA
2a. NAME (Type or Print)	b7C-1, b6-1	6. ORGANIZATION OF INVESTIGATOR 62nd MP Det (CID) Ft Drum, NY 13602
1b. ORGANIZATION OR ADDRESS AND PHONE		

## Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

0000074

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

DA FORM 3881, NOV 89

FOR OFFICIAL USE ONLY  
 LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION CID Office, Fort Drum, NY 13602	DATE 8 Jul 04	TIME 1255	FILE NUMBER 0122-04-CID452
LAST NAME, FIRST NAME, MI [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-4/RA
ORGANIZATION OR ADDRESS B Co, 2nd Bn, 22nd Inf, 10th Mtn Div (LI), Fort Drum, NY 13602			

I, [REDACTED] want to make the following statement under oath:

I was deployed to Afghanistan with my unit from around July 2003 to 6 May 2004. We were based at Kandahar, Afghanistan and I was a Team Leader assigned to 1st Squad, 2nd platoon. I had four soldiers assigned under me. We moved around to different firebases depending on the missions we were performing. It was a routine deployment in a hostile environment and the only bad fire incident we had occurred at Fire Base Tice, which is in Dairu Wu (DRW), which I don't know how to spell. This incident happened in the early morning hours, about first light of January 18th, 2004 when an enemy combatant came into our perimeter and fired a rocket propelled grenade (RPG) at Tower #1 injuring three of our unit members. I was awakened by the blast and ran outside with my team members and secured a perimeter area. It was about this time that I observed one dead enemy combatant lying on the ground. The incident was over in a matter of seconds and I don't know who actually killed this combatant, however I feel it was justifiable because he shot a RPG at the guard tower. The only other thing I can think of is pictures taken with PUC's (persons under custody) where some unit members were holding weapons to their heads, likes the ones that were shown in Iraq. PUC's were prisoners or detainees under our control. I took some photographs with a Sony Digital camera that I purchased in Qatar while on R & R of prisoners but never downloaded on to a computer or CD. I didn't have access to a personal computer and the computers they had set up for everyone to use on the base were administratively programmed to not allow this. We were told this and I even tried it at the computer station, but it wouldn't let me. The bad photo's depicting fellow soldiers with prisoners were taken before the incident in Iraq and after seeing the problems they had in Iraq I knew this was a problem and should have never been done. I realized there would be another public outrage if these photographs got out so they were destroyed. My photographs were never processed as the camera broke because of the dust and climate we were in so I threw it away while I was over there. I had my picture taken on about two occasions with prisoners who were blindfolded and I held a weapon to their head. I believe it was a pistol and I made sure the weapon was unloaded before I did this. I can't even remember now who photograph me but it was with my personal digital camera that I threw away over there in country. I am aware of the problems this has occurred and knew it was

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 6 PAGES
---------	---	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

EWUNIT 12

STATEMENT OF SPC [REDACTED] b7c-5, b6-5  
TAKEN AT CID OFFICE, FDNY DATED 08  
Jul 04 CONTINUED.

[REDACTED] wrong after I seen the reports in the newspaper on the prison abuse scandal in Iraq. I discarded my photographs thinking there would be no problems later on, however after being confronted by the CID I wanted to get the truth out and not cover up anything.

Q: SA [REDACTED] b7c-4, b6-4

A: SPC [REDACTED] b7c-4, b6-4

Q: Are you positive you didn't take any photographs of your fellow soldiers holding weapons at prisoners heads?

A: No I am positive.

Q: Are you positive you only had about two photographs taken with a prisoner while holding a weapon?

A: Yes, it was about two photo's.

Q: Were the heads of the prisoners covered or exposed?

A: Covered with empty sandbag or burlap bag.

Q: Was it the same prisoner you were photographed with?

A: Yes, I believe the photographs were taken at the same time.

Q: Was the prisoner aware he had a weapon pointed at his head?

A: No. Nothing was said, I just posed for a photograph.

Q: You stated you believed the weapon was a pistol and it was unloaded, are you sure about this?

A: I am quite certain it was a pistol and I am positive that I unloaded the weapon before hand.

Q: Are you sure you don't know who the soldier was who took your pictures?

A: I don't recall who it was. We were working 12 hour guard shifts, then 12 hours guarding PUC's, 12 hour fuel detail and then 8 hours off time.

Q: Did you ever kick, hit or inhumanely treat a prisoner or detainee while they were in U.S. Custody?

A: No.

Q: Did you ever witness a fellow soldier kick, hit or inhumanely treat a prisoner or detainee while they were in U.S. Custody?

A: No.

Q: Where was the photographs taken of you?

A: It was right there at Fire Base Tice where we were responsible for guarding the PUC's.

Q: Were there any Standing Operating Procedures (SOP) in place about handling of detainees/prisoners by your unit or command?

A: There wasn't anything from our unit or command, everything came down from the Special Forces Group who ran the camp. In this case it was the 3<sup>rd</sup> Group, Special Forces out of Fort Bragg, NC who were running this camp.

Q: Was there an SOP that they provided?

A: We never received anything in writing like you would see in a standard SOP, everything was done verbally through them. We would get instructions on dealing with the prisoners/detainees depending on their status.

Q: What was this guidance that was verbally given to you? [REDACTED] b7c-5, b6-5

0000076

PAGE 2 OF 6 PAGES

FOR OFFICIAL USE ONLY

STATEMENT OF SPC [REDACTED]  
JUL 04 CONTINUED.

TAKEN AT CID OFFICE, FDNY DATED 08

A: They advised us that the non-violent detainees were to be flexed cuff on their hands only, no sandbag on their head and they received a mattress, pillow, blanket and were allowed to sleep. The other type of prisoner/detainee were either violent or had information and were to be flexed cuffed on their hands, heads covered and not allowed to sleep. This was our guidance, very general and broad.

Q: Were you ever advised about the handling of the prisoners and not to be photographed with them?

A: No.

Q: Do you know if anyone in your Chain of Command or with the Special Forces Chain of Command their were aware soldiers were being photographed with the prisoners/detainees?

A: I am not sure. To my knowledge no.

Q: Was anyone in the Chain of Command, your unit or the Special Forces Group their were aware that weapons were being held to the prisoners/detainees heads?

A: No, not that I know of.

Q: How long were prisoners/detainees kept at your location?

A: I want to say usually around 2-3 days and then released to the local Police Force or taken were ever they take them. The Special Forces would do this.

Q: How would you describe the living conditions at the detainee facility at your location?

A: Just as good as our living conditions.

Q: What were the Rules of engagement (ROE) during your mission?

A: Pretty much, don't fire unless fired upon.

Q: Were you updated periodically on changing of the ROE's?

A: As far as I knew they stayed the same.

Q: Do you know the grid location of Fire Base Tice?

A: No.

Q: Were you aware of any 15-6 Investigations while you were there involving questionable deaths or prisoner/detainee abuses?

A: No, not that I'm aware of.

Q: I will not direct your attention to the photographs that were seized in this investigation and are marked 1-21. You looked at the photographs and were familiar with the area and or incident on most photos, do you recall this?

A: Yes.

Q: Can you describe photograph 5/1? b7C-4, b6-4

A: It was a photograph taken of SFC [REDACTED], my Platoon SGT and SSG [REDACTED] Weapons Squad Leader on New Years Eve 2003 at Fire Base Tice, Afghanistan. We were having a get together amongst fellow soldiers.

Q: Can you describe photographs 5/2 thru 5/7?

A: They were pictures of soldiers being "PUC'd" because of either a birthday or promotion. This was a ritual within the unit as sort of a Esprit de Corps. There is nothing bad that happens and no one gets hurt.

Q: Describe photograph 5/8? b7C-5, b6-5

PAGE 3 OF 10 PAGES

STATEMENT OF SPC [REDACTED]  
JUL 04 CONTINUED.

TAKEN AT CID OFFICE, FDNY DATED 08

[REDACTED]: It is a soldier standing behind a prisoner holding a pistol to that prisoners head. The soldier in question is SSG [REDACTED] and I say this because he has on a hat that he always wears and it has the words "No Fear".

Q: Can you describe 5/9 and 5/10?

A: They are pictures of a hand holding a pistol against a prisoners head. I have no idea who this person is by just seeing their hand.

Q: Can you describe the remaining photographs 5/11 thru 5/21?

A: They are pictures showing tower #1 and where it was hit by an RPG, blood from the soldiers involved in the attack who were wounded, plastic bags with blood on them, blood on the ground and the enemy combatant who was killed.

Q: Did you take these photographs?

A: No. b7c-5, 66-5

Q: SA [REDACTED] of this office provided three pieces of film paper containing a total of five pictures that we will talk about, are you okay with this?

A: Yes.

Q: The first photograph depicts what is believed to be a soldier standing behind a prisoner with his hand on his head and the soldier is wearing a black cap with face shield and green insulated liner. Do you know who this soldier is? b7c-5, 66-5

A: SGT [REDACTED] of my unit.

Q: Were you aware of this incident?

A: No.

Q: The second photograph depicts what is believed to be a soldier standing holding a automatic weapon to the head of a prisoner who is blindfolded.

Do you know who this soldier is?

A: SGT [REDACTED] of my unit.

Q: Were you aware of this photograph?

A: No..

Q: The third and single photograph on this page depicts what is believed to be a soldier wearing glasses with a slight beard growth holding an automatic weapon to the back of an prisoner. Do you know who this soldier is? b7c-5, 66-5

A: SPC [REDACTED] of my unit.

Q: Were you aware this photograph was taken?

A: No.

Q: The fourth photograph depicts what is believed to be two soldiers, one from the previous photograph, believed to be SPC [REDACTED] holding a weapon to the head of a prisoner and another male individual with sneakers on.

Is the individual holding the weapon SPC [REDACTED] and who is the other individual? b7c-5, 66-5

A: Yes it is SPC [REDACTED] and the other individual is me.

Q: What were you doing at the time? b7c-5, 66-5

0000078

PAGE 4 OF 6 PAGES

EVIDIT 17

FOR OFFICIAL USE ONLY

STATEMENT OF SPC [REDACTED] TAKEN AT CID OFFICE, FDNY DATED 08  
JUL 04 CONTINUED.

A: I was probably making my rounds checking on the men when I observed and was standing there while SPC [REDACTED] was being photographed.

Q: Did you say anything to him or your team members about being photographed with the prisoners, especially weapons drawn at their heads?

A: No, I was not aware of not being able to be photographed with the prisoners. Of course, common sense would prevail about being photographed with a prisoner and holding a weapon. That shouldn't have happened and I became aware that this couldn't be done after the news broke about the problems in Iraq.

Q: Are you sure you weren't around for SPC [REDACTED] photograph session since he was wearing the same clothes in the other photographs?

A: No I was not and it happened during the photograph above as I was making my rounds at the Sergeant of the Guards (SOG) making my rounds and happened to be checking on them when they did this photograph.

Q: As the SOG were the soldiers always photographing the prisoners/detainees when you checked on them?

A: No, it would happen occasionally.

Q: The fifth photograph also depicts what appears to be SPC [REDACTED] holding a weapon at the head of a prisoner, is this correct?

A: Yes it is.

Q: Can you recall any other times where you may be standing in a photograph while a fellow soldier is holding a weapon to the head of a prisoner/detainee?

A: I don't recall and I can't say know no for sure. I may have forgot about another time doing rounds when someone took a photograph. I can say that this wasn't a habit of everyone's.

Q: Do you know who took these five photographs above?

A: No I don't.

Q: How do you feel you were treated today during the interview.

A: I was treated well.

Q: Were you offered the use of a restroom at any time?

A: Yes

Q: Were you offered food and drink, even though it was a MRE?

A: Yes.

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

A: No there isn't. I am sorry for the shame I may have caused as a result of this and apologize. [REDACTED] b7c-5, b6-5

////////////////////End of Statement////////////////////////////////////

b7c-5, b6-5  
[REDACTED]

0000079

PAGE 5 OF 4 PAGES

FOR OFFICIAL USE ONLY  
 INFORMATION SENSITIVE

DA FORM 2823 (AUTOMATED)  
 STATEMENT OF

TAKEN AT CID OFFICE DATED 8 JUL 04 CONTINUED:

////////NOT USED////////

# AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. b7c-5, b6-5

(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 8th DAY OF Jul, 1904 AT CID Office, Fort Drum, NY 13602

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

SA

(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136 (b) (4) UCMJ

(Authority to Administer Oath)

0000030

INITIALS OF PERSON MAKING STATEMENT

PAGES 6 OF 6 PAGES

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY



## AGENT'S INVESTIGATIVE REPORT

CID Regulation 195-1

ROI NUMBER

0133-04-CID452-63629

PAGE 1 OF 3 PAGES

## DETAILS

About 1452, 08 Jul 04, SA [REDACTED] interviewed SGT [REDACTED] B Co, 2/22 INF BN, 10<sup>th</sup> MTN DIV, FDNY, who rendered a sworn statement denying any knowledge of detainee abuse or the photographs in question. SGT [REDACTED] further related he could not identify any of the persons depicted in the photographs (See Sworn Statement of SGT [REDACTED] for details). b7C-4, b6-4

About 1505, 08 Jul 04, SGT [REDACTED] refused a consent to search his vehicle or quarters.

About 1200, 12 Jul 04, SA [REDACTED] interviewed PVI [REDACTED], who rendered a sworn statement denying any knowledge of detainee abuse or the photographs in question. PVI [REDACTED] identified some of the persons depicted in the photographs (See Sworn Statement of PVI [REDACTED] for further details). b7C-4, b6-4

About 1205, 12 Jul 04, PVI [REDACTED] consented to a search of his quarters (See Consent to Search for details). b7C-4, b6-4

About 1235, 12 Jul 04, SA [REDACTED] and SA [REDACTED], this office, conducted a search of PVI [REDACTED] barracks room. No items of evidentiary value were found. b7C-4, b6-4

About 1220, 13 Jul 04, SA [REDACTED] interviewed PFC [REDACTED], B Co, 2/22 INF BN, 10<sup>th</sup> MTN DIV, FDNY, who rendered a sworn statement denying any knowledge of or involvement in detainee abuse, while deployed to Afghanistan. PFC [REDACTED] further identified US Soldiers depicted in the questionable photograph's (See Sworn Statement of PFC [REDACTED] for details). b7C-4, b6-4

About 1227, 13 Jul 04, PFC [REDACTED] consented to a search of his vehicle and quarters (See Consent to Search for details). b7C-4, b6-4

About 1235, 13 Jul 04, SA [REDACTED] and SA [REDACTED], this office, conducted a search of PFC [REDACTED] vehicle. No items of evidentiary value were found. b7C-4, b6-4

About 1255, 13 Jul 04, SA [REDACTED] and SA [REDACTED] conducted a search of PFC [REDACTED] barracks room. No items of evidentiary value were found. b7C-4, b6-4

About 1050, 14 Jul 04, SA [REDACTED] interviewed SPC [REDACTED], B Co, 2/22 INF BN, 10<sup>th</sup> MTN DIV (LI), FDNY, who rendered a sworn statement denying any knowledge of detainee abuse or the photographs in question. SPC [REDACTED] identified some of the persons depicted in the photographs (See Sworn Statement of SPC [REDACTED] for further details). b7C-4, b6-4

About 1100, 14 Jul 04, SPC [REDACTED] consented to a search of his vehicle and quarters (See Consent to Search for details). b7C-4, b6-4

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7C-4, b6-1, b2		ORGANIZATION 62 <sup>nd</sup> Military Police Detachment (CID), 3 <sup>rd</sup> MP Group (CID) Fort Drum, New York 13602	
SIGNATURE [REDACTED] b7C-4, b6-1		DATE 16 Jul 04	EXHIBIT 18

CID FORM 94-8  
1 Oct 95

FOR OFFICIAL USE ONLY  
PROTECTIVE MARKING IS EXCLUDED FROM  
AUTOMATIC TERMINATION (Para 13, AR 340-16)  
(When Date Is Entered)

LAW ENFORCEMENT SENSITIVE

0000081

## AGENT'S INVESTIGATIVE REPORT

CID Regulation 195-1

ROI NUMBER

0133-04-CID452-63629

PAGE 2 OF 3 PAGES

## DETAILS

About 1110, 14 Jul 04, SA [REDACTED] b7C-1, b6-4 and INT [REDACTED] b7C-2, b6-4, this office, conducted a search of SPC [REDACTED] vehicle. No items of evidentiary value were found.

About 1140, 14 Jul 04, SA [REDACTED] b7C-1, b6-4 and INT [REDACTED] b7C-2, b6-4 conducted a search of SPC [REDACTED] b7C-4, b6-4 barracks room. No items of evidentiary value were found.

About 1125, 15 Jul 04, SA [REDACTED] b7C-4, b6-4 interviewed SPC [REDACTED] b7C-4, b6-4, B Co, 2/22 INF BN, 10<sup>th</sup> MTN DIV (LI), FDNY, who rendered a sworn statement denying any knowledge of detainee abuse or the photographs in question. SPC [REDACTED] further related he was one of the US Soldiers injured during the RPG attack on 18 Jan 04 and was able to identify some of the persons depicted in the photographs (See Sworn Statement of SPC [REDACTED] for further details).

About 1130, 15 Jul 04, SPC [REDACTED] b7C-4, b6-4 refused a consent to search his quarters or vehicle.

About 1235, 16 Jul 04, SA [REDACTED] b7C-1, b6-4 interviewed SPC [REDACTED] b7C-4, b6-4, B Co, 2/22 INF BN, 10<sup>th</sup> MTN DIV, FDNY, who rendered a sworn statement denying any knowledge of detainee abuse or the photographs in question. SPC [REDACTED] was able to identify some of the US Soldiers depicted in the photographs (See Sworn Statement of SPC [REDACTED] for details).

About 1245, 16 Jul 04, SPC [REDACTED] b7C-4, b6-4 consented to a search of his vehicle (See Consent to Search for details).

AGENTS NOTE: SPC [REDACTED] b7C-4, b6-4 related he would give consent to search his quarters at a later time, if need be. SPC [REDACTED] b7C-4, b6-4 had numerous personal appointments he had to take care of at this time.

About 1300, 16 Jul 04, SA [REDACTED] b7C-1, b6-4 conducted a search of SPC [REDACTED] b7C-4, b6-4 vehicle. No items of evidentiary value were found.

A check of the Defense Clearance Investigation Index, United States Crime Records Center and the Criminal Information Center, this office, [REDACTED] b7C-4, b6-4

A check of the Defense Clearance Investigation Index, United States Crime Records Center and the Criminal Information Center, this office, pertaining to [REDACTED] b7C-4, b6-4

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] b7C-1, b6-4

ORGANIZATION

82<sup>nd</sup> Military Police Detachment (CID), 3<sup>rd</sup> MP Group (CID)  
Fort Drum, New York 13602

SIGNATURE

DATE

16 Jul 04

EXHIBIT

18

CID FORM 94-B

1 Oct 95

FOR OFFICIAL USE ONLY  
PROTECTIVE MARKING IS EXCLUDED FROM  
AUTOMATIC TERMINATION (Para 13, AR 340-10)  
(When Data Is Entered)

LAW ENFORCEMENT SENSITIVE

0000082

AGENT'S INVESTIGATIVE REPORT

CID Regulation 195-1

ROI NUMBER

0133-04-CID452-63629

PAGE 3 OF 3 PAGES

DETAILS

b7c-4,66-4

A check of the Defense Clearance Investigation Index, United States Crime Records Center and the Criminal Information Center, this office, [REDACTED]

b7c-4,66-4

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA

b7c-1,66-1,62

ORGANIZATION

62<sup>nd</sup> Military Police Detachment (CID), 3<sup>rd</sup> MP Group (CID)  
Fort Drum, New York 13602

SIGNATURE

b7c-1,66-1

DATE

16 Jul 04

EXHIBIT

18

CID FORM 94-E

1 Oct 85

FOR OFFICIAL USE ONLY  
PROTECTIVE MARKING IS EXCLUDED FROM  
AUTOMATIC TERMINATION (Para 13, AR 340-18)  
(When Data Is Entered)

LAW ENFORCEMENT SENSITIVE

0062983

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent, agency of the Department, Chief of Staff for Personnel.

LOCATION CID OFFICE, FT DRUM, NY	DATE 08 JUL 04	TIME 1452	FILE NUMBER 0122-04-CID452
LAST NAME, FIRST NAME, MI [REDACTED] b7C-4,66-4	SOCIAL SECURITY NUMBER [REDACTED] b6-4		GRADE/STATUS E-5/RA

ORGANIZATION OR ADDRESS

B COMPANY, 2nd BN 22nd INF, 10th MTN DIV, FT DRUM, NY

I, [REDACTED] want to make the following statement under oath:

b7C-4,66-4

I was Based out of KAF (Kandahar Airfield)  
I spent time at Fire Base Tyaz Oct 03 -  
Jan 04 and Fire Base Lagman Multiple times  
in March and April 04, I was a Fire team  
leader [REDACTED] b7C-4,66-4

Q: SA [REDACTED] b7C-4,66-4

A: SGT [REDACTED] b7C-4,66-4

Q: DID YOU TAKE ANY PHOTOGRAPHS WHILE  
YOU WERE IN AFGHANISTAN?

A: Yes

Q: WHAT TYPE OF CAMERA DID YOU USE?

A: Disposable

Q: DID YOU EVER SEE ANY DETAINEES GET  
KICKED, HIT OR INHUMANLY TREATED WHILE  
IN U.S. CUSTODY?

A: NO

Q: CAN YOU IDENTIFY WHAT'S IN PHOTOGRAPH 3/1?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7C-4,66-4	PAGE 1 OF 7 PAGES
---------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH  
ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF  
[REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE  
CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

00000384

STATEMENT OF  
CONTINUED.

TAKEN AT FT. DRUM, NY DATED 08 JUL 04

A: Its a picture of SSg [REDACTED] and SFC [REDACTED]

Q: CAN YOU IDENTIFY WHAT IS IN PHOTOGRAPH 3/2, 3/3 AND 3/4?

A: Pictures of some ones Birthday they are being flexcuffed for their B-day

Q: WHY WOULD THEY BE FLEXCUFFED FOR their Birthday?

A: It was platoon tradition

Q: CAN YOU IDENTIFY WHAT IS IN PHOTOGRAPHS 3/5, 3/6 AND 3/7?

A: another Soldiers Birthday

Q: CAN YOU IDENTIFY WHAT IS IN PHOTOGRAPH 3/8?

A: its a picture of a person pointing something that looks like a gun at another persons head

Q: DO YOU KNOW WHO THE PERSON IS THAT IS HOLDING WHAT LOOKS LIKE A GUN?

A: NO

Q: DO YOU KNOW WHO THE PERSON IS THAT IS ON THE GROUND WITH THE GUN POINTED AT THEM

A: NO

b7c-4,66-4

0000085

PAGE 2 OF 7 PAGES

EXHIBIT 19

FOR OFFICIAL USE ONLY

STATEMENT OF  
CONTINUED.

67C4, 664 FOR OFFICIAL USE ONLY

0133 - 04 - CID 45 4829

MENT SENSITIVE OFFICE  
TAKEN AT ET DRUM, NY

DATED 08 JUL 04

Q: CAN YOU IDENTIFY WHAT IS IN PHOTOGRAPH 3/9?

A: Person pointing a gun at someone else's head

Q: CAN YOU IDENTIFY ANY OF THE PERSONS DEPICTED IN THE PHOTOGRAPH?

A: NO

67C4, 664

Q: CAN YOU IDENTIFY ~~ANY~~ WHAT IS IN PHOTOGRAPH 3/10?

A: a person pointing a gun at another person's head

Q: CAN YOU IDENTIFY ANY OF THE PERSONS DEPICTED IN THE PHOTOGRAPH?

A: NO

Q: HAD YOU EVER SEEN PHOTOGRAPHS 3/8, 3/9 OR 3/10 PRIOR TO THIS INTERVIEW?

A: NO

Q: CAN YOU IDENTIFY WHAT IS IN PHOTOGRAPHS 3/11 THROUGH 3/19?

A: I Assume that they are pictures of DRW after the Rpg Attack, I was Not there

Q: WHAT DO YOU MEAN BY DRW OR RPG?

A: DE RHA WOD Rocket propelled Grenade

Q: CAN YOU IDENTIFY WHAT IS IN PHOTOGRAPHS 3/20 AND 3/21?

67C4, 664

PAGE 3

OF

7066-86 PAGES

EXHIBIT 19

END OFFICIAL USE ONLY

STATEMENT OF  
CONTINUED.

TAKEN AT FT DRUM NY DATED 08 JUL 04

A: Dead guy

Q: DO YOU HAVE ANY IDEA WHO THIS "DEAD  
Guy" IS?

A: NO

Q: DO YOU HAVE ANY IDEA HOW THIS PERSON  
DIED?

A: Bullets

Q: CAN YOU IDENTIFY WHAT IS IN PHOTOGRAPHS  
3/22 AND 3/23?

A: A person pointing a gun at another  
persons head

Q: CAN YOU IDENTIFY ANY OF THE PERSONS  
DEPICTED IN THE ABOVE PHOTOGRAPHS?

A: NO

Q: CAN YOU IDENTIFY WHAT IS IN PHOTOGRAPH  
3/24?

A: a guy Holding a gun

Q: CAN YOU IDENTIFY ANY OF THE PERSONS  
DEPICTED IN THE PHOTOGRAPH?

A: NO

67C-4,66-4

Q: CAN YOU IDENTIFY ~~ANY~~ WHAT IS IN  
Photographs 3/25 AND 3/26?

A: 3-25 A Man Holding a Detainee

3-26 A Man pointing a gun at a Detainee

67C-4,66-4

PAGE 4 OF 7 PAGES 87

STATEMENT OF  
CONTINUED.

b7C-4, b6-4  
FOR OFFICIAL USE ONLYENFORCEMENT SENSITIVE  
TAKEN AT FT DRUM, NY

DATED 08 JUL 04

Q: CAN YOU IDENTIFY ANY OF THE PERSONS  
DEPICTED IN THESE PHOTOGRAPHS?

A: NO

Q: DO YOU KNOW WHO'S CAMERA WAS USED  
TO TAKE THE PHOTOGRAPHS YOU HAVE  
JUST VIEWED?

A: NO

Q: DO YOU KNOW WHERE, IN AFGHANISTAN, THE  
PHOTOGRAPHS WERE TAKEN?

A: the only pictures I'm familiar with is  
the tower shots from DRW

Q: WERE ANY STANDARD OPERATING PROCEDURES  
(SOP'S) IN PLACE ABOUT HANDLING OF DETAINEE'S  
by your unit or the command?

A: I Don't know

Q: HOW LONG WERE DETAINEE'S KEPT AT  
YOUR LOCATION?

A: I don't have any idea how long  
they were kept

Q: WERE YOU EVER INVOLVED WITH HANDLING  
DETAINEE'S AT EITHER KANDAHAR AIRFIELD  
OR DRW?

A: NO

Q: WHAT WERE THE RULES OF ENGAGEMENT

b7C-4, b6-4

PAGE 5 OF 7 PAGES 88

EXHIBIT 19

FOR OFFICIAL USE ONLY



STATEMENT OF  
CONTINUED.

FOR OFFICIAL USE ONLY

0133-04-CID 452 [REDACTED] 9

b7C-4, b6-4

AN ENGAGEMENT SENSITIVE  
TAKEN AT [REDACTED] FT DRUM, NY

DATED 08 JUL 04

DURING YOUR MISSION?

A: IF you felt threatened, shoot them

Q: WERE YOU UPDATED PERIODICALLY ON CHANGING  
RULES OF ENGAGEMENT?

A: NO

Q: DO YOU KNOW THE GRID LOCATION OF YOUR  
CAMP IN AFGHANISTAN?

A: NO

Q: DID THE UNIT INITIATE A 15-6 INVESTIGATION  
DOCUMENTING ALL SOLDIERS DEATHS OR  
ATTACKS ON UNITS, BASES, CONVOYS ETC?

A: I don't know

Q: WHAT SPECIAL FORCES REPRESENTATIVES  
WERE WITH YOU IN EITHER KAF OR DRW?

A: NO

Q: DO YOU KNOW OF ANYONE WHO HAD USED  
VIDEO CAMERAS WHILE IN AFGHANISTAN?

A: NO

Q: DO YOU HAVE ANYTHING ELSE TO ADD TO  
THIS STATEMENT?

A: NO /// END OF STATEMENT ///

b7C-4, b6-4

PAGE 6 OF 7 PAGES 285

EXHIBIT 19

FOR OFFICIAL USE ONLY

DA FORM 2823 (AUTOMATED)  
STATEMENT OF

CID OFFICE  
TAKEN AT FT DRUM NY DATED 08 JUL 69 CONTINUED:

NOT DISCLOSED

I, [REDACTED] HAVE READ OR HAVE HAD 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 08 DAY OF JUL 1969 AT 1452 [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

SA [REDACTED]  
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART 136(b)(4) UCMJ  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGES 7 OF 7 PAGES

DA FORM 2823 (AUTOMATED)

EXHIBIT 19

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION CID Office, Fort Drum, NY 13602	DATE 12 Jul 04	TIME 1200	FILE NUMBER 0122-04-CID452
LAST NAME, FIRST NAME, MI [REDACTED] 67C-4, 66-4	SOCIAL SECURITY NUMBER [REDACTED] 67C-4, 66-4		GRADE/STATUS PV1/RA
ORGANIZATION OR ADDRESS B Company, 2/22 <sup>nd</sup> INF BN, 10 <sup>th</sup> MTN DIV (LI), Fort Drum, NY 13602			

I, [REDACTED] 67C-4, 66-4 want to make the following statement under oath:  
I got to Afghanistan in AUG 2003, I was with B CO. 2/22 INF BN, I was in Kandahar. I went to Bagram on NOV 1<sup>st</sup> and stayed until the end of November, Thanksgiving I think, then I went to DRW (Darahwod) from DEC 03 to February 04, I was in Kalat (spelling unknown) for 3 weeks in the month of March 04, I think. While I was in Kalat, we were constantly being shot at, and had RPG attacks almost every other day. To my knowledge no one was ever injured because they always missed us. While I was in DRW, three of my friends were seriously injured during an RPG attack upon Tower 1. I was not a witness to the RPG attack itself, but responded to the horns blowing and assisted in getting the three injured US Soldiers to the Aid Station. I was there when they started returning fire on the Taliban that fired the RPG. I believe the Special Forces in the area got the final shots on the enemy. The attack happened on January 18, 2004.

Q: SA [REDACTED] 67C-4, 66-4

A: PV1 [REDACTED] 67C-4, 66-4

Q: What type of camera did you use during your deployment?

A: All I had was few disposable cameras. I bought a digital camera while I was there, but I didn't use it at DRW, I used it during the last two months of deployment.

Q: What were your duties while deployed to Afghanistan?

A: I was a rifleman.

Q: Did you ever see any detainees get kicked, hit, or inhumanely treated while in U.S. Custody?

A: While I was at DRW there were times we had to push the detainees back because they were trying to make a break for it, but I never saw any detainees being mistreated.

Q: Can you describe what is depicted in photographs 3/1 through 3/4?

A: 3/1 depicts SSG [REDACTED] 67C-4, 66-4 and SGT [REDACTED] 67C-4, 66-4 in DRW around New Years, 3/2-3/4 show a ritual we used to do to each other called PUC'ing (person under control) we used to do it for birthday celebrations.

Q: Can you describe what is depicted in photographs 3/5, 3/6 and 3/7?

A: It's another PUC ritual, with [REDACTED] 67C-4, 66-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 67C-4, 66-4	PAGE 1 OF 4 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.</p>		

FOR OFFICIAL USE ONLY

EXHIBIT 20

STATEMENT OF [REDACTED]  
CONTINUED.

FOR OFFICIAL USE ONLY 133 - 04 - CID 452 - 63629  
LAW ENFORCEMENT SENSITIVE  
TAKEN AT CID OFFICE, IDNY DATED 12 Jul 04

Q: Can you describe what is depicted in photograph 3/8?  
A: Some US Soldier putting a 9mm pistol to a PUC's head? I don't know who the Soldier is.  
Q: Can you describe what is depicted in photographs 3/9 and 3/10?  
A: The same thing is going on, but you can't see the faces. I don't know who they are.  
Q: Do you know who took the last three photographs that you just looked at?  
A: No, I didn't even know that that had happened.  
Q: Can you describe what is depicted in Photographs 3/11 through 3/19?  
A: They are of the tower that was hit with the RPG. The blood is from the US Soldiers that were injured?  
Q: Can you describe what is depicted in photographs 3/20 and 3/21?  
A: That's the guy who shot at us?  
Q: How did the guy in the photographs die?  
A: I believe the SF guys shot him.  
Q: Did anyone else shoot at him?  
A: Not that I know of, things were happening very fast at the time.  
Q: Can you describe what is depicted in photograph 3/22?  
A: Two US Soldiers and a PUC, one of the Soldiers is holding an M-4 to the PUC's head. It could be two guys in our platoon, but I'm not positive because the picture is a little blurry. I don't want to say any names if I am not sure.  
Q: Can you describe what is depicted in photograph 3/23?  
A: That's [REDACTED] holding an M-4 rifle to a PUC's head, the cap is on the end of the M-4.  
Q: Can you describe what is depicted in photograph 3/24?  
A: That's [REDACTED] pointing an M-4 at a PUC.  
Q: Can you describe what is depicted in photograph 3/25?  
A: A US Soldier pushing a PUC to the wall. I don't know who it is.  
Q: Can you describe what is depicted in photograph 3/26?  
A: That's SGT [REDACTED], I don't know his first name. He's pointing a rifle at a PUC's head.  
Q: Do you know who might have taken any of the photograph's you have just viewed?  
A: No.  
Q: Do you know where the photographs were taken at in Afghanistan?  
A: DRW.  
Q: Were there any other personnel in that area with your unit?  
A: Yes, there were Engineers, Medics, Special Forces, Cooks, and Civil Affairs personnel, but I don't recall any specific unit numbers. [REDACTED]

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

EXHIBIT 20

page 2 of 4

STATEMENT OF [REDACTED] b7c-4, b6-4  
CONTINUED.

TAKEN AT CID OFFICE, IDNY DATED 12 Jul 04

Q: Were any SOP's in place about handling of detainee's by your unit or the command?

A: I never saw a written SOP, basically we were told to make sure to pick them up to go to the bathroom, make sure they had water, allow them to pray and they ate.

Q: How long were detainees kept at your location?

A: I really don't know, that was up to the Special Forces personnel. All we did was guard them.

Q: How would you describe the living conditions at the detainee facility at your location?

A: It was OK, cold at times but the Civil Affairs people made sure they had blankets and anything else they needed.

Q: Did you participate in any detainee abuse?

A: No.

Q: What were the Rules of Engagement (ROE) during your mission?

A: The ROE's changed constantly depending on the mission.

Q: Were you updated periodically on the changing ROE's?

A: Yes.

Q: What was the grid location of your Camp in Afghanistan?

A: I don't remember.

Q: Did the unit initiate a 15-6 investigation documenting all Soldiers deaths or attacks on units bases, convoys etc?

A: I don't even know what a 15-6 is.

Q: Do you remember what Special Forces Representatives were with you?

A: No.

Q: What specific guidance did the Special Forces Representatives provide concerning detainees?

A: They said don't rough them up, make sure they have water and food.

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

A: No.///END OF STATEMENT/// [REDACTED] b7c-4, b6-4

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE  
b7c-4, b6-4

0000093  
EXHIBIT 20

00000000

DA FORM 2823 (AUTOMATED)  
STATEMENT OF [REDACTED]

TAKEN AT CID office

DATED 12 Jul 04

CONTINUED:

NOT USED  
b7C-4, b6-4

AFFIDAVIT

I, [REDACTED] 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. b7C-4, b6-4

(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 12 DAY OF Jul, 2004 AT 1200 JSP

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

SA [REDACTED] b7C-1, b6-4

(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art. 136 (b) (4), UCMJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGES 4 OF 4 PAGES

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY

EXHIBIT 20

0133 - 04 - CID 452 - 83629  
**FOR OFFICIAL USE ONLY**  
**LAW ENFORCEMENT SENSITIVE**

**SWORN STATEMENT**

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION CID Office, Fort Drum, NY 13602	DATE 13 JUL 04	TIME 1220	FILE NUMBER 0122-04-CID452
LAST NAME, FIRST NAME, MI [REDACTED] 67C-4, 66-4	SOCIAL SECURITY NUMBER [REDACTED] 66-4		GRADE/STATUS PFC/RA
ORGANIZATION OR ADDRESS B Company, 2/22 <sup>nd</sup> INF BN, 10 <sup>th</sup> MTN DIV (LI), Fort Drum, NY 13602			

I, [REDACTED] 67C-4, 66-4 want to make the following statement under oath:  
 I got to Afghanistan in AUG 2003, I was with B CO. 2/22 INF BN, I was in Kandahar. I was a rifleman, assigned to Operation Mount VIPER in the southern part of Afghanistan, I believe. I don't recall the time frame that I was on this operation. I went back to Kandahar and then went to Bagram, I believe in the September-November time frame. I was in Bagram for about a month and a half. I then went to DRW (Darahwod) from DEC 03 to January 04. I went back to Kandahar for a couple of months and then to Qalat (spelling unknown). At the end of April I went back to Kandahar to come back to Ft. Drum, NY. While I was in DRW, three of my friends were wounded during an RPG attack upon Tower 1. I was a witness to the RPG attack, and immediately ran to my fighting position on the right side of the main gate. I saw the tracer rounds from the enemy's fighting position, but I did not shoot back because I didn't have a clear shot at the enemy. I heard him scream something, but couldn't understand the language. Then I saw the soldiers on my left fire at him, because he was rushing the gate. The enemy was shot and killed. I heard that it was the Special Forces in the area that shot and killed the enemy but I didn't actually witness who exactly shot the enemy. I believe the attack happened between 0130 and 0230 on January 17, 2004.

Q: SA [REDACTED] 67C-4, 66-1

A: PFC [REDACTED] 67C-4, 66-4

Q: What type of camera did you use during your deployment?

A: I had about 8 or 9 disposable camera's and a mini video recorder while I was in Afghanistan.

Q: What were your duties while deployed to Afghanistan?

A: I was a rifleman, and would search villages to make sure the Taliban were not around.

Q: Did you ever see any detainees get kicked, hit, or inhumanely treated while in U.S. Custody?

A: No.

Q: Can you describe what is depicted in photographs 3/1 through 3/4?

A: In photograph 3/1 SSG [REDACTED] and SFC [REDACTED] are in a barracks room in DRW around Christmastime, I believe. Photographs 3/2-3/4 are of a unit ritual we had called PUC'ing. No-one was ever offended by the ritual, it was just a way to celebrate birthday's [REDACTED] 67C-4, 66-4

0000035

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 67C-4, 66-4	PAGE 1 OF 4 PAGES
---------	---	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

**FOR OFFICIAL USE ONLY**

**EXHIBIT 21**

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

b7c-5, b6-5

b7c-4, b6-4

STATEMENT OF [REDACTED] TAKEN AT CID OFFICE, FDNY DATED 13 Jul 04  
CONTINUED.

Q: Can you describe what is depicted in photographs 3/5, 3/6 and 3/7?

A: Just another PUC'ing incident for PFC [REDACTED] birthday. I remember we didn't have any flexicuffs at the time, so we used duct tape. b7c-4, b6-4

Q: Can you describe what is depicted in photograph 3/8?

A: A US Soldier pointing a weapon at the head of a detainee, I don't know who the Soldier is.

Q: Can you describe what is depicted in photographs 3/9 and 3/10?

A: The same thing, two different US Soldiers pointing a weapon at the detainees head. I don't know who either Soldier is.

Q: Do you know who took the last three photographs that you just looked at?

A: No, I do not.

Q: Can you describe what is depicted in Photographs 3/11 through 3/19?

A: They are of the tower that was hit with the RPG. The blood is from the US Soldiers that were injured?

Q: Can you describe what is depicted in photographs 3/20 and 3/21?

A: That's the guy who attacked us?

Q: How did the guy in the photographs die?

A: He was shot while rushing the gate.

Q: Other than the Special Forces personnel in that area did anyone else shoot at him?

A: Not that I know of.

Q: Can you describe what is depicted in photograph 3/22?

A: SPC [REDACTED] is standing there and SPC [REDACTED] is pointing a weapon at a PUC's head. b7c-5, b6-5

Q: Can you describe what is depicted in photograph 3/23?

A: That's [REDACTED] pointing an M-4 rifle to the back of a PUC's head. b7c-5, b6-5

Q: Can you describe what is depicted in photograph 3/24?

A: That's [REDACTED] posing with a PUC, for a picture.

Q: Can you describe what is depicted in photograph 3/25?

A: That's SGT [REDACTED] putting his hand on top of a PUC's head while he is standing against a wall. b7c-5, b6-5

Q: Can you describe what is depicted in photograph 3/26?

A: That's SGT [REDACTED] He's pointing a rifle at a PUC's head.

Q: Do you know who might have taken any of the photograph's you have just viewed?

A: No.

Q: Do you know where the photographs were taken at in Afghanistan?

A: DRW.

Q: Were there any other personnel in that area with your unit?

A: Yes, there were 173<sup>rd</sup> Airborne with the Civil Affairs Team, Special Forces, it might have been 3<sup>rd</sup> Special Forces Group, 10<sup>th</sup> Mountain cooks. That's all I can recall. b7c-4, b6-4

0060096

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

b7c-4, b6-4

EXHIBIT 21

page 2 of 4



FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

b7c-4, b6-4

STATEMENT OF [REDACTED] TAKEN AT CID OFFICE, FDNY DATED 13 Jul 04  
CONTINUED.

Q: Were any SOP's in place about handling of detainees's by your unit or the command?  
A: I never saw a written SOP, but we were advised by the Special Forces not to show our face or name tag, don't talk to them, don't let them talk to each other, let them go to the bathroom, give them water when needed, don't let them sleep until Special Forces came and said they could, they were allowed to pray. Special Forces took care of feeding them.  
Q: How long were detainees kept at your location?  
A: No more than two days at a time.  
Q: How would you describe the living conditions at the detainee facility at your location?  
A: It was the same as we had but they didn't have cots. They had heaters before we did. They had mats and blankets.  
Q: Did you participate in any detainee abuse?  
A: No.  
Q: What were the Rules of Engagement (ROE) during your mission?  
A: The ROE was if we were fired upon we were to fire back.  
Q: Were you updated periodically on the changing ROE's?  
A: Yes.  
Q: What was the grid location of your Camp in Afghanistan?  
A: I don't remember.  
Q: Did the unit initiate a 15-6 investigation documenting all Soldiers deaths or attacks on units bases, convoys etc?  
A: I don't even know what a 15-6 is.  
Q: Do you have anything else to add to this statement?  
A: No.///END OF STATEMENT// [REDACTED] b7c-4, b6-4

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

b7c-4, b6-4

EXHIBIT 21

page 3 of 4

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

b7c-4, b6-4

DA FORM 2823 (AUTOMATED)  
STATEMENT OF

TAKEN AT CID office

DATED 13 JUL 84

CONTINUED:

b7c-4, b6-4

USED

NOT

b7c-4, b6-4

## AFFIDAVIT

I, [REDACTED] 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. b7c-4, b6-4

(SIGNATURE OF PERSON MAKING STATEMENT)

## WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 13 DAY OF Jul, 1984 AT 1220 [REDACTED] b7c-1, b6-4

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

SA [REDACTED] b7c-1, b6-4  
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art. 136 (b) (4), UCMJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4, b6-4

PAGES 4 OF 4 PAGES

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

EXHIBIT 28

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION CID Office, Fort Drum, NY 13602	DATE 14 JUL 04	TIME 1055	FILE NUMBER 0133-04-CID452
LAST NAME, FIRST NAME, MI [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-4/RA
ORGANIZATION OR ADDRESS B Company, 2/22 <sup>nd</sup> INF BN, 10 <sup>th</sup> MTN DIV (LI), Fort Drum, NY 13602			

I, [REDACTED] want to make the following statement under oath:  
I got to Afghanistan in AUG 2003, I was with B CO. 2/22 INF BN, I was in Kandahar. I was a rifleman, in a line squad. I went from Kandahar to Bagram, I believe, in the October-November time frame. I was in Bagram for about two months. I then went back to Kandahar before going to DRW (Darahwod) from early Dec 03 to early Feb 04. I went back to Kandahar for a little under a month and then to Qalat (spelling unknown) for about 5 weeks. My job changed in Feb 04 from rifleman to RTO (Radio Telephone Operator). In April I went back to Kandahar to get ready to come back to Ft. Drum, NY. While I was in DRW, three of our guys were wounded during an RPG attack on Tower 1. I was not a witness to the RPG attack, I was on the shift just prior to that. I was in bed and heard an explosion and immediately ran outside. Tower 1 was on fire and there was blood everywhere. I ran to the front, which was next to the main gate, to give the "203" rounds to the scouts positioned there, because they needed the ammunition. They were being fired upon by the guy who fired the RPG onto Tower 1. I remember the firing stopped and all of a sudden the enemy started charging the line and I heard him scream something. The enemy was shot and killed. I do not know who shot and killed the enemy. The attack happened in the very early hours around January 18, 2004.

Q: SA [REDACTED] b7c-4, b6-1

A: SPC [REDACTED] b7c-4, b6-4

Q: What type of camera did you use during your deployment?

A: I had several of the disposable one-time use cameras.

Q: What were your duties while deployed to Afghanistan?

A: I was a rifleman and an RTO. I was a "203" gunner for about a week.

Q: Did you ever see any detainees get kicked, hit, or inhumanely treated while in U.S. Custody?

A: No.

Q: Can you describe what is depicted in photographs 3/1 through 3/4?

A: In photograph 3/1 SSG [REDACTED] and SFC [REDACTED] are in a building in DRW around New Year's, I believe. Photographs 3/2-3/4 are of a unit ritual we had called PUC'ing. No-one was ever offended by the ritual, it was just a playful thing we did for birthday's. [REDACTED] b7c-4, b6-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4, b6-4	PAGE 1 OF 4 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.</p>		

DA FORM 3823 (AUTOMATED)

EXHIBIT 22

FOR OFFICIAL USE ONLY  
ENFORCEMENT SENSITIVE

b7c-4,664

STATEMENT OF [REDACTED] TAKEN AT CID OFFICE, FDNY DATED 14 Jul 04  
CONTINUED.

Q: Can you describe what is depicted in photographs 3/5, 3/6 and 3/7?  
A: It's another PUC'ing incident, with PFC [REDACTED] b7c-4,664  
Q: Can you describe what is depicted in photograph 3/8?  
A: It looks like a US Soldier pointing a 9mm at the head of a detainee, I don't know who the Soldier is, it could possibly be SSG [REDACTED] b7c-5,665 it looks like him, but I'm not 100% sure.  
Q: Can you describe what is depicted in photographs 3/9 and 3/10?  
A: It looks like pretty much the same situation, US Soldiers pointing a weapon at the detainees head. I don't know who either Soldier is.  
Q: Do you know who took the last three photographs that you just looked at?  
A: No idea.  
Q: Can you describe what is depicted in Photographs 3/11 through 3/19?  
A: They are of the tower that was hit with the RPG. The blood is from the US Soldiers that were injured?  
Q: Can you describe what is depicted in photographs 3/20 and 3/21?  
A: That definitely looks like the guy who attacked us?  
Q: How did the guy in the photographs die?  
A: He was shot.  
Q: Do you have any idea who shot the enemy who attacked?  
A: No, I have no idea. He was already dead when I saw him.  
Q: Can you describe what is depicted in photograph 3/22? b7c-5,665  
A: SPC [REDACTED] is standing there and SPC [REDACTED] is pulling security in the corner. There could have been someone else in that area moving a prisoner around and typically, when you are moving one prisoner around, another guard is standing at the ready in case any of the prisoners try to get away, or try anything. This was a security measure for our own safety.  
Q: Can you describe what is depicted in photograph 3/23?  
A: That one looks like [REDACTED] is holding a weapon to the PUC's head.  
Q: Can you describe what is depicted in photograph 3/24?  
A: That just looks like [REDACTED] is standing next to one of the prisoners.  
Q: Can you describe what is depicted in photograph 3/25?  
A: That's SGT [REDACTED] holding one of the prisoners heads against a wall.  
Q: Can you describe what is depicted in photograph 3/26?  
A: That's SGT [REDACTED] He's definitely pointing a weapon at a detainee.  
Q: Do you know who might have taken any of the photograph's you have just viewed?  
A: No.  
Q: Do you know where the photographs were taken at in Afghanistan?  
A: DRW.  
Q: Were there any other personnel in that area with your unit? b7c-4,664  
A: Yes, there was a Special Forces group, but I don't recall which unit.

b7c-5  
b6-5

FOR OFFICIAL USE ONLY  
ENFORCEMENT SENSITIVE

[REDACTED] b7c-4,664

EXHIBIT 22

0000100

Page 2 of 4

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

b7c-4, b6-4

STATEMENT OF [REDACTED] TAKEN AT CID OFFICE, FDNY DATED 14 Jul 04  
CONTINUED.

Q: Were any SOP's in place about handling of detainee's by your unit or the command?  
A: I'm not aware of a written SOP, certain soldiers were given flexicuffs and instructed on how to use them. I never personally took a prisoner. In the PUC area, you were not supposed to be by yourself, music could be played, we were given instructions as to when the detainees could sleep. I don't know where the specific instructions came from, they were passed on from shift to shift.  
Q: How long were detainees kept at your location?  
A: I don't really know, some were there for three days, maybe anywhere from a couple of days to a week. This was only a temporary holding place for the prisoners.  
Q: How would you describe the living conditions at the detainee facility at your location?  
A: Good, I would say. They had everything they needed.  
Q: Did you participate in any detainee abuse?  
A: No, and I don't know of any either.  
Q: What were the Rules of Engagement (ROE) during your mission?  
A: The ROE was if we were fired upon we were to fire back.  
Q: Were you updated periodically on the changing ROE's?  
A: I don't remember the ROE's ever really changing.  
Q: What was the grid location of your Camp in Afghanistan?  
A: I don't remember.  
Q: Did the unit initiate a 15-6 investigation documenting all Soldiers deaths or attacks on units bases, convoys etc?  
A: I don't even know what a 15-6 is.  
Q: Do you have anything else to add to this statement?  
A: No.///END OF STATEMENT/// [REDACTED] b7c-4, b6-4

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

b7c-4, b6-4

0000101

EXHIBIT 22

page 3 of 4

b7c-4, b6-4

STATEMENT OF

TAKEN AT CID office

DATED 14 Jul 84

CONTINUED:

NOT USED

b7c-4, b6-4

b7c-4, b6-4

AFFIDAVIT

I, [REDACTED] 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. b7c-4, b6-4

[REDACTED]  
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 14 DAY OF Jul, 1984 AT 1055 [REDACTED] 2004

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

SA [REDACTED]

(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art. 136 (b) (4), UCMJ

(Authority to Administer Oath)

0000102

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGES 4 OF 4 PAGES

DA FORM 2823 (AUTOMATED)

SWORN STATEMENT			
For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.			
LOCATION CID Office, Fort Drum, NY 13602	DATE JUL 04	TIME 1125	FILE NUMBER 0133-04-CID452
LAST NAME, FIRST NAME, MI [REDACTED] b7C-4, b6-4	SOCIAL SECURITY NUMBER [REDACTED] b7C-4, b6-4		GRADE/STATUS E-4/RA
ORGANIZATION OR ADDRESS B Company, 2/22 <sup>nd</sup> INF BN, 10 <sup>th</sup> MTN DIV (LI), Fort Drum, NY 13602			

I, [REDACTED] b7C-4, b6-4 want to make the following statement under oath:

I got to Afghanistan in AUG 2003, I was with B CO. 2/22 INF BN, I was in Kandahar. I started out as an assistant 240 Bravo gunner, I'm not sure about the time frame but we went to Bagram for about a month. After Bagram we came back to Kandahar for a little while. I then went to DRW (Darahwod), to the Fire Base in DEC 03, I believe. I got wounded there on January 18, 2004, and that's when I left. I was wounded when an RPG (Rocket Propelled Grenade) hit the Tower that I was in. It was Tower 1.

Q: SA [REDACTED] b7C-4, b6-4

A: SPC [REDACTED] b7C-4, b6-4

Q: What type of camera did you use during your deployment?

A: When I took pictures I used a disposable camera.

Q: What were your duties while deployed to Afghanistan?

A: I was an assistant gunner.

Q: Did you ever see any detainees get kicked, hit, or inhumanely treated while in U.S. Custody?

A: No.

Q: Can you describe what is depicted in photographs 3/1 through 3/4?

A: In photograph 3/1 SSG [REDACTED] b7C-4, b6-5 and SPC [REDACTED] are in a barracks room in DRW around Christmastime. Photographs 3/2-3/4 are of a unit ritual we had called PUC'ing. We did this for everyone's birthday. No-one was ever offended by the ritual, it was just a way to bond with each other, it was all in fun.

Q: Can you describe what is depicted in photographs 3/5, 3/6 and 3/7?

A: This is the same thing. Another PUC'ing incident for the guys birthday.

Q: Can you describe what is depicted in photograph 3/8?

A: I never saw this one before, but it looks like a US Soldier with a 9mm trained on the head of a detainee, I don't know who the Soldier is.

Q: Can you describe what is depicted in photographs 3/9 and 3/10?

A: Looks like the same stuff, I don't know who these guys are either.

Q: Do you know who took the last three photographs that you just looked at?

A: I have no idea. [REDACTED] b7C-4, b6-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7C-4, b6-4	PAGE 1 OF 3 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.</p>		

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

EXHIBIT 23

b7c-4, b6-4

STATEMENT OF [REDACTED] b7c-4, b6-4 TAKEN AT CID OFFICE, FDNY DATED 15 Jul 04  
CONTINUED.

Q: Can you describe what is depicted in Photographs 3/11 through 3/19?

A: That's the tower I was in when the RPG hit. The blood is from myself and the two other US Soldiers that were injured?

Q: Can you describe what is depicted in photographs 3/20 and 3/21?

A: That looks like the guy who shot the rocket at us.

Q: How did the guy in the photographs die?

A: He was killed when he stormed the gate.

Q: Do you know who shot and killed the guy?

A: No.

Q: Can you describe what is depicted in photograph 3/22?

A: That looks like [REDACTED] and [REDACTED]. [REDACTED] has his M-4 trained on a prisoner.

Q: Can you describe what is depicted in photograph 3/23?

A: That looks like [REDACTED] doing the same thing as in the last picture.

Q: Can you describe what is depicted in photograph 3/24?

A: That's [REDACTED] guarding a prisoner.

Q: Can you describe what is depicted in photograph 3/25?

A: That's a US Soldier holding a prisoner against the wall. It's tough to say who it is.

Q: Can you describe what is depicted in photograph 3/26?

A: That's SGT [REDACTED] with his M-4 trained on a prisoner.

Q: Do you know who might have taken any of the photograph's you have just viewed?

A: No.

Q: Do you know where the photographs were taken at in Afghanistan?

A: DRW.

Q: Were there any other personnel in that area with your unit?

A: Yes, there was a Special Forces Group out there. I don't remember which one.

Q: Were any SOP's in place about handling of detainee's by your unit or the command?

A: I'm sure I saw something, but I just don't remember. We were advised not to let them talk to each other, keep them separated.

Q: How long were detainees kept at your location?

A: I think it varied, but usually no more than a couple of days.

Q: How would you describe the living conditions at the detainee facility at your location?

A: It was warm, they had mattresses and blankets for sleeping. I would say they had it well enough.

Q: Did you participate in any detainee abuse?

A: No.

Q: What were the Rules of Engagement (ROE) during your mission?

A: The ROE was if we were fired upon we were to return fire.

Q: Were you updated periodically on the changing ROE's?

A: Yes.

Q: What was the grid location of your Camp in Afghanistan?

A: I don't remember. [REDACTED] b7c-4, b6-4

b7c-4, b6-4

0000104  
EXHIBIT 23

page 2 of 3



b7c-4,66-4  
STATEMENT OF [REDACTED] TAKEN AT CID office DATED 15 Jul 04 CONTINUED:  
Q: Did the unit initiate a 15-6 investigation documenting all Soldiers deaths or attacks on units bases, convoys etc?  
A: I don't even know what a 15-6 is.  
Q: Do you have anything else to add to this statement?  
A: No.///END OF STATEMENT/// [REDACTED] b7c-4,66-4

b7c-4,66-4  
AFFIDAVIT  
I, [REDACTED] HAVE READ OR HAVE HAD 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 OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 15 DAY OF Jul, 2004 AT 1125 [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

SA [REDACTED] b7c-4,66-1

(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art. 136 (b) (4), UCMJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4,66-4

PAGES 3 OF 3 PAGES 0000105

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

EXHIBIT 23

SWORN STATEMENT

For use of this form, see AR 190-45; The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION CID Office, Fort Drum, NY 13602	DATE 16 JUL 04 b7c-4, b6-4	TIME 1235	FILE NUMBER 0133-04-CID452- 63629
LAST NAME, FIRST NAME, MI b7c-4, b6-4	SOCIAL SECURITY NUMBER b7c-4, b6-4	GRADE/STATUS E-4/RA	
ORGANIZATION OR ADDRESS B Company, 2/22 <sup>nd</sup> INF BN, 10 <sup>th</sup> MTN DIV (LI), Fort Drum, NY 13602			

I, [REDACTED] b7c-4, b6-4 want to make the following statement under oath:  
I arrived in Afghanistan in AUG 2003, I was with B CO, 2/22 INF BN, I was based in Kandahar. My job was a Saw Gunner. I'm not sure about the time frame, but we went to Bagram and then to DRW (Darahwod), to the Fire Base in DEC 03. While we were in DRW we were attacked. An RPG was fired at the tower, I believe three Soldiers, from my unit, were injured during the attack. I believe the attack occurred around the 16<sup>th</sup> of January 2004. I was sleeping at the time of the attack, and when I came outside, I saw the tower in flames. I went to my fighting position, which was on the right side of the main gate. I didn't see the enemy who attacked us until he was already dead. I don't know who killed him. There were Special Forces guys there along with my unit.

Q: SA [REDACTED] b7c-4, b6-4

A: SPC [REDACTED] b7c-4, b6-4

Q: What type of camera did you use during your deployment?

A: I had a disposable camera.

Q: What were your duties while deployed to Afghanistan?

A: I was a saw gunner.

Q: Did you ever see any detainees get kicked, hit, or inhumanely treated while in U.S. Custody?

A: No.

Q: Can you describe what is depicted in photographs 3/1 through 3/4?

A: In photograph 3/1 SSG [REDACTED] b7c-5, b6-5 and SFC [REDACTED] are in one of the little huts we had, it's probably around December. Photographs 3/2-3/4 are of a unit ritual we had called PUC'ing. We did this for everyone's birthday. No-one was ever offended by the ritual.

Q: Can you describe what is depicted in photographs 3/5, 3/6 and 3/7?

A: This is the same thing. Just another PUC'ing incident.

Q: Can you describe what is depicted in photograph 3/8?

A: It looks like a US Soldier with a weapon pointed at a detainee, I'm not sure who the Soldier is. He's probably pulling security.

Q: What was the weapon's status for the guards in the PUC cage?

A: M-4's and M-9's were used. There were rounds in the magazines, but not in the chamber. [REDACTED] b7c-4, b6-4

0062106

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4, b6-4	PAGE 1 OF 3 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.</p>		

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

EXHIBIT 24

b7c-4, b6-4

STATEMENT OF [REDACTED] b7c-4, b6-4 TAKEN AT CID OFFICE, FDNY DATED 16 Jul 04 [REDACTED]  
CONTINUED.

Q: Can you describe what is depicted in photographs 3/9 and 3/10?

A: It looks like Soldiers pulling security. One form of security was to point the weapon off to the side of the detainee.

Q: Do you know who took the last three photographs that you just looked at?

A: No, I wouldn't know.

Q: Can you describe what is depicted in Photographs 3/11 through 3/19?

A: That's the tower that was hit with the RPG. The blood is from the three US Soldiers that were injured?

Q: Can you describe what is depicted in photographs 3/20 and 3/21?

A: That's the guy who shot the RPG at the tower.

Q: How did the guy in the photographs die?

A: He was shot and killed.

Q: Do you know who shot and killed the guy?

A: No.

Q: Can you describe what is depicted in photograph 3/22?

A: The Soldier standing, without the weapon looks like [REDACTED], the soldier with the weapon, looks like [REDACTED]

Q: Can you describe what is depicted in photograph 3/23?

A: That's [REDACTED] pulling security.

Q: Can you describe what is depicted in photograph 3/24?

A: That's [REDACTED] pulling security.

Q: Can you describe what is depicted in photograph 3/25?

A: I don't know who that is.

Q: Can you describe what is depicted in photograph 3/26?

A: That's SGT [REDACTED], I guess, pulling security.

Q: Do you know who might have taken any of the photograph's you have just viewed?

A: No, I couldn't tell you.

Q: Do you know where the photographs were taken at in Afghanistan?

A: Yes, that's DRW.

Q: Were there any other personnel in that area with your unit?

A: Yes, there was Special Forces out there. I don't remember which one.

Q: Were any SOP's in place about handling of detainee's by your unit or the command?

A: I never saw a written SOP, but we would receive training prior to pulling security on the detainees. We were advised not to lock and load, because their hands were tied up.

Q: How long were detainees kept at your location?

A: I don't know. I couldn't even give you an estimate.

Q: How would you describe the living conditions at the detainee facility at your location?

A: Like a prison, they had everything they needed, such as food and water and they were able to go to the latrine when they needed.

Q: Did you participate in any detainee abuse?

A: No.

Q: What were the Rules of Engagement (ROE) during your mission? b7c-4, b6-4

A: The ROE was if we were fired upon we were to return fire.

b7c-4, b6-4

b7c-4, b6-4

STATEMENT OF [REDACTED] TAKEN AT CID office DATED 16 Jul 84 CONTINUED:  
Q: Were you updated periodically on the changing ROE's?  
A: Yes, they kept us updated.  
Q: What was the grid location of your Camp in Afghanistan?  
A: I don't remember.  
Q: Did the unit initiate a 15-6 investigation documenting all Soldiers deaths or attacks on units bases, convoys etc?  
A: I don't even know what a 15-6 is.  
Q: Do you have anything else to add to this statement?  
A: No. ///END OF STATEMENT/// [REDACTED] b7c-4, b6-4

AFFIDAVIT

I, [REDACTED] b7c-4, b6-4 HAVE READ OR HAVE HAD 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 OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b7c-4, b6-4  
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 16 DAY OF Jul, 1984 AT 1235 [REDACTED] 2004

ORGANIZATION OR ADDRESS

[REDACTED] b7c-4, b6-4  
(Signature of Person Administering Oath)

SA [REDACTED] b7c-4, b6-4  
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art. 136 (b) (4), UCMJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4, b6-4

PAGES 3 OF 3 PAGES 0000108

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

AGENT'S INVESTIGATIVE REPORT

ROI NUMBER

0133-04-CID452-63629

CID Regulation 195-1

Page 1 of 5

DETAILS

b7c-1, b6-1 b7c-3, b6-3  
About 0945, 12 Jul 04, SA [REDACTED] interviewed PFC [REDACTED], who stated he arrived in Afghanistan on or about 02 Aug 03. During his rotation to Afghanistan, he participated in Mountain Resolve and Mountain Viper on and off from Aug - Dec 03 and was based out of Kandahar, Afghanistan. PFC [REDACTED] stated his platoon went to fire base (FB) Tycze on or about 05 Dec 03 and he was left behind to attend the E-5 board. However, on 10 Dec 03, PFC [REDACTED] at Kandahar until approximately 18 Jan 04, when a local national attacked FB Tycze. PFC [REDACTED] was sent to the FB to replace some of the injured soldiers. PFC [REDACTED] stated his duties at the FB included guarding persons under control (PUC), tower guard, and patrolling details. PFC [REDACTED] stated during the approximate two or three weeks he was at the FB, the SF group rotated over and they were very strict on the guards. One of the SF NCOs, SFC [REDACTED] (NFI), ensured the guards knew the standard operating procedure (which was the PUCs were not allowed to turn around, not allowed to talk to one another, only one PUC was allowed to eat a time, only one restroom for PUC use only, and the PUCs were allowed to pray and drink water) whenever there was a guard shift change. PFC [REDACTED] stated the PUCs lived in good conditions and the unit was issued rules of engagement (ROE) cards. PFC [REDACTED] was shown the photographs and related the following:

- P-8 depicted SSG [REDACTED] holding a pistol to the back of a bound detainee's head.
- Unable to identify soldiers in P-9 and P-10
- P-22 depicted SGT [REDACTED] posing next to SPC [REDACTED] holding a rifle to the back of a bound detainee's head.
- In P-23 and P-24, SPC [REDACTED] was holding a rifle to a bound detainee.
- Unable to identify soldier in P-25
- P-26 depicted SGT [REDACTED], holding a rifle to head of a bound detainee.

b7c-3, b6-3  
PFC [REDACTED] stated after his tour of duty at the FB, his unit returned to Kandahar and was later sent to Qualot for duties. At the conclusion of those duties, the platoon returned to Kandahar to redeploy to FDNY.

b7c-1, b6-1 b7c-1, b6-1 b7c-3, b6-3  
Between 1100 and 1130, 12 Jul 04, SA [REDACTED] and SA [REDACTED] searched PFC [REDACTED] residence, vehicle, and computer, pursuant to his written consent. The search did not identify anything of evidentiary value. (See consent to search)

b7c-1, b6-1 b7c-3, b6-3  
At 1500, 14 Jul 04, SA [REDACTED] interviewed SGT [REDACTED], HHS, 3/6<sup>th</sup> Field Artillery Bn, 10<sup>th</sup> MTN DIV, FDNY, who stated he was deployed in support of B Co, 2/22<sup>nd</sup> Inf Bn as a fire direction support NCO and arrived in Afghanistan on or about 01 Aug 03. SGT [REDACTED] related his duties included occasional tower guard, mounted and dismounted patrols, and duties as fire directional NCO. SGT [REDACTED] related while he was at FB Tycze, he was unaware of any detainee abuse and was surprised

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7c-1, b6-1, b2		ORGANIZATION 62 <sup>nd</sup> Military Police Detachment (CID) Fort Drum, NY 13602	
DATE 16 Jul 04		EXHIBIT 25	

CID FORM 94  
1 FEB 77

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

0000109

AGENT'S INVESTIGATIVE REPORT	ROI NUMBER 0133-04-CID452-63629
CID Regulation 195-1	Page 2 of 5

DETAILS

6953  
663 to see pictures depicting platoon members engaging in such conduct. SGT [REDACTED] stated he would only enter into the PUC area when it was someone's birthday and the platoon would all celebrate the individual's birthday. SGT [REDACTED] could not recall the designation of the SF group, or any of the member's names. SGT [REDACTED] was shown the photographs and identified the following:

- Unable to identify any of the soldiers in P-8, P-9 and P-10
- Stated the dead local national appeared to be the individual who attacked the base camp
- Unable to identify any of the soldiers in P-22
- Identified SPC [REDACTED] as the individual holding the rifle
- Identified SPC [REDACTED] as the individual holding the rifle
- Unable to positively identify the individual, but believes it could be SGT [REDACTED]
- Identified SGT [REDACTED] as holding the rifle

6953  
663 SGT [REDACTED] stated after the redeployment from the FB, he continued his duties with the platoon, and was later deployed to Qualot and returned to Kandahar.

Between 0900 and 1100, 15 Jul 04, SA [REDACTED] 67C-1,66-1, INT [REDACTED] 67C-2,66-2, INT [REDACTED] 67C-2,66-2, and INT [REDACTED], all this office, conducted a cursory review of the computers seized in this investigation. The reviews were conducted in compliance with the direction of CWS [REDACTED] Deputy Chief of Staff for Operations (DCSOPS), USACIDC, Fort Belvoir, VA 22060. A review of the computers associated to the identified Document Numbers (DN) disclosed the following: 67C-3,66-3

- DN 044-04 - Upon power up of laptops 1, and 3 through 5, disclosed the operating system as Windows 2000, and prompted for a password for login. Due to the lack of computer forensic software and technician support, the computers were shutdown and no further examination was completed. During a cursory search of laptop 2 (item #2), no images of evidentiary value were located. During a cursory search of the Compaq Desktop (item #2, 045-04), the computer prompted for a power on password. The computer was subsequently powered down and no further search was conducted.
- DN 046-04 - A cursory search was conducted on the Dell Desktop (Item #3), which identified several images depicting soldiers pointing weapons to the heads of bound detainees. Three additional images, not found on the original CD, were discovered; they appeared to be two different individuals with one soldier in two of the images with his face mostly masked and one soldier with his head to the back of the camera. The picture (file name of "picture 1800") of the soldier with his back of his head to the camera was pointing a rifle at the head of a bound detainee and appeared to be dressed in the same manner as a previously identified picture of SGT [REDACTED]. The other two pictures (file names of "picture 1801" and "picture 1802") appear to depict an as yet unidentified soldier pointing a rifle to the head of a bound detainee. The computer also had an image (file name of "picture 1808") of a previously identified

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] 67C-1,66-1,62	ORGANIZATION 62 <sup>nd</sup> Military Police Detachment (CID) Fort Drum, NY 13602	
SIGNATURE [REDACTED] 67C-1,66-1	DATE 16 Jul 04	EXHIBIT 25

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

<b>AGENT'S INVESTIGATIVE REPORT</b>	<b>ROI NUMBER</b> 0133-04-CID452-63629
<i>CID Regulation 195-1</i>	<b>Page 3 of 5</b>

**DETAILS**

*b7C-5, b6-5* picture (identified on SPC *b7C-5, b6-5* computer with a file name *b7C-5, b6-5* &Puc.jpg") depicting PVT *b7C-5, b6-5* pointing a rifle at the head of a bound detainee. "Picture 2346" was located on the computer, which appears to be the same image as P-9 from the photo packet. "Picture 2349" was located on the computer, and appears to be a zoomed in photograph of "picture 2346", or P-9 from the photo packet. "Picture 2383", "picture 2416", "picture 2417", "picture 719", "picture 968", and "picture 969" appear to be P-24, P-10, P-22, P-23, P-25 and P-26 from the photo packet, respectively. Four additional photographs were found during the cursory search of the desktop; two depict bound detainees and the other two depict the local national who was killed while attacking the firebase.

*b7C-5, b6-5* DN 049-04 - A cursory search was conducted on the Dell Laptop (Item #1 - seized from SPC *b7C-5, b6-5*) resulted in the identification of several images depicting soldiers pointing weapons to the heads of bound detainees. The images were found under a folder named "afghan pics". This folder contained similar images to those located on the Dell desktop (item # 3, DN 046-04); however, many were renamed to different names, such as *b7C-5, b6-5* &Puc.jpg".

*b7C-3, b6-3* About 1300, 15 Jul 04, SA *b7C-1, b6-1* and SA *b7C-1, b6-1* this office, interviewed PFC *b7C-3, b6-3* B Co, 2/22<sup>nd</sup> Inf Bn, 10<sup>th</sup> MTN DIV, FNDY, who related he arrived in Afghanistan on or about 01 Aug 03. PFC *b7C-3, b6-3* related he was assigned to duties as PUC guard, patrols, and tower guard. PFC *b7C-3, b6-3* stated he was assigned to FB Tycze with his platoon and never observed anyone mistreat the detainees. PFC *b7C-3, b6-3* stated the SF group would assign special instructions to the PUCs, such as to keep them awake or when to feed them. PFC *b7C-3, b6-3* stated he was never given a written SOP regarding the treatment of detainees, but the unit and SF group ensured that everyone knew what they were supposed to do. PFC *b7C-3, b6-3* was shown the packet of photographs and pointed out the following pertinent details:

- Unable to identify the soldiers in P-9 thru p-10
- Identified the individual in P-20 and P-21 as the individual who attacked the FB
- Unable to identify soldiers in P-22 *b7C-5, b6-5*
- Identified individual in P-23 and P-24 as *b7C-5, b6-5*
- Unable to identify the soldier in P-25 *b7C-5, b6-5*
- Identified the soldier in P-26 as *b7C-5, b6-5*

*b7C-1, b6-1* Between 1350 and 1420, 15 Jul 04, SA *b7C-1, b6-1* searched PFC *b7C-3, b6-3* residence, vehicle, and computer, pursuant to his written consent. The search met with negative results. (See consent to search)

*b7C-5, b6-5* About 1014, 16 Jul 04, PFC *b7C-5, b6-5* B Co, 2/22<sup>nd</sup> Inf Bn, FDNY, was advised of his rights by SA *b7C-5, b6-5* PFC *b7C-5, b6-5* waived his rights and rendered a sworn statement admitting to posing in two pictures while pointing a weapon at the head of a bound detainee. PFC *b7C-5, b6-5* further stated when he first arrived to FB Tycze, he observed a soldier from an artillery unit (subsequently identified as PFC *b7C-5, b6-5*)

<b>TYPED AGENT'S NAME AND SEQUENCE NUMBER</b> SA <i>b7C-1, b6-1</i>		<b>ORGANIZATION</b> 62 <sup>nd</sup> Military Police Detachment (CID) Fort Drum, NY 13602	
<b>SIGNATURE</b> <i>b7C-1, b6-1</i>		<b>DATE</b> 16 Jul 04	<b>EXHIBIT</b> <i>25</i>

CID FORM 94  
1 FEB 77

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

0000111

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

<b>AGENT'S INVESTIGATIVE REPORT</b>	ROI NUMBER 0133-04-CID452-63629
CID Regulation 195-1	Page 4 of 5

**DETAILS**

7/25/04 [redacted] strike the back of the head of a bound detainee. (See Waiver Certificate and Sworn Statement of PFC [redacted] for details)

Agent's Comment: SA [redacted] <sup>b7c-1,66-1</sup> began the interview as a witness interview. When PFC [redacted] <sup>b7c-5,66-5</sup> was shown a recently discovered photograph depicting a partially masked male pointing a rifle at the head of a bound detainee, PFC [redacted] believed the weapon depicted was his, and the soldier holding it was him. SA [redacted] stopped the interview and advised him of his rights. PFC [redacted] further described the individual who struck the detainee and described his unit patch. PFC [redacted] <sup>b7c-5,66-5</sup> described the patch as a cannon with wings.

Between 1220 and 1250, 16 Jul 04, SA [redacted] <sup>b7c-1,66-1</sup> searched PFC [redacted] <sup>b7c-5,66-5</sup> residence, vehicle, and computer, pursuant to his written consent. Examination of a CD disclosed it to contain images of several soldiers with their arms around the detainees posing for pictures. The disc was collected as evidence. (See consent to search)

About 1300, 16 Jul 04, SA [redacted] <sup>b7c-1,66-1</sup> coordinated with 2LT [redacted] <sup>b7c-3,66-3</sup> S-6, 2/22<sup>nd</sup> Inf Bn, FDNY, who provided a copy of the unit's log-ins and passwords to access the US Government computer systems.

6/23/04 About 1420, 16 Jul 04, SA [redacted] <sup>b7c-1,66-1</sup> interviewed PFC [redacted] <sup>b7c-3,66-3</sup> B Co, 2/22<sup>nd</sup> Inf Bn, FDNY, who stated he arrived in Afghanistan on or about 01 Aug 03, shortly after completing basic and advanced individual training as an infantryman. PFC [redacted] related his duties in Afghanistan included fire team member, guard duty, and PUC guard. PFC [redacted] stated he only had disposable cameras in Afghanistan and he did not take his computer with him. PFC [redacted] related he was unaware of the maltreatment of detainees. PFC [redacted] stated he treated as somewhat of an outside, being new to the unit, and was more concerned with getting home alive. PFC [redacted] stated the SF group and the platoon sergeant ensured all guards knew how the PUCs were to be treated. PFC [redacted] was shown the packet of photographs and pointed out the following pertinent details:

- Unable to identify the soldiers in P-8, P-9, and P-10
- Identified the individual in P-20 and P-21 as the individual who attacked the FB
- Unable to identify soldiers in P-22
- Identified individual in P-23 and P-24 as [redacted] <sup>b7c-5,66-5</sup>
- Unable to identify the soldier in P-25
- Identified the soldier in P-26 as [redacted] <sup>b7c-5,66-5</sup>

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [redacted] <sup>b7c-1,66-1,66-2</sup>		ORGANIZATION 62 <sup>nd</sup> Military Police Detachment (CID) Fort Drum, NY 13602	
SIGNATURE [redacted] <sup>b7c-1,66-1</sup>	DATE 16 Jul 04	EXHIBIT 25	

CID FORM 94  
1 FEB 77

**FOR OFFICIAL USE ONLY**  
Law Enforcement Sensitive

0000112



FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

AGENT'S INVESTIGATIVE REPORT	ROI NUMBER 0133-04-CID452-63629
CID Regulation 195-1	Page 5 of 5

DETAILS **b7C-3, b6-3**  
PFC [REDACTED] described the activity in the photographs to be abuse and was shocked to see soldiers from his unit participating in such activity.

About 1500, 16 Jul 04, SA **b7C-1, b6-1** obtained consent to search from PFC **b7C-3, b6-3** to search his hard drives. (See Consent to Search)

Between 1520 and 1550, 16 Jul 04, SA **b7C-1, b6-1** searched PFC **b7C-3, b6-3** residence, vehicle, and computer, pursuant to his written consent. The search did not identify anything of evidentiary value.

///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] <b>b7C-1, b6-1, b2</b>		ORGANIZATION 62 <sup>nd</sup> Military Police Detachment (CID) Fort Drum, NY 13602	
SIGNATURE [REDACTED] <b>b7C-1, b6-1</b>		DATE 16 Jul 04	EXHIBIT <b>25</b>

CID FORM 94  
1 FEB 77

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

0060113

**LAW ENFORCEMENT SENSITIVE**  
**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 CID Office Ft Drum NY 13602	2. DATE 16 Jul 04	3. TIME 10:14	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED] b7C-5,66-5	6. ORGANIZATION OR ADDRESS B Co 2/22nd Inf Bn Ft Drum, NY 13602		
7. SSN [REDACTED] b7C-5,66-5	8. GRADE/STATUS E-3/A1D		

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

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected: Aggravated Assault, Dereliction of Duty

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

- I do not have to answer any question or say anything. [REDACTED] b7C-5,66-5
- Anything I say or do can be used as evidence against me in a criminal trial. [REDACTED] b7C-5,66-5
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. [REDACTED] b7C-5,66-5

- or -

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

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. [REDACTED] b7C-5,66-5

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. [REDACTED] b7C-5,66-5

<b>WITNESSES (If available)</b>		3. SIGNATURE OF INTERVIEWEE [REDACTED] b7C-5,66-5
1a. NAME (Type or Print) NY [REDACTED] b7C-2,166-2	4. SIGNATURE OF INVESTIGATOR [REDACTED] b7C-1,66-1	
b. ORGANIZATION OR ADDRESS AND PHONE 62nd MP Det (CD) Ft Drum, NY 13602	5. TYPED NAME OF INVESTIGATOR SP4 [REDACTED] b7C-1,66-1	
2a. NAME (Type or Print)	6. ORGANIZATION OF INVESTIGATOR 62nd MP Det (CD) Ft Drum, NY 13602	

**Section C. Non-waiver**

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

2. SIGNATURE OF INTERVIEWEE

0060114

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE  
 FOR OFFICIAL USE ONLY  
 LAW ENFORCEMENT SENSITIVE

EXHIBIT 26  
 USAPA 2.01

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 /SSW.  
**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 CID Office Ft Drum NY 13602	2. DATE (YYYYMMDD) 2004/07/16	3. TIME 11:50	4. FILE NUMBER b6c-5166-5
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-3/AD	

8. ORGANIZATION OR ADDRESS  
Bco 2/22 Infantry Bn, Ft Drum, NY 13602  
b6c-5166-5

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

From period of August 03 until May 04 I was deployed in part of operation Enduring Freedom in the country of Afghanistan. From August 03 until December/January 04 I was part of operation Mountain Viper (Aug/Sep) operation Mountain Resolve (Nov/Dec) From December/January 04 until February 04 I was stationed at firebase "Gecko" under control and support of Special Forces. During which time our duties were; Tower guard, Worker guard, Local patrols, Mounted patrols, and detainee guard. During the time at the firebase several times my weapon was borrowed by other Soldiers to pull guard, as were other Soldiers weapons as well. In one of the pictures my weapon is shown, as well as what I believe to be myself. I also viewed several other photos with several other Soldiers from my pin down.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT  
b6c-5166-5

PAGE 1 OF 7 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT DATED

0000115

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

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

**TAKEN AT**

' DATED

2004/07/016

## 9. STATEMENT (Continued)

Doing acts of painting weapons at the prisoner huts.  
On the morning of January 18 we (Bco 2-22) attacked  
at Tower 1, a local had been taking shots and threw  
and at dawn he launched an RPG at the tower and  
injured Pfc <sup>b7c-4, b6-4, b7c-4, b6-4</sup> [redacted] and SPC <sup>b7c-5, b6-5</sup> [redacted]. After the  
attack Sgt <sup>b7c-4, b6-4</sup> [redacted] rushed to our "mud hut" and awoke us.  
we rushed out and were set to fire positions  
in defense of the Base. I was set on the wall  
Between tower 1 and 4. I don't remember how long  
the firing between the front gate and the Attacker  
took. But after the "All Clear" we stayed on the  
wall for a good hour to two hours after. After  
that I went back to sleep. Because I was exhausted  
from the hour of sleep I did get. After that  
there were no incidents where we came under  
direct fire. Soon after S.F. had switched groups  
we were rotating with C-0 out of the fire base  
After that we were down on COZF for  
about a month. Then to fire base Quallat  
for one month. During which time we  
polled tower guards and local patrols

000011b

**INITIALS OF PERSON MAKING STATEMENT**

PAGE 2 OF 7 PAGES

PAGE 2, DA FORM 2823, DEC 1998

FOR OFFICIAL USE ONLY

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

STATEMENT OF

TAKEN AT

CID office.

DATED

200-1/07/16

9. STATEMENT (Continued)

After Qullat we returned to KAF and went from QRF to returning to the United States.

Q: SA [REDACTED] b7C-5, b6-5

A: PFC [REDACTED]

Q: Did you voluntarily waive your rights and agree to speak with SA [REDACTED] on 16 Jul 04?

A: Yes [REDACTED] b7C-5, b6-5

Q: SA [REDACTED] showed you a picture depicting a partially masked individual holding a M4 with M205 pointing at the back of the head of a bound detainee. Who is this soldier?

A: MYSELF. [REDACTED] b7C-5, b6-5

Q: Approximately when was this picture taken?

A: Between December 03 and before January 18 04 [REDACTED] b7C-5, b6-5

Q: Who took the picture?

A: I do not remember. [REDACTED] b7C-5, b6-5

Q: In a similar photo SA [REDACTED] showed you, there is a soldier who is partially masked holding an M4 the back of a bound detainee's head. Who is this soldier?

A: I believe it to be myself. [REDACTED] b7C-5, b6-5

Q: SA [REDACTED] showed you a picture of a black male holding a M4 to the head of a bound detainee. Who is the black male?

A: SPC [REDACTED] b7C-5, b6-5

Q: In the same picture, who is the soldier behind him?

A: SPC [REDACTED] b7C-5, b6-5

0000117

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7C-5, b6-5

PAGE 3 OF 7 PAGES

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

STATEMENT OF

TAKEN AT

CID Office

DATED

2004/07/16

9. STATEMENT (Continued)

Q: SA [redacted] showed you picture numbered 8, who is the soldier holding the weapon?

A: SSC [redacted]

Q: SA [redacted] showed you a picture numbered 9, who is the soldier holding the weapon?

A: [redacted]

Q: How do you know that is SPC [redacted]?

A: By his Polypro top. It's different than the Regular issue; he also had it set to him from an online web site.

Q: SA [redacted] is showing you a picture of a soldier with his back to the camera pointing a M4 to the head of a bound detainee. Who is this soldier?

A: I do not know who this is, but the weapon was the falling on it Tac light, and the sight on it are issued to team leader and above.

Q: SA [redacted] is showing you a picture numbered 10, who is this soldier?

A: I do not know.

Q: SA [redacted] is showing you a picture numbered 22, who is the soldier holding the weapon?

A: SPC [redacted]

Q: Who is standing next to the soldier with the weapon?

A: SPC [redacted]

Q: SA [redacted] is showing you a picture numbered 23, who is the soldier holding the weapon?

A: SPC [redacted]

Q: SA [redacted] is showing you a picture numbered 24, who is the soldier holding the weapon?

INITIALS OF PERSON MAKING STATEMENT

[redacted]

PAGE

4 OF 7

PAGES

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

STATEMENT OF

TAKEN AT

CID office

DATED

2004/07/16

9. STATEMENT (Continued)

A: Sgt [REDACTED]

Q: SA [REDACTED] is showing you a picture numbered 25, who is the soldier in this picture?

A: Sgt [REDACTED]

Q: SA [REDACTED] is showing you a picture numbered 26, who is the soldier in this picture?

A: Sgt [REDACTED]

Q: Looking back on what had happened, do you feel these pictures should have been taken?

A: No. [REDACTED]

Q: Why did you pose in the pictures?

A: I don't know. [REDACTED]

Q: Were there any SOPs put out on how to treat the detainees?

A: Nothing for certain was ever stressed. We kind of picked up what Aco showed us, and did.

The SF group gave us open directions, but nothing was set. [REDACTED]

Q: Did you ever hit, kick, or otherwise abuse any of the detainees?

A: No. [REDACTED]

Q: Did you observe anyone hit, kick, or otherwise abuse any of the detainees?

A: Yes. [REDACTED]

Q: Who?

A: Some FA guys came in when we were first rolling guard with Aco. They came in and clicked (punched) a couple pops in the back of the heads. [REDACTED]

Q: Do you remember any of the soldier's names?

A: PFC [REDACTED]

0000119

INITIALS OF PERSON MAKING STATEMENT

PAGE

5 OF 7

PAGES

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

STATEMENT OF

TAKEN AT

CID OFFICE DATED 2004/07/16

9. STATEMENT (Continued)

Q: Describe

A: Short, Black, well built, shaved head. From

Q: SA you described patch as a patch with wings and cannon or a sword, SA showing you a patch at the Ft Bragg Division Artillery, is this the patch?

A: Yes.

Q: Did you see strike a detainee?

A: Yes.

Q: How much and where?

A: Once, in the detainee block, and he hit him in the back of the head.

Q: Was anyone else with you?

A: Yes. But I do not remember.

Q: Describe the weapon status for eyeglasses in the POC cage?

A: on the outer cage / Behind the glass/plastic, locked and

on safe. Inside I think locked and locked but I'm not 100% I know they had to be on safe.

Q: How do you feel you were treated today?

A: Acceptable.

Q: Were you offered the opportunity to get something drunk?

A: Yes several times.

Q: Is there anything you would to add?

A: Nothing.

SND OF STATEMENT.

INITIALS OF PERSON MAKING STATEMENT

PAGE 6 OF 7 PAGES



67C-5,66-5  
STATEMENT OF [REDACTED]

TAKEN AT

CID Office

DATED

2004/07/16

9. STATEMENT (Continued)

67C-5,66-5  
AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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.

67C-5,66-5

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16<sup>th</sup> day of July, 2004, at CID office Ft. Drum, NY 13602.

67C-5,66-5  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED]  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

67C-5,66-5

PAGE

7 OF 7

PAGES

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

AGENT'S INVESTIGATIVE REPORT	ROI NUMBER 0133-04-CID452-63629
CID Regulation 195-1	Page 1 of 1

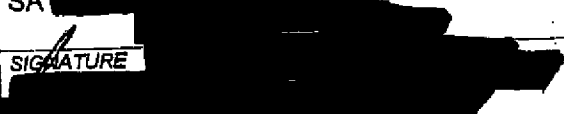
DETAILS

About 1209, 12 Jul 04, SA <sup>b7C-1, b6-1</sup> interviewed SFC <sup>b7C-4, b6-4</sup> who rendered a sworn statement denying any knowledge regarding detainee abuse in Afghanistan (See statement and sketch prepared by SFC <sup>b7C-4, b6-4</sup> for details).

About 1214, 12 Jul 04, SA <sup>b7C-1, b6-1</sup> searched SFC <sup>b7C-4, b6-4</sup> residence, FDNY, pursuant to his written consent. The search revealed nothing of evidentiary value (See Consent to Search)

About 1610, 13 Jul 04, SA <sup>b7C-1, b6-1</sup> searched SFC <sup>b7C-4, b6-4</sup> residence and personal computer and/or media storage devices in Pennsylvania, pursuant to his written consent. A subsequent search of these items resulted in the collection of one digital camera as evidence. (See Consent to Search)

///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA <sup>b7C-1, b6-1, b2</sup>		ORGANIZATION 62 <sup>nd</sup> Military Police Detachment (CID) Fort Drum, NY 13602
SIGNATURE 	DATE 13 Jul 04	EXHIBIT 0000122 27

CID FORM 94  
1 FEB 77

FOR OFFICIAL USE ONLY  
Law Enforcement Sensitive

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION <u>Fort Drum NY</u>	DATE <u>12 July 04</u>	TIME <u>12:09</u>	FILE NUMBER <u>0122-04-CID452</u>
LAST NAME, FIRST NAME, MI <u>[REDACTED]</u>	SOCIAL SECURITY NUMBER <u>[REDACTED]</u>	GRADE/STATUS <u>E-7 AD</u>	
ORGANIZATION OR ADDRESS <u>B. Co 2-22 INF</u>			

I, [REDACTED] want to make the following statement under oath:

SFC [REDACTED] arrived in Kandahar Afghanistan on or about 4 August 2003. My company picked up Quick Reaction Force duties until Operation Mountain Viper in early September. We were again on Quick Reaction Force duties as well as local patrols until November 2003, when my company was sent to Bagram for Operation Mountain Resolve. Upon return from Bagram to Kandahar my platoon prepared to take over Fire Base TY2C Da Rah Wod. I personally went out to Da Rah Wod the last week of November 2003 to shadow SFC [REDACTED] Platoon from A. Co 2-22. The remainder of my platoon came out to Da Rah Wod about a week later. My platoon relieved SFC [REDACTED] platoon within a couple days as they continued to advise and or support us for about 2 more weeks. My responsibility on the Fire Base was to ensure Fire base security was maintained, prisoners under control (PUC) were guarded, generators fueled, local security patrols, guards for Fire base workings, Fire base

06 Nov 23

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>[REDACTED]</u>	PAGE 1 OF 6 PAGES
---------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF  
CONTINUED.

b7c-4, b6-4

ENFORCEMENT SENSITIVE

TAKEN AT FORT DRUM, NY DATED 12 JULY 09

improvement, and other taskings given to us by Special Forces leaders who we were TACON to. My platoon was responsible for these tasks and was decentralized, normally by squad. FOR EXAMPLE: One squad would be on patrols, another on perimeter security, and the other either off or taking care of various details such as PUC guard. The LT and myself would oversee the taskings and would go on occasional patrol depending on the size. Walk throughs of either the PUC cage or towards was done daily by myself or the LT when we had PUC's. Handling of PUC's was explained to platoon as such. Initially they were searched head to toe for weapons while Flex cuffed (for other contraband as well). They were seated after every thing was documented and collected. PUC's would be sand bagged and Flex cuffed behind their backs. They were given a blanket, a mattress, and the opportunity to use the latrine, medical services, and access to water and food if wanted at any time. They did this by showing fingers (Example: 1 Finger = Water 2 = Food etc...) This was explained to them by step obviously because of the language barrier. There was 1 guard for every two PUC's depending on manning issues. PUC guards used M-4's while on guard and the weapon would be locked and loaded while on safe. The uniform was DCU's with weapon initially but then changed to uniform 28

PAGE 2 OF 6 PAGE 28

b7c-4, b6-4

FOR OFFICIAL USE ONLY  
ENFORCEMENT SENSITIVE

EXHIBIT 28

STATEMENT OF [REDACTED]  
CONTINUED.

TAKEN AT FORT DRUM, NY

DATED 12 JULY 04

Just OGU bottoms with alternate top and halacalane due to recognition of soldiers because a lot of the prisoners were local and we didn't want the soldiers to be identified at any time (like on patrol). Special Forces initially gave leadership from my platoon the rundown of <sup>how</sup> PUC's to be handled. On almost all incidents PUC's were brought in by Special Forces guys and handed off to us for guarding. Special Forces were normally there initially to ensure everything was smooth and would pull out detainees on occasion to interrogate, but for the majority of the time my platoon was responsible for them.

Q: What Special Forces unit did you support at Darabood?

A: 373 and 372 (Fort Bragg) 321 and 323 (Fort Benning)

Q: Aside from the PUC handling procedures you provided, did the Special Forces leadership provide you with any other special guidance?

A: No

Q: While the PUCs were held at the firebase, was there any reports of maltreatment or abuse reported?

A: No

Q: Approximately how long would PUCs stay at the firebase?

111-125

PAGE 3 OF 6 PAGES

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

EXHIBIT 28

STATEMENT OF [REDACTED]  
CONTINUED.

TAKEN AT FORT DRUM, NY

DATED 12 JULY 04

A: 2 to 3 days

Q: Did you ever hear of any soldier abuse or maltreat any POC held at Datchwood?

A: NO

Q: Where photographs of detainees/POCs authorized at The Datchwood Fire base?

A: NO

Q: Could you explain what is meant by POCing?

A: Prisoner Under Control meaning to detain. As in reference to US soldiers it was a cohesive gesture by other members for promotion / birthday and everyone, including myself and the LT was "Paced"

Q: I'm showing you pictures 2, 3, 4, 5, 6 and 7, are these samples of POCing?

A: Yes

Q: I'm showing you photographs 8, 9 and 10. Do you recognize any of these individuals?

A: Yes SSG(P) [REDACTED] photo #8 the others I do not recognize.

Q: I'm showing you photographs 20 and 21. Do you recognize this individual?

A: Yes, the individual that was responsible for wounding 3 of my soldiers when attacked the Fire base.

Q: I'm showing you photographs 22, 23 and 24. Do you recognize any of these individuals?

PAGE 4 OF 6 PAGES

FOR OFFICIAL USE ONLY  
1 ENFORCEMENT SENSITIVE

[REDACTED] b7c-4, b6-4

EXHIBIT 28

ENFORCEMENT SENSITIVE

STATEMENT OF [REDACTED]  
CONTINUED.

b7c-4/b6-4

TAKEN AT FORT DRUM, NY DATED 12 JULY 04

Do you recognize The Individuals? If so, who are They?

A: Photo 22 is SPC [REDACTED] b7c-5/b6-5 and SPC [REDACTED] b7c-5/b6-5 Photos 23 and 24 is SPC [REDACTED] b7c-5/b6-5

Q: I'm showing you photographs 25 and 26. Do you recognize The individual? If so, who is it?

A: Yes, SGT [REDACTED] b7c-5/b6-5 in photos 25 and 26

Q: I'm showing you photograph #1, do you recognize The individuals? If so, who are They?

A: Yes, SSG(P) [REDACTED] b7c-5/b6-5 and SFC [REDACTED] b7c-4/b6-4 in photo 1

Q: Is There anything else, you want to add to This statement?

A: NO. /// END OF STATEMENT /// [REDACTED] b7c-4/b6-4

0000127

PAGE 5 OF 6 PAGES [REDACTED]

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

[REDACTED] b7c-4/b6-4

EXHIBIT 28

DA FORM 2823 (AUTOMATED)  
STATEMENT OF

b7c-4, b6-4

TAKEN AT FORT DRUM, NY DATED 12 July 04 CONTINUED:

END OF STATEMENT  
THIS SIDE NOT USED

b7c-4, b6-4

b7c-4, b6-4

AFFIDAVIT

[REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT

b7c-4, b6-4

[REDACTED]  
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 12<sup>th</sup> DAY OF Jul, 2004 AT Ft Drum NY

b7c-4, b6-4

2004

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

b7c-4, b6-4

[REDACTED]  
(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

UCMS, Art 136  
(Authority to Administer Oath)

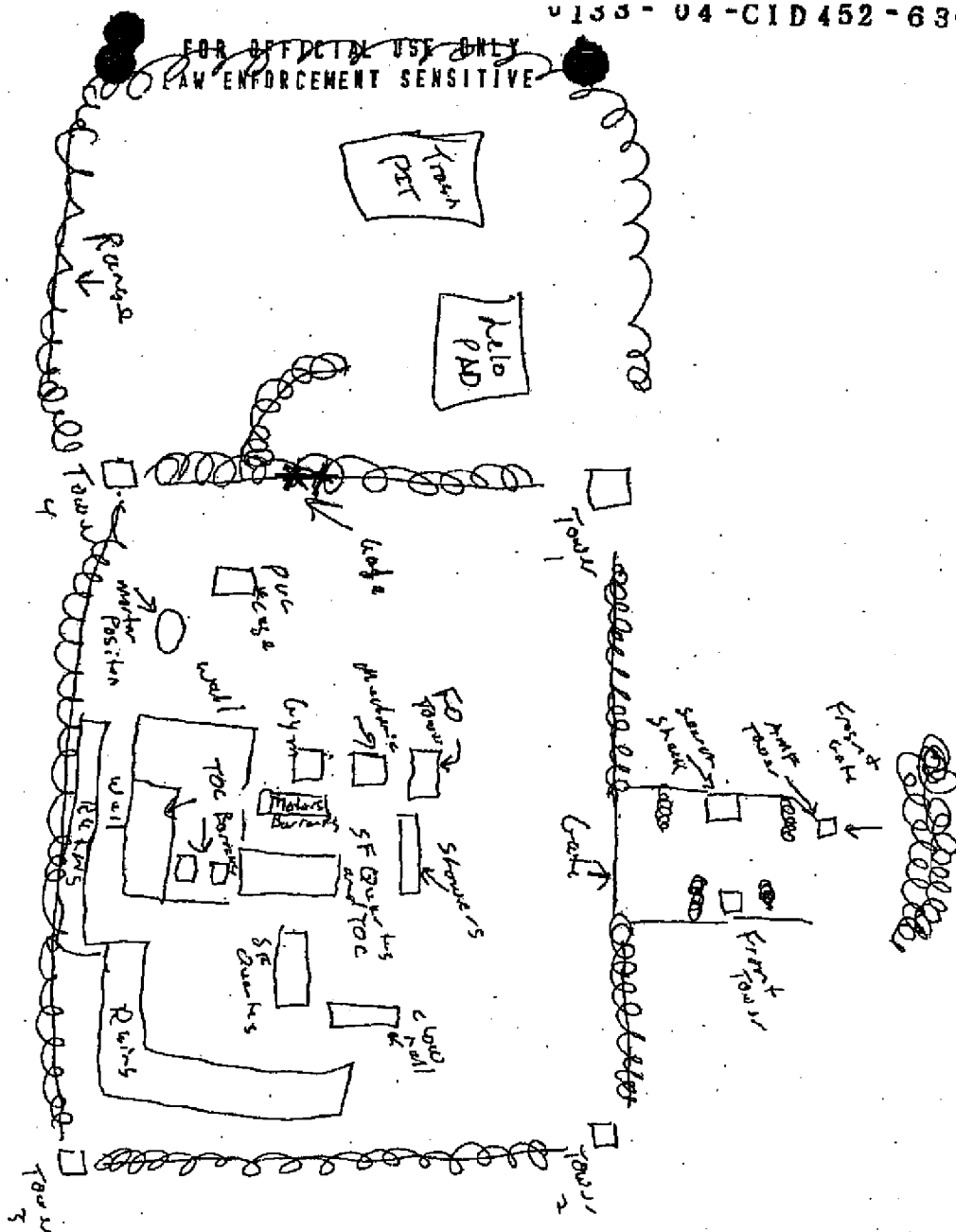
0600123

INITIALS OF PERSON MAKING STATEMENT

PAGES 6 OF 6 PAGES

DA FORM 2823 (AUTOMATED)





Prepared by SFC  
12 July 84  
b7c-4, b6-4  
b7c-4, b6-4  
00000000

0000129

**EXHIBIT 29**

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0133-04-CID452-63629

PAGE 1 OF 1 PAGES

## DETAILS

SPC [REDACTED] B CO, 2<sup>ND</sup> BN, 22<sup>ND</sup> INF, 10<sup>TH</sup> MTN DIV (LI), FORT DRUM, NY (FDNY) 13602: At 0900, 16 Jul 04, SPC [REDACTED] was interviewed by the undersigned and provided the following information: SPC [REDACTED] was deployed with his unit to Afghanistan and worked out of Fire Base Tice, Dairawu (spelling). While working at this fire base, SPC [REDACTED] talked about the firefight that occurred in January 2003 where an enemy combatant penetrated the base and blew up a guard tower with an rocket propelled grenade (RPG), injuring three of his fellow soldiers. The combatant was killed during the firefight, which SPC [REDACTED] felt was justified. SPC [REDACTED] also indicated he was involved in guarding Prisoner's Under Custody (PUC's) and at no time indicated they were abused in any way. There was no written Standard Operating Procedures (SOP) in place during their tour of duty regarding Prisoner's or Detainee's and the guidance was all administered verbally by his chain of command. When questioned about photographs being taken of the prisoner's by soldiers in his unit, SPC [REDACTED] stated he was not aware this took place nor was he involved in the photograph taking or being present in photographs. SPC [REDACTED] did not own a digital camera or personal computer system. SPC [REDACTED] utilized disposable cameras in theater to photograph the surrounding areas and unit personnel. According to SPC [REDACTED] he photographed the countryside and unit members at his base and no time were derogatory photographs exposed. SPC [REDACTED] was shown the photographs obtained by this office and his responses were:

Photographs 1 thru 7 depicted his fellow soldiers at a celebration and engaging in what the unit called PUC'ing (person's under control), which he described as conducted for birthdays and promotions, sort of esprit de corps.

Photograph 8 depicting an unidentified soldier standing over a prisoner with a handgun, couldn't identify.

Photograph 9 and 10 depicting a partial body and/or hand holding a pistol over a prisoner, couldn't identify.

Photograph 11 thru 21 depicted scenes after the firefight in January 2003.

Photograph 22 depicting two unidentified individuals were not identified by SPC [REDACTED] who stated photograph was blurry.

Photograph 23 depicting an unidentified individual was identified as SPC [REDACTED] (NFI) of his unit.

Photograph 24 depicting an unidentified individual was identified as SPC [REDACTED] (NFI) of his unit.

Photograph 25 depicting an unidentified individual was not identified due to the mask covering the face.

Photograph 26 depicting an unidentified individual was identified as SGT [REDACTED] (NFI) of his unit.

SPC [REDACTED] indicated he was aware of the investigation in Iraq involving U.S. soldiers and felt they went overboard in their duties and he was already aware under the Geneva Convention through prior training that you couldn't photograph prisoners or detainees. SPC [REDACTED] could not provide any further information pertinent to this investigation and when asked if he was willing to put this interview in a sworn statement, he declined.

At 0945, 16 Jul 04, the undersigned executed a consent to search, provided by SPC [REDACTED] of his Barrack's Room, [REDACTED] FDNY. A search of the barrack's room met with negative results in the identification of evidence pertinent to this investigation (See Consent to Search for details).

///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] b7c-1, 66-1, 62

ORGANIZATION

62<sup>nd</sup> MP Det (CID), 3<sup>rd</sup> MP Gp, USACIDC, Fort Drum, NY 13602-5013

SIGNATURE

[REDACTED] b7c-1, 66-1

DATE

16 Jul 04

EXHIBIT

30 0000130

CID FORM 94

1 FEB 77

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

**AGENT'S INVESTIGATIVE REPORT**

*CID Regulation 195-1*

ROI NUMBER

0133-04-CID452-63629

PAGE 1 OF 1 PAGES

**DETAILS**

At 1107, 20 Jul 04, SA 67C-1, 66-1 interviewed SPC 67C-4, 66-4, B Co, 2/22 Infantry Battalion, FDNY 13602, who related he was new to the unit only a couple of weeks and was deployed to Afghanistan. His platoon arrived around August 2003 time frame and was based out of Kandahar International Airport and his position was automatic rifleman. SPC 67C-4, 66-4 related his platoon went to Bagram Air Base about half way through his nine month deployment for only two weeks and returned to Kandahar for the remainder of the mission. SPC 67C-4, 66-4 related while in Bagram for the two weeks his platoon did guard PUC's (detainees) at the facility named Orgun-e. He related he did not witness or participate in any detainee abuse while his platoon was at Orgun-e. SPC 67C-4, 66-4 did not recognize any of the soldiers or was aware of the location of the photographs taken. He further related he was only aware of the RPG attack at DRW by word of mouth from fellow soldiers in his platoon (See Sworn Statement of SPC 67C-4, 66-4 for details).///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA 67C-1, 66-1, 62

ORGANIZATION

62<sup>nd</sup> Military Police Detachment (CID), 3<sup>rd</sup> MP Group (CID)  
Fort Drum, New York 13602

SIGNATURE

DATE

20 Jul 04

EXHIBIT

31

CID FORM 94-1  
1 Oct 95

FOR OFFICIAL USE ONLY  
PROTECTIVE MARKING IS EXCLUDED FROM  
AUTOMATIC TERMINATION (Para 13, AR 340-18)  
(When Data Is Entered)

0000131

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION Fort Drum, New York	DATE 20 Jul 04	TIME 1107	FILE NUMBER 0133-04-CID452-63629
LAST NAME, FIRST NAME, MI [REDACTED] b7C-4, b6-4	SOCIAL SECURITY NUMBER [REDACTED] b7C-4, b6-4		GRADE/STATUS E4/RA
ORGANIZATION OR ADDRESS B Co/ 2-22 Infantry Battalion Fort Drum, New York 13602 b7C-4, b6-4			

I want to make the following statement under oath:

I arrived in Afghanistan in August 2003 and was with B CO, 2/22 INF BN based in Kandahar, Afghanistan. My job was an Automatic Rifleman and was assigned to first platoon. I had only been with the unit a couple of weeks before being deployed to Afghanistan. We were based at tent city #D5, which was located at Kandahar International Airport (KAF). My platoon was located in Kandahar until about half way through our nine month deployment and we then moved to Bagram Air Base, Afghanistan for two weeks for Operation Mountain Resolve. After Operation Mountain Resolve we moved back to KAF for the remainder of our deployment. I was not located near DRW, but heard through my fellow soldiers three soldiers in a tower were pulling security and an RPG hit a guard tower. The RPG was fired from the Afghan checkpoint. I was informed the soldiers were injured and had to be medically evacuated.

Q: SA [REDACTED] b7C-4, b6-4

A: SFC [REDACTED] b7C-4, b6-4

Q: What type of camera did you use during your deployment?

A: I had a digital camera, brand name FUJI film.

Q: What were your duties while deployed to Afghanistan?

A: I was an automatic rifleman.

Q: Did you ever see any detainees get kicked, hit, or inhumanely treated while in U.S. Custody?

A: No.

Q: Can you describe what is depicted in photographs 3/1 through 3/4?

A: In photograph 3/1 SSG [REDACTED] and SFC [REDACTED] are in the picture, but I'm not sure what the building is or where their located. I am unsure of the time frame from the picture. Photographs 3/2-3/4 are of soldiers of which I'm not sure what they are doing are or what unit they belong to.

Q: Can you describe what is depicted in photographs 3/5, 3/6 and 3/7?

A: Looks like a soldier PUC'd, or detained. I don't know the soldier depicted in the picture. Looks like the same soldier with water dumped on him. This is another picture of the same event.

Q: Can you describe what is depicted in photograph 3/8?

A: It looks like a couple of PUC's with a US soldier pointing a gun at the PUC's, known as a detainee. I'm not sure who the Soldier is. He could be pulling security.

Q: What was the weapon's status for the guards in the PUC cage?

A: They used their assigned weapon and the rounds were in the magazines, but not in the chamber.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7C-4, b6-4	PAGE 1 OF 3 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.</p>		

b7c-4, b6-4  
STATEMENT OF SPC [REDACTED] TAKEN AT CID OFFICE, FDNY DATED 20 Jul 04  
CONTINUED.

Q: Can you describe what is depicted in photographs 3/20 and 3/21?  
A: I don't know who is depicted in the photograph.  
Q: How did the guy in the photographs die?  
A: I Don't know.  
Q: Do you know who shot and killed the guy?  
A: No.  
Q: Can you describe what is depicted in photograph 3/22?  
A: No  
Q: Can you describe what is depicted in photograph 3/23?  
A: No.  
Q: Can you describe what is depicted in photograph 3/24?  
A: No.  
Q: Can you describe what is depicted in photograph 3/25?  
A: No.  
Q: Can you describe what is depicted in photograph 3/26?  
A: No.  
Q: Do you know who might have taken any of the photograph's you have just viewed?  
A: No.  
Q: Do you know where the photographs were taken at in Afghanistan?  
A: No.  
Q: Were any SOP's in place about handling of detainee's by your unit or the command?  
A: I can't recall. I know we guarded detainees for a couple of hours and switched with fellow soldiers.  
Q: How long were detainees kept at your location?  
A: We were only there two weeks at Orgun-e, Afghanistan and the detainees were already at the detainee facility.  
Q: How would you describe the living conditions at the detainee facility at your location?  
A: They lived in cages made of fence material. They had all the facilities necessary.  
Q: Did you participate in any detainee abuse?  
A: No.  
Q: What were the Rules of Engagement (ROE) during your mission?  
A: If they posed an immediate threat you could use equal force.  
Q: Were you updated periodically on the changing ROE's?  
A: Yes.  
Q: What was the grid location of your Camp in Afghanistan?  
A: I don't know.

b7c-4, b6-4  
[REDACTED]  
Page 2 of 3

0060133

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

EXHIBIT 32

DA FORM 2823 (AUTOMATED) 67C-4, 66-4  
STATEMENT OF SPC [REDACTED]

TAKEN AT Fort Drum, NY

DATED 20 Jul 04

CONTINUED:

Q: Did the unit initiate a 15-6 investigation documenting all Soldiers deaths or attacks on units bases, convoys etc?

A: I not sure what you mean.

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

A: No.///END OF STATEMENT/// 67C-4, 66-4

67C-4, 66-4

AFFIDAVIT

I, [REDACTED] HAVE READ OR HAVE HAD 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 OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

67C-4, 66-4

[REDACTED]  
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 20th DAY OF Jul, 2004 AT Fort Drum, NY 67C-4, 66-4

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

SA [REDACTED]

(Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, UCMJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT 67C-4, 66-4

PAGES 3 OF 3 PAGES

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

EXHIBIT 32

# AGENT'S INVESTIGATIVE REPORT

ROI NUMBER:

0079-04-CID342

CID Regulation 195-1

PAGE 1 OF 1 PAGES

## DETAILS

BASIS FOR INVESTIGATION: About 0900, 20 Jul 04, This office received a Request For Assistance (RFA), from the Fort Drum Resident Agency, Fort Drum, NY 13602 requesting this office fully identify and interview PFC [REDACTED] 3/321<sup>st</sup> Field Artillery, Fort Bragg, NC 28310 for Assaulting a detainee, while deployed to Afghanistan. b7C-5, b6-5

About 1620, 2 Aug 04, SA [REDACTED] b7C-1, b6-1 advised PFC [REDACTED] b7C-5, b6-5 of his rights, which he waived and rendered a sworn statement. PFC [REDACTED] stated he never assaulted any detainee, while deployed to Afghanistan. (See waiver certificate and sworn statement for details)

Agent's Note: PFC [REDACTED] b7C-5, b6-5 was asked to allow consent to search of his personal belongings as he was on leave in Philadelphia, PA. There was nothing of evidentiary value to search.////LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7C-1, b6-1, b2		ORGANIZATION Carlisle Barracks Resident Agency Carlisle, PA 17013	
SIGNATURE [REDACTED] b7C-1, b6-1		DATE JUL 20 04/0802	EXHIBIT 33 00000135
CID FORM 94/ 1 FEB 77		FOR OFFICIAL USE ONLY.	

**FOR OFFICIAL USE ONLY**  
**LAW ENFORCEMENT SENSITIVE**

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

0579-04-CID342-

**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 <i>Philadelphia, PA</i>	2. DATE <i>8 AUG 04</i>	3. TIME <i>1620</i>	4. FILE NO. <i>67C-5,66-5</i>
5. NAME (Last, First, MI) <i>[REDACTED]</i>	6. ORGANIZATION OR ADDRESS <i>3/321 Field Artillery Ft Bragg, NC 28310</i>		
8. SSN <i>67C-5,66-5</i>	7. GRADE/STATUS <i>PFC/RA</i>		

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

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army *Criminal Investigation Command* and wanted to question me about the following offense(s) of which I am suspected/accused: *Assault/Deprivation of Duty III*

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

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

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE <i>67C-5,66-5</i>
1a. NAME (Type or Print)		<i>[REDACTED]</i>
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR <i>67C-1,66-1</i>
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR <i>GA [REDACTED]</i>
1. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <i>Carlisle Barrack Carlisle, PA 17013</i>

**Section C. Non-waiver**

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

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2023) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881 NOV 89