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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Afghanistan MP Det (CID)
Building 591, Bagram Airfield, APO, Armed Forces Africa, Canada, Europe &
Middle East 09354-9354

25 Oct 2004

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0064-2004-CID369-69280 -
5C1N / 5Y2E

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 14 MAY 2004, 1400 - 14 MAY 2004, 1700; GURJAY, AFGHANISTAN

2. 18 MAY 2004, 0800 - 18 MAY 2004, 1700; SURKHAGEN, AFGHANISTAN

DATE/TIME REPORTED: 28 MAY 2004, 0200

INVESTIGATED BY:

SA [REDACTED] b7c-1 b6-1, b2

SUBJECT:

1. UNKNOWN, ; AGGRAVATED ASSAULT, AGGRAVATED ASSAULT
(UNFOUNDED), MALTREATMENT OF A PERSON IN US CUSTODY, MALTREATMENT
OF A PERSON IN US CUSTODY (UNFOUNDED) (NFI)

VICTIM:

1. [REDACTED]; MALE; OTHER; AGGRAVATED ASSAULT,
MALTREATMENT OF A PERSON IN US CUSTODY (NFI) b7c-4, b6-4

2. [REDACTED]; MALE; AGGRAVATED ASSAULT (UNFOUNDED),
MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED) (NFI) b7c-4, b6-4

3. [REDACTED]; MALE; AGGRAVATED ASSAULT, MALTREATMENT OF A
PERSON IN US CUSTODY (NFI) b7c-4, b6-4

INVESTIGATIVE SUMMARY:

"This is a Detainee Abuse Investigation"

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This investigation was initiated subsequent notification by the office of the Staff Judge Advocate (SJA), CJTF76, Bagram Airfield, APO AE 09354, that the U.S. Special Forces (USSF) had detained and assaulted several members of Gurjay and Surkhagen villages, Afghanistan.

Investigation disclosed that on 14 May 04, during the conduct of Operational Detachment Alpha (ODA) 311 and Operational Detachment Bravo (ODB) 320B, U.S. Forces apprehended Mr. [REDACTED] at his residence when he was found to be in possession of Improvised Explosive Device (IED) material. Mr. [REDACTED] was taken to the ground and apprehended within his residence where he received an injury to his head. Mr. [REDACTED] was interviewed and confirmed he was not maltreated or abused by U.S. Forces. b7C-4, b6-4

Further investigation failed to prove or disprove that Mr. [REDACTED] and Mr. [REDACTED] were abused as originally alleged due to them being Anti-Coalition combatants and interviews could not be accomplished.

STATUTES:

Article 93, UCMJ: Maltreatment of Persons in U.S. Custody
Article 128, UCMJ: Aggravated Assault

EXHIBITS/SUBSTANTIATION:

Attached:

b7C-1, b6-1

1. Agent's Investigation Report (AIR) of SA [REDACTED] 13 Jun 04, pertaining to initial notification, witness and suspect interviews, evidence collection, law enforcement coordinations, significant and victim interviews and medical coordinations.
2. Sworn Statement of SSG [REDACTED] 25 May 04, detailing his knowledge of local national's being abused under U.S. Control. b7C-4, b6-4
3. Sworn Statement of SSG [REDACTED] 2 Jun 04, detailing his knowledge of local national's being abused under U.S. Control.
4. Sworn Statement of SGT [REDACTED] 2 Jun 04, detailing his knowledge of local National's being abused under U.S. Control. b7C-4, b6-4
5. Waiver Certificate/Statement of SSG [REDACTED] 2 Jun 04, denying he assaulted local nationals.

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6. Waiver Certificate of SFC [REDACTED], 2 Jun 04. *b7C-4, b6-4*
7. Sworn Statement of SA [REDACTED], 3 Jun 04, detailing his account of the apprehension of local nationals without abuse. *b7C-1, b6-1*
8. Sworn Statement of SSG [REDACTED], 3 Jun 04, detailing his account of the apprehension of local nationals without abuse. *b7C-4, b6-4*
9. Waiver Certificate/Statement of WO1 [REDACTED], 3 Jun 04, denying he assaulted local nationals. *b7C-4, b6-4*
10. Sworn Statement of SSG [REDACTED], 3 Jun 04, detailing his account of the apprehension of local nationals without abuse. *b7C-4, b6-4*
11. Statement of CPT [REDACTED], 4 Jun 04, detailing his account of the apprehension of local nationals without abuse. *b7C-4, b6-4*
12. Sworn Statement of PFC [REDACTED], 7 Jun 04, detailing her medical examination of Mr. [REDACTED]. *b7C-4, b6-4*
13. Waiver Certificate/Statement of SGT [REDACTED], 13 Jun 04, denying he provided a false official statement pertaining to the abuse of local nationals. *b7C-4, b6-4*
14. Waiver Certificate/Statement of SSG [REDACTED], 13 Jun 04, denying he provided a false official statement pertaining to the abuse of local nationals. *b7C-4, b6-4*
15. AIR of SA [REDACTED], 30 Jul 04, pertaining to a law enforcement coordination and witness interview. *b7C-1, b6-1*
16. AIR of SA [REDACTED], 29 Jun 04, pertaining to unit coordinations and witness interviews. *b7C-1, b6-1*
17. AIR of SA [REDACTED], 15 Sep 04, pertaining to command and law enforcement coordinations and a witness interviews. *b7C-1, b6-1*
18. AIR of SA [REDACTED], 25 Aug 04, pertaining to witness interviews. *b7C-1, b6-1*
19. AIR of SA [REDACTED], 20 Oct 04, pertaining to an SJA Opine. *b7C-1, b6-1*

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20. Evidence/Property Custody Document. (USACRC and Files copies only)

Not Attached:

Released to owner:

21. Gloves of SSG [REDACTED] *b7C-4, b6-4*

The originals of Exhibits 1 through 20 were forwarded to USACRC with the original of this report.

STATUS: This is a Final (C) Report. This investigation was terminated IAW CIDR 195-1, Para 4-17a(5), in that the victim's cooperation is necessary for the satisfactory resolution of the investigation, and such cooperation is not forthcoming at this time. Access to the victims is currently restricted as a high threat combat area and alleged victims are Anti-Coalition Combatants.

Leads Remaining: Interviews of victims and canvass interviews of local nationals in the village of Surkhagen, Afghanistan.

REPORT PREPARED BY

SA [REDACTED]
Special Agent, [REDACTED] *b7C-1, b6-1, b2*

REPORT APPROVED BY

[REDACTED]
Special Agent-in-Charge *b7C-1, b6-1*

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA

CDR 3d MP GRP (CID)

PMO, BAGRAM AIRFIELD (SFC [REDACTED]) *b7C-3, b6-3*

SJA, CJTF-76, BAGRAM AIRFIELD (MAJ [REDACTED]) *b7C-3, b6-3*

SJA, CFC-KABUL, AFGHANISTAN (COL [REDACTED]) *b7C-3, b6-3*

PROVOST MARSHAL, CJTF-76 (LTC [REDACTED]) *b7C-3, b6-3*

FILE

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0064-04-CID369-69280

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DETAILS

About 0200, 28 May 04, the Office of the Staff Judge Advocate (SJA), CJTF76, Bagram Airfield (BAF), APO AE 09354, reported that the United States Special Forces (USSF), had detained and assaulted several residents of Gurjay and Surkhagen villages, Afghanistan (AF).

b7C-4 b6-4
About 0220, 28 May 04, the SJA provided a copy of a statement given by SSG [REDACTED], 320th Tactical Psyops Company, BAF AF 09354, reporting he had seen members of Operational Detachment Alpha (ODA) 311, Special Forces Group, Forward Operating Base (FOB), Shinkay, AF, assault and abuse local nationals in the village of Surkhagen, AF. (See Statement)

b7C-4 b6-4
About 1608, 2 Jun 04, the undersigned interviewed SSG [REDACTED], who provided a statement detailing his knowledge of ODA 311 personnel assaulting local villagers on 14 and 18 May 04. (See Statement)

b7C-4 b6-4
About 1708, 2 Jun 04, the undersigned interviewed SGT [REDACTED], 320th Tactical Psyops CO, BAF, who provided a statement detailing he believed local villagers may have been assaulted on 14 and 18 May 04. (See Statement)

b7C-4 b6-4
About 2005, 2 Jun 04, the undersigned interviewed SSG [REDACTED], ODA 311, Camp Sweeney, Forward Operating Base (FOB), Shinkay, AF, who after waiving his legal rights provided a statement denying he assaulted any local villagers on 14 and 18 May 04. (See Waiver Certificate /Statement)

b7C-4 b6-4
About 2030, 2 Jun 04, the undersigned interviewed SFC [REDACTED], ODA 311, Camp Sweeney, FOB, Shinkay, AF, who after waiving his legal rights provided a verbal statement denying he assaulted any local villagers on 14 and 18 May 04. (See Waiver Certificate)

b7C-4 b6-4
AGENT's COMMENT: SFC [REDACTED] related he was not willing to provide a written statement.

About 2300, 2 Jun 04, the undersigned collected a pair of black gloves from SSG [REDACTED] to evaluate as evidence.

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [REDACTED] b7C-1 b6-1		Kandahar Branch Office Kandahar Air Field, Afghanistan APO AE 09355	
SIGNATURE [REDACTED] b2		DATE	EXHIBIT
		13 Jun 04	

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS

AGENT'S COMMENT: An examination using various light spectrums did not reveal anything of evidentiary value. The victim further denied being assaulted by an individual wearing gloves, therefore the gloves were released back to SSG [REDACTED] b7c-4 b6-4

b6-1 b7c-1
About 0928, 3 Jun 04, the undersigned interviewed Special Agent [REDACTED] b7c-1 b6-1
[REDACTED] Federal Bureau of Investigation (FBI), who related he was present in the village of Gurjay on 14 May and in the village of Surkhagen, on 18 May 04, and was overseeing and conducting interviews, and did not witness any assaults on the villagers by ODA 311 personnel. (See Statement)

b7c-4 b6-4
About 0945, 3 Jun 04, the undersigned interviewed SSG [REDACTED] b7c-4 b6-4
[REDACTED], United States Air Force (USAF), Combined Joint Special Operations Task Force (CJSOTF), BAF who related he was present in the village of Gurjay and Shinkay and did not witness any assaults by ODA 311 personnel on villagers. (See Statement)

b7c-4 b6-4
About 0955, 3 Jun 04, the undersigned interviewed W01 [REDACTED] b7c-4 b6-4
[REDACTED], ODA 311, Camp Sweeney, FOB, Shinkay, AF, who after waiving his legal rights provided a statement denying he witnessed any local villagers on 14 and 18 May 04 being assaulted. (See Waiver Certificate/Statement)

b7c-4 b6-4
About 1200, 3 Jun 04, the undersigned interviewed PO2 [REDACTED] b7c-4 b6-4
[REDACTED], Cryptology Technician, United States Navy Seal Team II, who related he assisted with the Sensitive Sight Exploitation of the village of Surkhagen. PO2 [REDACTED] related he did not witness any members of ODA 311 punching, kicking or slapping any of the villagers, and he was operating in the vicinity of the interview/interrogations, in the village.

b7c-4 b6-4
About 1220, 3 Jun 04, the undersigned interviewed PO1 [REDACTED] b7c-4 b6-4
[REDACTED] Cryptology Technician, United States Navy Seal Team II, who related he assisted with the Sensitive Sight Exploitation of the village of Surkhagen. PO1 [REDACTED] related he did not witness any members of ODA 311 punching, kicking or slapping any of the villagers, and he was operating in the vicinity of the interview/interrogations in the village.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] b7c-1 b6-1

SIGNATURE [REDACTED] b2

ORGANIZATION

Kandahar Branch Office
Kandahar Air Field, Afghanistan
APO AE 09355

DATE

13 Jun 04

EXHIBIT

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AGENT'S INVESTIGATION REPORT

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ROI NUMBER

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DETAILS

57C-4
56-4 About 1235, 3 Jun 04, the undersigned interviewed SSG [REDACTED] b6-4 b7C-4, ODA 311, Camp Sweeney, FOB, Shinkay, AF, who related he was clearing the village and was not near the interviews/interrogations, and did not witness any villagers being assaulted by ODA 311 personnel.

57C-4
56-4 About 1255, 3 Jun 04, the undersigned interviewed MSG [REDACTED] b7C-4 b6-4, ODA 311, Camp Sweeney, FOB, Shinkay, AF, who related he was bringing water to the ODA 311 members conducting interviews/interrogations, but the main mission was to continue clearing the village. MSG [REDACTED] related he did not witness any members of ODA 311 assaulting any villagers.

57C-4
56-4 About 1310, 3 Jun 04, the undersigned interviewed Mr. [REDACTED] (AKA: [REDACTED]), Category II interpreter, ODA 311, Camp Sweeney, FOB, Shinkay, AF, who related he was offended by this investigation as no one would investigate the Al-Queda for assaulting Coalition Forces. Mr. [REDACTED] b7C-4 b6-4 further related he had witnessed Mr. [REDACTED] fall from the back of the vehicle he was being transported in to the village of Gurjay. Mr. [REDACTED] related that Mr. [REDACTED] had requested to go to the restroom, and as his hands were flexi-cuffed and blindfolded Mr. [REDACTED] could not see how to get out of the vehicle and had fallen to the ground and hit his head. Mr. [REDACTED] related he helped Mr. [REDACTED] up from the ground and SSG [REDACTED] had taken him behind a wall so that he could urinate. Mr. [REDACTED] related when Mr. [REDACTED] returned from behind the wall his head had started to bleed and he put bandages on Mr. [REDACTED] head to stop the bleeding. Mr. [REDACTED] related he also assisted with the interviews/interrogations in the village of Surkhagen, AF, and he did not see any members of ODA 311 punching, slapping or kicking any of the villagers.

57C-4
56-4 About 1347, 3 Jun 04, the undersigned interviewed SSG [REDACTED] b7C-4 b6-4, ODA 311 Medic, Camp Sweeney, FOB, Shinkay, AF, who related he examined the Person Under Control (PUC), on 15 May 04, and related he did not believe the injury to be consistent with being assaulted. (See Statement)

About 1200, 6 Jun 04, the undersigned coordinated with LTC [REDACTED] who provided a statement of CPT [REDACTED], TF-31, KAF, which indicated he had been present in the village of Surkhagen on 18 May

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] b7C-1 b6-1

SIGNATURE [REDACTED] b2

ORGANIZATION

Kandahar Branch Office
Kandahar Air Field, Afghanistan
APO AE 09355

DATE

13 Jun 04

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AGENT'S INVESTIGATION REPORT

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ROI NUMBER

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DETAILS

04, but did not witness [REDACTED] personnel assaulting villagers. (See Statement)

About 1320, 6 Jun 04, the undersigned interviewed Mr. [REDACTED] with the assistance of Mr. [REDACTED], Local Translator, Category I, who related he had suffered an injury to his head when the Afghanistan National Army (ANA) and Coalition forces entered his residence and was assaulted while he was being apprehended. Mr. [REDACTED] denied he fell from the back of a vehicle and hit his head on the ground. Mr. [REDACTED] denied he had the ability to read and write. Mr. [REDACTED] further related he did not remember when the coalition forces entered his residence and did not remember which day he had received the injury.

About 1400, 6 Jun 04, the undersigned coordinated with SSG [REDACTED] Short Term Holding Facility (STHF), Processing Non-Commissioned Officer (NCO), who provided a copy of Mr. [REDACTED] PUC packet.

About 1800, 6 Jun 04, the undersigned reviewed the PUC packet and noted Mr. [REDACTED] had been medically examined by PFC [REDACTED], 209th MP CO, KAF.

AGENT'S COMMENT: Upon completion of review of the PUC packet determination was made that the PUC packet had no further information to assist in this investigation. Based on the classification of the PUC packet the copies of the PUC packet were subsequently destroyed.

About 1535, 7 Jun 04, the undersigned interviewed PFC [REDACTED] who provided a statement relating she believed Mr. [REDACTED] told either herself or an MP that he received the injury to his head from shrapnel from an explosion. (See Statement)

About 1055, 8 Jun 04, the undersigned conducted a canvass interview of Doctors at C-Medical Company in an attempt to determine which doctor conducted an examination of Mr. [REDACTED] CPT [REDACTED], 3rd Bde, KAF, related he did not know which doctor conducted the examination of Mr. [REDACTED].

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

SIGNATURE [REDACTED]

ORGANIZATION

Kandahar Branch Office
Kandahar Air Field, Afghanistan
APO AE 09355

DATE

13 Jun 04

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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DETAILS

About 1130, 8 Jun 04, the undersigned interviewed MAJ [REDACTED] b7C-3,66-3
[REDACTED] C CO, 325th Forward Support Battalion (FSB), b7C-4,66-4
KAF, who related he examined Mr. [REDACTED] and upon initially examining him
he believed the injury was consistent with a fall type injury. MAJ
[REDACTED] related he did not believe Mr. [REDACTED] had not been b7C-4,66-4
assaulted as there was no bruising or tenderness anywhere else on the body
of Mr. [REDACTED] b7C-4,66-4

1640, 13 Jun 04, the undersigned re-interviewed SGT [REDACTED] who after
waiving his legal rights rendered a sworn statement clarifying what he had
meant by assault in his initial statement. (See Waiver Certificate/
Statement) b7C-4,66-4

About 1905, 13 Jun 04, the undersigned re-interviewed SSG [REDACTED] who
waived his legal rights and rendered a sworn statement denying that he had
provided a false official statement. (See Waiver Certificate/Statement)
///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] b7C-1,66-4
[REDACTED] b2

SIGNATURE

ORGANIZATION

Kandahar Branch Office
Kandahar Air Field, Afghanistan
APO AE 09355

DATE

13 Jun 04

EXHIBIT

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Page(s)

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Referred to:

U.S. CENTRAL COMMAND
7115 SOUTH BOUNDARY BLVD
ATTN: CCJ6-DM
MACDILL AIR FORCE BASE
FLORIDA 33621-5101 -

MS. JACQUELINE SCOTT
scottj@centcom.smil.mil
(813) 827-5341/2830

SWORN STATEMENT

File Number : 0064-04-CID369-69280
Location : Kandahar Air Field, Kandahar Branch Office, Afghanistan
Date : 2 Jun 04
Time : 1608 L [REDACTED] b7c-4
Statement of : [REDACTED] b6-4
Grade/Status : SSG/E-6
SSN : [REDACTED]
Org/Address : 320th Tactical Psyops CO, Bagram Air Field, Afghanistan
APO AE 09354.

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

7c-4 Q: Pertaining to your original statement on 25 May 04, Did you see SSG [REDACTED] assault [REDACTED] in the village of Gurjay on 14 May 04? b7c-4

b6-4 A: I did not see him specifically assault him, but I did see SSG [REDACTED] take [REDACTED] behind a wall in the village, SSG [REDACTED] came out once, then went back behind the wall for about 7 minutes. When SSG [REDACTED] came out from behind the wall with [REDACTED], [REDACTED] was bleeding from the head. b6-4

Q: Where was [REDACTED] bleeding from? b7c-4 b6-4

A: Right side of his head, from the top of his head to his shoulder.

Q: What condition was [REDACTED] in when you arrived with him in the village of Gurjay?

A: He was not bleeding from the head, and there were no marks on him at all. b7c-4 b6-4

Q: To your knowledge did anyone see SSG [REDACTED] assault [REDACTED]? b7c-4 b6-4

A: I don't know if any one saw SSG [REDACTED] assault [REDACTED].

Q: How large was the wall which SSG [REDACTED] took [REDACTED] behind?

A: I think about 6 foot height and about 50 feet long.

Q: Where is the village of Gurjay?

A: It is South of Qalat, and before Sughar pass, it is not a normal village we go to from Cp Sweeney.

Q: On 14 May 04, did you see any other abuses of local nationals?

A: I did not.

Q: Did [REDACTED] resist SSG [REDACTED], which could have caused the injuries?

A: No, [REDACTED] never resisted.

Q: Did you see any injuries on SSG [REDACTED] when he emerged from behind the wall? b7c-4 b6-4

A: No, he was wearing gloves.

Q: What type of gloves?

A: Pair of black gloves.

Q: On 18 May 04, in the village of Surkhagan, what physical assaults did you witness?

A: There were several assaults on [REDACTED], I don't know about the name [REDACTED] b7c-4 b6-4

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 4 PAGES

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SENSITIVE

0000013

STATEMENT OF: [REDACTED]; TAKEN AT: Kandahar Air Field, Afghanistan; DATED: June 2, 2004
CONTINUED:

b7c-4 b6-4
[REDACTED] of the second individual I believe it to be either [REDACTED] or [REDACTED]
[REDACTED] and the third individual I do not know his name.

Q: How were they assaulted?

A: Most of the individuals in the village had their hands tied behind their backs, but when the USSF were interviewing the individuals and they wouldn't give the USSF the information they wanted the USSF Personnel would hit the villagers in the head, specifically the three mentioned above. [REDACTED] was pushed across a small creek bed, when he started to stumble the USSF personnel kicked him in the chest and then he had fallen and was kicked numerous more times.

Q: Which member of the ODA 311 assaulted the Villagers?

A: There were primarily three, SSG [REDACTED], SSG [REDACTED] and SFC [REDACTED].
SSG [REDACTED] and SSG [REDACTED] were primarily responsible for kicking [REDACTED].

Q: When the three villagers were assaulted how were they assaulted?

A: [REDACTED] was kicked in the head, chest back, stomach, punched in the neck and shoulders and head by SSG [REDACTED] and SSG [REDACTED]. The second individual was being hit in the head and in the face with closed hands and open hands, by SSG [REDACTED] SSG [REDACTED] and SFC [REDACTED]. The third villager was hit in the head and in the shoulders, and then SFC [REDACTED] SSG [REDACTED] SSG [REDACTED] and TSGT [REDACTED] had taken the villager behind a wall in the village and I could hear the villager screaming as though he was in pain, and then I heard a gunshot. Later I heard SSG [REDACTED] say "I should have killed him!"

Q: What do you think SSG [REDACTED] meant by he should have killed him?

A: In my opinion, SSG [REDACTED] was getting frustrated and angry and meant exactly what he had said that he should have killed the villager.

Q: How many ODA members were present on 14 May 04?

A: I believe about 9 members, plus the TSGT [REDACTED], however the CMDR and NCOIC came later to the incident.

Q: How many members were present during 18 May 04?

A: The same personnel as above however only the three I mentioned SSG [REDACTED], SFC [REDACTED] and SSG [REDACTED] were in the area of the village where the assaults were taking place. Also W01 [REDACTED] was present witnessing the three ODA Members assaulting the villagers.

Q: Do you believe any Other Government Agency Personnel who may have been operating in the vicinity may have witnessed any of the assaults?

A: FBI Agent [REDACTED] and another named [REDACTED]

Q: Do you know where the OGA are currently located?

A: I think they are in the TF-31 Compound, KAF.

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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LAW ENFORCEMENT
SENSITIVE

b7C-4,66-4

STATEMENT OF: [REDACTED] TAKEN AT: Kandahar Air Field, Afghanistan; DATED: June 2, 2004
CONTINUED:

b7C-4,66-4

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

A: No. ///Last Entry///

b7C-4,66-4

b7C-4,66-4

b7C-4,66-4

EXHIBIT ____

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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LAW ENFORCEMENT
SENSITIVE

STATEMENT OF: [REDACTED] TAKEN AT: Kandahar Air Field, Afghanistan; DATED: June 2, 2004
CONTINUED:

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this June 2, 2004, at Kandahar Branch Office, USACIDC, Afghanistan.

[REDACTED]
(Signature of Person Administering Oath)

SPECIAL AGENT [REDACTED]
62nd MILITARY POLICE DETACHMENT (CID)
USACIDC, Kandahar Air Field,
Kandahar Branch Office, Afghanistan
APO AE 09355

(Typed Name of Person Administering Oath)

Article 136 (UCMJ)

(Authority to Administer Oath)

WITNESS:

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

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LAW ENFORCEMENT
SENSITIVE

0000016

SWORN STATEMENT

File Number : 0064-04-CID369-69280
 Location : Kandahar Air Field, Kandahar Branch Office, Afghanistan
 Date : 2 Jun 04
 Time : 1708L [REDACTED]
 Statement of : [REDACTED]
 Grade/Status : SGT/E-5 b7c4 b6-4
 SSN : [REDACTED]
 Org/Address : 320th Tactical PSYOP CO, Bagram Air Field, Afghanistan APO AE 09354.

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

On or about May 14, I was told to drive a HMMWV from one village to another with two PUC's that we had gathered up. One PUC had been taken into custody because in his home USSF had found IED devices. Another PUC had been taken into custody because, if I remember correctly, he had openly told USSF that he helps the Taliban. I drove the vehicle from ODA 320B's location to ODA 311's location. We were looking for ODA 311's Chief, to drop off the PUC's. When we arrived (SSG [REDACTED], a FBI agent, an interpreter, and myself) some of the ODA 311 team members asked who these guys were (the PUC's). We told them who they were and why we had taken them. [REDACTED] ODA 311 team member, took the PUC who had the IED material off the truck. The PUC had his hands bound and his eyes covered. [REDACTED] took him around a wall, out of site. For the next one to two minutes you could hear the sounds of someone being beaten. After that [REDACTED] brought him out and he was bleeding from the mouth and/or nose. Soon after, the Chief showed up and our business was done so we left to ODA 320B's location.

In the village of Surkigan (spelling) ODA 311 was tasked with the searching portion of the cordon and search mission at hand. My job was to gather all of the village males in the center and to control them so they could be interviewed. Throughout the day I witnessed [REDACTED], one of their 18B, punching people, slapping them, pulling his M-9 out and threatening to shoot the village people. This was done in front of the villagers with no discrimination. I witnessed [REDACTED] strike multiple villagers throughout the day. I also heard [REDACTED] beating another man behind a wall at one point in the day. He even went so far as to fire a shot with his M-9, he told the villager that he was going to kill him prior to firing his weapon. He did not shoot the villager he was just trying to scare him into giving up information. I felt that both of them indiscriminately abused these people.

Q: The two individuals who you transported, was that around 14 May 04?

A: I really don't know, it could have been.

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE

OF

PAGES

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0000017

LAW ENFORCEMENT
SENSITIVE

STATEMENT OF: [REDACTED] TAKEN AT: Kandahar Air Field, Afghanistan; DATED: June 2, 2004
 CONTINUED:

Q: When you were in the village and the USSF were interviewing the villagers was that on 18 May 04?

A: I don't know, it is easy to loose track of date at the fire bases, but I believe so because two days later was my Birthday.

Q: Did you See [REDACTED] (SSG [REDACTED]) assault the first individual who he had taken behind a wall in the village of Gurjay?

A: No, I just saw him take the PUC behind the wall.

Q: To your knowledge did anyone witness the assault on the PUC in the village in Gurjay?

A: I don't think so.

Q: On 18 May 04, did you see any of the villagers being what you thought of as being assaulted by USSF personnel?

A: Yes.

Q: What did you see?

A: I saw members of the USSF Personnel striking to the head and face randomly selected villagers, with their open hands.

Q: Did you see SSG [REDACTED] fire his M-9?

A: No, however the first time [REDACTED] came out from behind a wall were he had taken one of the villagers, I had heard one of the other ODA personnel say that [REDACTED] was going to fire a warning shot, and when [REDACTED] passed by me to go back behind the wall I asked him if he was going to fire a warning shot and he said "Yes."

Q: Who were the members of the ODA you witnessed assaulting the Local Villagers in the town of Surkhagen?

A: [REDACTED] and [REDACTED], [REDACTED] was Killed in action recently.

Q: Did you see any other ODA personnel assaulting any other villagers?

A: No.

Q: How many personnel were present during the first incident?

A: About 6.

Q: How many personnel were present during the second incident?

A: About 5.

Q: Did you see any of the ODA personnel kicking any of the local villagers.

A: I think [REDACTED] may have, but I am not for sure.

Q: In any of the mentioned assaults did you see any of the villagers resist the interviewing or interrogations of the ODA, which would have resulted in justified Physical Contact by the ODA?

A: No.

Q: Do you know the names of any of the individuals who were assaulted?

A: No.

EXHIBIT [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 4 PAGES [REDACTED]

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LAW ENFORCEMENT
SENSITIVE

b7c-4,66-4

STATEMENT OF: [REDACTED]
CONTINUED:

TAKEN AT: Kandahar Air Field, Afghanistan; DATED: June 2, 2004

Q: What do you believe [REDACTED] (SSG [REDACTED]) intent was when he fired his M-16?
9?

A: To scare the individual into giving information about recent Anti-Coalition Movement (ACM).

Q: Did the individual provide any information after the shot was fired?

A: I don't know.

Q: Did you see [REDACTED] (SFC [REDACTED]) strike or assault any of the villagers?
b7c-4,66-4

A: No.

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

A: No. ///Last Entry///
b7c-4,66-4EXHIBIT 1

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 4 PAGES [REDACTED]

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LAW ENFORCEMENT
SENSITIVE

STATEMENT OF: [REDACTED]
CONTINUED:

TAKEN AT: Kandahar Air Field, Afghanistan; DATED: June 2, 2004

AFFIDAVIT

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

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this June 2, 2004, at Kandahar Branch Office, USACIDC, Afghanistan.

(Signature of Person Administering Oath)

SPECIAL AGENT [REDACTED]
62nd MILITARY POLICE DETACHMENT (CID)
USACIDC, Kandahar Air Field,
Kandahar Branch Office, Afghanistan
APO AE 09355

(Typed Name of Person Administering Oath)

Article 136 (UCMJ)

(Authority to Administer Oath)

WITNESS:

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 4 OF 4 PAGES [REDACTED]

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LAW ENFORCEMENT
SENSITIVE

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

Title 10, United States Code, Section 3012(g)

PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

1. LOCATION Kandahar Air Field, AF	2. DATE 2 JUNE 04	3. TIME 2005 L	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS TF-31 ODA 311 CP Sweeney Forward Operating Base Shinkay, Afghanistan		
6. SSN [REDACTED]	7. GRADE/STATUS SSG/AD		
b7c-4 b6-4 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 / Maltreatment of a Person Under Control / 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:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject 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 b7c-4 b6-4
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)		5. TYPE AND NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR
		USACIDC Kandahar Branch Office

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

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

0000021

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE
 LAW ENFORCEMENT
 SENSITIVE

USAPA 2.01

Exhibit

SWORN STATEMENT

 File Number : 0064-04-CID369-69280
 Location : Kandahar Air Field, Kandahar Branch Office, Afghanistan
 Date : 2 June 04
 Time : 0227L
 Statement of : [REDACTED]
 Grade/Status : SSG/AD b7c-4 b6-4
 SSN : [REDACTED]
 Org/Address : TF-31 ODA 311 CP Sweeney Forward Operating Base, SHIN KAY, AI

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

b7c-4 b6-4
 On the 14 MAY 04 ODA 311 conducted an operation in the village of Gurgay where we secured all the males in the village and asked questions to most. Around or about 1200 ZULU we (ODA 311) started to finish up with the operation and started to secure PUCs from another team (ODA 320B). One puc told the interpreter that he needed to use the bathroom. Myself and another soldier was taking the puc off the back of the truck when he fell off the back of the truck. We took him to use the bathroom and turned him over to the ANA and our terp who put a bandage on the puc's head and we transported the puc back to the fire base. On 18 MAY we conducted an operation in the village of Sergegon where we secured about 90 males. Most of the males were not compliant with the ODA. They would run, walk off and not move when being told to move. On a few occasions I had to pick up a puc and move him. Another puc I had to yell at and sit him down. Not at

EXHIBIT 7

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 10 PAGES

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LAW ENFORCEMENT
SENSITIVE

0000022

b7c-4, b6-4

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 25 Jun 04

CONTINUED:

b7c-4, b6-4

[REDACTED] any time did I kick a puc or slap a puc. I also was asking a puc some questions who ran from the objective. I took the flex cuffs off the puc so he would feel at ease and give up information. The tarp made a statement saying that the guy was crazy. I went to get another guy from the village to ask him about the puc that ran and the puc started to run. I fired one 9mm round as a warning shot and the ANA secured the puc. I sat him down and yelled at the guy. I went around told other soldiers that I fired a warning shot and to not be alarmed. I also told them that shot were being fired at another end of the objective and that there were more ACM's being ~~pressed~~ pressured by another ODA and to be alert. We then around or about 1300z we left the objective.

Q: The Puc in the Pickup, how did he fall?

A: He was blindfolded and was being helped down misheard his footing and fell.

Q: Who had seen the Puc fall from the vehicle?

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 62 OF 10 PAGES 100

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0000023

LAW ENFORCEMENT
SENSITIVE

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 2 JUN 04

CONTINUED:

A. TSG [REDACTED], SSG [REDACTED]

Q: Who is [REDACTED]?

A: CAT I TERP

Q: Where does he work?

A: TF 31

Q: Why did you take the PUC on 14 May 04 behind a wall in Gurjay Village?

A: TO USE THE BATHROOM

Q: How long were you behind the wall with the PUC?

A: NO MORE THAN A FEW MINUTES

Q: When the PUC Fell from the truck where was he injured?

A: When we took him behind the wall we noticed that his head was bleeding.

Q: Who else took the PUC behind the wall?

A: TSGT [REDACTED]

Q: While you were behind the wall with the PUC did you assault him?

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE

3

OF

10

PAGES

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LAW ENFORCEMENT
SENSITIVE

0000024

b7c-4, b6-4

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 2 JUN 04

CONTINUED:

b7c-4, b6-4

A: NO

Q: Did anyone else assault him?

A: NO

Q: On 18 May 04 in the Village of Skurhagan did you Kick any of the detainees?

A: NO

Q: Why did you release ^{the Flexicuffs from} the detainee who continued to run from your location? b7c-4, b6-4

A: So he would feel at ease and answer honestly

Q: Why did you fire your M-9 near his location?

A: As a warning shot to stop running

Q: When you fired the Shot, did you follow Standard Operating Procedure?

A: I am not sure what the SOP states

Q: Did you feel justified in firing the warning shot?

A: Yes

Q: Prior to firing the warning shot was it brought to your attention the detainee

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 4 OF 10 PAGES [REDACTED]

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b7c-4, b6-4

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 25 Nov 04

CONTINUED:

b7c-4, b6-4

Was Mentally Challenged?

A: The terp said that the guy was crazy. I also thought that the POC was on drug (high)

Q: So if you believed the detainee was not operating in full mental capabilities do you feel a warning shot was the minimal force necessary to stop the detainee when he ran?

A: Yes

Q: Did you kick any of the villagers in Surkhagan?

A: No

Q: Did you witness any of your teammates assaulting the villagers?

A: No

Q: Do you feel at anytime members of your team mistreated any of the villagers?

A: No

Q: Why would an allegation of detainee abuse be made?

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

EXHIBIT [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 5 OF 10 PAGES [REDACTED]

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b7C-4, b6-4

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 2 Jun 04

CONTINUED:

b7C-4, b6-4

A: Maybe they viewed the controlling of a large amount of adult males as abuse.

Q: Have you had any training on Persons under Control or detained?

A: SERE

Q: What is SERE?

A: School where they teach how POW should be handled and ways to handle ~~interactions~~ ^{b7C-4, b6-4} interactions.

Q: On 14 May 04 when you were handling the PUC what did your clothing consist of?

A: DCU, Body Armor, weapon

Q: While handling the PUC did you wear anything else?

A: Gloves, Eye Protection, Kevlar, ^{b7C-4, b6-4}

Q: When did SFC [REDACTED] start to assist the PUC?

A: I cant remember

Q: Did the PUC walk unassisted once you and him came out from behind the wall?

b7C-4, b6-4

b7C-4, b6-4

b7C-4, b6-4

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 6 OF 10 PAGES [REDACTED]

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STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 2 Jun 04

CONTINUED:

b7c-4, b6-4

A: No

Q: How was he assisted?

A: Grabbed by the arm and he walked

Q: Which Arm?

A: I can't remember.

Q: Was the PUC's nose bleeding?

A: I think just his head.

Q: Where was he bleeding from the head?

A: He had blood on his forehead

Q: How much blood?

A: A lot

Q: Did the PUC have blood elsewhere?

A: His shirt

Q: Did you attempt to clean the PUC's injury?

A: No, the tarp wrapped his head and once the medic got on site he went to the PUC's location.

Q: Was the Medic informed of how the PUC was injured?

EXHIBIT [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 7 OF 10 PAGES [REDACTED]

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b7C-4,66-4

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 2 JUN 04

CONTINUED:

b7C-4,66-4

A: Yes

Q: Who was the Medic?

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

Q: Was the PUC's Shirt long Sleeve or Short?

A: I cant remember.

Q: Where was the blood on the PUC's Shirt?

A: on the front of his shirt.

Q: Did you grab him by the bloody Part of the shirt?

A: No

Q: Why would there be blood from the gloves of the PUC on 14 May 04 if you never touched the PUC in a bloody area?

A: There was no blood on my gloves

Q: Where are the gloves now?

A: [REDACTED] At the fire base and a pair here b7C-4,66-4

Q: Which Pair of gloves are the ones you wore on 14 May 04?

b7C-4,66-4

b7C-4,66-4

b7C-4,66-4

EXHIBIT —

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE

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OF

10

PAGES [REDACTED]

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LAW ENFORCEMENT
SENSITIVE

b7C-4,66-4

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 25 JUN 04

CONTINUED:

b7C-4,66-4

A: The ones here I believe.

Q: Do you have any thing you wish to add or delete from this statement?

A: NO /// End of Statement ///

b7C-4,66-4

b7C-4,66-4

EXHIBIT —

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 9 OF 10 PAGES

For Official Use Only

0000030

LAW ENFORCEMENT
SENSITIVE

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 28 JUN 04

CONTINUED:

AFFIDAVIT

I, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 10. 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.

[REDACTED] b7C-4, 66-4

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this 28 June 2004, at Kandahar Branch Office, USACIDC, Afghanistan.

[REDACTED] b7C-4, 66-4

(Signature of Person Administering Oath)

SPECIAL AGENT [REDACTED]
62nd MILITARY POLICE DETACHMENT (CID)
USACIDC, Kandahar Air Field,
Kandahar Branch Office, Afghanistan
APO AE 09355

(Typed Name of Person Administering Oath)

Article 136 (UCMJ)

(Authority to Administer Oath)

WITNESS:

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 16 OF 10 PAGES [REDACTED]

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LAW ENFORCEMENT
SENSITIVE

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

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>Kandahar Airfield, AF</u>	2. DATE <u>03 Jun 04</u>	3. TIME <u>2030</u>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <u>TF-31 ODA 311</u> <u>CP Sweeney Forward Operating Base</u> <u>Shinkay, AF</u>		
6. SSN [REDACTED]	7. GRADE/STATUS <u>SFC/AD</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 and wanted to question me about the following offense(s) of which I am suspected/accused: Assault/Mistreatment of a Person Under Control/Conspiracy/11724.

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

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

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

I, or 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.

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 [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <u>Kandahar Branch Office, CIA</u>
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

For Official Use Only

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

DA FORM 3881, NOV 89

LAW ENFORCEMENT SENSITIVE

USAPA 2.01

Exhibit

SWORN STATEMENT

File Number : 0064-04-CIA369-69280
 Location : Kandahar Air Field, Kandahar Branch Office, Afghanistan
 Date : 3 JUNE 2004 b7C-4,66-4
 Time : 9:28L b7C-4,66-4
 Statement of : [REDACTED] b7C-4,66-4
 Grade/Status : GS-13
 SSN : [REDACTED] b7C-4,66-4
 Org/Address : CSSOTF-FBI

I [REDACTED] b7C-4,66-4, want to make the following statement under oath:

ON MAY 18, 2004 I, IN THE PERFORMANCE OF MY DUTIES AS A SPECIAL AGENT OF THE FBI, WAS IN THE VILLAGE OF SURKHAGAN (ph) Afghanistan TO CONDUCT FIELD INTERROGATIONS AND 10 PHOTOS. I SPENT ~~TH~~ APPROXIMATELY 4-5 HOURS IN THE VILLAGE. IN THE VILLAGE DURING THIS TIME ^{WERE} MEMBERS OF [REDACTED] b7C-4,66-4. AT NO TIME DID I WITNESS ANY US PERSONNEL KICKING AFGHAN NATIONAL, HITTING AFGHAN NATIONALS, OR ASSAULTING AFGHAN NATIONALS. I WAS NOT AWARE OF ANYONE FIRING A WEAPON, EXCEPT FOR WHAT I OVERHEARD ON RADIO TRAFFIC WHILE PART OF THE CORDON FORCE ([REDACTED]) PRIOR TO ME ENTERING THE VILLAGE.

Q: DO YOU KNOW SSG [REDACTED], SFC [REDACTED] OR SSG [REDACTED]? b7C-4,66-4

A: POSSIBLY BY FACE - I DO NOT KNOW THE TEAM MEMBERS NAMES. b7C-4,66-4

Q: SSG [REDACTED] AND SFC [REDACTED] ARE TALL, THIN BLACK MALES ON THE TEAM. DO YOU RECOGNIZE THE [REDACTED] b7C-4,66-4 b7C-4,66-4

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

For Official Use Only
 LAW ENFORCEMENT
 SENSITIVE

0000033

b6-4 b7c-4

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 6/3/04

CONTINUED:

Description?

A: yes, I think the team has only 2 black members - I do not know which one is which.

Q: Did you see either of the two kick or punch any of the local Nationals in the village?

A: No.

Q: Were you in the village of Gurjay on 14 May 04? b7c-4 b6-4

A: ~~yes I think so~~ I WAS IN GERABANDA

Q: Did you hear anything about an assault which may have occurred on 14 May 04 in the village of Gurjay?

A: No.

Q: Were you with the service members who dropped off the two PUC's from Gerabanda in the village of Gurjay?

A: yes

Q: Did you see the PUC's dismount the vehicle?

b7c-4 b6-4

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 6 PAGES

For Official Use Only

LAW ENFORCEMENT
SENSITIVE

0000034

STATEMENT OF: [REDACTED]

TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 6/3/04

CONTINUED:

67C-4,66-4
A: No, I did not see them get out of the vehicle

Q: Did you see one of the PUC's fall from the vehicle?

A: No

Q: Did you see the PUC's once they were out of the vehicle?

A: No

Q: At any time did you see one of the PUC's being escorted behind a wall?

A: No

Q: Did you ever see one of the PUC's bleeding?

A: One PUC had scratches on collarbone area when delivered.

Q: Did you hear that one of the PUC's had been beaten by one of the DA members?

A: No

Q: Was the PUC bleeding profusely from the scratches?

A: No, not really bleeding, just red

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 6 PAGES

For Official Use Only

LAW ENFORCEMENT
SENSITIVE

b7C-4 b6-4

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 6/3/04

CONTINUED:

Q: Why do you think someone would make an allegation about the local nationals being beaten by ODA 311?

A: My opinion — I had heard from a person w/ 311 that the team didn't "accept" the psyops guy — they kind of dogged him. The Once, when ODA 311 was gone from Camp Sweeney, psyops took back their tent and moved to another compound (?). After this they dogged the psyops guy even more — I did not witness this but was told this.

Q: Did anyone ever approach you to discuss this investigation prior to making a statement?

A: The CO informed me that I may be spoken to — but the story above was told to me when I first got to Sweeney (May 11 or 12). THE STORY HAD NOTHING TO DO WITH THIS INVESTIGATION.

Q: Did you hear any rumours that local nationals in the village of Surkhagan had been abused?

A: No.

Q: Do you have anything you would like

b7C-4 b6-4

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 4 OF 6 PAGES

For Official Use Only

0000036

LAW ENFORCEMENT
SENSITIVE

b7c-4, b6-4

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 6/3/04

CONTINUED:

b7c-4, b6-4

to add to this Statement?

A: No !!! End of Statement !! / [REDACTED] b7c-4, b6-4

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 5 OF 6 PAGES

For Official Use Only

0000037

LAW ENFORCEMENT
SENSITIVE

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 3 JUN 04

CONTINUED:

AFFIDAVIT

I, 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 OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this 3 JUNE 2004, at Kandahar Branch Office, USACIDC, Afghanistan.

[REDACTED]

(Signature of Person Administering Oath)

SPECIAL AGENT [REDACTED]
62nd MILITARY POLICE DETACHMENT (CID)
USACIDC, Kandahar Air Field,
Kandahar Branch Office, Afghanistan
APO AE 09355

(Typed Name of Person Administering Oath)

Article 136 (UCMJ)

(Authority to Administer Oath)

WITNESS:

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 6 OF 6 PAGES

For Official Use Only

LAW ENFORCEMENT
SENSITIVE

SWORN STATEMENT

 File Number : 0064-04-CID369-69280
 Location : Kandahar Air Field, Kandahar Branch Office, Afghanistan
 Date : 3 Jun 04
 Time : 0945L [REDACTED]
 Statement of : [REDACTED]
 Grade/Status : SSG/E-56 b7c4 b64
 SSN : [REDACTED]
 Org/Address : CJSOTF, Bagram Air Field, APO AE 09354.
 b7c4-b64-----

I [REDACTED], want to make the following statement under oath:
 On 14 May 2004 ODA 311 did an assault. We assaulted and searched three villages. I was at the southern most. Myself, one member of the team, and about 20 ANA, cleared the village and then the battlefield interviews began. I didn't sit in on any of them. We were there for about 8 hours. Right before we were getting ready to leave members of 320-B brought 2 PUCs to us. We off loaded them. The second fell off the back of the truck, I don't know if he tripped or missed the tailgate. SSG [REDACTED] and I helped him up. We were told by the interpreter that he had to pee. SSG [REDACTED] our CAT 2 terp, and I walked him around a wall to allow him to pee. After he was finished we noticed he had been bleeding. Our CAT 2 terp put the PUCs scarf over his head and he and I led the PUC to the ANA trucks for transport. About half way there SFC [REDACTED] met up with us and the three of us lead the PUC to the trucks. [REDACTED] our terp, and I helped the PUC in a ANA 2 1/2 Ton truck, at that point it didn't seem as if he was bleeding anymore, so I didn't think anything of it. b7c4 b64
 On 18 May 2004 ODA 311 and ODA 320-B did a cordon and search operation. 311 did the assault and 320-B did the cordon. I rode in on the ODA's second truck which has the MK-19. I stayed just outside the village for about 2 hours after the assault began. Myself and another TACP had A-10's on station and were working them. Once the SSE began and the TACP with 320-B took control of the air myself and the other guys back on the gun trucks moved up into the village. I sat and watched Chief [REDACTED] do some field interviews. SSG [REDACTED] asked me to help him do the SSE on part of the village. He and I took about 10 ANA and were gone for a few hours. When we returned we eat. At no time did I see any local national punched or kicked. I did see a few yelled at, picked up from a seated position and set down, but none where hit that I saw. 320-B had detained 3 men which they brought down to us. About a half and hour after that we loaded up and headed back to A-Camp Sweeney. Again I had no interaction with any of the PUCs we brought back that day. I couldn't even say how many were brought back, other then 320-B's 3.

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 3 PAGES [REDACTED]

For Official Use Only

LAW ENFORCEMENT
 SENSITIVE

0000039

b7c-4 b6-4

STATEMENT OF: [REDACTED] TAKEN AT: Kandahar Air Field, Afghanistan;
DATED: 3 June 2004 CONTINUED:

Q: On 14 May 04, when the PUC fell from the vehicle, who else witnessed the PUC falling?

A: I'm not for sure.

b7c-4 b6-4

Q: Did you ever see SSG [REDACTED] SFC [REDACTED] or SSG [REDACTED] kick or punch any of the villagers on 18 May 04?

A: No.

Q: Why do you believe that someone would make an allegation of abuse towards the ODA 311?

A: I really Don't know.

Q: On 18 May 04, did you see anyone fire an M-9 at one of the local nationals?

A: No I never heard about that happening.

Q: Did you witness any of the interviews and interrogations?

A: I watched a couple.

Q: At anytime did you see any of the local nationals get kicked or punched or slapped during the interviews or interrogations?

A: No.

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

A: No. ///Last Entry///

b7c-4 b6-4

EXHIBIT A INITIALS OF PERSON MAKING STATEMENT [REDACTED]PAGE 2 OF 3 PAGES [REDACTED]

For Official Use Only

0000040

LAW ENFORCEMENT
SENSITIVE

STATEMENT OF: [REDACTED] b7c-4, b6-4
 TAKEN AT: Kandahar Air Field, Afghanistan;
 DATED: 3 June 2004 CONTINUED:

AFFIDAVIT

I, 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 OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. b7c-4, b6-4

[REDACTED] b7c-4, b6-4

 (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this 3 June 2004, at Kandahar Branch Office, USACIDC, Afghanistan.

[REDACTED] b7c-4, b6-4

 (Signature of Person Administering Oath)

SPECIAL AGENT [REDACTED] b7c-1, b6-1, b2
 62nd MILITARY POLICE DETACHMENT (CID)
 USACIDC, Kandahar Air Field,
 Kandahar Branch Office, Afghanistan
 APO AE 09355

 (Typed Name of Person Administering Oath)

Article 136 (UCMJ)

 (Authority to Administer Oath)

WITNESS:

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES [REDACTED]

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LAW ENFORCEMENT
 SENSITIVE

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION Kandahar Airfield, Afghanistan	2. DATE 2 JUN 04	3. TIME 0955 L	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS TF-31 ODA 311 CD SWEENEY Forward Operating Base Shinkay AF		
6. SSN [REDACTED]	7. GRADE/STATUS WO1/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 Command and wanted to question me about the following offense(s) of which I am suspected/accused: 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:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject 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)

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. FULL NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR Kandahar Branch Office, CID
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

For Official Use Only

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

DA FORM 3881, NOV 89

LAW ENFORCEMENT SENSITIVE

USAPA 2.01

Exhibit 9

ACLU-RDI 112 p.40

DODDOACID 005741

SWORN STATEMENT

File Number : 0064-04-CID369-69280
Location : Kandahar Air Field, Kandahar Branch Office, Afghanistan
Date : 3 Jun 04
Time : 11:36L [REDACTED] b7c-4
Statement of : [REDACTED] b6-4
Grade/Status : WO1
SSN : [REDACTED]
Org/Address : TF-31, ODA 311, CP Sweeney, Forward Operating Base
Shinkay, Afghanistan.

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

First Off, I will stand behind my detachment 100%. The allegations made about certain individuals on my team are false. The claim that individuals on my detachment were abusive to detainees (14 May and 18 May) are absolute lunacy. The actions of my detachment on these two separate objectives were definitely aggressive. The reason being is that we were taking hostile fire. What needs to be fully understood is that after clearing an objective of enemy shooting at you there is a lull in action when the questioning phase begins. During this lull individuals are removed from the immediate area behind any barriers, walls, rooms or orchards that are available to separate and segregate the villagers, and then questioned. We have to remove these individuals because no one, and I mean no one, will talk about anything in sight or sound of any other villager. So the allegation of taking an individual behind a wall is true. However, what took place behind the wall is more than likely disgustingly misunderstood. The fact is that villagers who offer resistance or even try to escape are dealt with very aggressively due to the number of detainees we have to deal with. I believe that these two objectives had 50 and 90+ detainees that between 6-9 ODA members had to control. If you tie that in with taking fire from outside the objective it is not uncommon to have to physically put someone onto the ground and restrain them with force. The claim that detainees were "kicked, punched, slapped" while restrained is absolute lunacy. Because everyone knows that we have such a small force very far away from any other real support that pissing off the locals by beating them for no apparent reason will just make things far worse for our isolated unit. One of the core things in Special Forces that we are taught early on is to win the hearts and minds. In addition, beating villagers will not gain any useable information. We have learned that beating or killing is what these people are looking for because they want that versus giving up any information on their friends. Tightening the "mind screws" is how we so effectively gain intelligence. For the record, it is unwise to mix a soft skill MOS such as Civil Affairs or PsyOps with a detachment who is conducting such operations without

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 4 PAGES

b7c-4 b6-4 For Official Use Only

LAW ENFORCEMENT
SENSITIVE

0000043

b7c-4, b6-4

STATEMENT OF: [REDACTED]
2, 20042004 CONTINUED:

TAKEN AT: Kandahar Air Field, Afghanistan; DATED: 3 June

b7c-4, b6-4
ensuring that the soft skill MOS fully understands why things happen the way that they do on an objective. It is my honest opinion that the individual or individuals who made these accusations against my detachment does not have a clue on what needs to be happening before their skill set is applied. It is my belief that due to problems (difference of opinions) prior to these dates the individual or individuals responsible for these accusations are using the events in Iraq to trigger a "I got the last word on you" event. It is very unfortunate that if someone had a question or even a problem with something the detachment was doing that they did not have the intestinal fortitude to step up and ask or discuss the problem before initiating such a serious claim.

Q: What do you mean by the Local Nationals are dealt with very aggressively if they resist?

A: If the local national is on their feet and they are not supposed to be then we grab them by the arm and force them to sit down in an expedient manner, if they resist or jerk away, they are thrown to the ground and flexi-cuffed. By an outsider looking in it may appear overly aggressive but we have dealt with these situations numerous times.

Q: What do you mean by "tightening the mind screws?"

A: Using different interrogators over a period of time each with a different approach to the detainee for example three different interrogators one using a very direct verbally aggressive tone, the second using a direct but not so aggressive tone, and third using a passive approach. Usually by the time they get to the third they are willing to cooperate.

Q: Did you ever see SSG [REDACTED] SFC [REDACTED] or SSG [REDACTED] kick or punch any local villagers at any time? b7c-4, b6-4

A: No.

Q: On 14 May 04, did you see the two PUC's who were brought to your location in Gurjay Village?

A: Yes.

Q: What condition were they in?

A: Sweaty, Dirty.

Q: Did you see one of them bleeding?

A: I can't recall.

Q: Did you see them dismount the vehicle?

A: No.

Q: Did you see SSG [REDACTED] take the PUC behind a wall? b7c-4, b6-4

A: Yes.

Q: Why did SSG [REDACTED] take him behind the wall? b7c-4, b6-4

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 4 PAGES

For Official Use Only

LAW ENFORCEMENT
SENSITIVE

0000044

STATEMENT OF: [REDACTED]
2, 20042004 CONTINUED:

TAKEN AT: Kandahar Air Field, Afghanistan; DATED: 3 June

A: Standard to separate the villagers to interview them, or they are escorted if they need to pray or if they need to go to the rest room.

Q: Did you see SSG [REDACTED] assault the PUC on 14 May 04? b7C-4,66-4

A: No.

Q: Did you conspire with any of your subordinates to hide the truth from this investigation?

A: No.

Q: Did you talk to any of your soldiers about not telling the truth about this investigation?

A: Absolutely Not. b7C-4,66-4

Q: On 18 May 04, did you see SSG [REDACTED] fire an M-9 near a villager?

A: No, I heard the shot, and I heard about why the shot was fired.

Q: Why did SSG [REDACTED] fire the shot? b7C-4,66-4

A: I assume it was to get the villager to stop. b7C-4,66-4

Q: Did SSG [REDACTED] operate within the Standard Operating Procedure for the team when he fired the shot? b7C-4,66-4

A: Yes, it was a judgment call on SSG [REDACTED] part, and I fully support his decision.

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

A: No. ///Last Entry///

EXHIBIT [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 4 PAGES b7C-4,66-4

For Official Use Only

LAW ENFORCEMENT
SENSITIVE

0000045

b7c-4, b6-4

STATEMENT OF: [REDACTED]
2, 20042004 CONTINUED:

TAKEN AT: Kandahar Air Field, Afghanistan; DATED: 3 June

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this 3 June 2004, at Kandahar Branch Office, USACIDC, Afghanistan.

[REDACTED]
(Signature of Person Administering Oath)

SPECIAL AGENT [REDACTED]
62nd MILITARY POLICE DETACHMENT (CID)
USACIDC, Kandahar Air Field,
Kandahar Branch Office, Afghanistan
APO AE 09355

(Typed Name of Person Administering Oath)

Article 136 (UCMJ)

(Authority to Administer Oath)

WITNESS:

EXHIBIT 7

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 41 OF 47 PAGES [REDACTED]

For Official Use Only

LAW ENFORCEMENT
SENSITIVE

SWORN STATEMENT

File Number : 0064-04-CID369-69280
Location : Kandahar Air Field, Kandahar Branch Office, Afghanistan
Date : 3 Jun 04
Time : 1347L
Statement of : [REDACTED]
Grade/Status : SSG/E-6 b7C-4 b6-4
SSN : [REDACTED]
Org/Address : ODA 311, TF-31, Cp Sweeney, Forward Operating Base,
Shinkay, Afghanistan
7C4-66-4-----

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

On 14 May 04, in the village of Gurjay, I was called down to examine a PUC who had a cut on his head. When I got to the truck I saw that the wound had already been dressed and hemostasis had been achieved.

The next day I did a routine medical assessment of the PUC and saw the laceration appeared to be about an inch long. I cleaned the dried blood around the wound and checked for any early signs of infection, none were present.

Q: In your opinion what could have caused an injury as the one the PUC had?

A: Some type of impact.

Q: Could the injury be consistent with being punched?

A: I don't think so, because I don't think that a blunt object would have caused an injury like that.

Q: What were you told happened to the PUC?

A: I was never told, and I never asked.

Q: Did you ever see any of the USSF personnel assaulting any of the Local Nationals?

A: No.

Q: Have you ever seen anyone fire a warning shot at any of the local nationals?

A: No.

Q: On 18 May 04, did you see any of the ODA 311 Kicking or punching or slapping any of the local nationals?

A: No.

Q: Why do you think someone would make a complaint like this?

A: I think that it was in retaliation because the guy who maid the complaint has not got along with the USSF personnel since day one.

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

A: No. ///Last Entry///

EXHIBIT 1

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 2 PAGES

b7C-4 b6-4
For Official Use Only

LAW ENFORCEMENT
SENSITIVE

STATEMENT OF: [REDACTED]
2004 CONTINUED.

TAKEN AT: Kandahar Air Field, Afghanistan; DATED: 3 June

AFFIDAVIT

I, 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.

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this 3 June 2004, at Kandahar Branch Office, USACIDC, Afghanistan.

(Signature of Person Administering Oath)

SPECIAL AGENT [REDACTED]
62nd MILITARY POLICE DETACHMENT (CID)
USACIDC, Kandahar Air Field,
Kandahar Branch Office, Afghanistan
APO AE 09355

(Typed Name of Person Administering Oath)

Article 136 (UCMJ)

(Authority to Administer Oath)

WITNESS:

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

For Official Use Only

LAW ENFORCEMENT
SENSITIVE

SWORN STATEMENT

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

LOCATION KANDAHAR, AFGHANISTAN	DATE 04 JUN 04	TIME 1009Z	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS 03/CPT
ORGANIZATION OR ADDRESS TF 31, APO AE 09355			

b7c-4 b6-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 ON 18 MAY 2004, I CONDUCTED A CORDON AND SEARCH OF SURKHAGAN VILLAGE, AFGHANISTAN WITH ODA 320B AND ODA 311. DURING THIS OPERATION, I WAS RESPONSIBLE FOR OCCUPYING A BLOCKING POSITION ON THE NORTHWEST PORTION OF THE SURKHAGAN VILLAGE. THROUGHOUT THE OPERATION, I MADE THREE DIFFERENT TRIPS INTO THE CENTER OF SURKHAGAN VILLAGE IN ORDER TO TRANSPORT AFGHAN MALES DETAINED IN THE VICINITY OF MY BLOCKING POSITION. THE DETAINED MALES WERE TO BE QUESTIONED AND PROCESSED BY ODA 311. DURING EACH OF THESE TRIPS, I SPENT BETWEEN 5-10 MINUTES WITH ODA 311. I OBSERVED APPROXIMATELY 70 DETAINED AFGHAN MALES IN THE CENTER OF SURKHAGAN VILLAGE. AT NO TIME DURING MY INTERACTION WITH ODA 311 DID I WITNESS ANY ACTIONS TO THE DETAINED MALES THAT WOULD BE CONSIDERED ABUSIVE. NOTHING ELSE FOLLOWS.

NOTHING FOLLOWS
 NOTHING FOLLOWS

b7c-4 b6-4

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT 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 SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

LAW ENFORCEMENT
SENSITIVE
 USAPPC V2.00
 0000049
 Exhibit

SWORN STATEMENT

File Number : 0064-04-c20369-68280
 Location : Kandahar Air Field, Kandahar Branch Office, Afghanistan
 Date : 7 June 04
 Time : 1535L
 Statement of : [REDACTED] b7C-4
 Grade/Status : PFC/AD b6-4
 SSN : [REDACTED]
 Org/Address : 209th MP Co, Kandahar Air Field, Afghanistan

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

On 14 May 04, I did a simple medical exam to PUC # [REDACTED].
 I noted minor scarring, scars and a mole. PUC # [REDACTED] had
 been treated by CMEDD prior to arriving at the PUC facility.
 He had a bandage to the left side of the head and neck,
 where stitches had been placed to assist with the healing
 process. Upon examination I was informed that the injury
 to the head & neck was caused by shrapnel. To the best
 of my knowledge the MP's informed me of that when I
 asked what caused this injury. Because PUC # [REDACTED] had
 already been cared for by CMED our concern was how to
 best adequately care for the stitched injuries.

Q: Was it an MP who answered or was it
 the translator?

A: I am unsure if the response came from an MP or the
 translator, or how this injury occurred.

Q: Do you have anything you would like to

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

For Official Use Only

PAGE

OF

PAGES

LAW ENFORCEMENT
 SENSITIVE

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 7 Jun 09

CONTINUED:

67C-466-4

Add or delete from this statement?

A: No I don't have anything to add or delete. /// End of Statement ///

EXHIBIT 1

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

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67C-466-4

67C-466-4

LAW ENFORCEMENT
SENSITIVE

0000051

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 7 JUN 04

CONTINUED:

AFFIDAVIT

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

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this 7 JUN 2004, at Kandahar Branch Office, USACIDC, Afghanistan.

(Signature of Person Administering Oath)

SPECIAL AGENT [REDACTED]
62nd MILITARY POLICE DETACHMENT (CID)
USACIDC, Kandahar Air Field,
Kandahar Branch Office, Afghanistan
APO AE 09355

(Typed Name of Person Administering Oath)

Article 136 (UCMJ)

(Authority to Administer Oath)

WITNESS:

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

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LAW ENFORCEMENT
SENSITIVE

HIGH WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION Kandahar Air Field	2. DATE 13 JUNE 04	3. TIME 1640Z	4. FILE NO. b7c-4,66-4
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS 320th Tactical Psyop Co Bagram Air Field, Afghanistan		
6. SSN [REDACTED]	7. GRADE/STATUS SGT/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 Command and wanted to question me about the following offense(s) of which I am suspected/accused: False Official Statement / 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:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject 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.
b7c-4,66-4
- (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.
b7c-4,66-4

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 OFFICER [REDACTED]
1a. NAME (Type or Print)		b7c-4,66-4
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. SIGNED NAME OF [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR Kandahar Branch Office, (CI)

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

For Official Use Only

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

DA FORM 3881, NOV 89

LAW ENFORCEMENT
SENSITIVE

USAPA 2.01

Exhibit

ACLU-RDI 112 p.51

DODDOACID 005752

SWORN STATEMENT

File Number : 0064-04-CID369-69280
Location : Kandahar Air Field, Kandahar Branch Office, Afghanistan
Date : 13 JUNE 04
Time : 1832 L
Statement of : [REDACTED] b7c-4, b6-4
Grade/Status : SGT/AD
SSN : [REDACTED]
Org/Address : 320th Tactical Psyop Co, Bagram Air Field, Afghanistan APO AE0355

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

Q: Did you provide a false Official Statement on 2 JUN 04 to the USACIDC Office?

A: NO. b7c-4, b6-4

Q: Did SSG [REDACTED] ask you to lie to the USACIDC Office?

A: NO. b7c-4, b6-4

Q: Did SSG [REDACTED] provide you with a story to tell USACIDC?

A: No.

Q: IN your statement on 2 JUN 04, How do you know SSG [REDACTED] threatened to shoot a villager? b7c-4, b6-4

A: I remember SSG [REDACTED] yelling at the villager. I cannot remember exactly what was said. b7c-4, b6-4

Q: By SSG [REDACTED] yelling is that how you believed you heard him saying he was going to kill the villager? b7c-4, b6-4

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

For Official Use Only

PAGE

OF

PAGES

0000054

LAW ENFORCEMENT
SENSITIVE

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 13 JUNE 04

CONTINUED:

A: YES.

Q: Did you see SSG [REDACTED] yelling at the villagers?

A: NO.

Q: How do you know it was SSG [REDACTED] yelling?

A: I assumed it was his by the sound.

Q: IN your statement on 2 Jun 04 you related that you had seen multiple USSF personnel assault ~~the~~ villagers on 18 May 04. What did you mean by "striking to the head and face?"

A: I meant by forcefully grabbing the faces of villagers in order to get their attention. I interpreted that to be a "strike."

Q: Who did you witness grabbing the villagers by the face?

A: [REDACTED]

Q: Did you ever see SSG [REDACTED] grab any of the villagers by the face?

A: I don't know.

Q: What do you interpret assault as?

EXHIBIT [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 8 PAGES

Law Enforcement Use Only

LAW ENFORCEMENT
SENSITIVE

b7c-4, b6-4

STATEMENT OF [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 13 JUNE 04 CONTINUED:

b7c-4, b6-4

A: I would interpret assault as: when one person uses more force than necessary to get what they want or to harm an individual. And when one person uses physical, in excess, to inflict harm.

Q: Based on this definition Do you believe any of the USSF personnel assaulted the villagers on 18 May 04?

A: I believed that USSF could have used less force to get the villagers to do what they wanted. However, I do not believe they were out to inflict harm/pain upon the people of the village.

Q: Do you believe the USSF committed any crimes of assault or abuse on 18 May 04 in the village of Surkhagen?

A: I don't know.

Q: What was the most forceful act you seen the USSF personnel do to the villagers on 18 May 04?

A: It was when I saw [REDACTED] grabbing a villager by the face and

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 8 PAGES

For Official Use Only

0000055

LAW ENFORCEMENT
SENSITIVE

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 13 JUNE 04 CONTINUED:

[REDACTED] 67C-466-4
 jerked him around by his jaw in order to get his attention.

Q: IN your previous statement is this what you reported as assault?

A: YES.

Q: IN your previous statement is this what you reported as striking the villagers?

A: YES.

Q: Did you or did you not ask SSG [REDACTED] if he was going to fire his weapon, ON 18 May 04?

A: I did.

Q: Why did you ask SSG [REDACTED] if he was going to fire his weapon?

A: I had heard other USSE say he might fire his weapon so I was curious.

Q: Did you ask SSG [REDACTED] why he was going to fire his weapon?

A: NO.

Q: Why do you think SSG [REDACTED] reported

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 4 OF 8 PAGES

Official Use Only

LAW ENFORCEMENT
SENSITIVE

b7C-4

b6-4

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 13 JUNE 04 CONTINUED:

that the USSF was abusing and assaulting local nationals? b7C-4 b6-4

A: It is my opinion that SSG [REDACTED] was looking for a way out of his job in the field. I think he feared for his life and if he made this case the command, ours and USSF, would not let him operate in the field. Also SSG [REDACTED] did not get along with some members of ODA 311. I think that the fact that he was not liked also encouraged him to file a complaint. I think he wanted to hurt the ODA members that did not like him personally. b7C-4 b6-4

Q: Why did you not inform the USACIDC during the initial interview on 2 JUN 04?

A: I came upon this realization only recently. Over a month ago my NCOIC & OIC pulled me to the side and asked me if SSG [REDACTED] was "dodging" missions. What I mean by "dodging" is he would specifically not go out on missions that were either long or appeared to be dangerous. At the time I did not think so, turns out my BYOP specialist did. After the investigation started I noticed SSG [REDACTED]

b7C-4 b6-4

EXHIBIT [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 5 OF 8 PAGES

Official Use Only

LAW ENFORCEMENT
SENSITIVE

00000158

b7C-4, b6-4

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 13 JUNE 04 CONTINUED:

b7C-4, b6-4

[REDACTED] making comments about getting out of the field and working in an office. It was then, after multiple remarks, that what my NCOIC and OIC saw was really happening. I did not think that SSG [REDACTED] would try to attack the CDA members, by using this investigation. However, after realizing the above I believe more and more that SSG [REDACTED] was trying to get even. b7C-4, b6-4

Q: What do you mean "my PSYOP Specialist did?"

A: My PSYOP specialist, who died on 29 MAY 04, had been complaining to my NCOIC and OIC about SSG [REDACTED] "dodging" missions. I recently found out the my PSYOP specialist believed SSG [REDACTED] was "dodging" missions. b7C-4, b6-4

Q: How Did SSG [REDACTED] tell you after the initial interview that he had made a false statement?

A: NO.

Q: Based on the conversations you had after 2 JUN 04 with SSG [REDACTED] do you believe he may have not made an accurate

b7C-4, b6-4

b7C-4, b6-4

EXHIBIT 2

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 6 OF 8 PAGES

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0000059

b7c-4, b6-4

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 13 JUNE 04 CONTINUED:

b7c-4, b6-4

Statement to USACIDC and his Command?

A: I believe it is a possibility that he did not make an accurate statement. b7c-4, b6-4

Q: Did SSG [REDACTED] ever tell you he was going to make false allegations to get out of Missions or Charge his job?

A: NO.

Q: Do you have any thing you would like to add or delete from this Statement?

A: NO. ///End of Statement/// b7c-4, b6-4

EXHIBIT ____

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 7 OF 8 PAGES

b7c-4, b6-4

For Official Use Only

00001601

LAW ENFORCEMENT
SENSITIVE

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 13 JUNE 04 CONTINUED:

AFFIDAVIT

I, 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 OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
 (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this 13 JUNE 2004, at Kandahar Branch Office, USACIDC, Afghanistan.

[REDACTED]
 (Signature of Person Administering Oath)

SPECIAL AGENT [REDACTED]
 62nd MILITARY POLICE DETACHMENT (CID)
 USACIDC, Kandahar Air Field,
 Kandahar Branch Office, Afghanistan
 APO AE 09355

(Typed Name of Person Administering Oath)

Article 136 (UCMJ)

(Authority to Administer Oath)

WITNESS:

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 8 OF 8 PAGES

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

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>Kandahar Air Field</u>	2. DATE <u>13 June 2004</u>	3. TIME <u>1905L</u>	4. FILE NO. <u>67C-4, 66-4</u>
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <u>320th Tactical Psyop Co</u> <u>Bagram AFB Field, Afghanistan APAC 09354724</u>		
6. SSN [REDACTED]	7. GRADE/STATUS <u>SSG/ADRES</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 and wanted to question me about the following offense(s) of which I am suspected/accused: False Official Statement / 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:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject 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 [REDACTED]
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>Kandahar Branch Office, CID</u>

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
[Signature]

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

SWORN STATEMENT

File Number : 0064-04-CID369-69280
Location : Kandahar Air Field, Kandahar Branch Office, Afghanistan
Date : 13 June 04
Time : 1958L [REDACTED] b7C-4,66-4
Statement of [REDACTED]
Grade/Status : SSG/4D (Res)
SSN : [REDACTED]
Org/Address : 320th Tactical Psyop Co, Bagram Airfield, Afghanistan, APO AE0935

I [REDACTED] b7C-4,66-4, want to make the following statement under oath:

Q: On 25 May 04 and 2 Jun 04 did you provide the USA CIDC a false official statement?

A: No. The statement I gave was true.

Q: Did you conspire with anyone to provide a false statement to USACIDC?

A: No. Absolutely not.

Q: Do you have anything you want to add or change from your statements on 25 May 04 and 2 Jun 04?

A: No. The statements I gave were accurate.

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

A: No. I can not think of anything to add or change.

/// End of Statement ///

b7C-4,66-4

b7C-4,66-4

b7C-4,66-4

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 2 PAGES

For Official Use Only

LAW ENFORCEMENT
SENSITIVE

0000063

STATEMENT OF: [REDACTED]

; TAKEN AT: Kandahar Air Field, Afghanistan;

DATED: 13 June 04

CONTINUED:

AFFIDAVIT

I, 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.

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this 13 June 2004, at Kandahar Branch Office, USACIDC, Afghanistan.

[REDACTED]
(Signature of Person Administering Oath)

SPECIAL AGENT [REDACTED]
62nd MILITARY POLICE DETACHMENT (CID)
USACIDC, Kandahar Air Field,
Kandahar Branch Office, Afghanistan
APO AE 09355

(Typed Name of Person Administering Oath)

Article 136 (UCMJ)

(Authority to Administer Oath)

WITNESS:

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

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LAW ENFORCEMENT
SENSITIVE

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0064-04-CID369-69280

PAGE 1 OF 1 PAGE

DETAILS

About 1541, 30 Jul 04, the undersigned coordinated with SSG [REDACTED] [REDACTED] Short Term Holding Facility, KAF, who provided copies of Mr. [REDACTED] Person's Under Control (PUC) packet. b7C-4,66-3
b7C-4,66-4

AGENT'S COMMENT: Upon completion of review of PUC packet determination was made that the PUC packet had no information to assist in this investigation. Based on the classification of the PUC packet the copies of the PUC packet were subsequently destroyed. b7C-4,66-4

About 1606, 30 Jul 04, the undersigned interviewed Mr. [REDACTED] Badin Tribe, Afghanistan, with the assistance of Mr. [REDACTED] Local Translator, Category I, who related he was present in the village of Gurjay when Mr. [REDACTED] was assaulted by ANA and Coalition members. Mr. [REDACTED] related Mr. [REDACTED] was thrown on the ground and had hit his head. Mr. [REDACTED] related he was about 100 feet from Mr. [REDACTED] when this incident occurred. Mr. [REDACTED] related he did not see exactly who had thrown Mr. [REDACTED] on the ground but could see him being thrown to the ground with ANA and Coalition forces personnel around him. Mr. [REDACTED] related when Mr. [REDACTED] was pulled up from the ground he could see blood streaming down his forehead. Mr. [REDACTED] related he could not read or write. b7C-3,66-3
b7C-4,66-4
b7C-4,66-4
b7C-4,66-4
b7C-4,66-4
b7C-4,66-4

///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

SIGNATURE

ORGANIZATION

Kandahar Branch Office
Kandahar Air Field, Afghanistan
APO AE 09355

DATE

30 Jul 04

EXHIBIT

FOR OFFICIAL USE ONLY

AGENTS INVESTIGATION REPORT
CID REGULATION 195-1

0441-04-CID023

0064-04-CID369-69280

Basis For Investigation: On 17 Jun 04, this office received a Request For Assistance (RFA) to interview members of Operational Detachment Alpha (ODA) 311 and Operational Detachment Bravo (ODB) 320B, both located at Fort Bragg, NC 28310-5000 pertaining to prisoner abuse on 14 May 04 and 18 May 04 in Afghanistan.

Details:

On 23 Jun 04, SA [REDACTED] *b7C-1 b6-1* coordinated with SA [REDACTED], United States Special Operations Command (USASOC), CID Liaison FBNC, who stated a review of CPT [REDACTED] and SFC [REDACTED] both of the 1/3rd Special Forces Group, FBNC itineraries revealed both soldiers would be deployed until the first week of August 2004. *b7C-4 b6-4*

On 22 Jun 04, SA [REDACTED] *b7C-1 b6-1* Polygrapher, 10th Military Police Battalion, FBNC coordinated with WO1 [REDACTED], and SSG [REDACTED], both of the 1/3rd Special Forces Group, FBNC wherein both soldiers denied undergoing a technical interview. Further, both soldiers stated they had retained legal counsel pertaining to this investigation. *b7C-4 b6-4*

About 1000, 29 Jun 04, WO1 [REDACTED] contacted this office and stated he was willing to cooperate with the investigation to the fullest extent however; he did not feel comfortable undergoing a technical interview.

STATUS: This request is closed in the files of this office. All investigative activity has been completed and no further activity is anticipated.///LAST ENTRY///

///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE #:

SA [REDACTED] *b7C-1 b6-1 b2*

SIGNATURE

ORGANIZATION:

87th MP Det (ABN) (CID)
3d Military Police Group (CID)
Building 8-1221 Randolph Street
Fort Bragg, NC 28311

DATE

29 June 04

EXHIBIT

(1 of 1)

CID FORM 94

FOR OFFICIAL USE ONLY

Protective Marking is Excluded from
Automatic Termination (Para 13, AR 24-16)
LAW ENFORCEMENT
SENSITIVE

ACLU-RDI 112 p.64

0000066
Exhibit

DODDOACID 005765

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0064-04-CID369-69280

PAGE 1 OF 1 PAGE

DETAILS

About 1500, 12 Aug 04, the undersigned coordinated with MAJ [REDACTED] b7C-4, b6-4
[REDACTED] CMDR 320th PSYOP CO, Bagram Air Field (BAF), who b7C-4, b6-4
related SSG [REDACTED] did not appear to be a soldier attempting to get out
of combat missions, as he had requested transfer from the Command staff to
Forward Operating Base (FOB) Solerno, AF, to go back to field duty. (See
AIR)

About 1525, 12 Aug 04, the undersigned coordinated with 1SG [REDACTED] b7C-3, b6-3
[REDACTED] 320th PSYOP CO, BAF, who related he had worked with SSG b7C-4, b6-4
[REDACTED] on several occasions and did not believe he would be capable of b7C-4
making up an allegation of detainee abuse in retaliation against the
USASOC.

About 1300, 14 Sep 04, the undersigned coordinated with Mr. [REDACTED] b7C-3, b6-3
[REDACTED] Interrogation Support Specialist, Kandahar Interrogation b7C-4, b6-4
Facility (KIF), KAF, who related he was recommending Mr. [REDACTED] be released
from US custody. b7C-4, b6-4

About 1803, 15 Sep 04, the undersigned interviewed SA [REDACTED]
Federal Bureau of Investigation (FBI), Erie PA, Branch Office, who related
he had never seen anything that remotely resembled abuse of local
Afghanistan nationals, while he was deployed in support of Operation
Enduring Freedom. ///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] b7C-1, b6-1
b2

SIGNATURE

[REDACTED] b7C-1, b6-1

ORGANIZATION

Kandahar Branch Office
Kandahar Air Field, Afghanistan
APO AE 09355

DATE

15 Sep 04

EXHIBIT

17

CID FORM 94

FOR OFFICIAL USE ONLY

00000067

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0441-04-CID023-

CID Regulation 195-1

Page 1 of 1

DETAILS

b7c-1 b6-1 b7c-4 b6-4
 About 0930, 10 Aug 04, SA [REDACTED] interviewed SFC [REDACTED], Operational Detachment Bravo (ODB) 320 (ODA 320B), 3rd Special Forces Group (SFG), Fort Bragg, NC 28310 (FBNC) pertaining to his knowledge of prisoner abuse in the village of Surkhagen, AF. SFC [REDACTED] related his team was responsible for detaining and interviewing Mr. [REDACTED] and remembered him being in possession of bomb making materials and admitting to being a member of the Taliban. SFC [REDACTED] stated his team then turned Mr. [REDACTED] over to ODA 311 for transport. SFC [REDACTED] stated he never witnessed anyone abuse either Mr. [REDACTED] or anyone else.

b7c-1 b6-1 b7c-4 b6-4
 About 1930, 25 Aug 04, SA [REDACTED] interviewed CPT [REDACTED], ODB, 320B, 3rd SFG, FBNC, pertaining to his knowledge of prisoner abuse in the village of Surkhagen, AF. CPT [REDACTED] remembered Mr. [REDACTED] and the circumstances surrounding him. CPT [REDACTED] stated he remembered his team turning Mr. [REDACTED] over to ODA 311 and even remembered seeing Mr. [REDACTED] after the alleged abuse and did not notice any marks on him. CPT [REDACTED] had no further information pertaining to this investigation. b7c-4 b6-4

STATUS: This investigation is closed in the files of this office. No further investigative assistance is anticipated.

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

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]
SIGNATURE [REDACTED]b7c-1
b6-1
b2

ORGANIZATION

87th Military Police Detachment (CID) (DSE)
3d MP Group, Fort Bragg, NC 28310-5000DATE
25 Aug 04

EXHIBIT

CID FORM 94

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1 FEB 77
ACLU-RDI 112 p.66

LAW ENFORCEMENT

00000000

DODDOACID 005767

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0064-04-CID369-69280

PAGE 1 OF 1 PAGE

DETAILS

About 1130, 20 Oct 04, the undersigned coordinated with MAJ [REDACTED] [REDACTED], Staff Judge Advocate (SJA), CJTF-76, Bagram Air Field, who conducted a legal review of the case file and opined sufficient evidence existed to unfound the offenses of aggravated assault and maltreatment of a person in US Custody as it pertained to Mr. [REDACTED]. MAJ [REDACTED] related that the current investigation was sufficient, however would need to be re-opened in the event the high threat level of the villages was lowered. ///Last Entry///

b7C-3, b6-3
b7C-3, b6-3
b7C-3, b6-3

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

SIGNATURE [REDACTED]

ORGANIZATION

Kandahar Branch Office
Kandahar Air Field, Afghanistan
APO AE 09355

DATE

20 Oct 04

EXHIBIT

CID FORM 94

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EVIDENCE/PROPERTY CUSTODY DOCUMENT			MPR/CID SEQUENCE NUMBER	
For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command			CRD REPORT/CID ROI NUMBER 0064-04-CID369 -69280	
RECEIVING ACTIVITY Kandahar Branch Office, 3 rd MP GP (CID)		LOCATION Kandahar Air Field, Afghanistan		
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED X OWNER SSG [REDACTED] 67C-4,664 OTHER		ADDRESS (Include Zip Code) 313 Point Salines, Ft. Bragg, NC		
LOCATION FROM WHERE OBTAINED From the hand of SSG [REDACTED] 67C-4,664 while in the TF-31 Compound, Tent #3 Kandahar Air Field, Afghanistan		REASON OBTAINED EVIDENCE	TIME/DATE OBTAINED 2300 2 Jun 04	
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <small>(Include model, serial number, condition and unusual marks or scratches)</small>		
1	1 pair	Gloves, X-large size 11, Mechanix wear, black, nylon and spandex type construction, used condition, black raised lettering "Mechanix" on back hand portion of gloves. 67C-4,664 Marked for ID with 2300, 2 Jun 04, PBB. (From SSG [REDACTED]) /////////Last Item/////////		
CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	2 Jun 04	SIGNATURE [REDACTED] 67C-4,664 NAME, GRADE OR TITLE [REDACTED] SSG	SIGNATURE [REDACTED] 67C-4,664 NAME, GRADE OR TITLE [REDACTED] SA	Evaluation as evidence
1	7 Jun 04	SIGNATURE [REDACTED] 67C-4,664 NAME, GRADE OR TITLE [REDACTED] SA	SIGNATURE [REDACTED] 67C-4,664 NAME, GRADE OR TITLE [REDACTED] SSG/E-6	Released to Owner
		SIGNATURE [REDACTED] 67C-4,664 NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	

CHAIN OF CUSTODY (Continued)

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

67C-4,56-4

FINAL DISPOSITION ACTION

RELEASE TO OWNER OR OTHER (Name/Unit) SSG [REDACTED], TF-31
 DESTROY _____
 OTHER (Specify) _____

FINAL DISPOSITION AUTHORITY

ITEM(S) 1 ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING SSG [REDACTED]
 (Grade) CPT [REDACTED] 67C-3,66-3 HHC, 3B2e (IS) (ARE) NO LONGER
 (Name) (Organization)

67C-4,56-4

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

 (Typed/Printed Name, Grade, Title)

 (Signature)

 (Date)

WITNESS TO DESTRUCTION OF EVIDENCE

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

 (Typed/Printed Name, Organization)

 (Signature)

0000071

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DATE 24 OCT 2004

FROM AFGHANISTAN CID OFFICE, BAGRAM AIRFIELD //CICR-BGR//

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR 3D MP GRP (CID)
DIR AFIP
PMO, BAGRAM AIRFIELD (SFC [REDACTED])
SJA, CJTF-76, BAGRAM AIRFIELD (MAJ [REDACTED])
SJA, CFC, KABUL, AFGHANISTAN (COL [REDACTED])
PROVOST MARSHAL, CJTF-76 (LTC [REDACTED])

b7c-3, b6-3

SUBJECT: CID REPORT OF INVESTIGATION - 2D STATUS/SSI -
0064-2004-CID369-69280 - 5C1N / 5Y2E

DRAFTER: [REDACTED]

b7c-1, b6-1

RELEASER: [REDACTED]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 14 MAY 2004, 1400 - 14 MAY 2004, 1700; GURJAY, AFGHANISTAN

2. 18 MAY 2004, 0800 - 18 MAY 2004, 1700; SURKHAGEN, AFGHANISTAN

2. DATE/TIME REPORTED: 28 MAY 2004, 0200

3. INVESTIGATED BY:

SA [REDACTED]

b7c-1, b6-1, b2

4. SUBJECT:

1. UNKNOWN, ; AGGRAVATED ASSAULT, AGGRAVATED ASSAULT (UNFOUNDED), MALTREATMENT OF A PERSON IN US CUSTODY, MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED) (NFI)

5. VICTIM:

1. [REDACTED], MALE; OTHER; AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY (NFI)

b7c-4, b6-4

2. [REDACTED], MALE; AGGRAVATED ASSAULT (UNFOUNDED), MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED) (NFI)

b7c-4, b6-4

3. [REDACTED], MALE; AGGRAVATED ASSAULT, MALTREATMENT OF A

b7c-4, b6-4

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PERSON IN US CUSTODY (NFI)

6. INVESTIGATIVE SUMMARY:

THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY BE CHANGED PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS A DETAINEE ABUSE INVESTIGATION."

2D STATUS:

THIS 2D STATUS REPORT IS BEING SUBMITTED TO RESCIND PREVIOUS RESTRICTIONS TO THE DISSEMINATION OF THIS REPORT OUTSIDE USACIDC REPORTING CHANNELS, TO CORRECT THE NAME OF MR. [REDACTED] AND TO UNFOUND THE OFFENSE OF OFFENSES OF MALTREATMENT OF A PERSON IN US CUSTODY AND AGGRAVATED ASSAULT AS IT PERTAINS TO MR. [REDACTED] *b7c-4, b6-4*

ON 20 OCT 04, MAJ [REDACTED], CJTF-76 SJA, BAGRAM AIRFIELD, CONDUCTED A LEGAL REVIEW OF THIS INVESTIGATION AND OPINED SUFFICIENT EVIDENCE EXISTED TO BELEIVE MR. [REDACTED] WAS NOT THE VICTIM OF AGGRAVATED ASSAULT AND MALTREATMENT OF A PERSON IN US CUSTODY AS REPORTED BY SSG [REDACTED]. FURTHERMORE THIS REPORT WILL REFLECT THE CORRECT SPELLING OF MR. [REDACTED] NAME. *b7c-3, b6-4*
b7c-4, b6-4
b7c-4, b6-4

THIS REPORT IS LATE DUE TO TECHNICAL DIFFICULTIES WITH AC12.

INITIAL REPORT:

DISTRIBUTION OF THIS INITIAL REPORT OF INVESTIGATION (ROI), IS LIMITED TO USACIDC CHANNELS ONLY, AS DISTRIBUTION OUTSIDE OF USACIDC MAY INTERFERE WITH THE PRELIMINARY INVESTIGATION. A STATUS ROI WILL BE SUBMITTED TO LIFT THE RESTRICTION.

THIS OFFICE WAS NOTIFIED BY THE OFFICE OF THE STAFF JUDGE ADVOCATE (SJA), CJTF76, BAGRAM AIRFIELD, APO AE 09354, THAT THE UNITED STATES SPECIAL FORCES (USSF), HAD DETAINED AND ASSAULTED SEVERAL MEMBERS OF GURJAY AND SURKHAGEN VILLAGES, AFGHANISTAN (AF).

PRELIMINARY INVESTIGATION REVEALED THAT ON 14 MAY 04, OPERATIONAL DETACHMENT ALPHA [REDACTED] AND OPERATIONAL DETACHMENT BRAVO [REDACTED] DISCOVERED TWO LOCAL NATIONALS MR. [REDACTED] AND MR. [REDACTED] AT GERABOND VILLAGE, AF, IN POSSESION OF AN IMPROVISED EXPLOSIVE DEVICE *b7c-4, b6-4*
b7c-4, b6-4

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b7c-4 b6-4

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b7c-4 b6-4

(IED). MR. [REDACTED] WAS SUBSEQUENTLY INTERVIEWED BY USSF PERSONNEL AND ADMITTED TO BEING A MEMBER OF THE TALIBAN ORGANIZATION. MR. [REDACTED] AND MR. [REDACTED] WERE DETAINED AND TRANSPORTED TO THE VILLAGE OF GURJAY, WHERE A MEMBER OF ODA 311 TOOK MR. [REDACTED] BEHIND A BRICK WALL IN THE GURJAY VILLAGE OUT OF SIGHT OF OTHER ODA 311 PERSONNEL AND ALLEGEDLY REPEATEDLY ASSAULTED HIM.

ON 18 MAY 04, APPROXIMATELY 85 LOCAL NATIONALS IN SURKHAGEN VILLAGE, AF, WERE DETAINED BY ODA 311 PERSONNEL, TO CONDUCT INTELLIGENCE GATHERING OPERATIONS AND INTERVIEWS. WHILE THE VILLAGERS WERE DETAINED BY USSF PERSONNEL SEVERAL VILLAGERS WERE ALLEGEDLY ASSAULTED WHILE OTHER MEMBERS OF ODA 311 WATCHED OR ASSISTED IN THE ASSAULT UPON THE LOCAL NATIONALS.

ON 25 MAY 04, A STATEMENT WAS PROVIDED BY A MEMBER OF THE TACTICAL PSYOPS TEAM (TPT), 1253, 320TH TACTICAL PSYOPS COMPANY (CO), WHO REPORTED WHILE ASSISTING ODA 311 AND ODB 320B HE WITNESSED THE USSF ABUSE LOCAL NATIONALS AT GURJAY AND SURKHAGEN VILLAGES, AF.

EFFORTS ARE CURRENTLY UNDERWAY TO FULLY IDENTIFY AND INTERVIEW USSF PERSONNEL WHO MAY HAVE ABUSED LOCAL NATIONALS AT GURJAY AND SURKHAGEN VILLAGES, AF.

THIS INVESTIGATION WAS REPORTED LATE DUE TO ACI2 COMMUNICATION AND PROGRAM ERRORS.

INVESTIGATION CONTINUES BY USACIDC.

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

8. USACIDC REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKINGS IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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DATE 29 MAY 2004

FROM

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR 3D MP GRP (CID)
DIR AFIP

SUBJECT: CID REPORT OF INVESTIGATION - INITIAL/SSI - 0064-2004-CID369-69280
- 5C1N / 5Y2E

DRAFTER: [REDACTED]

RELEASER: [REDACTED]

b7c-1, b6-1

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 14 MAY 2004, 1400 - 14 MAY 2004, 1700; GURJAY, AFGHANISTAN

2. 18 MAY 2004, 0800 - 18 MAY 2004, 1700; SURKHAGEN, AFGHANISTAN

2. DATE/TIME REPORTED: 28 MAY 2004, 0200

3. INVESTIGATED BY:

SA [REDACTED]

b7c-1, b6-1

4. SUBJECT:

1. UNKNOWN, ; AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON
IN US CUSTODY (NFI)

5. VICTIM:

1. [REDACTED], MALE; OTHER; AGGRAVATED ASSAULT,
MALTREATMENT OF A PERSON IN US CUSTODY (NFI)

b7c-4, b6-4

2. [REDACTED], MALE; AGGRAVATED ASSAULT, MALTREATMENT OF
A PERSON IN US CUSTODY (NFI)

b7c-4, b6-4

3. [REDACTED], MALE; AGGRAVATED ASSAULT, MALTREATMENT OF A
PERSON IN US CUSTODY (NFI)

b7c-4, b6-4

6. INVESTIGATIVE SUMMARY:

THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR
PRELIMINARY INVESTIGATION AND MAY BE CHANGED PRIOR TO THE
COMPLETION OF THE INVESTIGATION.

"THIS IS A DETAINEE ABUSE INVESTIGATION."

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DISTRIBUTION OF THIS INITIAL REPORT OF INVESTIGATION (ROI), IS LIMITED TO USACIDC CHANNELS ONLY, AS DISTRIBUTION OUTSIDE OF USACIDC MAY INTERFERE WITH THE PRELIMINARY INVESTIGATION. A STATUS ROI WILL BE SUBMITTED TO LIFT THE RESTRICTION.

THIS OFFICE WAS NOTIFIED BY THE OFFICE OF THE STAFF JUDGE ADVOCATE (SJA), CJTF76, BAGRAM AIRFIELD, APO AE 09354, THAT THE UNITED STATES SPECIAL FORCES (USSF), HAD DETAINED AND ASSAULTED SEVERAL MEMBERS OF GURJAY AND SURKHAGEN VILLAGES, AFGHANISTAN (AF).

PRELIMINARY INVESTIGATION REVEALED THAT ON 14 MAY 04, OPERATIONAL DETACHMENT ALPHA (ODA), 311 AND OPERATIONAL DETACHMENT BRAVO (ODB) 320B, DISCOVERED TWO LOCAL NATIONALS MR. [REDACTED] AND MR. [REDACTED], AT GERABOND VILLAGE, AF, IN POSSESSION OF AN IMPROVISED EXPLOSIVE DEVICE (IED). MR. [REDACTED] WAS SUBSEQUENTLY INTERVIEWED BY USSF PERSONNEL AND ADMITTED TO BEING A MEMBER OF THE TALIBAN ORGANIZATION. MR. [REDACTED] AND MR. [REDACTED] WERE DETAINED AND TRANSPORTED TO THE VILLAGE OF GURJAY, WHERE A MEMBER OF ODA 311 TOOK MR. [REDACTED] BEHIND A BRICK WALL IN THE GURJAY VILLAGE OUT OF SIGHT OF OTHER ODA 311 PERSONNEL AND ALLEGEDLY REPEATEDLY ASSAULTED HIM.

b7c-4
b6-4

ON 18 MAY 04, APPROXIMATELY 85 LOCAL NATIONALS IN SURKHAGEN VILLAGE, AF, WERE DETAINED BY ODA 311 PERSONEL, TO CONDUCT INTELLIGENCE GATHERING OPERATIONS AND INTERVIEWS. WHILE THE VILLAGERS WERE DETAINED BY USSF PERSONNEL SEVERAL VILLAGERS WERE ALLEGEDLY ASSAULTED WHILE OTHER MEMBERS OF ODA 311 WATCHED OR ASSISTED IN THE ASSAULT UPON THE LOCAL NATIONALS.

ON 25 MAY 04, A STATEMENT WAS PROVIDED BY A MEMBER OF THE TACTICAL PSYOPS TEAM (TPT), 1253, 320TH TACTICAL PSYOPS COMPANY (CO), WHO REPORTED WHILE ASSISTING ODA 311 AND ODB 320B HE WITNESSED THE USSF ABUSE LOCAL NATIONALS AT GURJAY AND SURKHAGEN VILLAGES, AF.

EFFORTS ARE CURRENTLY UNDERWAY TO FULLY IDENTIFY AND INTERVIEW USSF PERSONNEL WHO MAY HAVE ABUSED LOCAL NATIONALS AT GURJAY AND SURKHAGEN VILLAGES, AF.

THIS INVESTIGATION WAS REPORTED LATE DUE TO ACI2 COMMUNICATION AND PROGRAM ERRORS.

INVESTIGATION CONTINUES BY USACIDC.

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER

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INVESTIGATION.

8. USACIDC REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKINGS IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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CID ACTION REPORT

(CID Form 66)

CASE NUMBER: 0064-2004-CID369-69280 **CASE TYPE:** Significant Data File/ROI

INITIATION DATE/TIME: 5/27/2004 1025

PRIMARY AGENT:

SUBJECT/KEY ENTITY: UNKNOWN, ; AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY (NFI)

VICTIM:

[REDACTED]; MALE; OTHER; AGGRAVATED ASSAULT,
MALTREATMENT OF A PERSON IN US CUSTODY (NFI)

MALE; AGGRAVATED ASSAULT, MALTREATMENT
OF A PERSON IN US CUSTODY (NFI)

██████████; MALE; AGGRAVATED ASSAULT, MALTREATMENT OF A
PERSON IN US CUSTODY (NFI)

OFFENSE:

Aggravated Assault

REMARKS:

Tactical Psyops Team-Reported USSF personnel were abusing Persons Under Control.

[illegible]



DEPARTMENT OF THE ARMY
AFGHANISTAN MP DET (CID)
3D MILITARY POLICE GROUP (CID)
BAGRAM AIR FIELD
APO AE 09354

REPLY TO
ATTENTION OF

CICR-EF (195-2b)

06 Sep 04

MEMORANDUM THRU Commander, 3d Military Police Group (CID), USACIDC, ATTN: CIRC-OP, Fort Gillem, GA 30297

FOR Commander, USACIDC, ATTN: CIOP-CO, 6010 S. 6th Street, Fort Belvoir, VA 22060-5505

SUBJECT: Fifteenth Update of Category I Monitorship ROI 0064-04-CID369-69280

1. References:

- a. CIDR 195-1, CID Operations, Paragraph 4.6.
- b. Memorandum of Designation of Category I Monitorship ROI, 25 May 04.

2. In accordance with above cited references, the following fifteenth update is provided:

- a. Subjects identified to date: None.
- b. Investigative activity conducted during this period (30 Aug 04 through 6 Sep 04):

(1) Reference the RFA sent on 17 Jun 04, this office received an update on 29 Aug 04 from the Ft. Bragg CID office which advised they had forwarded the hardcopy (originals) of the Information Report with enclosures to this office.

57C-61666-6 (2) Between 30 Aug 04 through 3 Sep 04, the case agent attempted to contact SA [REDACTED] FBI, to conduct a telephonic interview, but met with negative results.

c. Investigative activities to be conducted and/or considered:

(1) Pending interviews of victims. Possibly victims are members of Anti-Coalition Forces (ACF) and are in the village of Surkhagen, Afghanistan.




(2) Pending receipt of 2nd Information Report from the Ft. Bragg CID office reference an RFA sent to their office on 17 Jun 04 in order to conduct witness interviews.

(3) Interview of SA [REDACTED] FBI, who was a possible witness to incident. 57C-61666-6


d. Problem areas: Time zone differences and communication problems; currently very high threat in area where alleged crimes occurred, which is limiting access to possible victims of the crimes.

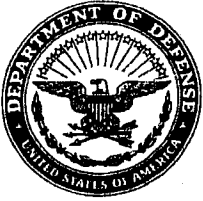
CIRC-EF

SUBJECT: Fifteenth Update of Cat I Monitorship (0064-04-CID369-69280)

b7c-1 b6-1
3. POC for this action is the undersigned at DSN: 318-231- or email: NIPR
.army.mil, SIPR .army.smil.mil.

No Encl

b7c-1 b6-1

CW3, MP
Special Agent-in-Charge



DEPARTMENT OF THE ARMY
AFGHANISTAN MP DET (CID)
3D MILITARY POLICE GROUP (CID)
BAGRAM AIR FIELD
APO AE 09354

REPLY TO
ATTENTION OF

CICR-EF (195-2b)

30 Aug 04

MEMORANDUM THRU Commander, 3d Military Police Group (CID), USACIDC, ATTN: CIRC-OP, Fort Gillem, GA 30297

FOR Commander, USACIDC, ATTN: CIOP-CO, 6010 S. 6th Street, Fort Belvoir, VA 22060-5505

SUBJECT: Fourteenth Update of Category I Monitorship ROI 0064-04-CID369-69280

1. References:

- a. CIDR 195-1, CID Operations, Paragraph 4.6.
- b. Memorandum of Designation of Category I Monitorship ROI, 25 May 04.

2. In accordance with above cited references, the following fourteenth update is provided:

- a. Subjects identified to date: None.
- b. Investigative activity conducted during this period (23 Aug 04 through 30 Aug 04):

(1) Reference the RFA sent on 17 Jun 04, this office received an update on 26 Aug 04 from the Ft. Bragg CID office which advised SFC [REDACTED] and CPT [REDACTED] had been interviewed and provided information relating they had not seen any abuse of local nationals in the villages of Gurjay or Surkhagen, Afghanistan (AF). *b7c-4, b6-4*

(2) Between 23 - 29 Aug 04, the case agent attempted to contact SA [REDACTED] FBI, to conduct a telephonic interview, but met with negative results. *b7c-6, b6-6*

c. Investigative activities to be conducted and/or considered:

(1) Pending interviews of victims. Possibly victims are members of Anti-Coalition Forces (ACF) and are in the village of Surkhagen, Afghanistan.

(2) Pending receipt of 2nd Information Report from the Ft. Bragg CID office reference an RFA sent to their office on 17 Jun 04 in order to conduct witness interviews.

(3) Interview of SA [REDACTED] FBI, who was a possible witness to incident. *b7c-6, b6-6*

d. Problem areas: Time zone differences and communication problems; currently very high threat in area where alleged crimes occurred, which is limiting access to possible victims of the crimes.

CIRC-EF

SUBJECT: Fourteenth Update of Cat I Monitorship (0064-04-CID369-69280)

3. POC for this action is the undersigned at DSN: 318-231- [REDACTED] or email: NIPR
[REDACTED].army.mil, SIPR [REDACTED].army.smil.mil.

b7c-1 b6-1

No Encl

[REDACTED]
CW3, MP
Special Agent-in-Charge



DEPARTMENT OF THE ARMY

AFGHANISTAN MP DET (CID)
3D MILITARY POLICE GROUP (CID)
BAGRAM AIR FIELD
APO AE 09354

REPLY TO
ATTENTION OF

CICR-EF (195-2b)

23 Aug 04

MEMORANDUM THRU Commander, 3d Military Police Group (CID), USACIDC, ATTN: CIRC-OP, Fort Gillem, GA 30297

FOR Commander, USACIDC, ATTN: CIOP-CO, 6010 S. 6th Street, Fort Belvoir, VA 22060-5505

SUBJECT: Thirteenth Update of Category I Monitorship ROI 0064-04-CID369-69280

1. References:

- a. CIDR 195-1, CID Operations, Paragraph 4.6.
- b. Memorandum of Designation of Category I Monitorship ROI, 25 May 04.

2. In accordance with above cited references, the following thirteenth update is provided:

- a. Subjects identified to date: None.
- b. Investigative activity conducted during this period (16 Aug 04 through 23 Aug 04):

(1) Reference the RFA sent on 17 Jun 04, this office received an update on 18 Aug 04 from the Ft. Bragg CID office which advised SFC [REDACTED] was interviewed and provided information relating he had not seen any abuse of local nationals in the villages of Gurjay or Surkhagen, Afghanistan (AF). The update also provided that attempts to interview CPT [REDACTED] are ongoing. *b7C-4, b6-4*

(2) On 20 Aug 04, coordinated with Federal Bureau of Investigation (FBI), Bagram Air Field, AF, who related SA [REDACTED] was assigned to the FBI Branch Office in Erie, PA. *b7C-6, b6-6*

(3) Between 20 - 22 Aug 04, the case agent attempted to contact SA [REDACTED] to conduct a telephonic interview, but met with negative results. *b7C-6, b6-6*

c. Investigative activities to be conducted and/or considered:

(1) Pending interviews of victims. Possibly victims are members of Anti-Coalition Forces (ACF) and are in the village of Surkhagen Afghanistan.

(2) Pending 2nd Information Report from the Ft. Bragg CID office reference an RFA sent to their office on 17 Jun 04 in order to conduct witness interviews.

(3) Interview of SA [REDACTED] possible witness to incident. *b7C-6, b6-6*

CIRC-EF

SUBJECT: Thirteenth Update of Cat I Monitorship (0064-03-CID369-69280)

d. Problem areas: Time zone differences and communication problems; currently very high threat in area where alleged crimes occurred, which is limiting access to possible victims of the crimes.

3. POC for this action is the undersigned at DSN: 318-231- [REDACTED] or email: NIPR [REDACTED]@army.mil, SIPR [REDACTED]@army.smil.mil.

b7C-1 b6-1

No Encl

[REDACTED]

CW3, MP
Special Agent-in-Charge



DEPARTMENT OF THE ARMY

AFGHANISTAN MP DET (CID)
3D MILITARY POLICE GROUP (CID)
BAGRAM AIR FIELD

REPLY TO
ATTENTION OF

CICR-EF (195-2b)

09 Aug 04

MEMORANDUM THRU Commander, 3d Military Police Group (CID),
USACIDC, ATTN: CIRC-OP, Fort Gillem, GA 30297

FOR Commander, USACIDC, ATTN: CIOP-CO, 6010 S. 6th Street, Fort
Belvoir, VA 22060-5505

SUBJECT: Eleventh Update of Category I Monitorship ROI 0064-04-
CID369-69280

1. References:

- a. CIDR 195-1, CID Operations, Paragraph 4.6.
- b. Memorandum of Designation of Category I Monitorship
ROI, 25 May 04.

2. In accordance with above cited references, the following
eleventh update is provided:

- a. Subjects identified to date: None.
- b. Investigative activity conducted during this period (2
Aug 04 through 9 Aug 04):

(1) On 4 Aug 04, the case agent coordinated with
CJSOTF reference for a flight to A-Base, Shinkay, Afghanistan,
to conduct interview of a Local National (LN) Interpreter and
ANA Commander who may have been witnesses to the incident. The
case agent was informed that the LN interpreter and ANA
Commander were not at A-base Shinkay, and no one knew of their
location.

(2) On 4 Aug 04, the case agent again coordinated with
CJSOTF to locate and coordinate with a Special Agent, Federal
Bureau of Investigation (FBI), Kandahar Air Field, Afghanistan,
to attempt to locate and interview an SA [REDACTED] FBI, who
was deployed in support of Operation Enduring Freedom (OEF) who
may have witnessed the incidents, but currently re-deployed to
the U.S. *b7c-6, b6, b7C*

(3) On 8 Aug 04, coordinated with Bagram Air Field
(BAF), Afghanistan, FBI to obtain information pertaining to SA [REDACTED] *b7c-6, b6, b7C*

CIRC-EF

SUBJECT: Eleventh Update of Cat I Monitorship (0064-03-CID369-69280)

c. Investigative activities to be conducted and/or considered:

(1) Pending Interviews of Victims. Possibly victims are members of Anti-Coalition Forces (ACF) and are in the village of Surkhagen Afghanistan.

(2) RFA (17 Jun 04) for interviews of further witnesses, who have redeployed to Ft. Bragg, North Carolina.

b7c-1 b6-1 (3) RFA to locate, fully identify and interview SA [REDACTED] possible witness to incident, once his whereabouts have been identified.

d. Problem areas: Time zone differences and communication problems; currently very high threat in area where alleged crimes occurred, which is limiting access to possible victims of the crimes.

3. POC for this action is the undersigned at DSN: 318-231-4457 or email: NIPR [REDACTED].army.mil, SIPR [REDACTED].army.smil.mil.

No Encl

b7c-1 b6-1 [REDACTED]
CW3, MP
Special Agent-in-Charge



DEPARTMENT OF THE ARMY
AFGHANISTAN MP DET (CID)
3D MILITARY POLICE GROUP (CID)
BAGRAM AIR FIELD

REPLY TO
ATTENTION OF

CICR-EF (195-2b)

27 Jul 04

MEMORANDUM THRU Commander, 3d Military Police Group (CID),
USACIDC, ATTN: CIRC-OP, Fort Gillem, GA 30297

FOR Commander, USACIDC, ATTN: CIOP-CO, 6010 S. 6th Street, Fort
Belvoir, VA 22060-5505

SUBJECT: Ninth Update of Category I Monitorship ROI 0064-04-
CID369-69280

1. References:

- a. CIDR 195-1, CID Operations, Paragraph 4.6.
- b. Memorandum of Designation of Category I Monitorship
ROI, 25 May 04.

2. In accordance with above cited references, the following
ninth update is provided:

- a. Subjects identified to date: None.
- b. Investigative activity conducted during this period (19
Jul 04 through 26 Jul 04):

(1) On 22 Jul 04, the case agent coordinated with the
Combined Joint Special Operations Task Force (CJSOTF), for
security to Surkhagen village to interview possible victims,
pending return from Forward Operating Base (FOB). Based on High
threat area mission cancelled.

(2) On 22 Jul 04, the case agent coordinated to
interview Federal Bureau of Investigation (FBI), Special Agent
who may have knowledge of maltreatment of local nationals,
however SA [REDACTED] Kandahar Air Field for an unknown location will
interview as soon as possible upon return. *b7c-1, b6-1*

(3) On 22 Jul 04, the case agent attempted to get
travel to A-Base Shinkay.

(4) In reference to the pending Cat I RFA sent to Ft
Bragg RA on 17 Jun 04: On 26 Jul 04, the undersigned
coordinated with SA [REDACTED] Ft Bragg RA, who determined that
CPT [REDACTED] and SFC [REDACTED] had redeployed to Ft Bragg, NC; *b7c-1, b6-1*
b7c-4, b6-4
10

CIRC-EF

SUBJECT: Ninth Update of Cat I Monitorship (0064-03-CID369-69280)

however, they were currently on block leave. Attempts to locate the two interviewees at their leave addresses were ongoing.

c. Investigative activities to be conducted and/or considered:

(1) Pending Interviews of victims. Possibly victims are members of Anti-Coalition Forces (ACF) and are in the village of Surkhagen Afghanistan.

(2) Pending Information Report from the Ft Bragg RA.

d. Problem areas: Time zone differences and communication problems; currently very high threat in area where alleged crimes occurred, which is limiting access to possible victims of the crimes.

3. POC for this action is the undersigned at DSN: 318-231-
or email: NIPR army.mil, SIPR army.smil.mil.

676-1 66-1

No Encl.

CW3, MP
Special Agent-in-Charge



DEPARTMENT OF THE ARMY

AFGHANISTAN MP DET (CID)
3D MILITARY POLICE GROUP (CID)
KANDAHAR AIR FIELD
APO AE 09355

REPLY TO
ATTENTION OF

CICR-EF (195-1)

17 June 2004

MEMORANDUM FOR Special Agent-in-Charge, 87th Military Police Detachment (ABN) (CID) (DSE), 3D Military Police Group (CID), USACIDC, Building 8, 1221 Randolph Street, Fort Bragg, NC 28310

SUBJECT: Request for Assistance (RFA) (0064-04-CID369-69280)

1. This office is conducting an investigation into allegations that personnel of Operational Detachment Alpha (ODA), 311, A CO, 1st of the 3rd Special Forces Group, Ft. Bragg NC 28310 had assaulted and abused local national Person's Under Control (PUC) in the villages of Gurjay and Surkhagen, Afghanistan (AF).

2. This investigation was initiated upon notification from the office of the Staff Judge Advocate (SJA), CJTF76, Bagram Airfield (BAF), APO AE 09354, that the United States Special Forces (USSF), had detained and assaulted several local nationals in the villages of Gurjay and Surkhagen, AF.

3. Suspect and witness interviews were conducted of ODA 311 personnel. Two members of ODA 311, CPT [REDACTED] and SSG [REDACTED] were killed in Action (KIA) in a separate incident. SSG [REDACTED] 1st of the 3rd Special Forces Group, Ft. Bragg NC 28310 denied he assaulted any local nationals, W01 [REDACTED] 1st of the 3rd Special Forces Group, Ft. Bragg NC 28310, denied he witnessed any local nations being assaulted and denied conspiring with the members of ODA 311 to cover up the assaults on the local nationals and SFC [REDACTED] 1st of the 3rd Special Forces Group, Ft. Bragg NC 28310, waived his rights and denied witnessing local nationals being assaulted and further denied assaulting any local nationals. SFC [REDACTED] refused to provide a statement and declined to take a polygraph examination. The listed ODA personnel are due to depart AF, on 17 Jun 04, and will arrive at Ft. Bragg, NC within a few days.

4. Request your office conduct polygraph examinations of SSG [REDACTED] and W01 [REDACTED] to determine the validity of their statements. Further request your office locate, fully identify and interview CPT [REDACTED], Operational Detachment Bravo (ODB) 320, Ft. Bragg, NC 28310 and SFC [REDACTED], ODB 320, Ft. Bragg, NC 28310 reference their knowledge of ODA 311 personnel kicking, slapping or punching any local nationals in the village of Surkhagen, AF on 18 May 04.

CICR-EF

SUBJECT: Request for Assistance (0064-04-CID369-69280)

5. The point of contact for this is the undersigned at DSN:
318-841- [REDACTED] or email [REDACTED]@Kaf.afgn.army.mil. b7C-1,66-1

Encl:

1. Initial Report [REDACTED] SSG, MP
2. Statements of SSG [REDACTED] Special Agent-in-Charge
3. Statement/CID Form 44
of SSG [REDACTED] b7C-4,66-4
4. Statement/CID Form 44
of W01 [REDACTED] b7C-4,66-4

SAC WC37AA *b7C-1 b6-1*

From: [REDACTED] SA [REDACTED]@us.army.mil]

Sent: Tuesday, June 29, 2004 6:09 PM

To: [REDACTED] SAC WC37AA

Subject: RE: RFA 0064-04-CID369-69280

Sensitivity: ~~Confidential~~

SA [REDACTED] *b7C-1 b6-1*

b7C-4 b6-4

Both SSG [REDACTED] WO1 [REDACTED] have denied to take a polygraph, however; a polygraph request was sent forward for coding purposes. I coordinated with SA [REDACTED] (CW3), CID LNO, for USASOC who informed me that both CPT [REDACTED] and SFC [REDACTED] are both deployed in your theater until 1 Aug 04. This office is closing our RFA and a hard copy of the info report and AIR will follow. If you have any concerns or additional leads pertaining to his investigation please contact me via email and all leads will be conducted in a timely manner.

b7C-1 b6-1

[REDACTED] ([REDACTED])

[REDACTED]

Special Agent
87th Military Police Detachment (CID)(ABN)
Fort Bragg, NC, 28310-5000
[REDACTED]@bragg.army.mil

b7C-1 b6-1

-----Original Message-----

From: [REDACTED] SAC WC37AA

Sent: Thursday, June 17, 2004 10:45 AM

To: [REDACTED] SA

Subject: RE: RFA 0064-04-CID369-69280

Sensitivity: ~~Confidential~~

SA [REDACTED]

b7C-1 b6-1

Thanks, appreciate the quick response.

-----Original Message----- *b7C-1 b6-1*

From: [REDACTED] SA [mailto:[REDACTED]@us.army.mil]

Sent: Thursday, June 17, 2004 4:36 AM

To: [REDACTED] SAC WC37AA

Subject: RFA 0064-04-CID369-69280

Importance: High

Sensitivity: ~~Confidential~~

SA [REDACTED]

b7C-1 b6-1

This office has received your RFA and will conduct Investigative activity under Case number 0441-04-CID-023. The undersigned will be the primary case agent until further notified.

SA [REDACTED]

b7C-1 b6-1

DECLASS. AND/OR 1-24-05 by Mr. Oakes (Security Officer).

b7C-1 b6-1
 [REDACTED] ([REDACTED])
 [REDACTED]
 Special Agent
 87th Military Police Detachment (CID)(ABN)
 Fort Bragg, NC, 28310-5000
 presnellej@bragg.army.mil

-----Original Message-----

From: [REDACTED] SA

Sent: Thursday, June 17, 2004 9:31 AM

To: [REDACTED] SA

Subject: FW: New RFA

Importance: High

Sensitivity: Confidential

send him an email with the case number

-----Original Message-----

From: [REDACTED] SAC WC37AA [mailto:[REDACTED]@KAF.AFGN.ARMY.MIL]

Sent: Thursday, June 17, 2004 5:42 AM

To: [REDACTED] SA

Subject: New RFA

Importance: High

Sensitivity: Confidential

SA [REDACTED]

I have a new RFA that is a Category I Investigation as well. Due to email restrictions out of here I will piece mill it to you in two or three emails, but once you receive everything if you could let me know that would be great.

On a separate note the other RFA from our office I would like to cancel. We were able to develop everything we need on our end so no further investigative activity on this one by your office is required. I appreciate all the work that went into the case file: RFA 0065-04-CID023

New RFA:

<<RFA.doc>> <<Initial.pdf>>

b7C-1 b6-1
 [REDACTED]
 Special Agent-in-Charge
 Kandahar, Afghanistan MP Det (CID)
 APO AE 09355
 DSN 318-841- [REDACTED]
 Fax 318-841-1053



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
87th MILITARY POLICE DETACHMENT (ABN) (CID)
3D Military Police Group (CID)
Building 8-1211 Randolph Street
Fort Bragg, North Carolina 28310

CIRC-ABB

30 June 2004

MEMORANDUM FOR Special Agent in Charge, Afghanistan MP Det (CID), 3^d Military Police Group (CID), Kandahar Air Field, APO AE 09355

SUBJECT: Second Information Report (0441-04-CID023)

1. Your Request for Assistance (0064-04-CID369-69280) has been completed as documented in the attached enclosures. No further investigative activity is anticipated.

2. Manhours expended:

a. Administrative hours:	1
b. Investigative hours:	2
c. Travel hours:	0
d. Privacy Act Disclosures:	None
e. .0015 Fund Expenditures:	None
f. DD Form 2701:	None

3. Point of contact this office is the undersigned or SA [REDACTED] DSN: 236-
[REDACTED] COMM: (910) 396-[REDACTED] or E-Mail: [REDACTED]@bragg.army.mil.

Enclosures

1 - AIR of SA [REDACTED] 30 Jun 04.

CW3, MP
Special Agent in Charge

CF:

HQ, USACIDC (CIOP-CO) (w/encs)
HQ, 3D MP GRP (CIRC-OP) (w/encs)
HQ, 10TH MP BN (CIRC-AB-OP) (w/encs)





DEPARTMENT OF THE ARMY
AFGHANISTAN MP DET (CID)
3D MILITARY POLICE GROUP (CID)
BAGRAM AIR FIELD

REPLY TO
ATTENTION OF

CICR-EF (195-2b)

15 Jun 04

MEMORANDUM THRU Commander, 3d Military Police Group (CID), USACIDC, ATTN: CIRC-OP, Fort Gillem, GA 30297

FOR Commander, USACIDC, ATTN: CIOP-CO, 6010 S. 6th Street, Fort Belvoir, VA 22060-5505

SUBJECT: Third Update of Category I Monitorship ROI 0064-04-CID369-69280

1. References:




- a. CIDR 195-1, CID Operations, Paragraph 4.6.
- b. Memorandum of Designation of Category I Monitorship ROI, 25 May 04.

2. In accordance with above cited references, the following third update is provided:

- a. Subjects identified to date: None.
- b. Investigative activity conducted during this period (8 Jun 04 through 15 Jun 04):
 - (1) Complainants re-interviewed one clarified his statement denying he seen any assaults on villagers.
 - (2) Medical coordination's conducted which indicated injuries are inconsistent with assault.
- c. Investigative activities to be conducted and/or considered:
 - (1) Polygraph examinations of Suspects.
 - (2) Pending Interviews of Victims. Possibly victims are members of Anti-Coalition Forces (ACF) and are in the village of Surkhagen Afghanistan.
 - (3) Interviews of further witnesses, who have or are re-deploying to Ft. Bragg, North Carolina.
- d. Problem areas: Time zone differences and communication problems; currently very high threat in area where alleged crimes occurred, which is limiting access to possible victims of the crimes.

CIRC-EF

SUBJECT: Third Update of Cat I Monitorship (0064-03-CID369-69280)

3. POC for this action is the undersigned at DSN: 318-231- or email: NIPR
.army.mil, SIPR .army.smil.mil.

b7C-1 b6-1



No Encl

CW3, MP
Special Agent-in-Charge



DEPARTMENT OF THE ARMY
AFGHANISTAN MP DET (CID)
3D MILITARY POLICE GROUP (CID)
BAGRAM AIR FIELD

REPLY TO
ATTENTION OF

CICR-EF (195-2b)

01 Jun 04

MEMORANDUM THRU Commander, 3d Military Police Group (CID), USACIDC, ATTN: CIRC-OP, Fort Gillem, GA 30297

FOR Commander, USACIDC, ATTN: CIOP-CO, 6010 S. 6th Street, Fort Belvoir, VA 22060-5505

SUBJECT: First Update of Category I Monitorship ROI 0064-04-CID369-69280

1. References:

- a. CIDR 195-1, CID Operations, Paragraph 4.6.
- b. Memorandum of Designation of Category I Monitorship ROI, 25 May 04.

2. In accordance with above cited references, the following first update is provided:

- a. Subjects identified to date: None.
- b. Investigative activity conducted during this period (25 May 04 through 1 Jun 04): No significant activities conducted.
- c. Investigative activities to be conducted and/or considered:
 - (1) Pending Interviews of Victims. Possibly 3 known victims are in the Persons Under Control (PUC), Facility Kandahar Air Field (KAF), Afghanistan APO AE 09355. Interviews to begin ASAP.
 - (2) Suspects currently on KAF for Refit and Reconstitution, interviews to begin on, 1 Jun 04.
 - (3) Interview of witness (SSG [REDACTED] 67C-466-4) scheduled for 0600, 2 Jun 03.
- d. Problem areas: Time zone differences and communication problems; currently very high threat in area where alleged crimes occurred, which is limiting access to possible victims and other witnesses to the crimes.

3. POC for this action is the undersigned at DSN: 318-231 [REDACTED] or email: NIPR [REDACTED].army.mil, SIPR [REDACTED].army.smil.mil.

67C-1 66-1

No Encl

CW3, MP
Special Agent-in-Charge



DEPARTMENT OF THE ARMY
AFGHANISTAN MP DET (CID)
3D MILITARY POLICE GROUP (CID)
BAGRAM AIR FIELD

REPLY TO
ATTENTION OF

CICR-EF (195-2b)

08 Jun 04

MEMORANDUM THRU Commander, 3d Military Police Group (CID), USACIDC, ATTN: CIRC-OP, Fort Gillem, GA 30297

FOR Commander, USACIDC, ATTN: CIOP-CO, 6010 S. 6th Street, Fort Belvoir, VA 22060-5505

SUBJECT: Second Update of Category I Monitorship ROI 0064-04-CID369-69280

1. References:

- a. CIDR 195-1, CID Operations, Paragraph 4.6.
- b. Memorandum of Designation of Category I Monitorship ROI, 25 May 04.

2. In accordance with above cited references, the following second update is provided:

- a. Subjects identified to date: None.
- b. Investigative activity conducted during this period (1 Jun 04 through 7 Jun 04):
 - (1) Suspects Interviewed denied assaulting local nationals.
 - (2) Several witnesses interviewed who corroborated suspect interviews.
 - (3) One victim interviewed who denied being assaulted in the village of Gurjay.
- c. Investigative activities to be conducted and/or considered:
 - (1) Pending interview of Medical personnel who screened PUC's.
 - (2) Polygraph examinations of Suspects.
 - (3) Pending Interviews of Victims. Possibly victims are members of Anti-Coalition Forces (ACF) and are in the village of Surkhagen Afghanistan.
 - (4) Interviews of further witnesses, to begin as soon as flights to Camp Sweeney, Forward Operating Base (FOB) Shinkay, Afghanistan are available.
- d. Problem areas: Time zone differences and communication problems; currently very high threat in area where alleged crimes occurred, which is limiting access to possible victims of the crimes.

CIRC-EF

SUBJECT: Second Update of Cat I Monitorship (0064-03-CID369-69280)

3. POC for this action is the undersigned at DSN: 318-231- [REDACTED] or email: NIPR
[REDACTED]@army.mil, SIPR [REDACTED]@army.smil.mil.

b7c-1 b6-1

No Encl

[REDACTED]
CW3, MP
Special Agent-in-Charge

AGENTS ACTIVITY SUMMARY (CID Regulation 199-1)		CONTROL NUMBER
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
I: 20	provided information relating they had not seen any abuse of local nationals in the villages of Gurjay or Surkhagen, Afghanistan (AF).	
29 Aug 04 [REDACTED]	Between 23 - 29 Aug 04, the case agent attempted to contact SA [REDACTED] FBI, to conduct a telephonic interview, but met with negative results.	
I: 120		
3 Sep 04 [REDACTED]	Between 30 Aug 04 through 3 Sep 04, the case agent attempted to contact SA [REDACTED] FBI, to conduct a telephonic interview, but met with negative results.	
I: 20		
1300, 14 Sep 04 [REDACTED]	About 1300, 14 Sep 04, the undersigned coordinated with Mr. [REDACTED] Interrogation Support Specialist, Kandahar Interrogation Facility (KIF), KAF, who related he was recommending Mr. [REDACTED] be released from US custody.	
I: 30		
1803, 15 Sep 04 [REDACTED]	About 1803, 15 Sep 04, the undersigned interviewed SA [REDACTED] Federal Bureau of Investigation (FBI), Erie PA, Branch Office, who related he had never seen anything that remotely resembled abuse of local Afghanistan nationals, while he was deployed in support of Operation Enduring Freedom. (See AIR)	
I: 30		

AGENTS ACTIVITY MARY (CID Regulation 195-1)		Control Number 0064-04-CID369-69280
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
9 Aug 04 [REDACTED] I: 20 b7C-1,66-1	Received case file. Per SAC Guidance: 1. Added to case file. 2. Noted.	
1000, 11 Aug 04 [REDACTED] I: 30 b7C-1,66-1	On 11 Aug 04, the case agent coordinated with Federal Bureau of Investigation (FBI), Bagram Air Field, Afghanistan (AF), to locate and coordinate with a Special Agent, [REDACTED], FBI, who was deployed to Kandahar Air field (KAF), AF, in support of Operation Enduring Freedom (OEF) who may have witnessed the incidents, but currently re-deployed to the U.S. FBI special agents are attempting to get information to further identify and locate SA [REDACTED] b7C-6,66-6 b7C-1,66-1	
1500, 12 Aug 04 [REDACTED] I: 30 b7C-1,66-1	About 1500, 12 Aug 04, SA [REDACTED] coordinated with MAJ [REDACTED] CMDR 320 th PSYOP CO, Bagram Air Field (BAF), who related SSG [REDACTED] did not appear to be a soldier attempting to get out of combat missions, as he had requested transfer from the Command staff to Forward Operating Base (FOB) Solerno, AF, to go back to field duty. (See AIR) b7C-1,66-1	
1525, 12 Aug 04 [REDACTED] I: 30 b7C-1,66-1	About 1525, 12 Aug 04, SA [REDACTED] coordinated with 1SG [REDACTED] 320 th PSYOP CO, BAF, who related he had worked with SSG [REDACTED] on several occasions and did not believe he would be capable of making up an allegation of detainee abuse in retaliation against the USASOC. (See AIR) b7C-4,66-6	
1800, 18 Aug 04 [REDACTED] I: 25 b7C-1,66-1	1800, 12 Aug 04, this office received an update on 18 Aug 04 from the Ft. Bragg CID office which advised SFC [REDACTED] was interviewed and provided information relating he had not seen any abuse of local nationals in the villages of Gurjay or Surkhagen, Afghanistan (AF). The update also provided that attempts to interview CPT [REDACTED] are ongoing. b7C-4,66-6	
1300, 20 Aug 04 [REDACTED] I: 30 b7C-1,66-1	On 20 Aug 04, coordinated with Federal Bureau of Investigation (FBI), Bagram Air Field, AF, who related SA [REDACTED] was assigned to the FBI Branch Office in Erie, PA. b7C-6,66-6	
22 Aug 04 [REDACTED] I: 45 b7C-1,66-1	Between 20 - 22 Aug 04, the case agent attempted to contact SA [REDACTED] to conduct a telephonic interview, but met with negative results. b7C-6,66-6	
1900, 26 Aug 04 [REDACTED] b7C-1,66-1	26 Aug 04 from the Ft. Bragg CID office which advised SFC [REDACTED] and CPT [REDACTED] had been interviewed and b7C-4,66-6	

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 006904-70369-69280
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1541, 30 Jul 04 [REDACTED] I: 20 b7C-1, b6-1	About 1541, 30 Jul 04, SA [REDACTED] coordinated with SSG [REDACTED], Short Term Holding Facility, KAF, who provided copies of Mr. [REDACTED] PUC packet. (See AIR) b7C-4, b6-4	
1606, 30 Jul 04 [REDACTED] I: 50 b7C-1, b6-1	About 1606, 30 Jul 04, SA [REDACTED] interviewed Mr. [REDACTED] Badin Tribe, Afghanistan, with the assistance of Mr. [REDACTED] Local Translator, Category I, who related he was present in the village of Gurjay when Mr. [REDACTED] was assaulted by ANA and Coalition members. Mr. [REDACTED] related Mr. [REDACTED] was thrown on the ground and had hit his head. Mr. [REDACTED] related he was about 100 feet from Mr. [REDACTED] when this incident occurred. Mr. [REDACTED] related he did not see exactly who had thrown Mr. [REDACTED] on the ground but could see him being thrown to the ground with ANA and Coalition forces personnel around him. Mr. [REDACTED] related when Mr. [REDACTED] was pulled up from the ground he could see blood streaming down his forehead. Mr. [REDACTED] related he could not read or write. (See AIR) b7C-4, b6-4	
0950, 2 Aug 04 [REDACTED] I: 30 b7C-1, b6-1	Coordinated with the S-2, TF-Bronco, KAF, who related the area of the reported incident was still a high threat area.	
1000, 3 Aug 04 [REDACTED] I: 20 b7C-1, b6-1	Coordinated with BAF, to coordinate with FBI to determine the office and POC for SA [REDACTED] FBI. b7C-4, b6-4	
1400, 4 Aug 04 [REDACTED] I: 20 b7C-1, b6-1	Coordinated with MAJ [REDACTED] who related no one at the A-Base, [REDACTED] knew an interpreter [REDACTED] or Lt. [REDACTED] ANA CMDR. MAJ [REDACTED] related those individuals must have departed prior to TF-33 replacing TF-31. Cancelled flight to Shinkay. b7C-3, b6-3	
0830, 8 Aug 04 [REDACTED] I: 20 b7C-1, b6-1	SA [REDACTED], BAF, related he had not been able to get in touch with the FBI at BAF to obtain the information.	
0900, 9 Aug 04 [REDACTED] P.B. I: 20 b7C-1, b6-1	Case to SAC for review.	
9 Aug 04 [REDACTED] b7C-1, b6-1	<p><u>SAC Review:</u></p> <p>① Where's the CIDF 66?</p> <p>② Contact Bragg for update once a week!</p>	

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 006404-CID362-68280
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
I: 20	the security of the mission and three armored vehicles. MAJ [REDACTED] related he would try and schedule a flight into the village. MAJ [REDACTED] related he would have the mission CONNAP prepared and scheduled as soon as SA returned from FOB conducting another investigation into allegations of Abuse. b7C-3, 66-3	
1000, 14 Jul 04 [REDACTED] I: 10 b7C-1, 66-1	Coordinated with SA [REDACTED] Ft. BRAGG, RA, who related they had closed out the RFA and was not conducting further interviews to complete the RFA, as they believed CPT [REDACTED] and SFC [REDACTED] were not in their AOR. b7C-1, 66-1	
14-18 Jul 04 [REDACTED] I: 20 b7C-1, 66-1	No Investigative activity. Case Agent on priority mission. b7C-4, 66-4	
1430, 20 Jul 04 [REDACTED] I: 20 b7C-1, 66-1	Received the RFA from Ft. BRAGG, indicating they have closed out the RFA and had not conducted the interviews of CPT [REDACTED] and SFC [REDACTED], as they were in this AOR. Informed Ft. BRAGG that CPT [REDACTED] and SFC [REDACTED] had returned with their unit and was not in this AOR and requested them to completed the remaining leads. b7C-4, 66-4	
1500, 21 Jul 04 [REDACTED] I: 30 b7C-1, 66-1	Sent another email to Ft. BRAGG and again requested that SA [REDACTED] and SA [REDACTED], Ft. Bragg RA complete the RFA. Another RFA to Ft. Bragg is being sent to request Ft. Bragg RA complete the leads as soon as possible. b7C-1, 66-1	
1100, 22 Jul 04 [REDACTED] I: 40 b7C-1, 66-1	coordinated with CJSOTF for security to Surkhagen village to interview possible victims. Based on High threat area mission cancelled. b7C-3, 66-3	
0911, 27 Jul 04 [REDACTED] I: 40 b7C-1, 66-1	Coordinated with CJSOTF to schedule a flight to A-Base Shinkay to locate, identify and interview Mr. [REDACTED] translator, Tactical Psyop, and LT [REDACTED] Afghanistan National Army Commander stationed at Shinkay. MAJ [REDACTED] related he would get schedule the flight for 6 Aug 04. Further coordinated with MAJ [REDACTED] to locate the current FBI Agent in Kandahar as the FBI Agent is housed within the CJSOTF compound. MAJ [REDACTED] related he would have him contact this office ASAP. b7C-3, 66-3	
1607, 28 Jul 04 [REDACTED] I: 20 b7C-1, 66-1	MAJ [REDACTED] related the FBI Agent was out on missions with CJSOTF and upon his return would have him contact this office. b7C-3, 66-3	

AGENTS ACTIVITY SUMMARY
(CID Regulation 195-1)

Control Number

0064-04-CID369-69280

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

23 Jun 04

Received case file. Per SAC Guidance:

I: 20

1. Closed.
2. Completed. Added Agent's Comment.
3. Noted. Forwarded RFA to Ft. BRAGG on 17 Jun 04, to have Polygraph examinations conducted.

1330, 25 Jun 04

Coordinated with CJSOTF and discussed possible escort into Surkhagen Village under SF protection. MAJ [REDACTED] related he would coordinated with the CMD and determine what would be needed to conduct a mission into Surkhage Village.

I: 30

0955, 28 Jun 04

Coordinated with S-2, Surkhagen still High Threat Area.

I: 30

0800, 29 Jun 04

Received update from Ft. Bragg. Informed WO1 [REDACTED] and SSG [REDACTED] declined to undergo a polygraph examination. Ft. BRAGG related that CPT [REDACTED] and SFC [REDACTED] were in Afghanistan.

I: 20

1300, 2 Jul 04

Coordinated with CMDR CJSOTF and MAJ [REDACTED] SJA CJSOTF, who related CPT [REDACTED] and SFC [REDACTED] returned to Ft. BRAGG, when their unit returned. Informed Ft. Bragg, that the two individuals had returned to Ft. Bragg and requested them to be interviewed.

I: 20

1500, 5 Jul 04

Coordinated with MAJ [REDACTED], CJSOTF who related he would be going to K2 to give an Operational Law briefing and would schedule the mission to Surkhagen upon his return.

I: 40

0930, 5 Jul 04

Requested an update on the RFA, No response.

I: 20

1600, 11 Jul 04

Requested an update on the RFA, No response.

I: 20

1200, 13 Jul 04

Requested an update on the RFA, No response.

I: 20

1900, 13 Jul 04

Provided MAJ [REDACTED] with Grid Coordinates to Surkhagen Village, and requested 7 SF personnel for

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0064-04-CID369-69280
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1640, 8 Jun 04 [REDACTED] I: 115 <i>b7C-1,66-1</i>	1640, 13 Jun 04, SA [REDACTED] re-interviewed SGT [REDACTED] who after waiving his legal rights rendered a sworn statement clarifying what he had meant by assault in his initial statement. (See AIR) <i>b7C-1,66-1</i>	
1905, 13 Jun 04 [REDACTED] I: 55 <i>b7C-1,66-1</i>	About 1905, 13 Jun 04, SA [REDACTED] re-interviewed SSG [REDACTED] who waived his legal rights and rendered a sworn statement denying that he had provided a false official statement. (See AIR) <i>b7C-4, 66-4</i>	
1100, 17 Jun 04 [REDACTED] I: 55 <i>b7C-1,66-1</i>	Forwarded RFA to Ft. BRAGG..	
1700, 17 Jun 04 [REDACTED] I: 35 <i>b7C-1,66-1</i>	Received information Report from Ft. BRAGG. RFA Opened under case number 0441-04-CID023.	
1130, 21 Jun 04 [REDACTED] I: 25 <i>b7C-1,66-1</i>	Case to SAC for review.	
23 Jun 04 SA [REDACTED] <i>b7C-1,66-1</i>	<u>SAC Review:</u> ① Close out AIR dated 13 Jun 04. ② On 2 Jun, you collected "evidence" and evaluated. What type of evaluation? Document. Where is the evidence now? Need to explain all of this in the AIR. ③ Ensure we coordinate with the Polygrapher at Ft Bragg and everything ready.	

0064-04-CIO368-6928

TIME, DATE, AND AGENT

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1400, 6 Jun 04

I: 35

About 1400, 6 Jun 04, SA [redacted] coordinated with SSG [redacted] Short Term Holding Facility, [redacted] provided a copy of Mr. [redacted] PUC packet. (See AIR [redacted])

1800, 6 Jun 04

I: 35

About 1800, 6 Jun 04, SA [redacted] reviewed the PUC packet and noted Mr. [redacted] had been medically examined by PFC [redacted] MP CO, KAF. 209th

2000, 6 Jun 04

I: 35

About 2000, 6 Jun 04, coordinated with 209th MP CO to locate, fully identify and interview PFC [redacted] Unit was unable to locate soldier.

1535, 6 Jun 04

I: 40

About 1535, 7 Jun 04, SA [redacted] interviewed PFC [redacted] who provided a statement relating she believed Mr. [redacted] had told either herself or an MP that he had received the injury to his head from shrapnel from an explosion. (See Statement)

1055, 8 Jun 04

I: 35

About 1055, 8 Jun 04, SA [redacted] conducted a canvass interview of Doctors at C-Medical Company in an attempt to determine which doctor conducted an examination of Mr. [redacted] CPT [redacted] 3rd Bde, KAF, related he did not know which doctor conducted the examination of Mr. [redacted]

1130, 8 Jun 04

I: 60

About 1130, 8 Jun 04, SA [redacted] interviewed MAJ [redacted] Forward Support Battalion (FSB), KAF, who related he had examined Mr. [redacted] and upon initially examining him he believed the injury was consistent with a fall type injury. MAJ [redacted] related he did not believe Mr. [redacted] had not been assaulted as there was no bruising or tenderness anywhere else on the body of Mr. [redacted]

1000, 9 Jun 04

I: 45

About 1000, 9 Jun 04, SA [redacted] coordinated with the TF-Bronco, S-2, who related that the area in and around the village of Surkhagen, AF was still considered a no risk zone, as the area was still under heavy Anti-Coalition Forces, and numerous Coalition Forces had been attacked and killed, and further increased Anti-Coalition attacks were expected in the region. The S-2 related that the area was still considered to be too dangerous for normal operations in the region. S-2 related no change to the region was expected.

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER
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0920, 4 Jun 04 [REDACTED] I: 35	<p>assaulted. (See AIR)</p> <p>About 0920, 7 Jun 04, SA [REDACTED] coordinated with CPT [REDACTED], SJA, KAF, who opined the gloves were not needed for this investigation. CPT [REDACTED] signed the disposition authority of DA Form 4137.</p>	
1530, 4 Jun 04 [REDACTED] I: 30	<p>About 1530, 4 Jun 04, SA [REDACTED] coordinated with SSG [REDACTED] who provided photographs of Mr. [REDACTED]. SSG [REDACTED] and SA [REDACTED] coordinated with the 209th MP CO, and identified Mr. [REDACTED].</p>	
1600, 4 Jun 04 [REDACTED] I: 55	<p>About 1600, 4 Jun 04, SA [REDACTED] coordinated with CPT [REDACTED] 209th MP CO, KAF, who related CID was not allowed to conduct investigations within the PUC Facility without a Generals Letter of Approval.</p>	
0930, 6 Jun 04 [REDACTED] I: 35	<p>About 0930, 6 Jun 04, SA [REDACTED] coordinated with MAJ [REDACTED] CJTF76, SJA, and informed him that the 209th MP CO refused to allow USACIDC into the PUC facility to conduct investigations. MAJ [REDACTED] related he would coordinate with the TF-Commander.</p>	
1200, 6 Jun 04 [REDACTED] I: 35	<p>About 1200, 6 Jun 04, SA [REDACTED] coordinated with LTC [REDACTED] who provided a statement of CPT [REDACTED] TF-31, KAF, which indicated he had been present in the village of Surkhagen on 18 May 04, but did not witness [REDACTED] personnel assaulting villagers. (See AIR)</p>	
1235, 6 Jun 04 [REDACTED] I: 35	<p>About 1235, 6 Jun 04, SA [REDACTED] coordinated with CPT [REDACTED] who related CID personnel was authorized to conduct investigations within the PUC facility.</p>	
0930, 6 Jun 04 [REDACTED] I: 20	<p>About 1320, 6 Jun 04, SA [REDACTED] coordinated with Mr. [REDACTED], Local Translator, Category 1, who would translate the interview of Mr. [REDACTED].</p>	
1320, 6 Jun 04 [REDACTED] I: 70	<p>About 1320, 6 Jun 04, SA [REDACTED] interviewed Mr. [REDACTED] who related he had suffered an injury to his head when the Afghanistan National Army (ANA) and Coalition forces entered his residence and assaulted him. Mr. [REDACTED] denied he fell from the back of a vehicle and hit his head on the ground. Mr. [REDACTED] denied he had the ability to read and write. Mr. [REDACTED] further related he did not remember when the coalition forces entered his residence and did not remember which day he had received the injury.</p>	

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CONTROL NUMBER

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b7C-4 b6-4 0064-04-CTD369

village of Surkhagen. PO1 [REDACTED] related he did not witness any members of ODA 311 punching, kicking, or slapping any of the villagers, and he was operating in the vicinity of the interview/interrogations in the village.

1235, 3 Jun 04

I: 25
b7C-1 b6-1

About 1235, 3 Jun 04, SA [REDACTED] interviewed SSG [REDACTED] Shinkay, AF, who related he was clearing the village and was not near the interviews/interrogations and did not witness any villagers being assaulted by ODA 311 personnel.

1255, 3 Jun 04

I: 25
b7C-1 b6-1

About 1255, 3 Jun 04, SA [REDACTED] interviewed MSG [REDACTED] Shinkay, AF, who related he was bringing water to the ODA 311 members conducting interviews/interrogations but main mission was to continue clearing the village. MSG [REDACTED] related he did not witness any members of ODA 311 assaulting any villagers.

1310, 3 Jun 04

I: 37
b7C-1 b6-1

About 1310, 3 Jun 04, SA [REDACTED] interviewed Mr. [REDACTED] (AKA: [REDACTED]), Category II interpreter, ODA 311, Camp Sweeney, FOB, Shinkay, AF, who related he was offended by this investigation as no one would investigate the Al-Queda for assaulting Coalition Forces. Mr. [REDACTED] further related he had witnessed Mr. [REDACTED] fall from the back of the vehicle he was being transported in to the village of Gurjay. Mr. [REDACTED] related that Mr. [REDACTED] had requested to go to the restroom, and as his hands were flexi-cuffed and blindfolded Mr. [REDACTED] could not see how to get out of the vehicle and had fallen to the ground and hit his head. Mr. [REDACTED] related he helped Mr. [REDACTED] get up from the ground and SSG [REDACTED] had taken him behind a wall so that he could urinate. Mr. [REDACTED] related when Mr. [REDACTED] returned from behind the wall his head had started to bleed and he put bandages on Mr. [REDACTED] head to stop the bleeding. Mr. [REDACTED] related he was also assisting with the interviews/interrogations in the village of Surkhagen, AF, and he did not see any members of ODA 311 punching, slapping or kicking any of the villagers. (See AIR)

b7C-4
b6-4b7C-4
b6-4b7C-1 b6-1
1347, 3 Jun 04

I: 45

About 1347, 3 Jun 04, SA [REDACTED] interviewed SSG [REDACTED] FOB, Shinkay, AF, who related he examined the Person Under Control (PUC), on 15 May 04, and related he did not believe the injury to be consistent with being

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

2115 2 Jun 04

I: 20 b7C-1 b6-1

Obtained Major Case Prints of SFC [REDACTED]

b7C-4 b6-4

2135 2 Jun 04

I: 20 b7C-1 b6-1

Obtained Major Case Prints of SFC [REDACTED]

2300 2 Jun 04

I: 40 b7C-1 b6-1

About 2300, 2 Jun 04, SA [REDACTED] collected a pair of black gloves from SSG [REDACTED] to evaluate as evidence.

b7C-1 b6-1

0928, 3 Jun 04

I: 25 b7C-1 b6-1

About 0928, 3 Jun 04, SA [REDACTED] interviewed Special Agent [REDACTED], Federal Bureau of Investigation (FBI), who related he was present in the village of Gurjay on 14 May and in the village of Surkhagen, on 18 May 04, and was over seeing and conducting interviews and did not witness any assaults on the villagers by ODA 311 personnel. (See Statement)

b7C-4 b6-4

b7C-1 b6-1

0945, 3 Jun 04

I: 30 b7C-1 b6-1

About 0945, 3 Jun 04, SA [REDACTED] interviewed SSG [REDACTED] (USAF), Combined Joint Special Operations Task Force (CJSOTF), BAF who related he was present in the village of Gurjay and Shinkay and did not witness any assaults by ODA 311 personnel on villagers. (See Statement)

b7C-4 b6-4

b7C-1 b6-1

0955, 3 Jun 04

I: 65 b7C-1 b6-1

About 0955, 3 Jun 04, SA [REDACTED] interviewed W01 [REDACTED] ODA 311, Camp Sweeney, FOB, Shinkay, AF, who after waiving his legal rights provided a verbal statement denying he witnessed any local villagers on 14 and 18 May 04 being assaulted. (See Waiver Certificate/Statement)

b7C-4 b6-4

b7C-1 b6-1

1200, 3 Jun 04

I: 25 b7C-1 b6-1

About 1200, 3 Jun 04, SA [REDACTED] interviewed PO2 [REDACTED], Cryptology Technician, United States Navy Seal Team II, who related he assisted with the Sensitive Sight Exploitation of the village of Surkhagen. PO2 [REDACTED] related he did not witness any members of ODA 311 punching, kicking or slapping any of the villagers, and he was operating in the vicinity of the interview/interrogations in the village.

b7C-4 b6-4

b7C-1 b6-1

1220, 3 Jun 04

I: 25 b7C-1 b6-1

About 1220, 3 Jun 04, SA [REDACTED] interviewed PO1 [REDACTED], Cryptology Technician, United States Navy Seal Team II, who related he assisted with the Sensitive Sight Exploitation of the

b7C-4 b6-4

b7C-1 b6-1

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
I: 20	made that region was too dangerous to conduct interviews of Anti-Coalition villagers in Surkhagen, AF.	
1620, 31 May 04	About 1620, 31 May 04, briefed LTC [REDACTED], TF-Gaurdian that the mission to Surkhagen Village would be cancelled until further notice. b7c-3 b6-3	
I: 20 b7c-1 b6-1		
1851, 31 May 04	About 1851, 31 May 04, SA [REDACTED] briefed LTC [REDACTED] TF-31, SJA, Kandahar Air Field (KAF), who related that the ODA 311 was on KAF for a refit and reconstitution. LTC [REDACTED] related he would make the ODA 311 available for interviews As Soon As Possible. b7c-1 b6-1 b7c-3 b6-3	
I: 40		
0830, 1 Jun 04	About 0830, 1 Jun 04, SA [REDACTED] coordinated with the 209 th MP CO, who conducted a search of the PUC database Which did not disclose any one by the name of [REDACTED]. b7c-3 b6-3 b7c-1 b6-1	
I: 40		
b7c-1 b6-1		
1000, 1 Jun 04	About 1000, 1 Jun 04, SA [REDACTED] briefed LTC [REDACTED] CMDR, TF-31, on this investigation. LTC [REDACTED] related since the allegation of the abuse a senior officer has been assigned to the ODA 311 during there operations to make sure strict guidelines are followed. b7c-1 b6-1 b7c-3 b6-3	
I: 40		
1608, 2 Jun 04	About 1608, 2 Jun 04, SA [REDACTED] interviewed SSG [REDACTED] who provided a statement detailing his knowledge of ODA 311 personnel assaulting local villagers on 14 and 18 May 04. (See AIR) b7c-4 b6-4 b7c-1 b6-1	
I: 60		
b7c-1 b6-1		
1708, 2 Jun 04	About 1708, 2 Jun 04, SA [REDACTED] interviewed SGT [REDACTED] 320 th Tactical Psyops CO, BAF, who provided a statement detailing he believed local villagers may have been assaulted on 14 and 18 May 04. (See AIR) b7c-4 b6-4 b7c-1 b6-1	
I: 60		
b7c-1 b6-1		
2005, 2 Jun 04	About 2005, 2 Jun 04, SA [REDACTED] interviewed SSG [REDACTED], ODA 311, Camp Sweeney, Forward Operating Base (FOB), Shinkay, AF, who after waiving his legal rights provided a statement denying he assaulted any local villagers on 14 and 18 May 04. (See AIR) b7c-4 b6-4 b7c-1 b6-1	
I: 75		
b7c-1 b6-1		
2030, 2 Jun 04	About 2030, 2 Jun 04, SA [REDACTED] interviewed SFC [REDACTED] ODA 311, Camp Sweeney, FOB, Shinkay, AF, who after waiving his legal rights provided a verbal statement denying he assaulted any local villagers on 14 and 18 May 04. (See AIR) b7c-4 b6-4 b7c-1 b6-1	
I: 40		

AGENTS ACTIVITY MARY (CID Regulation 195-1)		Control Number 0064-04-CID369-69280
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
0200, 28 May 04 [REDACTED] I: 20 b7c-1 b6-1	About 0200, 28 May 04, The office of the Staff Judge Advocate (SJA), CJTF76, Bagram Airfield (BAF), APO AE 09354, that the United States Special Forces (USSF), had detained and assaulted several members of Gurjay and Surkhagen villages, Afghanistan (AF).	
0220, 28 May 04 [REDACTED] I: 20 b7c-4 b6-4	About 0220, 28 May 04, the SJA provided a copy of SSG [REDACTED], 320 th Tactical Psyops Company, BAF AF 09354, reporting he had seen members of Operational Detachment Alpha (ODA) 311, Special Forces Group, Forward Operating Base (FOB), Shinkay, AF, assault and abuse local nationals in the village of Surkhagen, AF. (See AIR)	
b7c-1 b6-1 1500, 29 May 04 [REDACTED] I: 45	b7c-3 b6-3 About 1500, 29 May 04, SA [REDACTED] coordinated with CPT [REDACTED] Commander, 209 th Military Police (MP) CO, who related he had personnel that could support a mission to the village of Surkhagen, however an official Tasker would have to be provided from Task Force (TF) Gaurdian, BAF.	
1000, 30 May 04 [REDACTED] I: 20 b7c-1 b6-1	b7c-3 b6-3 About 1000, 30 May 04, SA [REDACTED] coordinated with LTC [REDACTED] TF-Gaurdian who related he would approve the Tasker and initiate the process to get MP Support.	
2000, 30 May 04 [REDACTED] I: 20 b7c-1 b6-1	b7c-1 b6-1 About 2000, 30 May 04, SA [REDACTED] received notification that several members of ODA 311 had been Killed In Action (KIA) near the village of Surkhagen, AF.	
0900, 31 May 04 [REDACTED] I: 20 b7c-1 b6-1	About 0900, 31 May 04, received notification from 209 th MP CO, that they received the Tasker and would provide six MP's to support the mission to Surkhagen Village.	
1100, 31 May 04 [REDACTED] I: 20 b7c-1 b6-1	About 1100, 31 May 04, briefed the MP's on the Operation into Surkhagen Village, AF.	
1400, 31 May 04 [REDACTED] I: 40 b7c-1 b6-1	b7c-1 b6-1 About 1400, 31 May 04, SA [REDACTED] coordinated with the TF-Bronco, S-2, who related that the Area in and around the village of Surkhagen, AF was considered a no risk zone, as the area was under heavy Anti-Coalition Forces, and numerous Coalition Forces had been attacked and killed, and further increased Anti-Coalition attacks were expected in the region. The S-2 related that the area was considered to dangerous for operations in the region.	
1500, 31 May 04 [REDACTED]	About 1500, 31 May 04, briefed the SAC on the status of the intelligence report. Operational decision was	