DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
FORT BLISS, TX 79916-6816

GENERAL COURT-MARTIAL ORDER 25 July 2006
NUMBER 20

Private First Class [redacted], U.S. Army, Alpha Company, 519th Military Intelligence Battalion, Fort Bragg, North Carolina, 28310, was arraigned at Fort Bliss, Texas, on the following offenses at a general court-martial convened by Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

Charge I. Article 92. Plea: Not Guilty. Finding: Not Guilty: Not Guilty

Specification 1: On divers occasions, between on or about 1 August 2002 to on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, violate a lawful general order, to wit: Paragraph 2(c), United States Central Command General Order Number 1A, dated 19 December 2000, by wrongfully possessing and consuming alcohol. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: On divers occasions, between on or about 1 August 2002 to on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, the accused who knew of his duties was derelict in the performance of those duties in that he willfully failed to conduct interrogations of detainees according to approved tactics, techniques, and procedures as it was his duty to do. Plea: Not Guilty. Finding: Not Guilty.

Specification 3: Between on or about 1 August 2002 to on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, the accused who knew of his duties was derelict in the performance of those duties in that he willfully failed to prevent his interrogation partner from throwing articles of garbage and soiled toilet paper onto the person of [redacted] (a.k.a. [redacted]), as it was his duty to do. Plea: Not Guilty. Finding: Not Guilty.

Charge II. Article 93. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: On divers occasions, from on or about 1 August 2002 to on or about 1 February 2003, at or near Bagram Airfield, Afghanistan; or about 11 August 2005, did maltreat Persons Under U.S. Control ("PUCs"), persons subject to his orders during interrogation, by sitting on top of them during interrogation. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: Between on or about 1 August 2002 to on or about1 February 2003, at or near Bagram Airfield, Afghanistan, did maltreat [redacted] (a.k.a. [redacted]), a person subject to his orders during interrogation, by sitting on top of him, throwing articles of garbage onto his person, putting cigarette ash onto his person, walking across his handcuffs in order to inflict pain upon [redacted] and forcefully pulling hairs out of [redacted] chest. Plea: Not Guilty. Finding: Not Guilty.

b6, 7c

Specification 3: Between on or about 1 August 2002 to on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, did maltreat Persons [redacted] (a.k.a. [redacted]), a person subject to his orders during interrogation, by grabbing [redacted] by the head and shoulders; by removing [redacted] pants so that his genitalia were exposed to a female interrogator, SGT [redacted] and by bending [redacted] over an interrogation table and waving a water bottle around in close proximity to [redacted] buttocks. Plea: Not Guilty. Finding: Not Guilty.

Charge III. Article 112a. Plea: Not Guilty. Finding: Not Guilty.

Specification: Between on or about 1 August 2002 and on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, wrongfully use hashish, a Schedule I controlled substance, while receiving special pay under 37 U.S.C. § 310. Plea: Not Guilty. Finding: Not Guilty.

Charge IV. Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: Between on or about 30 November 2002 and on or about 10 December 2003, at or near Bagram Airfield, Afghanistan, unlawfully grab and pull the head and beard of a detainee known as Person Under U.S. Control ("PUC") [redacted] (a.k.a. [redacted]). Plea: Not Guilty. Finding: Dismissed on motion of Defense Counsel.

Specification 2: Between on or about 1 August 2002 and on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, unlawfully strike [redacted] (a.k.a. [redacted]) in the leg, groin and chest with his hands and knees. Plea: Not Guilty. Finding: Not Guilty.

Specification 3: Between on or about 1 August 2002 and on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, assault [redacted] (a.k.a. [redacted]) by showing [redacted] a condom and his penis and then stating: "This is special for you," "This is your God," and "I'm going to fuck you," or words to that effect. Plea: Not Guilty. Finding: Not Guilty.

Charge V. Article 134. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: Between on or about 1 August 2002 and on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, wrongfully commit an indecent act with [redacted] (a.k.a. [redacted]) by showing his penis to [redacted] placing his penis near [redacted] face, and placing his groin against [redacted] buttocks. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: Between on or about 1 August 2002 and on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, while in an interrogation, willfully and wrongfully expose in an indecent manner to public view his genitalia. Plea: Not Guilty. Finding: Not Guilty.

Specification 3: Between on or about 1 August 2002 and on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, orally communicate to [redacted] (a.k.a. [redacted]), certain indecent language, to wit: "This is special for you," "This is your God," and "I'm going to fuck you," or words to that effect. Plea: Not Guilty. Finding: Not Guilty.

b6, 7C

2

The accused having been arraigned, the findings were announced on 1 June 2006. All rights, privileges, and property of which the accused has been deprived by virtue of these proceedings will be restored.

BY COMMAND OF MAJOR GENERAL [redacted]

[redacted]
COL, JA
Staff Judge Advocate

DISTRIBUTION:
1-Accused
1-Military Judge (LTC [redacted])
1-Trial Counsel (CPT [redacted])
1-Defense Counsel ([redacted])
1-Chief, Criminal Law Division
1-Legal Administrator
1-Cdr, A Co, 519th MI Bn, Fort Bragg, North Carolina 28310
1-Cdr, 519th Bn, Fort Bragg, North Carolina 28310
1-ATZC-DHR-AGR, ATZC-DRM-F, ATZC-PM
2-Cdr, USAADACENFB, ATTN: SJA
1-Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, Indiana 46249
10-Clerk of Court, ATTN: JALS-CC, 901 N. Stuart Street, Suite 1200, Arlington, Virginia 22203
1-Cdr, 76th MP DET (CID), 11th MP BN CID
1-Director, U.S. Army Crime Records Center, 6010 6th Street, Fort Belvoir, Virginia 22060-5506
1-HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, Virginia 22060-5506
1-HQDA, Office of the PMG, ATTN: MP Operations Division, 2800 Army Pentagon, Washington, DC 20310-2800
1-Record Set
1-Reference Set

bc, 7c

02[redacted]9-23533-5H

DNA Processing required. 10 U.S.C. § 1565

26-1

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
FORT BLISS, TEXAS 79916-6816

SPECIAL COURT-MARTIAL ORDER NUMBER 17

9 September 2005

SPC[redacted] U.S. Army, Headquarters and Headquarters Battery, United States Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916, was arraigned at Fort Bliss, Texas, on the following offenses at a Special court-martial convened by Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

Charge I. Article 128. Plea: Guilty. Finding: Guilty.

Specification: Unlawfully strike Habibullah on or about 3 December 2002. Plea: Guilty. Finding: Guilty

Charge II. Article 93. Plea: Not Guilty. Finding: Not Guilty.

Specification: Maltreat Habibullah on or about 3 December 2002. Plea: Not Guilty. Finding: Not Guilty.

Charge III. Article 107. Plea: Guilty. Finding: Guilty.

Specification 1: False official statement on or about 4 December 2002. Plea: Guilty. Finding: Guilty.

Specificatoin 2: False official statement on or about 16 December 2002. Plea: Guilty. Finding: Guilty.

SENTENCE

Sentence was adjudged on 20 May 2004: To be reduced to the grade of E1; to forfeit $822.00 pay per month for four months; to be confined for four months; and to be discharged from the service with a bad conduct discharge.

ACTION

Only so much of the sentence as provides for reduction to E1, forfeiture of $822.00 pay per month for 4 months, confinement for 90 days, and a bad conduct discharge is approved and, except for the bad conduct discharge, will be executed.

b6, 7C

4

BY COMMAND OF BRIGADIER GENERAL [redacted]

[redacted]
CW2, JA
Legal Administrator

DISTRIBUTION:
1-Accused
1-Military Judge (LTC [redacted]
1-Trial Counsel (CPT [redacted]
1-Defense Counsel (CPT [redacted]
1-Chief, Criminal Law Division
1-Legal Administrator
1-Cdr, HHB, USAADACENFB
1-Cdr, 377th MP Co
1-Cdr, 76th MP Bn
1-Cdr, 384th MP Bn
1-Cdr, 300th MP BDE
1-Cdr, 88th RRC
1-Cdr, Garrison Command
1-US Army Crime Lab, Fort Gillem, ATTN: CODIS Lab
4553 North 2d Street, Bldg 213b, Forest Park, GA 30297-5122
1-ATZC-DHR-AGR, ATZC-DRM-F, ATZC-PM
2-Cdr, USAADACENFB, ATTN: SJA
1-Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, Indiana 46249
10-Clerk of Court, ATTN: JALS-CC, 901 N. Stuart St. Suite 1200, Arlington, VA 22203
1-Cdr, 76th MP DET (CID), 11th MP BN CID
1-Director, U.S. Army Crime Records Center, 6010 6th Street, Fort Belvoir, Virginia 22060-5506
1-Record Set
1-Reference Set

b6, 7C

5

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY ARMOR CENTER AND FORT KNOX
FORT KNOX, KENTUCKY 40121-5230

SPECIAL COURT-MARTIAL ORDER
NUMBER 160

14 July 2006

In the special court-martial case of Specialist [redacted] US Army, Headquarters and Headquarters Battery, United States Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916 (currently assigned to Special Processing Company, US Army Personnel Control Facility, Fort Knox, Kentucky 40121-5238), the sentence to a bad-conduct discharge, confinement for 90 days, forfeiture of $822.00 pay per month for four months, and reduction to the grade of Private E1, adjudged on 20 May 2005, as promulgated in Special Court-Martial Order Number 17, Headquarters, United States Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas, dated 9 September 2005, as corrected by United States Army Court of Criminal Appeals Notice of Court-Martial Order Correction, dated 8 March 2006, has been finally affirmed. The portion of the sentence pertaining to confinement has been served. Article 71(c) having been complied with, the bad-conduct discharge will be executed.

BY COMMAND OF MAJOR GENERAL [redacted]

[redacted]
SFC, US Army
Senior Paralegal NCO

DISTRIBUTION:
Indiv concerned (1)
CDR, SPC, PCF (1)
CDR, PCF (1)
CDR, HHB, USAADACENFB, Fort Bliss, TX 79916 (1)
CDR, 76th MP Bn, Fort Bliss, TX 79916 (1)
CDR, Garrison Command, Fort Bliss, TX 79916 (1)
CDR, USAADACENFB, Fort Bliss, TX 79916 (1)
OSJA, USAADACENFB, Fort Bliss, TX 79916 (1)
ATZK-PMF-P (2 FOR F&AO, ATTN: Ms. [redacted]) (4)
HQDA, (JALS-CCR), 901 N Stuart St, Ste 1200, Arlington, VA 22203-1837 (1)
CDR, USAEREC, ATTN: PCRE-FS, 8899 E 56th St, Indianapolis, IN 46249-5301 (1)
Director, US Army Crime Records Center, 6010 Sixth St, Ft Belvoir, VA 22060-5585 (1)
ATZK-JA (1)
Record Set (1)
(ARMY 20050612)

b6, 7C

6

02-[redacted]-13538-5498

CORRECTED COPY

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
FORT BLISS, TX 79916-6816

GENERAL COURT-MARTIAL ORDER
NUMBER 10.1

24 July 2006

Sergeant [redacted] U.S. Army, 377th Military Police Company, Detachment 1, 520 South Woodcrest Drive, Bloomington, Indiana, 47401-5336, was arraigned at Fort Bliss, Texas, on the following offenses at a general court-martial convened by Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

Charge I. Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification: Between on or about 20 September 2002 and on or about 25 September 2002, at or near Bagram Airfield, Afghanistan, unlawfully strike [redacted] (a.k.a [redacted] by throwing him against a wall while his hands and feet were shackled. Plea: Not Guilty. Finding: Not Guilty.

Charge II. Article 93. Plea: Not Guilty. Finding: Not Guilty.

Specification: Between on or about 20 September 2002 and on or about 25 September 2002, at or near Bagram Airfield, Afghanistan, maltrea[redacted] a.k.a. [redacted] a person subject to his orders, by throwing him against a cell wall while his hands and feet were shackled. Plea: Not Guilty. Finding: Not Guilty.

Additional Charge I. Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification: Between on or about 30 November 2002 and on or about 3 December 2002, at or near Bagram Airfield, Afghanistan, unlawfully strike H. (a.k.a. BT 412), in the leg with his knee. Plea: Not Guilty. Finding: Not Guilty.

Additional Charge II. Article 93. Plea: Not Guilty. Finding: Not Guilty.

Specification: Between on or about 30 November 2002 and on or about 3 December 2002, at or near Bagram Airfield, Afghanistan, maltreat H. (a.k.a. BT 412), a person subject to his orders, by striking H.in the leg with his knee. Plea: Not Guilty. Finding: Not Guilty.

b6, 7C

7

The findings were announced on 23 February 2006. All rights, privileges and property of which the accused has been deprived by virtue of these proceedings will be restored.

BY COMMAND OF MAJOR GENERAL [redacted]

[redacted], USA
Administrator

DISTRIBUTION:
1-Accused
1-Military Judge (LTC [redacted]
1-Trial Counsel (CPT [redacted]
1-Defense Counsel (CPT [redacted]
1-Chief, Criminal Law Division
1-Legal Administrator
1-Cdr, 377th MP Co, Det. 1, 520 S. Woodcrest Drive, Bloomington, Indiana 47401-5336
1-Cdr, HHB, USAADACENFB
1-Cdr, 76th MP Bn
1-Cdr, Garrison Command
1-ATZC-DHR-AGR, ATZC-DRM-F, ATZC-PM
2-Cdr, USAADACENFB, ATTN: SJA
1-Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, Indiana 46249
10-Clerk of Court, ATTN: JALS-CC, 901 N. Stuart Street, Suite 1200, Arlington, Virginia 22203
1-Cdr, 76th MP DET (CID), 11th MP BN CID
1-Director, U.S. Army Crime Records Center, 6010 6th Street, Fort Belvoir, Virginia 22060-5506
1-HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, Virginia 22060-5506
1-HQDA, Office of the PMG, ATTN: MP Operations Division, 2800 Army Pentagon, Washington, DC 20310-2800
1-Record Set
1-Reference Set

b6, 7c

8

02-369-23539-SH

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
FORT BLISS, TX 79916-6816

GENERAL COURT-MARTIAL ORDER
NUMBER 10.1

24 July 2006

Sergeant [redacted] U.S. Army, 377th Military Police Company, Detachment 1, 520 South Woodcrest Drive, Bloomington, Indiana, 47401-5336, was arraigned at Fort Bliss, Texas, on the following offenses at a general court-martial convened by Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

Charge I. Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: (Redesignated as "The Specification" of Charge I.): Between on or about 20 September 2002 and on or about 25 September 2002, at or near Bagram Airfield, Afghanistan, unlawfully strike [redacted] (a.k.a. [redacted]) by throwing him against a wall while his hands and feet were shackled. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: On or about 28 November 2002, at or near Bagram Airfield, Afghanistan, unlawfully strike [redacted] (a.k.a. [redacted]) in the leg with a knee. Plea: Not Guilty. Finding: Dismissed on motion of Defense Counsel.

Charge II. Article 93. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: (Redesignated as "The Specification" of Charge II.): Between on or about 20 September 2002 and on or about 25 September 2002, at or near Bagram Airfield, Afghanistan, maltreat [redacted] a.k.a. [redacted], a person subject to his orders, by throwing him against a cell wall while his hands and feet were shackled. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: On or about October 2002, at or near Bagram Airfield, Afghanistan, maltreat [redacted] (a.k.a. [redacted]), a person subject to his orders, by striking him in the leg with a knee. Plea: Not Guilty. Finding: Dismissed on motion of Defense Counsel.

Additional Charge I. Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification: Between on or about 30 November 2002 and on or about 3 December 2002, at or near Bagram Airfield, Afghanistan, unlawfully strike H. (a.k.a. BT 412), in the leg with his knee. Plea: Not Guilty. Finding: Not Guilty.

Additional Charge II. Article 93. Plea: Not Guilty. Finding: Not Guilty.

Specification: Between on or about 30 November 2002 and on or about 3 December 2002, at or near Bagram Airfield, Afghanistan, maltreat H. (a.k.a. BT 412), a person subject to his orders, by striking H.in the leg with his knee. Plea: Not Guilty. Finding: Not Guilty.

b6, 7C

9

The findings were announced on 23 February 2006. All rights, privileges and property of which the accused has been deprived by virtue of these proceedings will be restored.

BY COMMAND OF MAJOR GENERAL [redacted]

[redacted]
[redacted]1, USA
[redacted]gal Administrator

DISTRIBUTION:
1-Accused
1-Military Judge (LTC [redacted]
1-Trial Counsel (CPT [redacted]
1-Defense Counsel (CPT [redacted]
1-Chief, Criminal Law Division
1-Legal Administrator
1-Cdr, 377th MP Co, Det. 1, 520 S. Woodcrest Drive, Bloomington, Indiana 47401-5336
1-Cdr, HHB, USAADACENFB
1-Cdr, 76th MP Bn
1-Cdr, Garrison Command
1-ATZC-DHR-AGR, ATZC-DRM-F, ATZC-PM
2-Cdr, USAADACENFB, ATTN: SJA
1-Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, Indiana 46249
10-Clerk of Court, ATTN: JALS-CC, 901 N. Stuart Street, Suite 1200, Arlington, Virginia 22203
1-Cdr, 76th MP DET (CID), 11th MP BN CID
1-Director, U.S. Army Crime Records Center, 6010 6th Street, Fort Belvoir, Virginia 22060-5506
1-HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, Virginia 22060-5506
1-HQDA, Office of the PMG, ATTN: MP Operations Division, 2800 Army Pentagon, Washington, DC 20310-2800
1-Record Set
1-Reference Set

bc. 7C

10

02-369 23538 - 5H

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
FORT BLISS, TEXAS 79916-6816

SPECIAL COURT-MARTIAL ORDER NUMBER 1

12 January 2006

SSG [redacted] U.S. Army, Headquarters and Headquarters Battery, United States Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916, was arraigned at Fort Bliss, Texas, on the following offenses at a Special court-martial convened by Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

Charge I. Article 92. Plea: None Entered. Finding: None Entered.

Specification: Derelict in the performance of his duties on or about 1 Dec 02 and on or about 3 Dec 02. Plea: None Entered. Finding: None Entered.

Charge II. Article 93. Plea: None Entered. Finding: None Entered.

Specification: Maltreat Habibullah between on or about 1 Dec 02 and on or about 3 Dec 02. Plea: None Entered. Finding: None Entered.

ACTION

The accused having been arraigned, the proceedings were terminated on 20 December 2005 because the convening authority withdrew and dismissed, without prejudice, all charges and specifications. All rights, privileges, and property of which the accused has been deprived by virtue of these proceedings will be restored.

b6, 7C

11

BY COMMAND OF BRIGADIER GENERAL [redacted]

[redacted]
CW2, JA
Legal Administrator

DISTRIBUTION:
1-Accused
1-Military Judge (LTC [redacted]
1-Trial Counsel (CPT [redacted]
1-Defense Counsel (Mr. [redacted]
1-Chief, Criminal Law Division
1-Legal Administrator
1-Cdr, HHB, USAADACENFB
1-Cdr, 377th MP Co
1-Cdr, 76th MP Bn
1-Cdr, 384th MP Bn
1-Cdr, 300th MP BDE
1-Cdr, 88th RRC
1-Cdr, Garrison Command
1-Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, Indiana 46249
4-Clerk of Court, ATTN: JALS-CC, 901 N. Stuart St. Suite 1200, Arlington, VA 22203
1-Cdr, 76th MP DET (CID), 11th MP BN CID
1-Director, U.S. Army Crime Records Center, 6010 6th Street, Fort Belvoir, Virginia 22060-5506
1-Record Set
1-Reference Set

b6, 7C

12

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
FORT BLISS, TEXAS 79916-6816

SPECIAL COURT-MARTIAL ORDER
NUMBER 21[redacted] 1 November 2005

SGT [redacted] U.S. Army, Headquarters and Headquarters Battery, United States Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916, was arraigned at Fort Bliss, Texas, on the following offenses at a Special court-martial convened by Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

Charge I. Article 93. Plea: None Entered. Finding: None Entered.

Specification: Maltreat Habibullah on or about 30 Nov 02 and on or about 4 Dec 02. Plea: None Entered. Finding: None Entered.

Charge II. Article 107. Plea: None Entered. Finding: None Entered.

Specification: False official statement on or 26 Jan 04. Plea: None Entered. Finding: None Entered.

Charge III. Article 128. Plea: None Entered. Finding: None Entered.

Specification: Unlawfully strike Habibullah between on or about 30 Nov 02 and on or about 4 Dec 02. Plea: None Entered. Finding: None Entered.

ACTION

The accused having been arraigned, the proceedings were terminated on 6 September 2005 because the convening authority withdrew and dismissed, without prejudice, all charges and specifications. All rights, privileges, and property of which the accused has been deprived by virtue of these proceedings will be restored.

13

b6, 7C

BY COMMAND OF BRIGADIER GENERAL [redacted]

[redacted]
CW2, JA
Legal Administrator

DISTRIBUTION:
1-Accused
1-Military Judge (LTC [redacted]
1-Trial Counsel (CPT [redacted]
1-Defense Counsel (CPT [redacted]
1-Chief, Criminal Law Division
1-Legal Administrator
1-Cdr, HHB, USAADACENFB
1-Cdr, 377th MP Co
1-Cdr, 76th MP Bn
1-Cdr, 384th MP Bn
1-Cdr, 300th MP BDE
1-Cdr, 88th RRC
1-Cdr, Garrison Command
1-Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, Indiana 46249
4-Clerk of Court, ATTN: JALS-CC, 901 N. Stuart St. Suite 1200, Arlington, VA 22203
1-Cdr, 76th MP DET (CID), 11th MP BN CID
1-Director, U.S. Army Crime Records Center, 6010 6th Street, Fort Belvoir, Virginia 22060-5506
1-Record Set
1-Reference Set

b6, 7C

14

DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
BAGRAM BRANCH OFFICE, 3rd MILITARY POLICE GROUP (CID)
BAGRAM AIR BASE, AFGHANISTAN APO AE 09354

CIRC-BBO (195-2b) 8 October 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION – **FINAL(C)** – 0134-02-CID369-23533 – 5H9B/~~5H4J~~/5C2B/~~5S1~~/5Y2E/5X6/5M3A/9G1/9G2C
5H4J 5H3M

1. **DATES/TIMES/LOCATIONS OF OCCURRENCES**:
1. 4 DEC 2002/0040Z (4 DEC 2002/0510 BAGRAM LOCAL TIME); ISOLATION CELL #7; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354
2. 1 DEC 2002/0001 – 4 DEC 2002/0510 BAGRAM LOCAL TIME; BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354
3. 3 DEC 2002/1650 BAGRAM LOCAL TIME; ISOLATION CELL #6, BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

2. **DATE/TIME REPORTED**: 4 DEC 2002, 0220

3. **INVESTIGATED BY**: SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] A [redacted] SA [redacted] SA [redacted] SA [redacted], SA [redacted], SA [redacted] SA [redacted]

4. **SUBJECT**: 1. [redacted] CPT; [redacted], RAF LAKENHEATH, UK; FEMALE; WHITE; ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [FALSE OFFICIAL STATEMENT (UNFOUNDED)], [CONSPIRACY (UNFOUNDED)], [DERELICTION OF DUTY].

2. [redacted] SPC; [redacted] FERGUS FALLS, MN; FEMALE; WHITE; ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; AKA: HIGGINBOTHAM; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [DERELICTION OF DUTY]

3. [redacted], SPC; [redacted] FAIRFAX, VA; MALE; WHITE; ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE

b2, b6, 7C

15

CORPS, FORT BRAGG, NC 28310; FC; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [DERELICTION OF DUTY]

4. [redacted] CIV; (FORMERLY SSG) [redacted] NEWPORT NEWS, VA; MALE; WHITE; FORMERLY OF ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [DERELICTION OF DUTY], [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [CONSPIRACY (UNFOUNDED)].

5. [redacted] SPC; [redacted] CINCINNATI, OH; MALE; BLACK; 377TH MP COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT (UNFOUNDED)], [MAIMING (UNFOUNDED)], [INVOLUNTARY MANSLAUGHTER (UNFOUNDED)].

6. [redacted] SGT; [redacted] INDIANAPOLIS, IN; MALE; WHITE; 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

7. [redacted] SSG; [redacted] LOUISVILLE, KY; MALE; WHITE; 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [DERELICTION OF DUTY]

8. HABIBULLAH, MULLAH [DECEASED]; AFGHAN CIV; APROXIMATELY 30 YOA, TARI, AFGHANISTAN; MALE; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) 412; AKA: ULLAH; (NFI); [ASSAULT: AFGHAN PENAL CODE OF 1976], [ATTEMPTED ESCAPE]

9. [redacted] SPC; [redacted] BLOOMINGTON, IN; MALE; WHITE; 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

10. [redacted] SPC; [redacted] BLOOMINGTON, IN; MALE; WHITE; 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT

b6, 7C

16

CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

11. [redacted] SPC; [redacted] FRANKFURT, KY; MALE; WHITE; 377TH MP COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT]

12. [redacted] SGT; [redacted] MARIMONT, OH; MALE; WHITE; 377TH MP COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT]

13. [redacted] PC; [redacted] JEFFERSONVILLE, IN; MALE; WHITE; 377TH MP COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT]

14. [redacted] SGT; [redacted] CINCINNATI, OH; MALE; WHITE; 377TH MP COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT], [DERELICTION OF DUTY]

15. [redacted] SPC; [redacted] MIDLAND, MI; MALE; WHITE; 377TH MP COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT]

16. [redacted] CPT; [redacted] ; ONONDAGA, NY; MALE; WHITE: 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT], [DERELICTION OF DUTY], [NEGLIGENT HOMICIDE (UNFOUNDED)], [FAILURE TO OBEY LAWFUL ORDER (UNFOUNDED)], [CONSPIRACY (UNFOUNDED)].

5. VICTIM: 1. HABIBULLAH, MULLAH [DECEASED]; AFGHAN CIV; APPROXIMATELY 30 YOA; TARI, AFGHANISTAN; MALE; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) 412; AKA: ULLAH; (NFI); [NEGLIGENT HOMICIDE (UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT CONSUMMATED BY A BATTERY].

b6, 7C

17

2. UNKNOWN; CIV; AFGHANISTAN; MALE; OTHER; BCP, BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) [redacted] (NFI); [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT CONSUMMATED BY A BATTERY].

3. US GOVERNMENT (BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354); [ATTEMPTED ESCAPE], [DERELICTION OF DUTY], [FALSE OFFICIAL STATEMENT]

4. [redacted] SPC [redacted] FRANKFURT, KY; MALE; WHITE; 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976 (UNFOUNDED)]

5. [redacted] SSG; [redacted] FORT THOMAS, KY; MALE; WHITE; 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

6. [redacted] SPC; [redacted] BLOOMINGTON, IN; MALE; WHITE; 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

7. [redacted] SGT; [redacted] INDIANAPOLIS, IN; MALE; WHITE; 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

INVESTIGATIVE SUMMARY:

"THIS IS A STRONGHOLD FREEDOM INVESTIGATION."

On 4 Dec 02, SA [redacted] CITF, Bagram Collection Point (BCP), Bagram Airfield, Afghanistan, APO AE 09311 (BAF), reported a Person Under Control (PUC) died after being found in his cell unconscious with shallow breathing.

On 8 Dec 02, LTC (Dr) [redacted] Armed Forces Regional Medical Examiner, Landstuhl Regional Medical Center, APO AE 09180, conducted an autopsy of HABIBULLAH's remains. LTC [redacted] opinion was the cause of HABIBULLAH's death was a pulmonary embolism brought about by a blood clot in the pulmonary artery near the heart. The manner of death was homicide.

Investigation established probable cause to believe HABIBULLAH succumbed to a pulmonary embolism caused by a combination of blunt force trauma (inflicted by members of the MP Company Guard force) to his lower legs, and prolonged standing

restraint during the four days he was held at the Bagram Collection Point (BCP), Afghanistan. Investigation has demonstrated the unlawful use of force by the MPs listed above (in the form of common peroneal knee strikes) to HABIBULLAH's legs, combined with the use of standing restraint and sleep deprivation at the direction of MI soldiers identified above, caused his death. Enforced standing (achieved through chaining to the ceiling) was used both as a punishment and as a part of sleep deprivation. The conduct of the soldiers was outside the scope of their training and authority in the lawful execution of their duties, it further constitutes Assault Consummated by a Battery and Cruelty/Maltreatment of a person in their care, custody and control.

Investigation did not establish probable cause to believe any of the subjects committed the crime of Negligent Homicide. The autopsy finding, a blunt force injury to HABIBULLAH's left leg was where a fatal blood clot formed, is only supported by a preponderance of evidence. The investigation did not conclusively establish the individual who was responsible for that specific injury. Further, the medical examiner's opinion is that, regardless of the any blunt force injury, a significant factor in HABIBULLAH's death was prolonged, enforced, standing by restraint. The prolonged, enforced standing caused blood to pool in the victim's legs, significantly aiding in the formation of the blood clot that became a fatal pulmonary embolism. The investigation did not conclusively determine a single individual was responsible for ordering or approving this course of prolonged standing restraint.

Investigation established probable cause to believe [redacted] committed the offense of Dereliction of Duty for failure to conduct interrogations within applicable policies. According to the CJ2 (COL [redacted] the only authorized techniques for interrogations in the BCP were those outlined in FM 34-52. That manual specifically prohibits physical contact. However, the evidence indicates that all listed individuals used, condoned or ratified physical contact during interrogations.

Investigation established credible information to believe MI Interrogators [redacted] committed the offenses of Assault & Cruelty/Maltreatment in their physical assaults on PUC [redacted] (NFI). [redacted] were observed by witnesses pulling on a detainee's beard, yanking his head around by his beard, kicking him in the buttocks and legs and forcing detainees to maintain contorted, painful body positions during interviews. FM 34-52 (Intelligence Interrogation) specifically prohibits use of force during interrogations. AR 190-8, paragraph 2-1a(1)(d) states, "The use of physical or mental torture or any coercion to compel prisoners to provide information is prohibited." It further states, "Prisoners may not be threatened, insulted, or exposed to unpleasant or disparate treatment of any kind because of their refusal to answer questions." Investigation established credible information to believe this misconduct was reported to [redacted] the MI NCOIC, who excused it as necessary to the mission, did nothing to stop the behaviors, and failed to report it or prevent further occurrences.

Investigation established credible information to believe HABIBULLAH physically assaulted members of the 377th MP Guard Company ([redacted] and [redacted] when he kicked [redacted] in the groin, punched [redacted] and attempted to escape confinement by grabbing [redacted] shoving him and running from his cell. During these incidents, [redacted], [redacted] and [redacted] delivered blows with their fists and knees to defend themselves, subdue HABIBULLAH and prevent his escape, as allowed for under the self-defense provision of Use of Force guidance. Investigation established probable cause to unfound the offense of Assault, as it relates to an incident wherein [redacted] reported HABIBULLAH spat on him. [redacted] later admitted the incident was embellished.

Investigation established credible information to believe MP Guard Force Company personnel ([redacted] and [redacted] and [redacted]) committed the offenses of Assault Consummated by Battery and Cruelty/Maltreatment when they delivered strikes, with their knees, to the lateral aspect of the thigh region of HABIBULLAH as punishment for non-compliance with procedures or directives. On at least one occasion [redacted] sought and gained permission to strike the shackled detainee from [redacted] MP Sergeant of the Guard (SOG), establishing credible information to believe SSG [redacted] is a principal and as such also committed the offense of Assault Consummated by Battery and Cruelty/Maltreatment.

Additionally, members of the MP guard force placed HABIBULLAH in "standing restraint" as punishment. This was achieved by chaining his arms overhead to a fixed object (ceiling) for varying periods of time ranging from 30 minutes to several hours. AR 190-47, paragraph 12-10e, prohibits the use of irons, restraining straps and jackets, shackles, hand irons, or legs irons as punishments and prohibits fastening prisoners to stationary objects. Securing a prisoner to a fixed object is also prohibited under AR 190-47, paragraph 9-7e, except in emergencies. AR 190-8, paragraph 6-11a(4) prohibits "inhumane, brutal or dangerous" disciplinary punishments and specifies the "age, sex and health of the civilian internee will be considered."

The deliberate blows to restrained individuals, the use of shackling/restraint devices as punishment and for sleep deprivation (directed by MI interrogators), collectively constitute unnecessary, excessive physical force and violence to persons under the care, custody and control of US forces, and who are entitled to protection IAW AR 190-8, paragraph 1-5 (Enemy Prisoner of War, Retained Persons, Civilian Internees and Other Detainees) and therefore constitute Assault and Cruelty/Maltreatment.

Probable cause exists to believe [redacted] committed Dereliction of Duty because, as a detainee guard force noncommissioned officer (NCO), it was his duty to ensure detainees were treated humanely and not subjected to assaults. He violated this duty when he failed to correct soldiers who bragged about their use of excessive force against various detainees. He also committed Assault and Maltreatment when he authorized or ordered soldiers to give unnecessary knee strikes to a restrained detainee.

b6, 7C

2c

Previously listed offenses regarding [redacted] were unfounded based upon insufficient evidence to indicate criminal intent. Evidence indicates [redacted] repeatedly sought guidance on permissible interrogation techniques. However, [redacted] was derelict in the performance of her duties in that she sought to go beyond the guidance in FM 34-52, approved for use in Bagram, and failed to ensure her subordinates acted IAW this guidance. Evidence also indicates she and [redacted] condoned interrogation techniques beyond that allowed in FM 34-52, but there is no direct evidence [redacted] and [redacted] were acting in concert with regard to physical assaults of detainees.

The offenses of Negligent Homicide and Conspiracy were unfounded as they relate to [redacted], due to the fact there is insufficient evidence to believe [redacted] acts or omissions were the legal cause of HABIBULLAH's death. Legally, sufficient evidence of intervening officer and senior NCO chain of command supervision exists to mitigate [redacted] responsibility for the abuses by his soldiers. Failure to Obey a Lawful Order was unfounded because credible evidence indicates [redacted] tempted to comply with the order of the BCP legal advisor to end the practice of overhead chaining prior to the second death (as documented in CID ROI #0137-02-CID369-23533) and his soldiers simply failed to follow that guidance. The offenses of Dereliction of Duty and False Official Statement with regard to [redacted] remain valid in that there is still probable cause to believe [redacted] did not adequately investigate complaints of abuse of detainees advanced by the ICRC and deliberately mislead investigators about the conduct of his soldiers during the investigations of both deaths.

Investigation to date has found no existing CJTF180 guidance authorizing any of the described actions as approved tactics, techniques and procedures (other than the use of standing restraint as a disciplinary measure in the BCP SOP). The responsibility of supervisory personnel [redacted] and [redacted] was to ensure their subordinates were acting IAW existing guidance, which they failed to accomplish.

STATUTES:

Article 92, UCMJ: Dereliction of Duty
Article 93, UCMJ: Maltreatment of a Prisoner
Article 107, UCMJ: False Official Statement
Article 119, UCMJ: Manslaughter
Article 134, UCMJ: Negligent Homicide
Article 128, UCMJ: Assault Consummated by a Battery
Article 80, UCMJ: Attempted Escape
Afghan Penal Code of 1976: Assault

EXHIBITS/SUBSTANTIATION:

ATTACHED:

1. Agent's Investigative Report (AIR) of SA [redacted] dated 11 Dec 02, detailing initial notification of the death; interview of 1LT [redacted] preliminary

observations related to the remains of HABIBULLAH; interviews of CPT [redacted] and MAJ (Dr) [redacted]; death scene examination; collection of records related to the custody and care of HABIBULLAH; interviews of SPC [redacted] nd SFC [redacted] various briefings and coordinations with CITF180 leadership; interviews of SSG [redacted] SPC [redacted] Interpreter); coordination with AFIP; interviews of SGT [redacted] SPC [redacted] SPC [redacted] AFIP medico-legal autopsy; interviews of CPT [redacted] SSG [redacted], SFC [redacted] SPC [redacted] SSG [redacted] nd SGT [redacted]; the conduct of a field test for drugs of a substance in HABIBULLAH's belongings; the conduct of a health and welfare inspection of MP belongings by the 377th MP Co; and receipt of the Death Certificate.

2. Copy of medical treatment packet recording care for HABIBULLAH on the night of his death, including SF Form 600, Chronological Record of Medical Care, dated 4 Dec 02; DA Form 3894, Hospital Report of Death; and blood work, EKG strips and various lab results.

3. Sworn Statement of SPC [redacted], dated 4 Dec 02, detailing his observations and actions relating to the collapse and death of HABIBULLAH.

4. Sworn Statement of SFC [redacted] dated 4 Dec 02, detailing his initial notification of the death and actions subsequent becoming aware of the death.

5. Sworn Statement of SSG [redacted] ated 4 Dec 02, detailing his observations and actions as the Sergeant of the Guard (SOG) on duty in the BCP on the night of HABIBULLAH's death.

6. Sworn Statement of SPC [redacted] dated 4 Dec 02, detailing his actions and response relative to the collapse and subsequent death of HABIBULLAH.

7. Sworn Statement of SGT [redacted] dated 4 Dec 02, detailing his knowledge of health issues HABIBULLAH demonstrated during his last interview with MI on 3 Dec 02.

8. Sworn Statement of SPC [redacted], dated 5 Dec 02, detailing his interactions with and treatment of HABIBULLAH during his incarceration within the BCP from 30 Nov to 4 Dec 02.

9. CID Form 36E, Field Test Analysis of Suspected Controlled Substances, dated 7 Dec 02, prepared by SA [redacted] which documented his screening of a substance found among HABIBULLAH's personal effects and produced negative results for the presence of marijuana, heroin and cocaine.

10. Copy of DD Form 565, Statement of Recognition of Deceased, dated 9 Dec 02, in which 1LT [redacted] verifies HABIBULLAH's remains.

11. DD Form 2064, Certificate of Death, prepared by Dr. [redacted] on 8 Dec 02, listing HABIBULLAH's cause of death as pulmonary embolism and his manner of death was deferred pending further investigation.

12. DD Form 2064, Certificate of Death, prepared by Dr [redacted] n 14 Dec 02, listing HABIBULLAH's death a result of a pulmonary embolism and ruled it a homicide.

13. Copy of Sworn Statement of SSG [redacted], dated 10 Dec 02, (unsigned) detailing his actions and observations relevant to the treatment of and interaction with HABIBULLAH during his incarceration and describing an assault he suffered at the hands of HABIBULLAH.

14. AIR of SA [redacted], dated 23 Dec 02, detailing suspect interviews with 377th MPs (SPC [redacted] SGT [redacted] SPC [redacted] SPC [redacted] SSG [redacted] SPC [redacted] SSG [redacted] SSG [redacted] SPC [redacted] SGT [redacted] SGT [redacted] SGT [redacted] SPC [redacted] SGT [redacted] SGT [redacted] and SGT [redacted] and 519th MI Interrogators (SPC [redacted], SPC [redacted] SGT [redacted] SPC [redacted] SPC [redacted] SPC [redacted] and SGT [redacted]); witness interviews of Titan Services Civilian Interpreters ([redacted] and [redacted]) briefings of various personnel in CJTF180 leadership (COL [redacted], MAJ [redacted] MAJ [redacted] and COL [redacted]

15. Waiver Certificate and Statement of SPC [redacted] dated 16 Dec 02, in which he denied striking HABIBULLAH, but reported SPC [redacted] struck [redacted] [as documented in CID ROI #0137-02-CID369-23534].

16. Waiver Certificate and Statement of SGT [redacted] dated 16 Dec 02, in which [redacted] recounted an incident in which HABIBULLAH kicked him in the groin during in processing and another incident in which there was a struggle involving multiple MPs and the detainee was physically overpowered by MPs [redacted] admitted to striking HABIBULLAH twice in the shoulder with a closed fist in order to gain his compliance, when the detainee pinned [redacted] hand between his (HABIBULLAH's) legs.

17. Waiver Certificate and Statement of SPC [redacted] dated 16 Dec 02, detailing his observation of HABIBULLAH spitting on SPC [redacted] on 3 Dec 02. [redacted] also denied striking HABIBULLAH or seeing anyone else strike him. [redacted] admitted to striking [redacted] conduct documented in CID ROI #0137-02-CID369-23534.

18. Waiver Certificate and Statement of SPC [redacted] dated 17 Dec 02, detailing his interaction with HABIBULLAH during his incarceration. [redacted] recounted an escape attempt by the detainee and admitted to striking HABIBULLAH multiple times in the common peroneal area (using his knee) with the permission of SSG

b6, 7C

23

[redacted] the SOG. He also observed SPC [redacted] also strike the detainee multiple times in the presence of and with the permission of SSG [redacted] the SOG.

19. Sworn Statement of Mr [redacted] dated 17 Dec 02, detailing his observations during MI interrogations of [redacted] wherein he observed SGT [redacted] and SPC [redacted] repeatedly assault and bully the detainee. [redacted] eported the misconduct to SSG [redacted] MI NCOIC who dismissed and excused the conduct as "necessary", as documented in CID ROI #0137-02-CID369-23534.

20. Waiver Certificate and Statement of SPC [redacted] dated 17 Dec 02, denying any contact with HABIBULLAH. [redacted] nade statements related to his manhandling of [redacted] and SPC [redacted] administering water to [redacted] during an interview session, as documented in CID ROI #0137-02-CID369-23534.

21. Waiver Certificate and Statement of SPC [redacted] dated 17 Dec 02, detailing his recollection of an interview session with HABIBULLAH conducted by SGT [redacted] stated [redacted] reported being struck by the MPs (NFI) in his left outer thigh, as documented in CID ROI #0137-02-CID369-23534.

22. Waiver Certificate and Statement of SGT [redacted] dated 17 Dec 02, detailing her use of physically painful stress positions/techniques, and physical manipulation of [redacted], during interrogations, as documented in CID ROI #0137-02-CID369-23534. [redacted] admitted to striking [redacted] in the back of his knee to force him into a kneeling position. No information relevant to contact with HABIBULLAH is contained within the statement.

23. Sworn Statement of [redacted] dated 18 Dec 02, detailing his observations relevant to interrogations of HABIBULLAH. He denied observing inappropriate behavior from MI Interrogators related to HABIBULLAH. [redacted] recounted multiple assaults by [redacted] and [redacted] upon [redacted] as documented in CID ROI #0137-02-CID369-23534. He also described [redacted] force feeding water into [redacted] mouth, choking him, as documented in CID ROI #0137-02-CID369-23534.

24. Sworn Statement of [redacted], dated 18 Dec 02, describing an interview session with HABIBULLAH one day prior to the detainee's death, wherein HABIBULLAH complained of pain in his chest and abdomen. [redacted] also reported HABIBULLAH was unable to bend his knees and had to sit on the floor, he was also spitting up phlegm throughout the interview. [redacted] lso recounted talking with [redacted] at the request of the MPs (NFI), while he was chained to the ceiling in his cell, complaining he needed medication. [redacted] eported the complaint to the MPs (NFI) who checked the detainee's nails and dismissed the matter, stating the man was fine, as documented in CID ROI #0137-02-CID369-23534.

25. Sworn Statement of [redacted] dated 18 Dec 02, detailing he observed no abuse of HABIBULLAH and could only recall participating in one interview with him. He reported MI Interrogators SPC [redacted] and SPC [redacted], kicked the buttocks of

b6, 7C

24

[redacted] (NFI) and pulled his beard. [redacted] left the interview suite and reported the conduct to SSG [redacted] MI NCOIC, who dismissed the incident as permitted.

26. Waiver Certificate and Statement of SPC [redacted] dated 18 Dec 02, in which he stated he had no contact with HABIBULLAH. [redacted] details his contact this [redacted] and complaints from other PUCs ([redacted]) regarding other abuse, as documented in CID ROI #0137-02-CID369-23534.

27. Waiver Certificate and Statement of SPC [redacted] dated 18 Dec 02, detailing his involvement in three interview sessions of HABIBULLAH, wherein SGT [redacted] was the lead interrogator. He denied either interrogator abused HABIBULLAH, but they were told by the detainee that the MPs (NFI) beat him. [redacted] recalled HABIBULLAH was carried into all the interviews and never walked under his own power.

28. Non-Waiver Certificate of SPC [redacted] dated 19 Dec 02.

29. Waiver Certificate and Statement of SGT [redacted] dated 19 Dec 02, denying he struck or observed anyone strike HABIBULLAH, but admitted he heard rumors the MP Guards (NFI) struck him. [redacted] reported HABIBULLAH entered each of the first two interviews under his own power, but was carried into the last (third) interview. He noted HABIBULLAH was spitting up a thick substance, which the interpreter told him was a by-product of discontinuing the use of a local tobacco product.

30. Waiver Certificate and Statement of SSG [redacted], dated 19 Dec 02, admitting he granted permission for SPC [redacted] to strike HABIBULLAH for lifting his hood. [redacted] recalled [redacted] was told to make the strikes "light". [redacted] further recounted [redacted] complained his head hurt, [redacted] thought he was dehydrated and administered water to him. [redacted] described [redacted] as not problematic and stated he had no knowledge of anyone striking him, as documented in CID ROI #0137-02-CID369-23534.

31. Waiver Certificate and Statement of SPC [redacted] dated 19 Dec 02, admitting he struck HABIBULLAH several times at the direction of SSG [redacted] and witnessed SPC [redacted] strike him several times, because the detainee was lifting his hood.

32. Waiver Certificate and Statement of SSG [redacted] dated 20 Dec 02, detailing his effort to attempt to feed HABIBULLAH, on the night of his death. [redacted] also recounted being briefed by the previous shift that each time HABIBULLAH raised his hood, the guards administered common peroneal strikes.

33. Waiver Certificate and Statement of SSG [redacted] dated 20 Dec 02, denying he had any involvement with HABIBULLAH. [redacted] recounted he was involved in an incident on 9 Dec 02, with [redacted] wherein the detainees was placed in corrective restraints for talking and refusing to stand. [redacted] described the

configuration of the chaining and indicated [redacted] hands were over his head. [redacted] used another PUC [redacted] to translate and learned [redacted] felt his cuffs were too tight and he wanted to be permitted to rest/sleep. [redacted] attempted to adjust the cuffs and a fight ensued, during which [redacted] observed SPC [redacted] administer one common peroneal strike. Multiple MPs responded and the detainee was taken to the floor, ultimately he was shackled to stretcher and placed in an Isolation Cell, as documented in CID ROI #0137-02-CID369-23534.

34. Waiver Certificate and Statement of SPC [redacted] dated 21 Dec 02, admitting he delivered several common peroneal strikes to HABIBULLAH during his incarceration. [redacted] made similar admissions related to his abuse of [redacted] as documented in CID ROI #0137-02-CID369-23534.

35. Waiver Certificate and Statement of SGT [redacted] dated 21 Dec 02, in which he described HABIBULLAH's spitting on SPC [redacted] on 3 Dec 02 and observing the detainee later that evening unresponsive. [redacted] denied striking or seeing anyone else strike HABIBULLAH. [redacted] recounted enforcing a course of sleep deprivation used on [redacted] at the direction of MI (NFI) and [redacted] requested use of the restroom as a ruse to get some rest from being chained standing all night. [redacted] also recounted SPC [redacted] force feeding water down [redacted] throat during an interview session, all conduct documented in CID ROI #1037-02-CID369-23534.

36. Waiver Certificate and Statement of SGT [redacted] dated 21 Dec 02, admitting he used pressure point control techniques (under his nose) to motivate HABIBULLAH to comply with directions. [redacted] denied any use of common peroneal strikes on any PUCs, based upon the extreme difference in height between him and most detainees he stated it unsuitable for use. [redacted] denied any significant involvement with [redacted]

37. Waiver Certificate and Statement of SGT [redacted], dated 22 Dec 02, wherein he references an earlier statement on 10 Dec 02 (contained with CID ROI #0137-02-CID369-23534) and denying any involvement with HABIBULLAH. [redacted] stated he observed [redacted], [redacted] and [redacted] strike [redacted] on separate occasions, inside the cell, but he felt the use of force was lawful.

38. Waiver Certificate and Statement of SPC [redacted], dated 22 Dec 02, admitting he assisted SFC [redacted] in restraining HABIBULLAH when he stuck his hands out of the Isolation Cell. [redacted] also recounted a struggle in the airlock with multiple MPs and [redacted] wherein [redacted] struck the detainee with a common peroneal strike, as documented in CID ROI #0137-02-CID369-23534. [redacted] also described CPR efforts by MPs on the night of [redacted] death.

39. Waiver Certificate and Statement of SGT [redacted] dated 22 Dec 02, admitting he participated with [redacted], [redacted], [redacted] and [redacted] in chaining HABIBULLAH to the ceiling in the Isolation Cell with his hands over his

head. He witness [redacted] strike the detainee three times in common peroneal area and observed [redacted] chastise [redacted] for unnecessary use of force.

40. Non-Waiver Certificate of SGT [redacted] dated 22 Dec 02.

41. Waiver Certificate and Statement of SGT [redacted] dated 23 Dec 02, wherein he denies having any contact with HABIBULLAH. He recounted the airlock incident in which multiple MPs restrained [redacted] as documented in CID ROI #0137-02-CID369-23534. [redacted] denied striking either detainee, but confirmed SGT [redacted] recollection of [redacted] ruse in using the restroom to obtain a break from standing restraint. He observed [redacted] deliver one common peroneal strike to [redacted]

42. AIR of SA [redacted] dated 21 Jan 03, documenting the interview of the MI NCOIC (SSG [redacted]); and 377th MPs (SPC [redacted], SPC [redacted] and SSG [redacted]

43. Waiver Certificate and Statement of SSG [redacted] dated 26 Dec 02, detailing he was the NCOIC of the MI Unit, Platoon Sergeant and in charge of MI Operations in the BCP. [redacted] recalled [redacted] told him HABIBULLAH was treated harshly by the MPs (NFI) and that the detainee was openly combative with MPs requiring him to be subdued. [redacted] admitted [redacted] informed him [redacted] and [redacted] physically assaulted [redacted] He talked with [redacted] and she described the incident very differently. [redacted] stated he reinforced with [redacted] the rules that MI followed which did not permit abusive physical contact with detainees, as documented in CID ROI #0137-02-CID369-23534. [redacted] admitted he was informed of SPC [redacted] use of water on [redacted] and he felt the complaints were not credible and did not bear further scrutiny. [redacted] defended the use of "stress techniques/safety positions" as being in line with existing DoD policy.

44. Sworn Statement of SPC [redacted] dated 31 Dec 02, wherein he describes the training the 377th MP Company received on the use of common peroneal strikes and pressure point control techniques (PPCT). [redacted] was the alternate trainer for his platoon, based on certification he had with the Indiana State Police (ISP) and the Indiana Law Enforcement Academy (ILEA).

45. Sworn Statement of SPC [redacted] dated 31 Dec 02, wherein he describes the training the 377th MP Company received on the use of common peroneal strikes and pressure point control techniques (PPCT) [redacted] was the trainer for his platoon, based on certification with the Indiana Law Enforcement Academy (ILEA) and in Basic Training and AIT at Fort Leonard Wood, MO.

46. Waiver Certificate and Statement of SSG [redacted] dated 21 Jan 03, in which he adopts his earlier statement of 10 Dec 02 (Exhibit 13) and admits he struck [redacted] twice with his fist in the detainees' right side, during the aforementioned struggle in the airlock, as documented in CID ROI #0137-02-CID369-23534.

47. AIR of SA [redacted] dated 14 Mar 03, documenting coordination with LTC [redacted] SJA, wherein he was provided copies of all exhibits to the report to date; receipt of the Final Autopsy Protocol of HABIBULLAH; and an interview of CPT [redacted]

48. Final Autopsy Protocol and Toxicological Findings of HABIBULLAH, dated 24 Feb 03, indicating HABIBULLAH died from a pulmonary embolism, secondary to blunt force trauma and his death was a homicide.

49. Sworn Statement of CPT [redacted] dated 14 Mar 03, describing the 377th MP Company's training for their mission in Afghanistan and the Rules for Use of Force in the BCP; [redacted] described the development of the BCP SOP and training the unit received on locations on the body where blows could be delivered safely, as identified in the Monadnock Baton Chart.

50. Monadnock Baton Chart (color coded) indicating areas safe for baton use.

51. AIR of SA [redacted] dated 11 Jun 03, documenting coordination with the 377th MP Company leadership and collection of relevant documents (Permanent Order 179-001, dated 28 Jun 02; the 377th Tactical SOP, dated May 99; and the unit alpha roster, dated 3 Jun 03; Emergency Action SOP and Emergency Reception Procedures); canvass interviews of SFC [redacted] SSG [redacted] SSG [redacted] SSG [redacted] SSG [redacted] SSG [redacted], SSG [redacted] SSG [redacted], SFC [redacted] SPC [redacted] SGT [redacted] SSG [redacted] SGT [redacted] witness interviews of CPT [redacted] SSG [redacted] and suspect interview of SSG [redacted]

52. Permanent Order #179-001, activating 377th MP Company for deployment to Afghanistan, dated 28 Jun 2002.

53. 377th MP Company (Guard) Tactical Standard Operating Procedure (SOP), dated May 1999.

54. 377th MP Company Disturbance/Riot Emergency Action SOP, undated.

55. Sworn Statement of CPT [redacted] dated 8 Jun 03.

56. Sworn Statement of SSG [redacted] dated 8 Jun 03.

57. Waiver Certificate and Sworn Statement of SSG [redacted] 11 Jun 03.

58. AIR of SA [redacted] dated 13 Jun 03, detailing coordination with MI to obtain an classified BCP and MI SOPs (dated 30 Jun 90), reconstruction of facility sketches, collection of a tube of blood (HABIBULLAH), attempts to construct a timeline of events, coordination CITF to locate records on capture of HABIBULLAH, obtaining classified AR 15-6 Report results with accompanying statements obtained by the Investigating Officer and interviews of [redacted] and [redacted]

b6, 7C

28

59. Sketch Packet, depicting interior design layout of BCP and reconstructed crime scene sketches of SA [redacted], dated Apr 03.

60. Timeline, prepared by SA [redacted] of significant events during HABIBULLAH's incarceration.

61. Copy of Sworn Statement of SSG [redacted] dated 16 Jan 03, taken by COL [redacted] 15-6 Officer, detailing his work experience, team composition, techniques applied (including the use of safety positions) and recommended improvements for MI operations within the BCP.

62. Copy of Sworn Statement of CPT [redacted] dated 17 Jan 03, taken by COL [redacted] 15-6 Officer, detailing his unit's pre-deployment and sustainment training, experience, schedule within the BCP, punishments in the BCP, familiarity with the USDB rules on infractions/punishments, understanding of execution of sleep deprivation and improvements suggested for the BCP.

63. Copy of Sworn Statement of CPT [redacted] dated 17 Jan 03, taken by COL [redacted] 5-6 Officer, detailing her unit makeup and experience level, methods used to measure proficiency, sequence and techniques of interrogation, use of sleep deprivation, and limits on use of physical contact with PUCs.

64. AIR of SA [redacted] SA [redacted], dated 24 Aug 2003, detailing the rationale for the formation of the Task Force, observations from review of case file and evidence to date, coordination with subject matter experts (SME) in Army Corrections, preparation and submission of Crime Lab Exam Request to USACIL.

65. Military Police Program of Instruction Training Outline Packet, detailing the tasks, conditions and standards for detention operations and prisoner handling training provided for military police in the summer of 2002.

66. DA Form 3665, Crime Lab Request, dated 24 Aug 03, requesting USACIL examine four items of personal property seized from HABIBULLAH upon arrival at the BCP, as documented under ECD Voucher #0063-02 for poisons, toxins, controlled substances and medications.

67. AIR of SA [redacted] SA [redacted], dated 28 Aug 03, detailing coordination with Titan Services to locate interpreters for interview, interviews of CPT [redacted] (who examined [redacted] at FOB Salerno after his capture) and CPT [redacted] (another physician at FOB Salerno with [redacted].

68. Sworn Statement and Sketch of CPT [redacted] dated 28 Aug 03, detailing his examination of [redacted] PUC [redacted] at Forward Operating Base (FOB) Salerno, shortly after his capture by US Forces.

69. AIR of SA [redacted]/SA [redacted] dated 9 Sep 03, detailing collection as evidence of an After Action Review from the Mobilization Assistance Team (MAT) Ops on the 377th and the Post Mobilization Training Support Requirements (PTSR) of CPT [redacted] on the 377th MP Company's training needs; coordination's with MAT Ops Staff, interviews of CPT [redacted] and SSG [redacted] (who trained the 377th MP Company at Fort Dix, NJ prior to the unit's deployment) and canvass interviews of other trainers with no specific recollection of the 377th MP Company.

70. Copy of AAR, signed by CPT [redacted] dated 30 Jun 02, pertaining to the performance of the 377th MP Company during a Mission Rehearsal Exercise (MRE) on detention operations. [redacted] noted a lack of familiarity with 95C (Corrections) tasks and poor preparation at squad/team level as well as the chain of command and the unit lacked a Tactical SOP for the mission.

71. Copy of PTSR, signed by CPT [redacted] dated 11 Jun 02, detailing his unit's training requirements for five critical task areas in EPW Operations.

72. Sworn Statement of CPT [redacted], dated 9 Sep 03, detailing his observations and responsibilities as the Officer in Charge of the 377th's MRE. [redacted] referenced the same tasks, conditions and standards contained in the above referenced POI (see Exhibit 65) as the grading criteria for the MRE.

73. Sworn Statement of SSG [redacted] dated 9 Sep 03, detailing his observations related to the training of USAR soldiers and instructions by the MAT Ops staff to the 377th MP Company that they were not to use common peroneal (knee) strikes on detainees.

74. AIR of SA [redacted]/SA [redacted], dated 23 Sep 03, detailing coordination with USACIL, Latent Prints Division regarding the patterned impression on the left calf of [redacted] and interview of COL [redacted] USACIL indicated based on the lack of scale on a plane with the injury, they could not reach a conclusion about the genesis of the mark.

75. Sworn Statement of COL [redacted], dated 23 Sep 03, detailing his examination of HABIBULLAH as he was in processed at the BCP on 30 Nov 02. [redacted] noted HABIBULLAH "looked well" with no signs of illness, injury and no medical complaints, other than one cavity in a tooth.

76. AIR of SA [redacted]/SA [redacted], dated 6 Nov 03, detailing interviews of [redacted], and SJA and AFIP coordination's.

77. Sworn Statement of SFC [redacted] dated 7 Oct 03, detailing his observations relevant the 377th MP Company training at Fort Dix, NJ, for which he was a Unit Assistor. [redacted] provided a copy of an email from 1st Army acknowledging the 377th MP Company was below standard in several areas, but directed deployment

30

b6, 7C

anyway. He also provided a copy of correspondence between the 211th MP and the 377th MP Company.

78. Copy of Electronic Message Traffic (Email), dated 26 Jun 02, detailing MAT Ops, Fort Dix, NJ notation the unit did not meet validation criteria and should be REFRAD (Returned for Additional Training). 1st Army response was to fix what they could and deploy the unit on schedule.

79. Copy of Memorandum, entitled "Non MTOE Items Needed for Deployment to KAF", dated 14 Jun 02, signed by CPT [redacted] 211th MP Company. The memo detailed for the 377th MP Company, training requirements specific to detention facility operations.

80. Sworn Statement of CPT [redacted] dated 15 Oct 03, detailing his observations relevant to the 377th MP Company training at Fort Dix, NJ, for which he was a Unit Assistor. [redacted] stated the 377th MP Company taught Unarmed Self Defense (USD) internally and they were instructed batons were not permitted in a US Detention Facility. He confirmed the training conducted at Fort Dix, NJ was IAW with the POI provided in Exhibit 65.

81. Sworn Statement of [redacted] dated 27 Oct 03, detailing his observation of [redacted] restrained in an Isolation Cell with his hands cuffed overhead. [redacted] described observing interpreters (including [redacted] place a detainee in a kneeling position and interlocking her fingers behind his head, forcing his head down until the detainee cooperated. [redacted] also described other positions used to cause physical discomfort to detainees and indicated he could not recall the names of the interrogators but would recognize photographs of them.

82. Sworn Statement of LTC [redacted] dated 29 Oct 03, the physician who pronounced HABIBULLAH dead on 2013Z/3 Dec 02. He indicated HABIBULLAH was dead on arrival at the Emergency Room and he did not attempt to revive him based on his obviously deceased status. [redacted] noted injuries (bruising) to HABIBULLAH's left chest, thigh and nose areas, as well as swelling to the left knee.

83. AIR of SA [redacted] /SA [redacted] dated 20 Nov 03, detailing interviews of Titan Services interpreters ([redacted] and [redacted]; coordination with Regional Medical Examiner ([redacted]) regarding re-enactment photographs contained in photo packet; check with CITF to locate possible witnesses to the incident who were still at the BCP; coordination with 327th MP Bn Cdr (LTC [redacted] coordination with 327th MP Bn Corrections SME (SFC [redacted] and search of BCP for pass-on books, medical records; command briefings of CJTF180 Staff members.

84. Sworn Statement and Sketch of [redacted] dated 15 Nov 03, detailing his observations relevant to interrogations he translated for in which [redacted] and [redacted] physically abused [redacted] They used "safety positions" to cause [redacted] discomfort and kicked him or hit him when he failed to maintain the positions. [redacted]

warned [redacted] not to hit [redacted] "too hard", because [redacted] was so small. [redacted] reported his observations to [redacted] who stated "it was wrong" and indicated he would talk with [redacted]. [redacted] felt [redacted] understood, tolerated and made excuses for the interrogators abusive conduct. He observed [redacted] later making jokes about having physical contact with detainees. [redacted] observed detainees chained to the ceiling of their cells for hours as punishment and he witnessed [redacted] directed the MPs to chain [redacted] to the ceiling of the airlock, after an interrogation. He completed a sketch of the positions held by all parties to an interrogation of [redacted] in which he observed [redacted] and [redacted] assault the detainee.

85. Sworn Statement of [redacted] dated 20 Nov 03, detailing his observations relevant to interrogations he translated for in which [redacted] and [redacted] physically abused [redacted]. In the final interrogation, prior to [redacted] observed [redacted] slammed the detainee's chest into the table, and forced water into DILAWAR's mouth, choking him. He observed DILAWAR in physical distress (shaking, tired, weak, complaining of numb hands and feet; and asking for water). [redacted] instructed DILAWAR to kneel, which the detainee stated he could not. [redacted] instructed the MP to put DILAWAR on his knees, which the MP (NFI) did by stepping on or kneeling on his knee. [redacted] concluded the interview by shaking DILAWAR and threatening him with transfer to an American prison, where according [redacted] he would be "treated like a woman". [redacted] instructed the MPs to keep DILAWAR awake. [redacted] also described assaults on other detainees, he witnessed committed by [redacted] and [redacted]

86. Sworn Statement of [redacted] dated 21 Nov 03, detailing his observations relevant to interrogations he translated for in which he observed [redacted] and [redacted] abuse PUC 414 (kicking and pulling his beard). [redacted] reported several incidents to [redacted] dismissed the conduct and [redacted] felt the friction created by his complaint caused his transfer from the BCP.

87. Nov 2003 Escalation & Application of PUC Punishments in the BCP.

88. AIR of SA [redacted], dated 1 Dec 03, detailing his collection of military ID photographs for use in identification line-ups from the Defense Manpower Data Center (DMDC).

89. Copy of CD-ROM, containing identification photographs from DMDC.

90. AIR of SA [redacted], dated 15 Dec 03, detailing interview of [redacted], receipt of USACIL Lab Results, Task Force In-briefing, research into compounds discovered in USACIL examination, receipt of DCII Name Checks on identified subjects – no persons were found to have criminal histories.

91. Sworn Statement and Photo ID Sheets of [redacted], dated 11 Dec 03, detailing his observations relevant to interrogations he translated for in which [redacted]

interrogated HABIBULLAH the day prior to the detainee's death. HABIBULLAH was very sick, spitting up phlegm and the interrogators gave him a spit cup. [redacted] recall HABIBULLAH could not bend his right leg (at the knee), but was stubborn and gave smart responses to questions. [redacted] wanted to employ the kneeling "safety position", but settled for laying HABIBULLAH on the floor, because of the detainee's swollen knee and foot. [redacted] identified [redacted] as [redacted] as [redacted] and [redacted] as [redacted] based on photographs shown to him of the interrogators at BCP in Dec 02. [redacted] stated DILAWAR was ordered on sleep deprivation by either [redacted] or CPT [redacted] for many hours. MPs asked [redacted] to get DILAWAR to stop yelling/screaming. The detainee told [redacted] if he "was left in shackles another hour he (DILAWAR) would die". DILAWAR told [redacted] he needed a "doctor and a shot", which [redacted] passed on to MPs, who dismissed the complaint. The following day [redacted] learned DILAWAR died.

92. USACIL Lab Report #2003-CID131-1751, dated 19 Nov 03, which found nicotine, camphor and mefenamic acid in compounds taken from the personal effects of HABIBULLAH. Mefenamic acid was found in the tablets contained in the foil packet collected from HABIBULLAH.

93. AIR of SA [redacted] dated 31 Dec 03, detailing coordination with Indiana Law Enforcement Academy (ILEA) to obtain a copy of their Physical Tactics Manual, the conduct of FINCEN searches to locate current addresses for persons of interest and receipt of evidence from the Bagram Branch Office into the Mid-Atlantic Fraud Field Office.

94. ILEA Physical Tactics Manual, containing training guidelines for the application of common peroneal strikes and other Pressure Point Control Techniques (PPCT).

95. AIR of SA [redacted] dated 30 Dec 03, detailing the interview of MAJ [redacted] who pronounced DILAWAR dead and the collection of copies of journal entries [redacted] made about the incident.

96. Sworn Statement of MAJ [redacted] dated 30 Dec 03, detailing his observations and actions on the night he pronounced DILAWAR dead

97. Copies of journal entries from MAJ [redacted] from 4-21 Dec 02, detailing his personal observations recorded about events he witnessed his first three weeks in Afghanistan.

98. AIR of SA [redacted] SA [redacted] dated 6 Jan 04, detailing attempted interviews of [redacted] and [redacted] and a commander's coordination/briefing provided for COL [redacted] Cdr, 525th MI Brigade.

99. Non-Waiver Certificate of [redacted] dated 6 Jan 04.

100. Non-Waiver Certificate of [redacted] dated 6 Jan 04.

101. Non-Waiver Certificate of [redacted] dated 6 Jan 04.

102. Non-Waiver Certificate of [redacted], dated 6 Jan 04.

103. Non-Waiver Certificate of [redacted] 6 Jan 04.

104. Non-Waiver Certificate of [redacted] 6 Jan 04.

105. AIR of SA [redacted] dated 15 Jan 04, detailing interviews of [redacted] and attempted interviews of [redacted] and [redacted].

106. Sworn Statement of CPT [redacted] dated 10 Jan 04, detailing his response to the BCP for HABIBULLAH who was in rigor mortis when the medical team arrived.

107. Sworn Statement of SSG [redacted] dated 13 Jan 04, detailing his observations upon responding to the BCP when HABIBULLAH died. He also noted the detainee had been dead for sometime.

108. AIR of SA [redacted] dated 15 Jan 04, detailing interview of [redacted] and attempts to interview [redacted] and [redacted].

109. Sworn Statement of [redacted] dated 15 Jan 04, detailing the assignment of Utah NG soldiers within the 519th Interrogation cell, training received from [redacted] and [redacted] on the use of safety positions, the day to day operations of the Intell element run by [redacted] and his recollection of interviews with HABIBULLAH.

110. Non-Wavier Certificate of [redacted] dated 15 Jan 04.

111. Non-Waiver Certificate of [redacted] dated 15 Jan 04.

112. Non-Waiver Certificate of [redacted] dated 15 Jan 04.

113. AIR of SA [redacted] dated 21 Jan 04, detailing interviews of SFC [redacted] SPC [redacted] SFC [redacted] and SGT [redacted].

114. Person Under Control (PUC) Questionnaire of [redacted] dated 21 Jan 04.

115. PUC Questionnaire of [redacted] dated 21 Jan 04.

116. PUC Questionnaire of [redacted] dated 21 Jan 04.

117. Sworn Statement and Sketch of [redacted] dated 21 Jan 04, detailing the composition of 3rd Platoon, 377th MP Company and training received on common peroneal strikes within the unit, the use of sleep deprivation by MI in the BCP, handcuffing of detainees to the ceilings of the BCP. He discussed his understanding of the use of compliance blows and strikes and recounted a discussion with SJA about the chaining. The response was the cuffs could not cut off circulation and MPs could meet force with equal force.

118. PUC Questionnaire of [redacted] dated 21 Jan 04.

119. Sworn Statement of [redacted] dated 21 Jan 04, detailing training he received from the unit; the use of the common peroneal strike; use and enforcement of sleep deprivation with the detainees through standing restraint in the isolation cells.

120. AIR of SA [redacted] dated 22 Jan 04, detailing interviews of SPC [redacted] SSG [redacted] SPC [redacted] SGT [redacted], SPC [redacted] SGT [redacted], SSG [redacted] and CPT [redacted]

121. PUC Questionnaire of [redacted] dated 22 Jan 04.

122. PUC Questionnaire of [redacted] dated 22 Jan 04.

123. PUC Questionnaire of [redacted] dated 22 Jan 04.

124. PUC Questionnaire of [redacted] dated 22 Jan 04.

125. PUC Questionnaire of [redacted] dated 22 Jan 04.

126. PUC Questionnaire of [redacted] dated 22 Jan 04.

127. PUC Questionnaire of [redacted], dated 22 Jan 04.

128. Sworn Statement of [redacted] dated 22 Jan 04, detailing clarification of his previous statement to CID on 8 Jun 02 (Exhibit 55) and the AR 15-6 Investigating Officer on 17 Jan 03 (Exhibit 62), related to the deployment preparation of the unit, coordination with the 211th MP Company, and training at Ft Dix, NJ. Publishing of the 377th Standard Operating Procedure, coordination and relationship with the MI personnel, handling of the detainees, and training of the members of the 377th MP Company. The utilization of compliance blows by MP personnel.

129. 377th MP Company (Guard) Tactical Standing Operating Procedure (SOP) for Enduring Freedom 2002, undated.

130. AIR of SA [redacted] dated 22 Jan 04 detailing interviews of SPC [redacted] SPC [redacted] SPC [redacted], SPC [redacted] and SSG [redacted]

b6, 7C

35

131. PUC Questionnaire of [redacted] dated 22 Jan 04.

132. Sworn Statement of [redacted] dated 22 Jan 04, detailing his instruction of Pressure Point Control Techniques (PPCT) to members of the 377th MP Company.

133. Sworn Statement of [redacted] dated 22 Jan 04, detailing his involvement with HABIBULLAH and DILAWAR.

134. Waiver Certificate and Sworn Statement of [redacted], dated 22 Jan 04, admitting he struck HABIBULLAH numerous times.

135. Non-Waiver Certificate of [redacted] dated 22 Jan 04.

136. AIR of SA [redacted] dated 23 Jan 04, detailing interviews of SPC [redacted] SGT [redacted] SPC [redacted] SPC [redacted] SGT [redacted] and SSG [redacted]

137. PUC Questionnaire of [redacted] dated 23 Jan 04.

138. PUC Questionnaire of [redacted] dated 23 Jan 04.

139. Waiver Certificate and Sworn Statement of [redacted], dated 23 Jan 04, detailing the training and deployment of the unit and striking HABIBULLAH with common peroneal strikes.

140. PUC Questionnaire of [redacted] dated 23 Jan 04.

141. Sworn Statement of [redacted], dated 23 Jan 04, detailing training received by the unit to include "Raven Training" at Ft Dix, NJ. Her observations of [redacted] and a third MP who brought HABIBULLAH back to the downstairs isolation cell. After returning to the cell, HABIBULLAH stopped resisting but was struck by [redacted] with a common peroneal strike and [redacted] who administered a sidekick to the chest of HABIBULLAH. She also detailed her observations related to the death of DILAWAR.

142. Second Sworn Statement of [redacted] dated 23 Jan 04, providing clarification of the "Raven Training" received by the unit and the disposition of the unit log books.

143. Waiver Certificate, Sworn Statement and Photo ID of [redacted] dated 23 Jan 04, detailing his involvement in restraining HABIBULLAH while [redacted] delivered common peroneal strikes.

144. Non-Waiver Certificate of [redacted] dated 23 Jan 04.

145. AIR of SA [redacted] dated 23 Jan 04, detailing interviews of SPC [redacted] SGT [redacted] SPC [redacted] SGT [redacted] SGT [redacted] SPC [redacted] SPC [redacted] SPC [redacted], PV2 [redacted] SGT [redacted] SPC [redacted] and SGT [redacted]

146. PUC Questionnaire of [redacted] dated 23 Jan 04.

147. Sworn Statement of [redacted] dated 23 Jan 04, detailing the training in PPCT he gave to members of the 377th MP Company.

148. PPCT Defensive Tactics Instructor's Manual, undated.

149. PUC Questionnaire of [redacted] dated 23 Jan 04.

150. Non-Waiver Certificate of [redacted], dated 23 Jan 04.

151. Non-Waiver Certificate of [redacted], dated 23 Jan 04.

152. PUC Questionnaire of [redacted] dated 23 Jan 04.

153. Waiver Certificate and Sworn Statement of [redacted] dated 23 Jan 04, detailing his knowledge of a detainee who requested and subsequently received medical care from Dr. [redacted] in regard to a complaint of stomach pain. Also, he detailed knowledge of having overheard [redacted] punched one of the two men who died in the stomach and on guard duty one of the men told him through a translator that his stomach was hurting.

154. PUC Questionnaire of [redacted] dated 23 Jan 04.

155. Waiver Certificate and Sworn Statement of [redacted], dated 23 Jan 04, detailing HABIBULLAH was kept in standing restraint for an entire day shift.

156. PUC Questionnaire of [redacted], dated 23 Jan 04.

157. PUC Questionnaire of [redacted] dated 23 Jan 04.

158. PUC Questionnaire of [redacted] dated 23 Jan 04.

159. Sworn Statement of [redacted] dated 23 Jan 04, detailing his observations relevant to the treatment of DILAWAR and administration of water to prevent dehydration.

160. Waiver Certificate and PUC Questionnaire of [redacted] dated 23 Jan 04, detailing denying any knowledge of or participation in ill treatment of either detainee who later died.

161. PUC Questionnaire of [redacted] dated 23 Jan 04.

162. AIR of SA [redacted] dated 24 Jan 04, detailing interviews of CPL [redacted] SPC [redacted] SPC [redacted] and SPC [redacted]

163. PUC Questionnaire of [redacted] dated 24 Jan 04.

164. PUC Questionnaire of [redacted] dated 24 Jan 04.

165. Non-Waiver Certificate of [redacted] dated 24 Jan 04.

166. Waiver Certificate and Sworn Statement of [redacted] dated 24 Jan 04, detailing training as a 95C Corrections Specialist and previous deployment to Kosovo as a prison guard. [redacted] admitted to striking HABIBULLAH and implicated [redacted] and [redacted] in striking HABIBULLAH on the night the detainee died. [redacted] admitted he struck DILAWAR twice on the thigh with his [redacted] knee during the detainee's stay in the Isolation Cell. [redacted] also admitted he could not recall the details related to DILAWAR or HABIBULLAH because he struck a number of detainees in the BCP with regularity and could not differentiate between events.

167. AIR of SA [redacted] dated 26 Jan 04, detailing the interview of SFC [redacted] and the collection of a Pressure Point Control Tactics handout, two training schedules for the 377th MP Company (Jan 02), seven class rosters, and six photographs, as evidence.

168. Copy of Pressure Point Control Tactics training class handout.

169. Copy of Jan 02 377th MP Company Training Schedule, reflecting EPW training was conducted between 12-17 Jan 02.

170. Copy of sign in sheets for 377th MP Company EPW training Jan 02.

171. PUC Questionnaire of [redacted] dated 26 Jan 04.

172. Copies of six photographs from Jan 02 377th MP Company EPW Training.

173. Copies of Mar 02 377th MP Company Training Schedule, reflecting additional EPW and handcuffing technique training.

174. Copy of Memorandum of CPT [redacted] dated 22 Jan 02, changing the 377th MP Company's drill schedule to focus on METL tasks for a projected GTMO deployment.

175. AIR of SA [redacted] dated 26 Jan 04, detailing the interviews of SGT [redacted] and SSG [redacted]

176. Waiver Certificate and Sworn Statement of [redacted] dated 26 Jan 04, detailing PPCT training and admitted that based upon the restraints on detainees, he saw no reason for the use of knee strikes. [redacted] also detailed nutritional supplements for body building being used by members of the unit during the deployment.

177. Sworn Statement of [redacted], dated 26 Jan 04, detailing her duties and responsibilities as the Sergeant of the Guard (SOG) within the BCP and her position in accounting for detainee property. She also described the rules for use of force and reviews of conduct by SJA within the BCP during her tour there.

178. AIR of SA [redacted] dated 27 Jan 04, detailing the interviews of SGT [redacted] SPC [redacted] SFC [redacted] SGT [redacted] SFC [redacted] SSG [redacted] and SPC [redacted] and the receipt of a compact disc containing digital images of the 377th MP CO in Afghanistan from SFC [redacted]

179. PUC Questionnaire of [redacted] dated 27 Jan 04.

180. Sworn Statement of [redacted] dated 27 Jan 04, detailing the training sessions scheduled for the 377th MP Company prior to deployment, while at Fort Dix, NJ (awaiting movement) and information on inappropriate use of force he heard of or observed within the BCP.

181. PUC Questionnaire of [redacted] dated 27 Jan 04.

182. Sworn Statement of [redacted] dated 27 Jan 04, detailing her duties and responsibilities as the 377th MP Co Supply Sergeant, and participation in unit training which was digitally photographed and maintained on a CD-ROM.

183. Copy of Compact Disc obtained from SFC [redacted]

184. Sworn Statement of [redacted] dated 27 Jan 04, detailing his knowledge and observations regarding 377th MP Company training at drills prior to deploying and in preparation for deployment at Fort Dix, NJ. He also related activities of MPs at the BCP, until he redeployed in Nov 02, due to family issues.

185. Sworn Statement and PUC Questionnaire of [redacted] dated 27 Jan 04, detailing his deployment with the 377th MP Company as a mechanic and rumors he heard from within the unit about those MPs responsible for the two deaths. [redacted] observations included admission made in The Wagon Wheel Bar, Quatar by suspect MPs [redacted] and [redacted] admitting to common peroneal knee strikes

186. AIR of SA [redacted] dated 28 Jan 04, detailing the interviews of SSG [redacted] Mr. [redacted] SPC [redacted] and SPC [redacted]

187. Waiver Certificate and Sworn Statement of [redacted] dated 28 Jan 04, detailing his actions to restrain DILAWAR in the airlock and the assistance rendered to him (CPR) at the time of his death. He denied delivering common peroneal strikes, but admitted to defending himself during the airlock struggle. [redacted] observed [redacted] and [redacted] punishing detainees by making them "PT". [redacted] admitted to restraining detainees to the ceiling of the Iso Cell with the detainees hands stretched out to the side. He also described the use of body building supplements within the unit and the administration of sleep deprivation at the direction of MI personnel.

188. PUC Questionnaire of [redacted], dated 28 Jan 04.

189. PUC Questionnaire of [redacted] dated 28 Jan 04.

190. Sworn Statement of [redacted] dated 28 Jan 04, detailing his observations relevant to the attitude and conduct of 3rd platoon, 377th MP Company members related to detainees and their physical discipline of detainees. [redacted] detailed an incident wherein he witnessed SGT [redacted] slam [redacted] against a wall in an Iso Cell. He further detailed assaults by SPC [redacted] against detainees by propelling them down a flight of stairs blindfolded (goggled or hooded), resulting in facial injury. [redacted] was present during a drill period (post deployment) when [redacted] admitted he was responsible for the death of a detainee, by his use of common peroneal strikes.

191. AIR of SA [redacted] dated 29 Jan 04, detailing the interviews of SPC [redacted] SPC [redacted] SPC [redacted], SPC [redacted] Mr. [redacted] and SPC [redacted]

192. Waiver Certificate and Sworn Statement of [redacted] dated 29 Jan 04, detailing his description of how the detainee he escorted downstairs became injured when the detainee pulled away from him and tripped. The man suffered a cut to the nose, which [redacted] stated was treated by the medic, SPC [redacted] He admitted familiarity with the "blue book" (BCP SOP). He denied striking any detainee, but admitted to using other PPCT techniques.

193. Sworn Statement of [redacted] dated 29 Jan 04, detailing his previous experience in guarding detainees (nine months in Kosovo with the 391st MP Company). C. [redacted] described how members of 2nd and 3rd Platoon administered multiple common peroneal strikes to detainees in Isolation, who [redacted] recalled was a "top dog" and spit on him. He also stated this man was the last detainee to die (DILAWAR). He further described bruising he observed on the detainee's leg, while he was being treated by a medic (NFI). [redacted] also recounted admissions made by [redacted] who said "I may have killed one of the detainees."

194. Sworn Statement of [redacted], dated 29 Jan 04, detailing the implementation of sleep deprivation by handcuffing detainees to the ceiling of the Isolation Cells at the direction of MI [redacted] He also recounted admissions he heard from [redacted] about the death of a detainee.

b6, 7C

4C

195. Sworn Statement of [redacted] dated 29 Jan 04, detailing his knowledge of the use of dietary supplements by 377th MP Company soldiers and his observations that everyone who toured the BCP knew of the use of sleep deprivation and standing restraint.

196. Waiver Certificate and Sworn Statement of [redacted] dated 29 Jan 04, admitting he was uncertain HABIBULLAH spit on/at him and was still alive when he struck him with common peroneal strikes for spitting at him. He also added comments on the jokes within the 377th MP Company (post deployment) about "death by knee", referring to the manner in which the two men were killed.

197. Polygraph Examination Report of SPC [redacted] dated 29 Jan 04. (USACRC and file copy only).

198. AIR of SA [redacted] dated 30 Jan 04, detailing the interviews of PFC [redacted] SPC [redacted] and SPC [redacted]

199. PUC Questionnaire of [redacted] dated 30 Jan 04.

200. PUC Questionnaire of [redacted] dated 30 Jan 04.

201. Waiver Certificate, Sworn Statement and Sketch of [redacted] dated 30 Jan 04, detailing assaults committed by [redacted] and himself upon DILAWAR while he was resisting standing restraint in Isolation. He admitted both of them struck the detainee (DILAWAR) with common peroneal strikes twice. [redacted] also admitted to lying in earlier statements and described admissions made by [redacted] who recounted delivering knee blows to DILAWAR.

202. Polygraph Examination Report of SPC [redacted] dated 30 Jan 04. (USACRC and file copy only).

203. AIR of SA [redacted] dated 30 Jan 04, detailing the interviews of SPC [redacted] SPC [redacted], SPC [redacted] SPC [redacted] and SPC [redacted]

204. PUC Questionnaire of [redacted] dated 30 Jan 04.

205. Sworn Statement of [redacted] 30 Jan 04, detailing his knowledge of standing restraint for punishment of facility rules. He admitted no direct knowledge related to either of the deceased detainees, but described other behaviors by MPs, which disturbed him.

206. Non-Waiver Certificate of SPC [redacted] dated 30 Jan 04.

207. Sworn Statement of [redacted] dated 30 Jan 04, detailing his observations relevant to activities within the BCP during his brief time there as a relief shift. He recounted ordering SPC [redacted] from an Isolation Cell for yelling at a detainee. He

added most of the unit did not share things with him, because he is related to the unit 1SG.

208. PUC Questionnaire of [redacted] dated 30 Jan 04.

209. Sworn Statement of [redacted] dated 30 Jan 04, detailing the use of kneeling, standing and "roman chair" positions and chaining for punishment. He also described the use of sleep deprivation within the BCP. [redacted] felt the detainee's treatment was inhumane and cited racism, bias and use of steroids within members of the unit as a possible cause of the treatment. He also stated everyone (CIA, MI and MP leadership) knew the MPs were mistreating the detainees, but nothing changed until the deaths.

210. AIR of SA [redacted], dated 30 Jan 04, detailing the interview of SPC [redacted]

211. Non-Waiver and Sworn Statement of [redacted], dated 30 Jan 04, detailing his observations regarding abuse of detainees by [redacted] and [redacted] who administered multiple repetitive common peroneal strikes to a mentally handicapped detainee ("[redacted] left country early due to an injury from being struck by a vehicle. He recounted admissions by [redacted] who reportedly "beat the crap out of a detainee". [redacted] also admitted to using a common peroneal strike on a detainee in Isolation for being loud and noisy.

212. AIR of SA [redacted] dated 31 Jan 04, detailing the interviews of PFC [redacted] SPC [redacted] SSG [redacted] and SPC [redacted]

213. PUC Questionnaire of [redacted] dated 31 Jan 04.

214. Sworn Statement of [redacted], dated 31 Jan 04, detailing his observations and action within the BCP and training the 377th MP Company received in preparation for the mission.

215. Waiver Certificate and Sworn Statement of [redacted], dated 31 Jan 04, detailing his understanding of the use of force guidelines and their functional employment. He recounted a struggle with HABIBULLAH who was in standing restraint in an Isolation Cell, he was present when [redacted] punched the detainee in the abdomen or hip.

216. Non-Waiver Certificate of [redacted], dated 31 Jan 04.

217. AIR of SA [redacted] dated 1 Feb 04, detailing the interview of SPC [redacted]

218. PUC Questionnaire of [redacted], dated 1 Feb 04.

219. AIR of SA [redacted] dated 1 Feb 04, detailing the interview of 1SG

b6, 7C

[redacted]

220. Sworn Statement of 1SG [redacted] dated 1 Feb 04, detailing her observations and actions during the 377th MP Company tour in Afghanistan. [redacted] stated CPT [redacted] ordered her to stay out of the prison (BCP). She recounted assaults witnessed by [redacted], which were committed by [redacted] and [redacted] the use of MP working dogs to frighten detainees and drinking by soldiers of 3rd Platoon during the deployment.

221. AIR of SA [redacted] dated 2 Feb 04, detailing the interviews of SPC [redacted] and SPC [redacted]

222. PUC Questionnaire of [redacted] dated 2 Feb 04.

223. Sworn Statement of [redacted], dated 2 Feb 04, detailing an incident he witnessed in the general population area of the BCP, wherein [redacted] picked a detainee up by his throat and held him in the air, until SFC [redacted] yelled at him to stop.

224. Non-Waiver Certificate of [redacted] dated 2 Feb 04.

225. AIR of SA [redacted] dated 2 Feb 04, detailing the interviews of Mr. [redacted] and Mr. [redacted]

226. Sworn Statement of [redacted], dated 2 Feb 04, detailing rumors and observations he recalled pertaining to the treatment of detainees by members of the 377th MP Company.

227. Sworn Statement of [redacted], dated 2 Feb 04, detailing his observations and actions relevant to the care and treatment of detainees within the BCP in Afghanistan in Dec 02.

228. AIR of SA [redacted] dated 3 Feb 04, detailing the interviews of SPC [redacted] SGT [redacted] and 2LT [redacted]

229. Waiver Certificate, Sworn Statement and Sketch of [redacted] dated 3 Feb 04, admitting and describing the 30-37 common peroneal strikes he administered to DILAWAR while the man was chained standing an the Isolation Cell of the BCP.

230. Sworn Statement of [redacted] dated 3 Feb 04, detailing the actions of 377th MPs to effect sleep deprivation and other punishments at the direction of MI Interrogators. He also described the use of steroids by [redacted] and [redacted]

231. PUC Questionnaire of [redacted] dated 3 Feb 04.

232. Polygraph Examination Report, [redacted] dated 3 Feb 04, which details [redacted] confession to striking DILAWAR multiple times **(USACRC and file copy only).**

233. AIR of SA [redacted] dated 4 Feb 04, detailing the interview of Mr. [redacted]

234. Waiver Certificate and Sworn Statement of [redacted] dated 4 Feb 04, detailing his contact with HABIBULLAH and DILAWAR, while performing duties as the Isolation Cell guard. [redacted] observed [redacted] strike DILAWAR and was present when DILAWAR was found hanging from his restraints in the Isolation Cell, the night he died.

235. Waiver Certificate of [redacted] dated 31 Jan 04.

236. AIR of SA [redacted] dated 4 Feb 04, detailing the interview of 1LT [redacted]

237. Sworn Statement of 1LT [redacted] dated 4 Feb 04, detailing the medical response to HABIBULLAH's death and an SJA Officer told him standing restraint was authorized to enforce discipline.

238. AIR of SA [redacted] dated 5 Feb 04, detailing the interviews of SFC [redacted] and SFC [redacted]

239. Sworn Statement of [redacted], dated 5 Feb 04, detailing his observations as a supervisor in the BCP. He noted the detainees were chained standing for hours and the practice was widely known by all levels of MP leadership, including the CJTF180 PM (MAJ [redacted], who toured the facility and observed men restrained in this manner.

240. Sworn Statement of [redacted], dated 5 Feb 04, detailing his observations as the 1st Platoon Sergeant, 377th MP Company, during the Afghanistan deployment. [redacted] indicated he removed [redacted] from the BCP for rough handling of PUCs and he recalled the medical personnel who responded to the first death telling him the man "had been dead awhile". He felt the deaths were due to natural causes and stated he did not have any indications any of his soldiers (other than [redacted] had mistreated detainees.

241. AIR of SA [redacted] dated 5 Feb 04, detailing the interviews of SGT [redacted] Mrs. [redacted], and SGT [redacted]

242. Sworn Statement of [redacted] dated 5 Feb 04, detailing the fact he is often mistaken for [redacted] possibly resulting in someone saying he assaulted a detainee. [redacted] denied committing any assaults and added [redacted] phoned his house several times attempting to determine what he ([redacted] told CID during his

interview [redacted] also described the pills being taken by [redacted] and others from 3rd platoon to enhance their body building efforts.

243. PUC Questionnaire of [redacted] dated 5 Feb 04.

244. PUC Questionnaire of [redacted] dated 5 Feb 04.

245. AIR of SA [redacted] dated 6 Feb 04, detailing the interview of SFC [redacted]

246. Sworn Statement and Sketch of [redacted] dated 5 Feb 04, detailing his knowledge of operations within the BCP, as he ran the Tactical Operations Center for the BCP and recorded detainee logs in the computer. [redacted] also provided a detailed description of the computer and indicated its location within the facility on a sketch.

247. AIR of SA [redacted] dated 6 Feb 04, detailing the interviews of SSG [redacted] and SPC [redacted]

248. Sworn Statement of [redacted] dated 6 Feb 04, detailing his knowledge of operations within the BCP during the Afghanistan deployment. [redacted] stated his platoon had limited contact with the detainees as they were working the Entry Control Points during the timeframe of the deaths.

249. PUC Questionnaire of [redacted], dated 6 Feb 04.

250. AIR of SA [redacted] dated 7 Feb 04, detailing the interview of SFC [redacted]

251. Sworn Statement of [redacted], dated 7 Feb 04, detailing her observations of an incident in which [redacted] held a detainee by his arms or clothes, off his feet for several minutes, screaming at him. [redacted] was much larger than the detainee, whose feet dangled during the incident.

252. AIR of SA [redacted] dated 7 Feb 04, detailing the interview of 1LT [redacted]

253. PUC Questionnaire of 1LT [redacted] dated 7 Feb 04.

254. AIR of SA [redacted] dated 7 Feb 04, detailing the interview of 1LT [redacted]

255. Waiver Certificate and Sworn Statement of [redacted] dated 7 Feb 04, detailing his observations as the 3rd Platoon Leader, 377th MP Company during the deployment to Afghanistan. [redacted] detailed questioning by CPT [redacted] of all Platoon Leaders and Platoon Sergeants about "illegal PUC beatings" after the first death. [redacted] then singled out members of 3rd Platoon to question further about abuse of detainees. [redacted] explained an incident, which occurred on a repatriation mission. A

detainee became frightened by [redacted] chambering a round while approaching a hot landing zone and defecated on himself, apparently interpreting [redacted] act as a hostile intent. [redacted] adjusted practices after that incident to ensure detainees were not able to observe MPs chamber rounds during approaches to LZ(s). He denied he abusing detainees and indicated he had no knowledge other members of his platoon abused detainees.

256. AIR of SA [redacted] dated 13 Feb 04, detailing coordination with 428th MP Company to locate four soldiers cross leveled to the 377th MP Company for the Afghanistan deployments and interviews of those soldiers (SPC [redacted] SGT [redacted] SPC [redacted] SPC [redacted] and PFC [redacted]

257. PUC Questionnaire of [redacted] dated 13 Feb 04.

258. Sworn Statement of [redacted], dated 13 Feb 04, detailing his observations as a member of a USAR MP unit cross leveled to the 377th MP Co for the Afghanistan deployment. [redacted] observed an unidentified white, male MP deliver common peroneal strikes to a detainee in Isolation who refused to stand [redacted] felt the blows were unjustified because the man was resistant to direction, but was not combative or threatening to the MPs. He could not recall which MP he observed doing this, nor which detainee was assaulted.

259. Sworn Statement of [redacted], dated 13 Feb 04, detailing his observations as a member of a USAR MP unit cross leveled to the 377th MP Co for the Afghanistan deployment. He recalled MPs delivering common peroneal strikes to detainees during movements within the facility and [redacted] described an assault on an MP (SPC [redacted] early in the deployment, but had no specific recall of events related to DILAWAR or HABIBULLAH.

260. PUC Questionnaire of [redacted] dated 13 Feb 04.

261. PUC Questionnaire of [redacted], dated 13 Feb 04.

262. AIR of SA [redacted] dated 24 Feb 04, detailing the interview of SSG [redacted]

263. Sworn Statement of [redacted], dated 19 Feb 04, detailing how he was disturbed by other interrogators in the 519th MI Bn's tactics for interrogations.

264. AIR of SA [redacted] dated 29 Feb 04, detailing the interview of MAJ [redacted]

265. Sworn Statement of [redacted], dated 29 Feb 04, detailing his knowledge of medical treatment and documentation of that treatment of detainees from the BCP, as the Patient Administration Director, in charge of record keeping at 48th Combat Support Hospital.

266. AIR of SA [redacted]/SA [redacted], dated 1 Mar 04, detailing the interview of CPT [redacted] formerly Cdr, 377th MP Company (USAR), until one month prior to the unit's Afghanistan deployment.

267. Sworn Statement of CPT [redacted] dated 1 Mar 04, detailing her observations as the 377th MP Company Commander, for the two years prior to the Afghanistan deployment. She detailed the unit's previous deployments, training and experience and preparation for anticipated deployment to GTMO. [redacted] had no direct knowledge related to the deaths as she did not deploy with the unit, command of the company was assumed by [redacted] in May 2002.

268. AIR of SA [redacted] SA [redacted], dated 2 Mar 04, detailing the interview of MAJ [redacted] formerly Cdr, 211th MP Company, who preceded the 377th MP Company in operating the BCP.

269. Sworn Statement of MAJ [redacted] dated 2 Mar 04, detailing his observation the Afghans were among the most compliant people he ever handled. He admitted he wrote the BCP SOP and sent it to CPT [redacted] He indicated detainees were punished by being made to stand, but never affixed to any object. He stated only one detainee was ever injured during his tenure and it occurred during a well documented escape attempt. The detainee recovered fully from the broken nose he got during the recapture.

270. AIR of SA [redacted] dated 2 Mar 04, detailing the interview of SPC [redacted] BCP/MP Medic and the collection as evidence of a Memorandum prepared by [redacted] in which he detailed allegations by three detainees they were injured by American forces at Khandahar.

271. Sworn Statement of [redacted], dated 2 Mar 04, detailing his knowledge and involvement with the detainees as the BCP Medic. [redacted] had no specific recall of either man who later died.

272. Copy of Memorandum For Record, dated 14 Sep 02, written by [redacted] in which he detailed allegations by three detainees they were injured by American forces at Khandahar, and attendant Security Classification Memorandum, authored by [redacted] dated 16 Jun 04, classifying the document FOUO, despite "Secret" markings placed on it by [redacted]

273. AIR of SA [redacted] dated 6 Mar 04, detailing subject interview of CPT [redacted]

274. Waiver Certificate of [redacted] at 1054/6 Mar 04.

275. Waiver Certificate of [redacted] at 1130/6 Mar 04 and Sworn Statement of [redacted] admitting he knew 377th MPs struck restrained detainees and that he probably talked to his men about it because of complaint she heard and suspicions the use of force

was illegal. [redacted] also discussed a special relationship he had with two detainees, which he fostered without direction from anyone.

276. Polygraph Examination Report of [redacted] dated 6 Mar 04 (USACRC and file copy only)

277. AIR of SA [redacted], dated 6 Mar 04, detailing the re-interview of [redacted] and his identification of the photographs of [redacted] and [redacted] as described in previous a previous interview assaulting [redacted]

278. Sworn Statement and Photographic Identification Sheets of [redacted] dated 6 Mar 04, detailing assaults upon detainees he witnessed by MI Interrogators.

279. AIR of SA [redacted] dated 7 Mar 04, detailing interviews of [redacted] and [redacted]

280. PUC Questionnaire of [redacted] dated 7 Mar 04.

281. Non-Waiver Certificate of [redacted] dated 7 Mar 04.

282. Non-Waiver Certificate of [redacted] dated 7 Mar 04.

283. AIR of SA [redacted] dated 22 Mar 04, detailing the interview of SGT [redacted]

284. Waiver Certificate and Sworn Statement of [redacted], 22 Mar 04, detailing his participation in the airlock struggle with DILAWAR. [redacted] was on top of the airlock waiting to other MPs to get DILAWAR's hands close enough to cuff. They never did. He assisted in moving him to the Isolation Cell, cuffed to a stretcher. [redacted] estimated DILAWAR was restrained standing for 50-60 hours straight at the BCP.

285. AIR of SA [redacted], dated 24 Mar 04, detailing his interview of [redacted] he detailed his observations on the night of HABIBULLAH's death verbally, but refused to reduce his statement to writing.

286. AIR of SA [redacted] dated 25 Mar 04, detailing re-interviews of CPT [redacted] and SPC [redacted]

287. Waiver Certificate and Sworn Statement of [redacted] dated 25 Mar 04, detailing the routine use (and general knowledge among leadership) of standing restraint and sleep deprivation at the BCP.

288. Copy of Memorandum for Record, Summary of Counseling regarding 1SG [redacted] issued by [redacted] dated 6 Mar 03.

289. Waiver Certificate and Sworn Statement of [redacted] dated 25 Mar 04, denying witnessing [redacted] deliver common peroneal strikes.

290. AIR of SA [redacted], dated 30 Mar 04, detailing a re-interview of SPC [redacted] regarding information [redacted] provided on 29 Jan 04, without benefit of rights advisal.

291. Waiver Certificate and Sworn Statement of [redacted] dated 30 Mar 04, detailing his observations and admissions related to the mistreatment of detainees inside the BCP. [redacted] described [redacted] and himself (among others) striking DILAWAR repeatedly with common peroneal strikes because they were amused by his cries to Allah for help.

292. AIR of SA [redacted] dated 31 Mar 04, detailing attempts to contact and re-interview [redacted] who refused to cooperate further and was no longer in the USAR.

293. AIR of SA [redacted] dated 6 Apr, detailing the re-interview of [redacted]

294. Waiver Certificate and Sworn Statement of [redacted] dated 6 Apr 04, in which he describes a warning from SFC [redacted] between the death of HABIBULLAH and that of DILAWAR. [redacted] stated it "came down from command" hands on punishment was to be avoided and verbal correction used instead.

295. AIR of SA [redacted], dated 8 Apr 04, detailing interviews of SSG [redacted], MAJ [redacted] and 1LT [redacted] was the 211th MP Company (NCNG) NCOIC for the BCP, prior to the unit being relieved by the 377th MP Company. [redacted] was the CJTF180 Provost Marshal until Nov 02 and supervised MP Operations in the BCP. [redacted] was part of an escort element, which transported detainees from Khandahar to Bagram, but was not involved in escorting DILAWAR. [redacted] indicated he believed another MP (SFC [redacted] was the escort for DILAWAR.

296. Sworn Statement of [redacted], dated 31 Mar 04, describing the operation of the BCP under the tenure of the 211th MP Company and his impressions of the Relief in Place (RIP) they conducted with the 377th MP Company in Sep 02.

297. Sworn Statement of [redacted] dated 7 Apr 04, detailing his responsibilities as CJTF180 Provost Marshal and his impressions of CPT [redacted], Cdr, 377th MP Company's poor job knowledge, lack of leadership and poor performance.

298. AIR of SA [redacted], dated 9 Apr 04, detailing the interview of CPT [redacted] USAMPS Instructor, who trained the 211th MP Company on common peroneal strikes.

299. Sworn Statement of [redacted], dated 9 Apr 04, describing Non-Lethal Capabilities Set (NLCS) he provided as the 3rd Army and Combined Forces Land Component Command (CFLCC) Provost Marshal representative and limitations placed on the use of NLCS techniques. They were to be used for controlling escape attempts and self-defense only.

300. AIR of SA [redacted] dated 17 Apr 04, detailing the interview of MAJ [redacted] who was the USAF Liaison for movement of detainees to GTMO.

301. Sworn Statement of [redacted] dated 17 Apr 04, detailing his observations of and interactions with the 211th MP Company (NCNG), the 377th MP Company (USAR) and the 293rd MP Company, Fort Stewart, GA. [redacted] hand carried information to CPT [redacted] which was sent to assist in preparing the unit to assume control of the BCP from the 211th.

302. AIR of SA [redacted] dated 27 Apr 04, detailing interviews of CPT [redacted] SPC [redacted] and SPC [redacted] who responded to the BCP when DILAWAR died and transported him to the hospital.

303. Sworn Statement of [redacted] dated 23 Apr 04, describing the ambulance run with SPC [redacted] to the BCP on 10 Dec 02. He documented his actions and observations on the night DILAWAR died.

304. Sworn Statement of SPC [redacted] dated 25 Apr 04, describing his observations and actions on the ambulance run with CPT [redacted] to the BCP on 10 Dec 02, the night DILAWAR died.

305. AIR of SA [redacted], dated 30 Apr 04, detailing verbal interviews of USAF Ravens Trainers: MSGT [redacted] (USAF), CMSGT [redacted] (USAF), MSGT [redacted] (USAF) and LTC [redacted] (USAF). The Ravens Team was designed to instruct soldiers and airmen on the correct restraint techniques and safe aircraft movement of detainees.

306. USAF Operation Fundamental Justice Training Bullets, dated 3 Jan – 26 Aug 02; Ravens Training Tables 1 and 2 and Pressure Point Control Tactics Outline.

307. USAF Ravens Training Database, listing 78 members (of 95 who deployed) of the 377th MP Company who attended training: PFC [redacted], SPC [redacted], CPT [redacted] SSG [redacted] SPC [redacted] SGT [redacted] SPC [redacted] SPC [redacted] SPC [redacted] CPL [redacted] SGT [redacted] SSG [redacted] SPC [redacted] SPC [redacted] PFC [redacted] SPC [redacted] SPC [redacted], PFC [redacted] SPC [redacted] 2LT [redacted] SSG [redacted] SPC [redacted] SGT [redacted] PV2 [redacted] SFC [redacted] SSG [redacted] SGT [redacted] PFC [redacted] SPC [redacted] PFC [redacted] SPC [redacted] SPC [redacted] SPC [redacted] SPC [redacted] PFC [redacted] SSG [redacted] SPC [redacted] PFC [redacted] SGT [redacted], SSG [redacted] SPC [redacted] SPC [redacted], SFC [redacted], SSG [redacted] SPC [redacted] PFC [redacted] SPC [redacted] PFC [redacted], SGT [redacted], SPC

[redacted], SSG [redacted], SPC [redacted] SGT [redacted] SPC [redacted], SPC [redacted] SPC [redacted] SGT [redacted] CPT [redacted], SPC [redacted] SFC [redacted] PC [redacted] SPC [redacted], SPC [redacted] SPC [redacted] SPC [redacted] SPC [redacted] SPC [redacted], SFC [redacted] SGT [redacted] PFC [redacted] SGT [redacted], SGT [redacted] SGT [redacted] SGT [redacted] SPC [redacted] SGT [redacted] nd SPC [redacted]

308. AIR of SA [redacted] SA [redacted] dated 27 May 04, detailing interviews of CJTF180 Leadership and Staff Personnel: COL [redacted] AR 15-6 Officer; MAJ [redacted] CJ2X; LTC [redacted] Deputy Cdr Bagram Air Base; LTC [redacted] Deputy SJA; MAJ [redacted], ICRC Liaison/BCP Legal Advisor; COL [redacted] J2 and COL [redacted] Bagram Air Base Commander.

309. Sworn Statement and Sketches of MAJ [redacted], dated 24 May 04, detailing his observations and actions as the CJ2X, supervisor of counter and human intelligence, at Bagram from May-Nov 02. [redacted] stated "day to day" operations of MI personnel were supervised by CPT [redacted]

310. Sworn Statement and Sketches of LTC [redacted] dated 24 May 04, detailing his observations relative to the BCP. [redacted] supervised maintenance and construction projects in the BCP, but he had very limited contact with or knowledge of soldiers or detainees inside the BCP.

311. Sworn Statement and Sketches of LTC [redacted], dated 25 May 04, detailing his contribution to the formulation of the AR 15-6 Report and responsibilities related to advising the CID criminal investigation of both deaths.

312. Waiver Certificate and Sworn Statement of MAJ [redacted] dated 26 May 04, detailing his responsibilities as the International Committee of the Red Cross (ICRC) Liaison for the BCP. He described his review of the CID investigations in that capacity and detailed decisions by the SJA (COL [redacted]) on the applicability of AR 190-8 inside the BCP. He also detailed research conducted on and discussions of areas disputed by the ICRC, related to the use of handcuffs, punishments and sleep deprivation.

313. Sworn Statement of COL [redacted] dated 27 May 04, detailing his responsibilities and knowledge as Bagram Air Base Commander, related to the operation of the BCP.

314. AIR of SA [redacted] dated 9 Jun 04, detailing the interviews of MSGT [redacted] (USAF), SSGT [redacted] (USAF), MSGT [redacted] (USAF), CMSGT [redacted] USAF), SSGT [redacted] (USAF), MSGT [redacted] USAF), and MSGT [redacted] (USAF) related to Ravens training and instruction given to the 377th MP Company at Fort Dix, NJ.

315. AIR of SA [redacted] SA [redacted], dated 11 Jun 04, detailing the interview of MAJ [redacted] MAJ [redacted] and COL [redacted]

316. Waiver Certificate and Unsigned/Unsworn Statement of MAJ [redacted] dated 8 Jun 04, describing his duties and responsibilities as the ICRC Liaison officer preceding MAJ [redacted] and advice he gave to MP personnel assigned there.

317. Sworn Statement of MAJ [redacted] dated 10 Jun 04, describing his duties and responsibilities as the Bagram Provost Marshal and the Duty, Law and Order (DLO) portion of the 377th MP Company mission.

318. Sworn Statement of COL [redacted], dated 11 Jun 04, describing his duties and responsibilities as the CJTF180 J2. [redacted] indicated CPT [redacted] was well aware her team was prohibited from any physical contact with detainees. He also indicated he directed the initiation of a Procedure 15 (an internal MI inquiry required by regulation at the intimation of MI professional misconduct), although he was not certain his direction was followed.

319. AIR of SA [redacted] dated 10 Jun 04, detailing the interview of SFC [redacted] formerly of the 21st MP Company, who escorted DILAWAR from Khandahar to Bagram in Dec 02.

320. Sworn Statement of SFC [redacted], dated 7 Jun 04, describing his recollection related to his escort mission on DILAWAR and observations related to cross training with 377th MP Company personnel who roughed up an unidentified detainee.

321. AIR of SA [redacted] SA [redacted], dated 18 Jun 04, detailing the interview of COL [redacted] CTJF180 SJA who provided guidance to subordinate elements about the conduct of operations within Afghanistan.

322. Unsigned/Unsworn Statement, Hand Drawn Organizational Chart and Monandock Baton Chart of COL [redacted], dated 18 Jun 04 describing his recollection of decisions and legal opinions during his tour as the CJTF180 SJA in Afghanistan.

323. AIR of SA [redacted] dated 16 Jun 04, detailing the re-interviews of SPC [redacted] 1LT [redacted] SSG [redacted] nd SFC [redacted]

324. Waiver Certificate and Sworn Statement of SPC [redacted] dated 16 Jun 04, confessing to repeated blows to DILAWAR and describing his observation related to assaults on DILAWAR by [redacted] and [redacted] also described efforts by SFC [redacted] to curb the behavior of his soldiers related to the corporal punishment of detainees.

325. Non-Waiver Certificate of 1LT [redacted], dated 16 Jun 04.

326. Sworn Statement of SSG [redacted] 16 Jun 04, describing his recollection of a repatriation mission (described earlier by SFC [redacted] in which there was a difference of opinion on the handling of detainees between the 21st MP Company and the

377th MP Company. [redacted] indicated no detainees were injured or assaulted during the mission.

327. AIR of SA [redacted], dated 17 Jun 04, detailing the re-interview of SFC [redacted]

328. Waiver Certificate and Sworn Statement of [redacted] dated 17 Jun 04, denying he was aware members of his platoon were physically abusing detainees.

329. AIR of SA [redacted] dated 18 Jun 04, detailing the re-interview of SPC [redacted]

330. Waiver Certificate and Sworn Statement of [redacted] dated 18 Jun 04, describing a conversation he witnessed in Quatar in which [redacted] and [redacted] admitted to striking DILAWAR and hearing the detainee cry "Allah, Allah, Allah".

331. AIR of SA [redacted] SA [redacted] dated 28 Jun 04, detailing interviews with six detainees at Guantanamo Bay Naval Base (GTMO) who were held at the BCP during the time of both deaths. Two of the men witnessed DILAWAR being beaten by 377th MPs in the airlock of a general population cell. The men were able to select the MPs involved in the beating from photographs of 377th MP Company personnel.

332. Photo Arrays (Number "A" through "N").

333. AIR of SA [redacted] SA [redacted], dated 15 Jul 04, detailing the interview of SPC [redacted] SJA Coordination with and collection of Grant of Immunity for [redacted] from LTG [redacted] Cdr, XVIII Abn Corps.

334. Sworn Statement and Sketches of [redacted] dated 13 Jul 04, describing the use, pervasiveness and intent of safety positions and sleep deprivation by MI Interrogators at the BCP.

335. Memorandum for Record entitled "Grant of Immunity and Order to Testify", pertaining to SGT [redacted] (AKA: [redacted] dated 15 Jul 04.

336. AIR of SA [redacted], dated 22 Jul 04, detailing follow-up interviews with members of USAF Ravens (MSGT [redacted] and GYSGT [redacted] USMC) which concentrated on proper security of detainees for aircraft movement. [redacted] admitted distraction techniques, such as the common peroneal strikes were used in training, but they were to be employed to gain control over a combative detainee in flight.

337. AIR of SA [redacted] dated 25 Jul 04, detailing the interviews of SSG [redacted] and SSG [redacted] who trained the A Co, 519th MI Bn Interrogators who assaulted both of the detainees who later died at the BCP.

338. Non-Waiver Certificate of [redacted], dated 22 Jul 04.

339. Non-Waiver Certificate of [redacted] dated 25 Jul 04.

340. AIR of SA [redacted] dated 27 Jul 04, detailing his verbal re-interviews of SPC [redacted] and SSG [redacted] which explored the photographs of [redacted] in a straight jacket inside the BCP (as documented on Exhibit 181 and in Exhibit 176). Both soldiers reported the incident was a "joke" and stated no detainees were ever restrained in the manner depicted in the photographs.

341. AIR of SA [redacted] dated 28 Jul 04, detailing his coordination with Patient Administration Division (PAD) personnel, Brooke Army Medical Center (BAMC), Fort Sam Houston, TX (FSHTX) who were the assigned custodians of records from the 48th Combat Support Hospital (CSH). Both HABIBULLAH and DILAWAR were pronounced dead at the 48th CSH. SA [redacted] forwarded requests for medical information to obtain any and all records on either man.

342. DA Forms 4254-R, Request for Private Medical Information on HABIBULLAH and DILAWAR, dated 28 Jul 04.

343. AIR of SA [redacted], dated 1 Aug 04, detailing the interview of SGT [redacted] AKA SPC [redacted] pursuant to her Grant of Immunity and Order to Testify, from LTG [redacted]

344. Sworn Statement, Sketch and Grant of Immunity/Order to Testify of [redacted] ted 31 Jul/1 Aug 04.

345. AIR of SA [redacted] dated 2 Aug 04, detailing the interview of CPT [redacted] mer Commander, Alpha Company, 519th MI Bn, Fort Bragg, NC during the period of their deployment to Afghanistan.

346. Sworn Statement of [redacted] dated 2 Aug 04, detailing his duties and responsibilities related to the operations of MI missions within the BCP and supervisory responsibilities over CPT [redacted]. He described operational guidance and supervision for the MI element in the BCP came from CJTF180 J2 Section and the company handled routine soldier matters of admin, leave, pay, etc.

347. AIR of SA [redacted] dated 3 Aug 04, detailing the interview of MAJ [redacted] JTF180 Provost Marshal at the time of both deaths.

348. Sworn Statement of [redacted] dated 3 Aug 04, detailing his directions to CPT [redacted] o discontinue enforcement of sleep deprivation for MI missions and to discontinue any form of chaining detainees to fixed objects. [redacted] found through spot checks, 377th MP(s) were still chaining detainees and confronted BEIRING about the practice, to which [redacted] responded not every one of his troops had gotten the message. [redacted] tated he again stressed the issue with [redacted] and followed up

the direction with an e-mail addressed also to the 377th MP Company Operations Cell (run by SFC [redacted]

349. AIR of SA [redacted], dated 23 Aug 04, detailing receipt of medical records of HABIBULLAH and DILAWAR from USA MEDCOM.

350. Certified copies of medical records of HABIBULLAH.

351. Certified copies of medical records of DILAWAR.

352. AIR of SA [redacted] dated 23 Aug 04, detailing interview of SSG [redacted] and the construct of a composite sketch of [redacted]

353. Sworn Statement of [redacted], dated 23 Aug 04.

354. Composite Sketch of [redacted] by SSG [redacted]

355. AIR of SA [redacted] dated 31 Aug 04, detailing operational decision not to re-interview LTC [redacted] for the discrepancies in his statements, as they did not impact the circumstances of either death.

356. AIR of SA [redacted], dated 17 Sep 04, detailing interview of SFC [redacted] and her observations and actions related to detainees being held in restraints within the holding cells and chained to the door of an isolation cell.

357. Sworn Statement of [redacted] dated 17 Sep 04.

358. AIR of SA [redacted], dated 4 Oct 04, detailing request and subsequent interview of LTC [redacted], related to his knowledge of operations within the BCP and the deaths of the two detainees.

359. Request For Assistance (RFA), dated 24 Sep 04, requesting the interview of LTC [redacted], by the Darmstadt Resident Agency, USACIDC. (USACRC and file copy only)

360. AIR of SA [redacted] dated 28 sep 04, detailing the interview of LTC [redacted] and his knowledge of operations within the BCP and the deaths of the two detainees.

361. Sworn Statement of LTC [redacted] dated 27 Sep 04.

362. AIR of SA [redacted], dated 29 Sep 04, detailing RFA to the Bagram Branch Office, USACIDC to locate and examine the classified computer system utilized by the 377th MP Company and the receipt of the AIR of SA [redacted] documenting subsequent investigative activity.

363. RFA dated 25 Aug 04, requesting to locate and conduct a forensic examination of the classified computers assigned to the 377th MP Company while they operated the BCP. Additionally, to locate and examine the classified e-mail accounts of the CJTF-180 PMO (MAJ [redacted]) and the Commander, 377th MP Company (CPT [redacted], by the Bagram Branch Office, USACIDC. (USACRC and file copy only)

364. AIR of SA [redacted], dated 3 Sep 04, detailing investigative activity related to attempts to locate and examine the classified computers issued to the 377th MP Company while operating the BCP as well as the classified e-mail accounts of the CJTF-180 PMO and Commander, 377th MP Company. The classified computers were no longer in use at the BCP. Due to poor record keeping, the exact location of the computers could not be established. The classified e-mail accounts for MAJ [redacted] and CPT [redacted] had been removed from the Bagram classified server and no records remained.

365. Copy of hand receipt, dated 1 Aug 03, detailing computer equipment issued to the 327th MP Company, Bagram, Afghanistan.

366. AIR of SA [redacted] detailing telephonic interviews of CPT [redacted] and 1SG [redacted] related to their deployment as members of the CJTF-180 PMO and their duties and observations of BCP operations.

367. CD ROM containing Crime Scene Photographs, Autopsy Photographs, Crime Scene Re-enactment Photographs, in a variety of subfolders.

368. (368.1 thru 368.8) Evidence Custody/Property Document (ECD) Voucher #s: 0063-02; 0067-02; 0049-03; 0088-03; 0002-04; 0001-04; 0003-04; and 0004-04. (USACRC and file copy only)

NOT ATTACHED:

Retained in the Evidence Repository of CID's Washington Metro Fraud Office:

369. One snuff case, (Item #1, Voucher #0063-02).
370. One bottle of liquid, (Item #2 Voucher #0063-02).
371. One foil packet of pills, (Item #3, Voucher #0063-02).
372. One bottle of liquid with stopper, (Item #4, Voucher #0063-02).
373. Fingernail scrapings of HABIBULLAH, (Item #1, Voucher #0067-02).
374. Cut beard hairs of HABIBULLAH, (Item #2, Voucher #0067-02).
375. Pulled pubic hairs of HABIBULLAH, (Item #3, Voucher #0067-02).
376. Cut pubic hairs of HABIBULLAH, (Item #4, Voucher #0067-02).
377. Rectal swabs of HABIBULLAH, (Item #5, Voucher #0067-02).
378. Oral swabs of HABIBULLAH, (Item #6, Voucher #0067-02).
379. Tape residue from ear of HABIBULLAH, (Item #7, Voucher #0067-02).
380. One tube of blood from HABIBULLAH (Item #1, Voucher #0049-03).
381. Three pieces of paper, AAR of [redacted] (Item #1, Voucher #0088-03).

382. Three pieces of paper, PTSR of [redacted] (Item #2, Voucher #0088-03).
383. Four sheets of paper containing Jan 02 377th Training Schedule (Item #1, Voucher #0002-04).
384. Seven sheets of paper, Class Rosters for 377th MP Company Jan 02 Training (Item #2, Voucher #0002-04).
385. Nine sheets of paper, PPCT Training Outline from 377th MP Company Jan 02 Training (Item #3, Voucher #0002-04).
386. Six photographs, from Jan 02 377th MP Company EPW Training (Item #1, Voucher #0001-04).
387. Five sheets of paper, Mar 02 377th MP Company Training Schedule (Item #1, Voucher #0003-04).
388. One sheet of paper, CPT [redacted] Memo requesting change to 377th MP Company Drill Schedule (Item #2, Voucher #0003-04).
389. One sheet of paper, Memorandum for Record of [redacted] (Item #1, Voucher #0004-04).

Retained in Class V Classified Container, US Army Crime Records Center:

390. AR 15-6 Report of COL [redacted], 23 Jan 03 (title unclassified, but contents classified).
391. BCP Standard Operating Procedure, undated and unsigned (title unclassified, but contents classified).

The originals of exhibits 1, 3 thru 8 were attached to the USACRC copy of this report. Originals of exhibits 14 thru 47, 49, 50, 51, 55 thru 60, 64, 65, 67, 68, 69, 72 thru 96, 98 thru 167, 171, 175 thru 271, 273 thru 287, 289 thru 348, 352 thru 364, and 366 thru 368 were forwarded with the USACRC copy of CID ROI 0137-02-CID369-23534, while copies of these documents were attached to the USACRC copy of this report. The originals of exhibits 9, 70, 71, 168 thru 170, 172 thru 174, 272 and 368 are retained in the Evidence Repository, Washington Metro Fraud Office, 6010 Sixth Street, Fort Belvoir, VA 22060. The originals of Exhibits 11, 12 and 48 are maintained in the files of the Armed Forces Institute of Pathology (AFIP), 1413 Research Boulevard, Suite 102, Rockville, MD 20850. The location of the original of Exhibit 13 is not known. The originals of Exhibits 52 thru 54, 288 are maintained within the files of the 377th MP Company (USAR), 1600 Seymour Avenue, Cincinnati, OH. The originals of Exhibits 2, 10, 350 and 351 are maintained within the files of the 48th Combat Support Hospital, Fort Sam Houston, TX. The originals of Exhibits 61-63 are maintained within the files of Combined Joint Task Force 180, Bagram Air Field, Afghanistan, APO AE 09354 (attached to the AR-15 of COL [redacted]. The original of Exhibit 66 is maintained within the files of the US Army Crime Lab, Fort Gillem, GA. The originals of Exhibit 97 are maintained within the personal property of MAJ [redacted]. The original of Exhibit 365 was retained within the files of the Installation Property Book Office, Bagram, Afghanistan.

b6, 7C

57

STATUS: This is a "Final (C)" report. This investigation was terminated IAW CIDR 195-1, Paragraph 4-17(a)4, in that the supported staff judge advocate is of the opinion sufficient admissible evidence is available to prosecute the subject(s) for the listed offense(s) if deemed appropriate, that additional investigation would produce only cumulative evidence, and the identification of additional subjects or offenses is unlikely.

Additional leads, such as re-interviews of personnel connected to this investigation, that may be undertaken at the request of the supported staff judge advocate will be completed and documented in supplemental reports. Additionally, interviews or re-interviews of MI Interrogators who have left military service ([redacted] et al.) were not conducted at the request of SJA, because those individuals could be charged under United States Code and any Army interview must should first cleared with the US Attorney's Office having jurisdiction over those (now civilian) personnel SJA will pursue that avenue as appropriate.

Commander's Report of Disciplinary Action Taken (DA Form 4833) against [redacted] AKA: [redacted] and [redacted] pending from the Cdr, 519th MI Battalion, Fort Bragg, NC.

Commander's Report of Disciplinary Action Taken (DA Form 4833) against [redacted] is pending from the Commander, 304th MI Battalion, Fort Huachuca, AZ.

Assistant US Attorney's Report of Disciplinary Action Taken (DA Form 4833) against [redacted] pending.

Commander's Report of Disciplinary Action Taken (DA Form 4833) against [redacted] and [redacted] is pending from the Cdr, 300th MP Brigade (USAR), Inkster, MI.

REPORT PREPARED BY:

[redacted]
Special Agent, [redacted]

REPORT APPROVED BY:

[redacted]
CW5, Chief, Investigative Ops

DISTRIBUTION:

1. Director, US Army Crime Records Center, ATTN: CICR-CR, 6010 Sixth Street, Fort Belvoir, VA 22060 (original).

b2, b6, 7C

58

1. Commander, USACIDC, ATTN: Investigative Operations Division, 6010 Sixth Street, Fort Belvoir, VA 22060.

1. Commander, 3d Military Police Group (CID), Fort Gillem, GA 30050 (less exhibits).

1. Office of the Staff Judge Advocate, US Army Forces Command (FORSCOM), ATTN: MAJ [redacted] 1777 Hardee Avenue SW, Fort McPherson, GA 30330

1. Office of the Staff Judge Advocate, US Army Reserve Command (USARC), ATTN: ARRC-JA (LTC [redacted]), 1401 Deshler Street SW, Fort McPherson, GA 30330 (less exhibits)

1. Commander, 300th MP Brigade (USAR), 3100 South Beech-Daly Drive, Inkster, MI 48141

1. Commander, 111th MI Brigade, Fort Huachuca, AZ 85613

1. Commander, 525th MI Brigade, Fort Bragg, NC 28310.

1. Provost Marshal Office, US Army Reserve Command (USARC), ATTN: AFRC-OPM (MAJ [redacted]), 1401 Deshler Street SW, Fort McPherson, GA 30330 (less exhibits)

1. File.

b6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0134-02-CID369-23533

DETAILS

NOTE: Are times are in Zulu (Z). Local time is 4-1/2 hours more than Z.

BASIS FOR INVESTIGATION: About 2150Z, 3 Dec 02, CW3 [redacted], Special Agent in Charge, Criminal Investigation Task Force (CITF), Bagram Air Field, Afghanistan, APO AE 09354 (BAF), notified this office of the death of a detainee being held at the Bagram Collection Point (BCP), BAF. CW3 [redacted] did not know the details surrounding the incident, however, he had been informed by the BCP of the death.

About 2220Z, 3 Dec 04, SA [redacted] coordinated with SA [redacted], CITF, BAF, who stated he had responded to the American Hospital, BAF, as he was informed by the BCP that a detainee was found unresponsive at the BCP and had been transported to the hospital. SA [redacted] was requested to expose photographs of the detainee for documentation purposes. Upon his arrival, SA [redacted] was informed the detainee had died due to possible kidney failure. SA [redacted] stated the detainee was listed with a Bagram Temporary (BT) number 412, as he had arrived on 30 Nov 02 and had not been assigned a permanent number yet. SA [redacted] also related BT-412 (later identified as Mr. Habib ULLAH, about 30 years old, unknown residence, Tarin Khowt, Afghanistan) was a friend of Mr. [redacted] who was interested in the well-being of BT-412. SA [redacted] stated BT-412 had been held in an Isolation Cell (ISO Cell), where Military Police (MP) discovered him as non-responsive. SA [redacted] related 1LT [redacted] Platoon Leader, 377th MP Co, BAF, was currently at the hospital and could provide more details on this incident.

About 2315Z, 3 Dec 02, SA [redacted] and SA [redacted] this office, traveled to the American Hospital, BAF, to conduct interviews and an examination of the remains.

About 2325Z, 3 Dec 02, SA [redacted] interviewed 1LT [redacted] who related his platoon was on shift from 1500-0300Z, 3 Dec 02, and that he was notified by SFC [redacted] NCOIC, Night Shift, 377th MP Co, BAF, of the incident. 1LT [redacted] stated BT-412 was already on a stretcher and in the front holding cell when he first saw him. He also said he believed BT-412 was a possible known Taliban or Al Quaeda and was bound for Guantanamo Bay, Cuba. 1LT [redacted] stated he was briefed by SFC [redacted] that BT-412 was found unresponsive by SPC [redacted] 377th MP Co, BAF, in an ISO Cell about 1930Z, 3 Dec 02, while being fed. He added SPC [redacted] 377th MP Co, BAF, and the Sergeant of the Guard (SOG), SSG [redacted] 377th MP Co, BAF, were also present during the incident.

About 2330Z, 3 Dec 02, SA [redacted] conducted an examination of Mr. ULLAH's remains. He was male, about 30 years of age; about 66" tall; 175lbs; brown eyes; and although initially annotated on the BCP inprocessing sheet as having black hair, Mr. ULLAH had a shaved head. There was an unknown pattern on his left earlobe, which extended to just under his ear; and had two apparent birthmarks on his upper chest near the sternum. There was a contusion on the outer part of the left thigh, which was approximately 5mm long and 3mm wide; one on the upper left arm just below the elbow, which was approximately 4mm long; and two near the left elbow, which were approximately ½ mm in circumference. There were abrasions on both of the wrists, which wrapped around each; and an abrasion, which was approximately 10mm long near the lower left chest area. There were three medical monitor lead pads on the left nipple; left abdomen; and right lower chest. The skin was cold to the touch; rigor mortis was apparent; and both eyes appeared to be dry and glassed over. SA [redacted] obtained fingerprints and exposed photographs utilizing a Nikon digital camera. (see photos for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID)(FWD) Bagram Air Field, Afghanistan, APO AE 09354	
SIGNATURE FOR [redacted]	DATE 11 Dec 02	EXHIBIT 1

b2, b6, 7C

DETAILS

About 2340Z, 3 Dec 02, SA [redacted] interviewed CPT [redacted], Charge Nurse, 339th Combat Support Hospital (CSH), BAF, who stated he was dispatched to the BCP and arrived there around 2000Z, 3 Dec 02. He examined BT-412 and noted there were no signs of life (no heart beat, no respiration, pupils fixed and dilated, and rigor mortis was beginning to set in), therefore no life saving measures were performed on scene. BT-412 was transported to the hospital around 2006Z, 3 Dec 02, and was hooked up to monitors by Dr. (LTC) [redacted] On-Call Emergency Medical Technician (EMT) Physician, 339th CSH, BAF. The monitors were negative for signs of life. Blood was drawn and the remains were taken to be x-rayed. Attempts to draw urine were unsuccessful as there was no urine to be drawn, and that, coupled with the results of the blood tests, indicated BT-412 died as a result of Acute Renal failure, meaning his kidneys had failed. The x-rays were negative for any acute injury.

About 0010Z, 4 Dec 02, SA [redacted] interviewed Dr. [redacted] who reiterated what CPT [redacted] had stated. Dr. [redacted] verified the monitors (Cardiac Stand Still) were negative for signs of life and pronounced BT-412 dead on arrival (DOA) at 2014Z, 3 Dec 02. Dr. [redacted] also stated BT-412 had an enlarged prostate which had been pushing against his kidneys, which did not allow them to function properly. Dr. [redacted] subsequently provided copies of Mr. ULLAH's medical report, which included SF Form 600, Chronological Record of Medical Care; DA Form 3894, Hospital Report of Death; and copies of the laboratory work sheets and printouts.

Between 0020-0050Z, 4 Dec 02, SA [redacted] and SA [redacted] conducted a death scene examination of ISO Cell #7, BCP, BAF.

Characteristics of the Scene: ISO Cell #7 was located on the first floor of the BCP and was the last cell on the right side of the room. The cell was of wood construction and measured approximately 11 feet long, 10 feet wide, and 8 feet high. The ceiling was constructed of wire, approximately ¼ inch in diameter. The entrance/exit was centered on the cell and was also of wood construction with a small window opening with three metal bars. There were no other windows or openings within the cell.

Conditions of the Scene: The cell was bare of any other furnishings and was clean. There was a .5 liter water bottle in one corner, about ¾ full, a pair of tan cloth booties, a pair of blue canvass shoes, a black hood, all near the entrance/exit, and a dirty used surgical mask at the far wall opposite the entrance/exit. There was nothing else remarkable about the cell.

Environmental Conditions: The temperature inside the cell was approximately 70 degrees Fahrenheit and the air was dry.

Factors Pertinent to Entry/Exit: The door to the cell was pad-locked from the outside of the cell and could not be reached from the inside of the cell. The door led to a make-shift hallway which led to the entrance/exit of the room.

Scene Documentation: SA [redacted] exposed photographs of the scene utilizing a Nikon CoolPix 995 digital camera. (See Photographic CD for details)

Seizure of Evidence: There were no items of evidentiary value identified at the scene.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID)(FWD) Bagram Air Field, Afghanistan, APO AE 09354	
SIGNATURE [redacted]	DATE 11 Dec 02	EXHIBIT 1

DETAILS

About 0055Z, 4 Dec 02, SA [redacted] obtained Mr. ULLAH's BCP case file, from 1LT [redacted] which included BCP Incoming sheet; two Incident Report Local Forms dated 1 & 2 Dec 02; a DA Form 4237-R, Detainee Personnel Record; DA Form 2823, Sworn Statement of SSG [redacted] 377th MP Co, BAF, relating to an incident that occurred on 2 Dec 02, with Mr. ULLAH; DD Form 2708, receipt for Inmate or Detained Person; and two DA Form 4137, Evidence/Property Custody Document, depicting property taken from Mr. ULLAH.

About 0138Z, 4 Dec 02, SA [redacted] interviewed SPC [redacted] who rendered a sworn statement detailing his knowledge of this incident. SPC [redacted] related that around 1900z, 3 Dec 02, he went into BT-412's cell with SPC [redacted] and SGT [redacted] to give him food, which he refused to eat or drink. BT-412 then spit on SPC [redacted] so they placed him in corrective restraints. Around 1908z, 3 Dec 02, SSG [redacted] entered BT-412's cell and found him slumping and medical personnel were notified. They all began to conduct basic medical treatment on BT-412 and waited for medical personnel to arrive. Once BT-412 was found to not be responsive and not breathing, they rushed him to the hospital where he subsequently died. BT-412 was combative in that he had tried to get out of his handcuffs several times and it left bruises on his wrists. He had a habit of running around the cell and banging into the walls. When BT-412 was first brought in, he struck SGT [redacted] 377th MP Co, BAF, in the genital area. He had spit at the guards on numerous occasions. He tried to punch SSG [redacted] and he had grabbed the shirt of SPC [redacted] 377th MP Co, BAF. SPC [redacted] stated he did not strike BT-412 and had not seen or witnessed anyone striking BT-412.(See Sworn Statement of SPC [redacted] for details)

About 0250Z, 4 Dec 02, SA [redacted] interviewed SFC [redacted] who rendered a sworn statement detailing his knowledge of this incident. SFC [redacted] related that around 1925z, 3 Dec 02, he was called to ISO Cell one, Main Floor, BCP. BT-412 was not responding and SPC [redacted] was told to check his pulse, which was faint, and his blood pressure was 118/36. About 1935-1940z an ambulance was called and arrived about 20 minutes later. The Captain that came to the BCP requested they take BT-412 to the hospital after they arrived at the BCP. SFC [redacted] was notified approximately 30 minutes later by 1 LT [redacted] that BT-412 was dead. SFC [redacted] related BT-412 came into the facility combative. He was always spitting, constantly talking to the other detainees, and did not listen to any instructions or orders. The first day he arrived at the Confinement Facility, BT-412 hit a guard in the groin. BT-412 also spit on one of the guards, had struck a guard in the jaw, and tried to strike another in the stomach. SFC [redacted] stated he did not strike BT-412 and had not seen or witnessed anyone striking BT-412. (See Sworn Statement of SFC [redacted] for details)

About 0355Z, 4 Dec 02, SA [redacted] briefed COL [redacted] Commander, Dragon Brigade, Combined Joint Task Force (CJTF)-180, BAF.

About 0405Z, 4 Dec 02, SA [redacted] briefed CPT [redacted] Trial Counsel, Office of the Staff Judge Advocate (SJA), Dragon Brigade, CJTF-180, BAF.

About 0415Z, 4 Dec 02, SA [redacted] interviewed SSG [redacted] who rendered a sworn statement detailing his knowledge of this incident. SSG [redacted] related that around 1908z, 3 Dec 02, he responded to ISO Cell 7, due to BT-412 not eating and spitting at the ISO guard, SPC [redacted]. When SSG [redacted] and SPC [redacted] open the cell, BT-412 was unresponsive. BT-412 received treatments to revive him, but they were unsuccessful. SSG [redacted] told SPC [redacted]

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID)(FWD) Bagram Air Field, Afghanistan, APO AE 09354	
SIGNATURE [redacted]	DATE 11 Dec 02	EXHIBIT 1

b2, b6, 7c

DETAILS

to go get the facility doctor. After talking with SFC [redacted] he told him that he was going to call an ambulance. When SSG [redacted] got back to the cell, SFC [redacted] and SPC [redacted] were putting BT-412 on a stretcher and moved him to the processing area to await the ambulance. SSG [redacted] related BT-412 was combative, non-complaint, punched guards, and spit at guards. SSG [redacted] further related BT-412 had punched a guard, spit on several guards, kicked a guard in the genital area, refused to walk when being escorted to the latrine, talked with other detainees, grabbed several guards, and tried to get out of his cell when he was being fed. SSG [redacted] stated he did not strike PUC 412 and had not seen or witnessed anyone striking PUC 412. (See Sworn Statement of SSG [redacted] for details)

About 0435Z, 4 Dec 02, SA [redacted] briefed MAJ [redacted] Chief, Operations Law, CJTF-180, BAF. MAJ [redacted] was also the liaison with the International Committee of the Red Cross (ICRC) and the Legal Advisor to the BCP (Operations).

About 0500Z, 4 Dec 02, SA [redacted] briefed COL [redacted] Chief, Criminal Law, CJTF-180, BAF.

About 0510Z, 4 Dec 02, SA [redacted] interviewed SPC [redacted] who rendered a sworn statement detailing his knowledge of this incident. SPC [redacted] related that around 1912z, 3 Dec 02, was summoned on the floor to ISO Cell 7 to help with a detainee. Upon entering Cell #7, he found BT-412 slumped over. He checked for a pulse and found a weak, but steady carotid pulse, faint breath and slow reactive pupils. He tried a sternum rub to stimulate him, but with no reaction. He then helped SPC [redacted] and SGT [redacted] 377th MP Co, BAF, lowered BT-412 to the floor. About 1920z, the sergeant of the guard, SSG [redacted], told him to go get the medic at his tent and was advised to contact an ambulance and move BT-412 to the hospital. BT-412 was moved to the front of the processing room to wait for an ambulance. About 1950z, SPC [redacted] checked BT-412's vitals again and found blood pressure of 115/68, weak pulse, very faint breath sounds, and his pupils were not reactive. The ambulance crew arrived about two minutes later to transport BT-412 to the hospital. SPC [redacted] related that when he observed SPC [redacted] offer BT-412 bread, he spat at him. SPC [redacted] further related BT-412 would not eat or drink. SPC [redacted] stated he did not strike PUC 412 and had not seen or witnessed anyone striking BT-412. (See Sworn Statement of SPC [redacted] for details)

About 1250Z, 4 Dec 02, SA [redacted] interviewed Mr. [redacted] Interpreter, BCP, BAF, who stated he had spoken with Mr. ULLAH several times and there was no indication of Mr. ULLAH being ill or sick. Mr. [redacted] also stated he never saw or heard about guards getting unnecessarily physical with any of the detainees.

About 1305Z, 4 Dec 02, SA [redacted] coordinated with Dr. [redacted] Medical Examiner, AFIP, Washington D.C. and briefed him on the circumstances surrounding this investigation pertinent to support from this office. Dr. [redacted] stated he would arrange for himself and two others to travel to BAF to conduct a Forensic Autopsy as soon as possible. Dr. [redacted] requested this office arrange for the remains to be dealt with by Muslim Clergy for burial once the autopsy was completed.

About 1400Z, 4 Dec 02, SA [redacted] interviewed SGT [redacted] A Co, 519th MI Bn, BAF, who rendered a sworn statement detailing his knowledge of this incident. SGT [redacted] related that on 02 Dec 02, he conducted the interview of BT-412. He noted that when BT-412 was being brought into the interview room by the

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID)(FWD) Bagram Air Field, Afghanistan, APO AE 09354	
SIGNATURE [redacted]	DATE 11 Dec 02	EXHIBIT 1

b2, b6, 7C

DETAILS

guards, he was always uncooperative and would sometimes have to be carried by the guards, even though BT-412 seemed to be very coherent and healthy. SGT [redacted] stated he did not strike BT-412 and had not seen or witnessed anyone striking BT-412. (See Sworn Statement of SGT [redacted] for details)

About 1115Z, 5 Dec 02, SA [redacted] interviewed SPC [redacted] who rendered a sworn statement detailing his knowledge of this incident. SPC [redacted] related that about 0900z, 3 Dec 02, he was assuming duties in the Isolation Block Delta, at the BCP, BAF. About 0900z, BT-412 had to be move to cell #7 from cell #6, so the Engineers could reinforce the doors in the Isolation Block Delta. BT-412 would not walk, so SPC [redacted] got assistance from another soldier to help carry him to ISO Cell #7, and back to Cell #6 when the Engineers had finished. About 1115z, SPC [redacted] had to remove one of BT-412's cuffs to untangle him, because he repeatedly swung in a circle and wrapped his chains. BT-412 resisted and pulled away and tried to grab his hand, scraping skin off his middle knuckle, and tried to jab SPC [redacted] the chest. SPC [redacted] then got separated from BT-412 and cuffed the loose cuff back to the chain. He then locked the cell and got help from two other soldiers. The three soldiers struggled to get BT-412 handcuffed again and had to use wristlocks and common perennial hits to the thigh to get BT-412's attention in order to re-cuff him. About 1200z, BT-412 was removed from a hanging position so that he could eat chow and pray. BT-412 then made steps toward the open cell door and a wristlock was used to pull on his hand shackles and he was pinned against the far wall of the cell. SPC [redacted] related he regained control of the situation and backed out of the cell. SPC [redacted] stated he required help from other soldiers to re-handcuff BT-412. As soon as this was complete, about 1235z, BT-412 tried using his chains on his cuffs as a saw and tried cutting through the handcuffs that were holding him up. BT-412 constantly tried to pull off his hood. SPC [redacted] notified SSG [redacted] 377th MP Co, BAF, who was the Sergeant of the guard (SOG) and was instructed to give BT-412 a slight common perennial strike and pull his hood back down. SSG [redacted] observed the three times SPC [redacted] strike BT-412 in the thigh, and he stopped trying to pull the mask off. SPC [redacted] informed SPC [redacted] at the end of the guard shift that he used the common perennial strikes, but only after he had gotten authorization to do so. SPC [redacted] informed SPC [redacted] that BT-412 had to be forced to do everything and that he should read the incident in the logbook. SPC [redacted] instructed SPC [redacted] that BT-412 was non-complaint and would not do anything that he was asked to do. SPC [redacted] further admitted using the common perennial strike on BT-412 three times in the thigh area due to his constant combative actions, but only after receiving authorization from SSG [redacted] SPC [redacted] also related he observed SPC [redacted] 377th MP Co, BAF, administrate a common perennial strike to BT-412's thigh. (See Sworn Statement of SPC [redacted] for details)

About 1430Z, 5 Dec 02, SA [redacted] interviewed SPC [redacted] A Co, 519th MI Bn, BAF, who stated he interviewed Mr. ULLAH just after he had been brought to the BCP, and there was no indications that Mr. ULLAH was ill or sick. SPC [redacted] also stated he never saw or heard about guards getting unnecessarily physical with the detainees.

About 1140Z, 6 Dec 02, Dr. (LTC) [redacted] Armed Forces Regional Medical Examiner, Office of the Armed Forces Medical Examiner, Landstuhl Regional Medical Center (LRMC), APO AE 09180, conducted a preliminary examination of the body, with SA [redacted] observing, and the following information was noted: After removing the garment away from the groin area, observed what appeared to be lacerations on both sides of the upper legs near the hips; and a contusion on the left calf (posterior). It was also observed that a pattern was made on the left calf, similar to the sole

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID)(FWD) Bagram Air Field, Afghanistan, APO AE 09354	
SIGNATURE [redacted]	DATE 11 Dec 02	EXHIBIT 1

b2, b6, 7C

DETAILS

of a resoled Vibram boot. Dr. [redacted] subsequently stated the injury to the upper legs were due to when the ER personnel attempted to place in a Catheter. SA [redacted] exposed several photographs utilizing a digital camera of the body and injuries. Assisting Dr. [redacted] were SPC [redacted], SSGT (Air Force) [redacted] Dr (COL) [redacted] and GS-12 [redacted] all assigned to LRMC, APO AE 09180. (See Photographic CD for details)

About 0700Z, 7 Dec 02, Dr. [redacted] conducted an examination of the cell in which BT-412 was kept. SA [redacted] posed several photographs utilizing a digital camera of the cell. (See Photographic CD for details)

About 0730Z, 7 Dec 02, SA [redacted] interviewed CPT [redacted] ommander, 377th MP Co, BAF, who had no information other than what was related to him by his soldiers. CPT [redacted] lso provided a copy of his unit's Standard Operating Procedure (SOP) for the BCP. The SOP reflected the guards will use the minimum amount of force necessary to maintain discipline and compliance. The SOP does not reflect that blows will be administered to any detainees if they do not follow instructions.

About 1100Z, 7 Dec 02, Dr. [redacted] conducted a second examination of the exterior of the body, with SA [redacted] bserving, and the following information noted: Contusions were found on both inner thighs near the groin area; right part of the neck; left inner arm; and left knee/lower calf area. The left knee/calf area was also swollen. SA [redacted] Exposed several photographs utilizing a digital camera of the body and injuries. (See Photographic CD for details)

About 1200Z, 7 Dec 02, SA [redacted] conducted a field test of three unknown substances found on BT-412 which all met with negative results for controlled substances. The results were documented on a CID Form 36, Field Test Analysis of Suspected Controlled Substances.

Between 0400Z-0700Z, 8 Dec 02, Dr. [redacted] conducted an autopsy on BT-412, with SA [redacted] bserving. Dr. [redacted] opined the preliminary cause of death was a Pulmonary Embolism. SA [redacted] exposed photographs utilizing digital camera and obtained items of evidence, on a DA Form 4137, Evidence/Property Custody Document. Dr. [redacted] subsequently provided this office with copies of SF Form 503, Autopsy Protocol, detailing the Autopsy; DD Form 565, Statement of Recognition of Deceased, depicting 1LT [redacted] identification of BT-412; and DD Form 2064, Certificate of Death, pertaining to BT-412.

About 0620Z, 10 Dec 02, SA [redacted] nterviewed SSG [redacted] who rendered a sworn statement detailing his knowledge of this incident. SSG [redacted] related that about 1945z, 2 Dec 02, he was working in ISO Cell #1 at the BCP. He entered ISO Cell #6, to retrieve BT-412's food, which he refused to eat. At that time, SSG [redacted] found BT-412's pants where down to his ankles. SSG [redacted] chose to let BT-412 stand free, but not sit down for a period of time to be determined by his actions. At 2100z, SSG [redacted] observed BT-412 lying down on the cell floor. He contacted SGT [redacted] 377th MP Co, BAF, and he assisted him in placing BT-412 back up in the restraints. BT-412 would not stand, so SSG [redacted] grabbed him by the arm and lifted him up against the wall to place the restraints on him. As SSG [redacted] was holding his arms against his body, BT-412 struck him in the right side of his chin with his left fist. At this point, BT-412 was pinned against the wall and restraints placed on him, along with a hood over his head. Corrective restraints were place on BT-412, SSG [redacted] and SGT [redacted] hen exited

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	87th Military Police Detachment (CID)(FWD) Bagram Air Field, Afghanistan, APO AE 09354
SIGNATURE [redacted]	DATE: 11 Dec 02 / EXHIBIT: 1

DETAILS

the cell. SSG [redacted] stated he did not strike BT-412 or any knowledge of other soldiers striking any of the detainees. (See Sworn Statement of SSG [redacted] for details)

AGENT'S COMMENTS: The original statement was not in the case file and is presumed missing. A copy of the statement was reprinted and added as an exhibit, but it is not signed.

About 1430Z, 10 Dec 02, SA [redacted] interviewed SFC [redacted], 377th MP Co, BAF, who could provide no further information other than he contacted the ambulance.

About 1435Z, 10 Dec 02, SA [redacted] coordinated with 1LT [redacted] who stated his unit had earlier conducted a Health and Welfare Inspection and did not find the boot pattern discovered on BT-412's leg on any soldier's boots.

About 1445Z, 10 Dec 02, SA [redacted] interviewed SPC [redacted] 377th MP Co, BAF, who stated he could not provide any information on the condition of BT-412 the night of 2-3 Dec 02, as he was not on duty and did not respond to the BCP when the detainee was found unresponsive. SPC [redacted] also stated there was no indication of any previous medical problems from BT-412. SPC [redacted] provided an example of the tread pattern comparable to the pattern found on BT-412's calf. SPC [redacted] had a pair of resoled jungle boots, which he had in the bottom of his duffel bag within the unit's storage room. SA [redacted] exposed photographs of the pattern utilizing a digital camera. (See Photographic CD for details)

About 1505Z, 11 Dec 02, SA [redacted] interviewed SSG [redacted] who stated he did observe SPC [redacted] strike BT-412 in the thigh (common perennial), but nowhere else. SSG [redacted] also stated his Company had last received training on common pressure points about three months prior (Aug 02), and conducted refresher training during guard mounts.

About 1512Z, 11 Dec 02, SA [redacted] interviewed SGT [redacted] who stated he did enter BT-412's cell on 2 Dec 02, with SPC [redacted] but could provide no further information on when the detainee was found unresponsive.

About 1600Z, 13 Dec 02, Dr. [redacted] provided to this office with a copy of the DD Form 2064, Certificate of Death, in which she changed the cause of death from Pulmonary Embolism due to Blunt Force Trauma, and the manner of death as Homicide.

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

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID)(FWD) Bagram Air Field, Afghanistan, APO AE 09354	
SIGNATURE [redacted]	DATE 11 Dec 02	EXHIBIT 1

0134-02-C10369 23533

AUTHORIZED FOR LOCAL REPRODUCTION

MEDICAL RECORD | **CHRONOLOGICAL RECORD OF MEDICAL CARE**

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION *(Sign each entry)*
4 Dec 02	ER/PM note
0300	30 yo AM PUC found unresponsive this AM at facility, EMS found
	pt apneic, pulseless with fixed & dilated (mid-position) pupils. Ø overt
	hx inj/trauma evident, found on side, last seen 20-30" prior
	Noted to be uncooperative during 2 day stay, was spitting on
	staff earlier with disruptive behavior. No Noted respiratory distress,
	levine sign, diaphoresis, focal neuro changes. unremarkable
	intake physical exam per Dr (b)(6)
	PMH, SH unknown
	RDS refusing food last 2 days
	GCS 3 rectal temp 102.5
	HEENT pupils fixed, boxed retinal changes, TM, op nl Ø fb
	neck mdln trach, no SQ air, no ligature marks
	chest pattern bruise (L) costal margin, asystole confirmed in 2 leads
	abd Ø bowel sounds, nondistended
	extr Ø spontaneous motion, wrists well padded Ø deformity
	edema (L) medial 1 nee, old bruise (L) lat thigh, (L) nose Ø ligature
	skin Ø fixed lividity Ø petechiae
	skeletal survey Ø Acute fx Ø cardiomegaly

7.7 | 16.4 | 61 | 155 | 90 | 36 | CKMB >125 | 131 | 95 | 57
25-1 | 421K | 230 | >8.5 | 14 | 105 | 6.3 | 8.6 | 29 | 130 | 7.0

CK - reading high piccolo

HOSPITAL OR MEDICAL FACILITY (b)(2)-2	STATUS	DEPART./SERVICE	RECORDS MAINTAINED AT
SPONSOR'S NAME	SSN/ID NO.	RELATIONSHIP TO SPONSOR	

PATIENT'S IDENTIFICATION: *(For typed or written entries, give: Name - last, first, middle; ID No or SSN; Sex; Date of Birth; Rank/Grade.)* | REGISTER NO. | WARD NO.

PUC # 412

CHRONOLOGICAL RECORD OF MEDICAL CARE
Medical Record
STANDARD FORM 600 (REV. 6-97)
Prescribed by GSA/ICMR
FIRMR (41 CFR) 201-9.202-1

USAPA V2.00

FOR OFFICIAL USE ONLY

Exhibit: 2

67

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (Sign each entry)
4 Dec02	Page 2
	Nursing staff unable to cath, even with coude, obstruction at area prostate
	Post mort fem sticks for specimen collection
	suprapubic tap, blood culture pending
	A/P # cardiorespiratory arrest, dead on arrival - Abnormal renal functions verified on separate instruments, clothing preserved, command + CID notifications made. toxicology pending. initial impression - arrythmia 2° hyperkalemia due to renal failure, duration of nephropathy unknown. Autopsy decision pending.
	(b)(6) [redacted] MD
	MC LTC LSAR
	(b)(2)-2 [redacted]

HOSPITAL REPORT OF DEATH

FOR USE OF THIS FORM, SEE AR 40-2; THE PROPONENT AGENCY IS THE OFFICE OF THE SURGEON GENERAL.

NAME AND LOCATION OF HOSPITAL: (b)(2)-2

Instructions - Medical Officer in attendance will:
Prepare, in one copy only, Items 1 through 10 and sign Item 11. Print or type entries.
Send form, without delay to the Registrar or Administrative Officer of the Day, for necessary action and for preparation of required number of copies.

SECTION A - ATTENDING MEDICAL OFFICER'S REPORT

PERSONAL DATA

1. PATIENT DATA *(Patient's ward plate will be used to imprint identifying data if available)*: PUC 412

Patient's name (Last, first, middle initial), Grade, Social Security Account No., Register Number and Ward Number

2. TIME OF DEATH *(Hour-day-month-year)*: 2014Z 3 Dec 02

3. MEDICAL EXAMINER/CORONER'S CASE: ☒ YES ☐ NO

4. RELIGION: Muslim

5. CHAPLAIN NOTIFIED: ☐ YES ☒ NO

6. NAME, ADDRESS AND RELATIONSHIP OF RELATIVE OR FRIEND PRESENT AT DEATH:

CAUSE OF DEATH

		APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH
7a. DISEASE OR CONDITION DIRECTLY LEADING TO DEATH *(This does not mean the mode of dying, e.g., heart failure, asthenia, etc. It means the disease, injury, or complication which caused death)*	DUE TO *(or as a consequence of)*: cardiorespiratory arrest	immediate
7b. ANTECEDENT CAUSES *(Morbid conditions, if any, giving rise to the above cause, stating the underlying condition last)*	DUE TO *(or as a consequence of)* (1): renal failure	unknown
	(2): hyperkalemia	
8. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO THE DEATH, BUT NOT RELATED TO THE DISEASE OR CONDITION CAUSING IT	a. (Autopsy pending)	
	b.	

9. DATE	10. TYPED OR PRINTED NAME AND GRADE OF MEDICAL OFFICER IN ATTENDANCE	11. SIGNATURE OF MEDICAL OFFICER IN ATTENDANCE
4 Dec 02	(b)(6) MC, LTC	(b)(6)

SECTION B - ADMINISTRATIVE ACTION

TYPE OF ACTION	HOUR	DAY	MONTH	YEAR	INITIALS OF RESPONSIBLE OFFICER
12. TELEGRAM TO NEXT OF KIN OR OTHER AUTHORIZED PERSON					
13. POST ADJUTANT GENERAL NOTIFIED					
14. IMMEDIATE CO OF DECEASED NOTIFIED					
15. INFORMATION OFFICE NOTIFIED					
16. POST MORTUARY OFFICER NOTIFIED					
17. RED CROSS NOTIFIED					
18. OTHER *(Specify)*					
19.					

SECTION C - RECORD OF AUTOPSY

20. AUTOPSY PERFORMED *(If yes, give date and place)*: ☐ YES ☐ NO

21. AUTOPSY ORDERED BY *(Signature)*:

22. PROVISIONAL PATHOLOGICAL FINDINGS:

23. DATE	24. TYPED NAME AND GRADE OF PHYSICIAN PERFORMING AUTOPSY	25. SIGNATURE OF PHYSICIAN PERFORMING AUTOPSY

26. DATE	27. TYPED NAME AND GRADE OF REGISTRAR	28. SIGNATURE OF REGISTRAR

DA FORM 3894

FOR OFFICIAL USE ONLY

REPLACES DA FORM 8-257, 1 JAN 61, WHICH WILL BE USED.

U.S. GPO: 1986—491-063/432

Exhibit: Exhibit 2 69

4
0138-02-CID369 23533

70

Exhibit 2

PATIENT'S MED. RECORD

SPECIMEN/LAB. RPT. NO.

CHEM 1

URGENCY ☐ ROUTINE ☐ TODAY ☐ PRE-OP ☐ STAT ☐

PATIENT STATUS ☐ BED ☐ AMB ☐ OUTPATIENT ☐ NP ☐ DOM

SPECIMEN SOURCE ☐ BLOOD ☐ OTHER (Specify)

PREVIOUS EDITION USABLE

Enter in above space PATIENT IDENTIFICATION TREATING FACILITY WARD NO.

CHEMISTRY 1 646-108

PCC 412

======= PICCOLO =======
12/04/02 01:33 AM
REFERENCE RANGE: MALE
PATIENT #: 0001
GENERAL CHEMISTRY 12
DISC LOT #: 2241AA4
OPER #: 193 DR #: 000
SERIAL #: 0000100579

ALB	3.7	3.3-5.5	G/DL
ALP	76	26-84	U/L
ALT	118*	10-47	U/L
AMY	73	14-97	U/L
AST	243*	11-38	U/L
TBIL	1.6	0.2-1.6	MG/DL
BUN	108*	7-22	MG/DL
CA++	9.0	8.0-10.3	MG/DL
CHOL	104	100-200	MG/DL
CRE	6.6*	0.6-1.2	MG/DL
GLU	69*	73-118	MG/DL
TP	7.6	6.4-8.1	G/DL

INST QC: OK CHEM QC: OK
HEM 1+, LIP 0 , ICT 0

======= PICCOLO =======
12/04/02 02:23
REFERENCE RANGE: MALE
PATIENT #: 412
GENERAL CHEMISTRY 12
DISC LOT #: 2241AA4
OPER #: 193 DR #: 000
SERIAL #: 0000100540

ALB	3.5	3.3-5.5	G/DL
ALP	70	26-84	U/L
ALT	112*	10-47	U/L
AMY	71	14-97	U/L
AST	226*	11-38	U/L
TBIL	1.5	0.2-1.6	MG/DL
BUN	110*	7-22	MG/DL
CA++	9.5	8.0-10.3	MG/DL
CHOL	91*	100-200	MG/DL
CRE	6.5*	0.6-1.2	MG/DL
GLU	43*	73-118	MG/DL
TP	7.3	6.4-8.1	G/DL

INST QC: OK CHEM QC: OK
HEM 1+, LIP 0 , ICT 0

======= PICCOLO =======
12/04/02 02:28 PM
REFERENCE RANGE: MALE
PATIENT #: 412
METLYTE 8
DISC LOT #: 2312BA4
OPER #: 193 DR #: 000
SERIAL #: 0000100564

GLU	38*	73-118	MG/DL
BUN	104*	7-22	MG/DL
CRE	6.4*	0.6-1.2	MG/DL
CK	♦♦♦	39-380	U/L
NA+	147*	128-145	MMOL/L
K+	>8.5*	3.3-4.7	MMOL/L
CL-	89*	98-108	MMOL/L
tCO2	15*	18-33	MMOL/L

INST QC: OK CHEM QC: OK
HEM 0 , LIP 0 , ICT 0

For Official Use Only

======= PICCOLO =======
12/04/02 02:43 PM
REFERENCE RANGE: MALE
PATIENT #: 4120
METLYTE 8 2312BA4
DISC LOT #: DR #: 000
OPER #: 193 0000100564
SERIAL #:

GLU	38*	73-118	MG/DL
BUN	105*	7-22	MG/DL
CRE	6.3*	0.6-1.2	MG/DL
CK	***	39-380	U/L
NA+	155*	128-145	MMOL/L
K+	>8.5*	3.3-4.7	MMOL/L
CL-	90*	98-108	MMOL/L
+CO2	14*	18-33	MMOL/L

INST QC: OK CHEM QC: OK
HEM 0 , LIP 0 , ICT 0

Rec'd Ent

CHEM I
URGENCY: ROUTINE
PATIENT STATUS: BED AMB OUTPATIENT DOM
SPECIMEN/LAB. RPT. NO.
PATIENT'S MED. RECORD

PREVIOUS EDITION USABLE

Rec 4/2 Ent on file

CHEM I
URGENCY: ROUTINE TODAY PRE-OP STAT
PATIENT STATUS: BED AMB OUTPATIENT NP DOM
SPECIMEN SOURCE: BLOOD OTHER (Specify)
SPECIMEN/LAB. RPT. NO.
PATIENT'S MED. RECORD

Enter in above space PATIENT IDENTIFICATION—TREATING FACILITY—WARD NO.—DATE

REPORTED BY (b)(6) MD TECH DATE 4 Dec 02
LAB. ID. NO.

INSTRUMENT NO. 00081289
SERIAL 843 USER ID 99999999

NORMAL RANGES: CARDIAC
CKMB 0 - 4.3
MYO 0 - 101
TNI 0 - 1.0

CARDIAC MULTI ASSAYS
PATIENT ID 412

CKMB 1.2 ng/mL
MYO 124 ng/mL
TNI 0.0 ng/mL
TNI ABOVE NORMAL

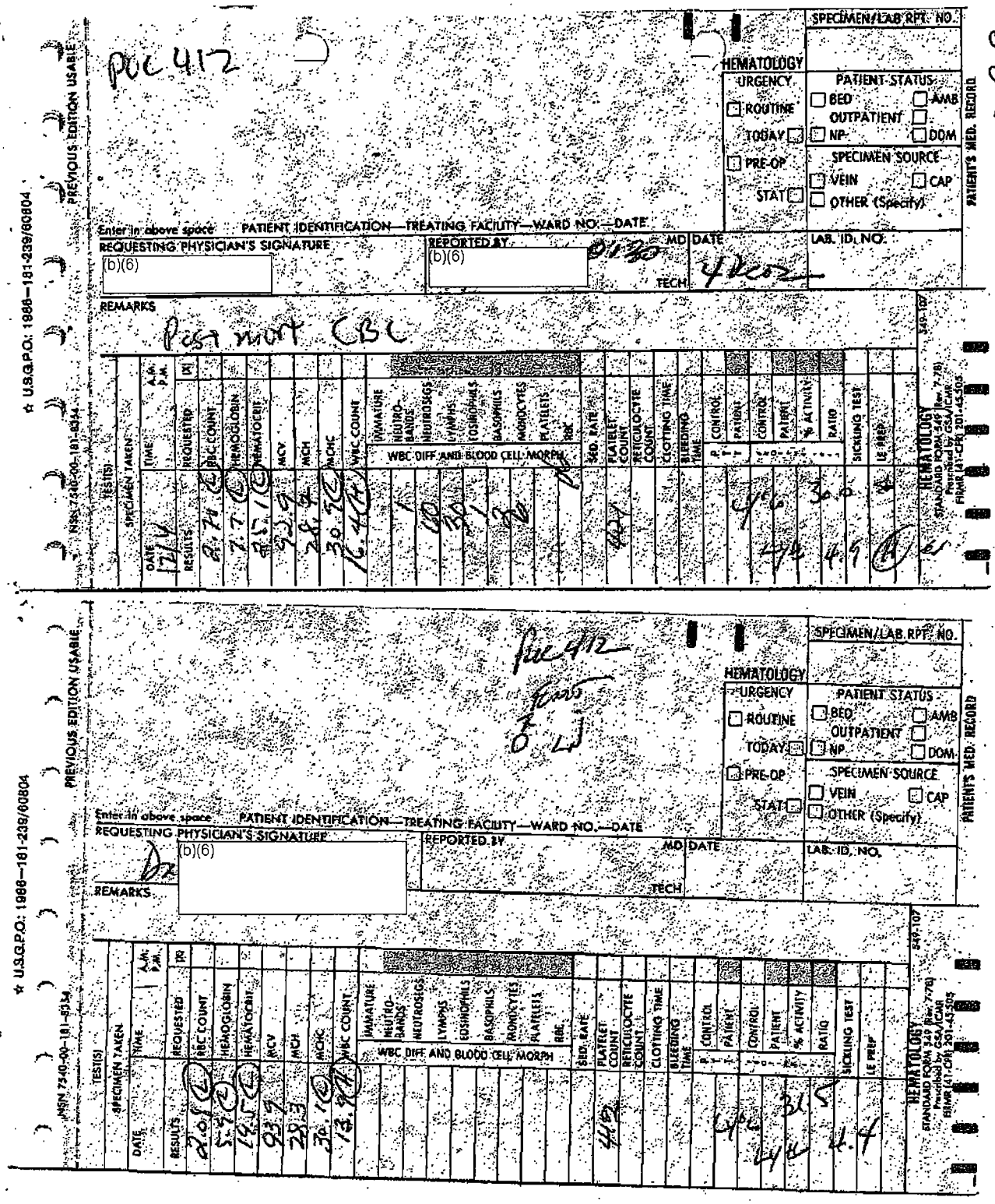
CHEMISTRY I

PHOSPHATE	
CALCIUM	
TOTAL PROTEIN	
ALBUMIN	
GLOBULIN	
ALKALINE PHOSPHATASE	
ACID PHOSPHATASE	
SGOT	
LDH	
CPK	
BILIRUBIN (TOTAL)	
BILIRUBIN (DIRECT)	
CHOLESTEROL	
TRIGLYCERIDES	
AMYLASE	
LIPASE	
PROFILE (Specify)	

STAT CKMB 1.2
MYO 124
TNI 0.0

FOR OFFICIAL Use Only

71
Exhibit



HEMATOLOGY
SPECIMEN/LAB RPT. NO.
URGENCY: ROUTINE, TODAY, PRE-OP, STAT
PATIENT STATUS: BED, AMB, OUTPATIENT, NP, DOM
SPECIMEN SOURCE: VEIN, CAP, OTHER (Specify)
PATIENT'S MED. RECORD
PREVIOUS EDITION USABLE
☆ U.S.G.P.O.: 1988—181-239/60804
Enter in above space PATIENT IDENTIFICATION—TREATING FACILITY—WARD NO.—DATE
REQUESTING PHYSICIAN'S SIGNATURE
REPORTED BY
MD DATE
TECH
LAB. ID. NO.
REMARKS
Post mort CBC
TEST(S) | SPECIMEN TAKEN: DATE, TIME | A.M. P.M. | IN | REQUESTED | RBC COUNT | HEMOGLOBIN | HEMATOCRIT | MCV | MCH | MCHC | WBC COUNT | WBC DIFF AND BLOOD CELL MORPH: IMMATURE, NEUTRO-BANDS, NEUTROSEGS, LYMPHS, EOSINOPHILS, BASOPHILS, MONOCYTES, PLATELETS, RBC | SED. RATE | PLATELET COUNT | RETICULOCYTE COUNT | CLOTTING TIME | BLEEDING TIME | CONTROL | PATIENT | CONTROL | PATIENT | % ACTIVITY | RATIO | SICKLING TEST | LE PREP
RESULTS
12/V
8.74 (L) 7.7 (L) 25.1 (L) 93.9 28.4 30.5 16.4 (H)
1 60 30 1 2 6
40
4.6 30.0 4.4 4.9 (A) (L)
NSN 7540-00-181-8034
HEMATOLOGY
STANDARD FORM 349 (Rev. 7-78)
Prescribed by GSA/ICMR
FIRMR 141-CFR 201-45.505
349-107

HEMATOLOGY
SPECIMEN/LAB RPT. NO.
URGENCY: ROUTINE, TODAY, PRE-OP, STAT
PATIENT STATUS: BED, AMB, OUTPATIENT, NP, DOM
SPECIMEN SOURCE: VEIN, CAP, OTHER (Specify)
PATIENT'S MED. RECORD
PREVIOUS EDITION USABLE
☆ U.S.G.P.O.: 1988—181-239/60804
Enter in above space PATIENT IDENTIFICATION—TREATING FACILITY—WARD NO.—DATE
REQUESTING PHYSICIAN'S SIGNATURE
(b)(6)
REPORTED BY
MD DATE
TECH
LAB. ID. NO.
REMARKS
TEST(S) | SPECIMEN TAKEN: DATE, TIME | A.M. P.M. | IN | REQUESTED | RBC COUNT | HEMOGLOBIN | HEMATOCRIT | MCV | MCH | MCHC | WBC COUNT | WBC DIFF AND BLOOD CELL MORPH: IMMATURE, NEUTRO-BANDS, NEUTROSEGS, LYMPHS, EOSINOPHILS, BASOPHILS, MONOCYTES, PLATELETS, RBC | SED. RATE | PLATELET COUNT | RETICULOCYTE COUNT | CLOTTING TIME | BLEEDING TIME | CONTROL | PATIENT | CONTROL | PATIENT | % ACTIVITY | RATIO | SICKLING TEST | LE PREP
RESULTS
2.05 (L) 5.53 14.5 (L) 93.7 28.3 30.1 13.9 (H)
41
4.4 4.7
NSN 7540-00-181-8034
HEMATOLOGY
STANDARD FORM 349 (Rev. 7-78)
Prescribed by GSA/ICMR
FIRMR 141-CFR 201-45.505
349-107

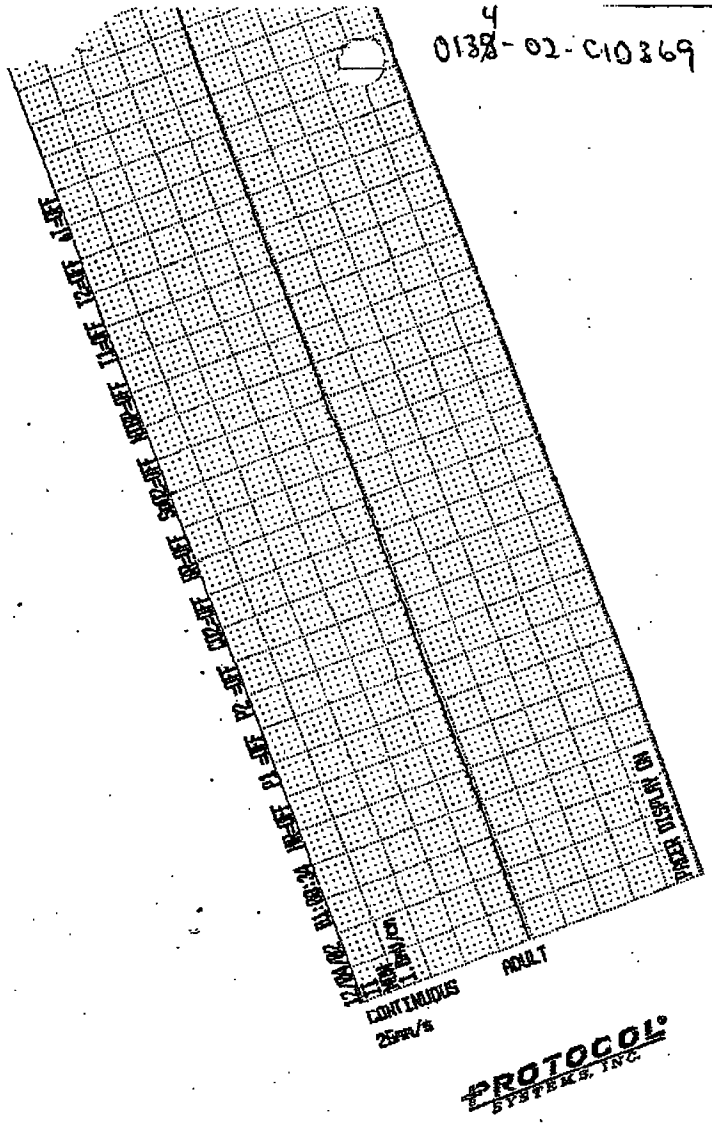
4
0138-02
C10369
23533

FOR OFFICIAL USE ONLY

Exhibit: 2

72

4
0138-02-C10369 23533



FOR OFFICIAL USE ONLY

Exhibit: 2

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE:4 Dec 02
TIME: 0238Z
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/E-4/Reserves
ORGANIZATION: 377th Military Police Company (Bagram Confinement Facility), Bagram Airfield, Afghanistan, APO AE 09354

I, SPC [redacted], want to make the following statement under oath:
On 3 Dec 02, I was on duty at the Isolation Cell Block at the Confinement Facility. Bagram Temporary (BT)-412 was an inmate who had a history of being combative. At 1900Z, 3 Dec 02, myself, SPC [redacted] and SGT [redacted] entered his cell to give him his food. He refused to eat or drink anything. He then spit on me. We placed him in corrective restraints for the spitting incident. We then tried to give him food again. He refused, even when food was placed in his mouth he would not chew anything. He then faked a fainting spell, but still had reflexes when touched. We left his cell at 1905Z, 3 Dec 02. At 1908Z, 3 Dec 02, SSG [redacted] came in with an apple and an orange trying to get him to eat. We found him slumping forward and not standing on his own. He was using his restraints to hold him up. We called for SPC [redacted] to assist us entering the cell without being attacked. We entered his cell to find BT-412 had a lower level of consciousness. He had a good carotid pulse, respirations were weak and shallow. His pupils were slow, but reactive to light. We then laid him on the floor, elevating his feet for better comfort for breathing. We sent SPC [redacted] to go get our facility medic, SPC [redacted]. Before SPC [redacted] had come back, we had decided to call for an ambulance. I then ran to get a stretcher to place him on from our medical area. I returned and assisted SFC [redacted] in placing him on a stretcher. We then moved him to our processing room to wait for an ambulance. Once we got him there, I did a check of all his vital signs. I found a blood pressure of 118 over 76, well within normal range. His pulse had gotten harder to feel, and was weak and thready. Respirations were at 15 per minute, but shallow. After a few minutes I took another set of vitals. I found his blood pressure to be 118 over 74, still within normal range. Respirations were still at 15 per minute, with the weak thready pulse. His skin was starting to turn cool and clammy, but he still had good color. Pupils were even slower, but still reactive to light. At 1952Z, 3 Dec 02, SPC [redacted] came in and checked another set of vitals. He stated blood pressure was 114 over 68, thready pulse, shallow respirations and the pupils had become non-reactive to light. At 1955Z, 3 Dec 02, the ambulance crew arrived and stated they could no longer find breath sounds. They then rushed him out to the hospital. Approximately one hour later, I was informed that BT-412 had been pronounced deceased at the hospital. [redacted]

Q: SA [redacted]
A: SPC [redacted]
Q: What does the term "thready" mean?
A: It's a medial term meaning the pulse is getting weak.

[redacted]
INITIALS

DA Form 2823

FOR OFFICIAL USE ONLY
FOR OFFICIAL USE ONLY

Exhibit: 3
Exhibit: 3

b6, 7C

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 4 Dec 02, continued:

Q: How long has BT-412 been at the Bagram Confinement Facility?
A: 3-4 days.
Q: How long had he been in the Isolation Cell Block?
A: The entire time that he had been at the Bagram Confinement Facility.
Q: Describe the cell in which he was in?
A: Wooden cell with a lockable door to the outside. Wire cage roofing, approximately 10 feet by 8 feet and 8 feet tall.
Q: Are there any seats or beds within the cell?
A: No there is not.
Q: What type of personal belongings did BT-412 have inside the cell with him?
A: He had a pair of cloth boots to go over his feet so that the ankle shackles did not cut into his skin; a pair of house slippers; a bowl to wash his teeth with; and a surgical mask over his face because his TB test had not yet come back.
Q: When USACIDC examined the cell the bowl was not within the cell, what happened to that?
A: It could have been kicked outside when we were bringing in the stretcher.
Q: Since he has been in Isolation, how would you say his eating patterns have been?
A: He has refused to eat almost anything. On a couple of occasions, we have been able to get him to eat some bread or fruit.
Q: On 3 Dec 02, prior to 1900Z, had BT-412 been involved in any other altercation?
A: He had tried to escape when the guard was feeding him. It occurred on the shift prior to me. The guard caught him and placed him in handcuffs.
Q: Do you know the name of this guard?
A: SPC [redacted]
Q: Are you aware if any personnel struck BT-412 during any of these altercations?
A: Not that I am aware of.
Q: Since being at the Bagram Confinement Facility, had BT-412 been in any altercations?
A: When he was first being brought in, he struck SGT [redacted] in the genital area. He has spit at the guards on numerous occasions. Yesterday he tried to punch SSG [redacted] And earlier today just before he tried to escape, he grabbed SPC [redacted] shirt.
Q: How would you say that SGT [redacted] SSG [redacted] and SPC [redacted] are towards the detainees?
A: SSG [redacted] is fair and not rough at all. SGT [redacted] and SPC [redacted] are both on the day shift, and I do not believe that they would hurt any of the detainees.
Q: Were you aware of any previous medical conditions that BT-412 had?
A: No, we had a thing up on the board where it would list any type of medical problems. There was one entry, which listed he had told an interpreter that he (BT-412) had a respiratory problem, but he had been checked out by medical which determined there was no medical problems with him.
Q: What type of corrective restraints did you have on BT-412?
A: Leg shackles around his ankles; a short pair of handcuffs with a belly chain attached; and another chain attached to the ceiling. We had orders from MI that he was to be standing up all

[redacted]
INITIALS

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: ____

FOR OFFICIAL USE ONLY

Exhibit: 3

b6, 7C

75

Statement of SPC [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 4 Dec 02, continued:

night. He also had tried to get out of his handcuffs several times and it left bruises on his wrists. We bandaged them up as best as we could.
Q: Describe a belly chain?
A: Silver chain similar to a log chain that has a bracket which attaches to a pair of handcuffs. When the belly chain is attached to the handcuffs, it keeps the detainee from raising his hands.
Q: How was the chain that connected to the ceiling attached to BT-412?
A: It connected into the handcuffs on the same bracket that the belly chain connected to. There was a black box that went over the handcuff connecting chain that prevented the detainee from twisting the handcuffs around. The bracket on the belly chain goes through the black box and then a padlock is placed at the end of the bracket.
Q: Was he suspended from the ceiling from the chains?
A: No his feet were on the ground.
Q: Why was the chain connected to the ceiling?
A: Keeps him standing up and keeps him from running around the cell. He had a habit of running around the cell and banging into the walls.
Q: Why was he in the restraints?
A: Because he had spit on me. Part of the standing up rule is that the detainee is standing for four hours and then allowed to rest for 20 minutes.
Q: Prior to you coming into the cell to feed him, was BT-412 already in restraints, or was he put in them for spitting at you?
A: He was already in restraints, we were taking them off so that he could eat. After he spit on my leg, I stepped back and was shocked at what he did. He then started to laugh about it. We tried to feed him again, but he did not want to. We put him back into restraints and left the cell.
Q: After he spit on you, did you strike him in any way?
A: No. The only time we put our hands on him is when we tried to pick him up, so we grabbed his shoulders.
Q: Describe how he looked when you went back into his cell?
A: He was slumping forward on the chain in front of him. He had his eyes and mouth open. We thought at first that he was playing. After a few seconds of no reaction, we entered the cell and tried to get him to eat some food. There were no reactions from him. I could feel that he had a pulse, so I just kept thinking that he was playing with us. After a few minutes of no response from him, I realized that he was not playing and that there was something wrong with him.
Q: Have you been previously trained as a medic?
A: I was an Army medic and a civilian EMT.
Q: Is this statement in your own words and typed by this agent?
A: yes it is [redacted]
Q: Do you have anything further to add to your statement?
A: No ///End of Statement/// [redacted]

[redacted]
INITIALS

DA Form 2823 FOR OFFICIAL USE ONLY Exhibit: ____

FOR OFFICIAL USE ONLY Exhibit: 3

b6, 7C

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 4 Dec 02, continued:

AFFIDAVIT

I, SPC [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

WITNESS:

[redacted]
(Signature)

SA [redacted]
(Printed Rank, Name)

87TH MP DET. (CID)
(Unit)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

[redacted]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

[redacted]
INITIALS

b6, 7C

7:

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 4 Dec 02
TIME: 0350Z
NAME:
SSAN:
RANK: SFC/E-7/Reserves
ORGANIZATION: 377th Military Police Company (Bagram Confinement Facility), Bagram Airfield, Afghanistan, APO AE 09354

I, SFC want to make the following statement under oath:
At approximately 1925Z, I was c Isolation One, Main floor. When I arrived SPC told me that BT-41 was not responding. When I looked at the PUC his eyes were opened. I had SPC check his pulse, he said he had a faint pulse. The blood pressure I think was 118/36. We saw he was barely breathing, so we decided to call an ambulance at approximately 1935-1940Z. The ambulance arrived about 20 minutes later. We initially went to get the medic and he told us to call the hospital or take him to the hospital. The Captain that came to the BCP requested we take him to the hospital about ten minutes after they arrived at the BCP. I was called approximately 30 minutes later by 1LT and told that BT-412 was dead. Prior to the phone call I went to the CPT tent and brought him to the BCP to explain the situation.

Q: SA
A: SFC
Q: What does PUC mean?
A: Person Under Control.
Q: Were you aware of any medical problems with BT-412?
A: No. We did pull his file prior to the ambulance arriving and found no information.
Q: How long has the detainee, BT-412, been at the Bagram Confinement Facility?
A: About 5 days.
Q: How long had he been in the Isolation Cell Block?
A: He had been there the entire time. He was originally in cell 7, but then we changed him to cell 6, and then changed him back to cell 7.
Q: Describe the cell?
A: Wooden cell, four walls, one door with an opening with metal bars. We had just started to use the cells just when the new group of detainees, which included BT-412, had arrived.
Q: Why was he in the Isolation Block?
A: He came in combative, always spitting, constantly talking to the other detainees, and not wanting listen to what he was being told. The first day that he arrived at the Confinement Facility, he (BT-412) had hit a guard in his testicles.
Q: At the time of this incident, was the detainee in restraints?
A: Yes.
Q: Why was he in restraints?

Statement
DA Form 2823

Exhibit:____

FOR OFFICIAL USE ONLY
FOR OFFICIAL USE ONLY

Exhibit: 4

b6, 7C

Statement of SFC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 4 Dec 02, continued:

A: Because he was combative. He just had spit on one of the guards, and the previous day, he struck a guard in the jaw and tried to strike another in the stomach.
Q: Was it standard procedure for a detainee to be restrained the way BT-412 was?
A: Yes, that way we can easily monitor the detainee.
Q: Had there been other altercations with BT-412?
A: He was always non-compliant and spitting on everybody and everything.
Q: Since he has been in Isolation, how would you say his eating patterns have been?
A: He was refusing some meals.
Q: On 3 Dec 02, prior to 1900Z, had BT-412 been involved in any other altercation?
A: Not as far as I know, we came on shift about 1930. If there had been a major incident, we would have been informed, but anything is annotated in the logbook in the Isolation area.
Q: During any of the altercations with BT-412, do you know if any US personnel had struck him?
A: No.
Q: Was there any guards that were violent towards the detainees?
A: Not that I have seen.
Q: How would you say that SGT [redacted], SPC [redacted], SSG [redacted] and SPC [redacted] are towards the detainees?
A: Professional. If an incident occurs with the detainee, the guard notifies the SOG who in turn will decide what type of punishment needs to be dealt out, if any.
Q: While BT-412 was restrained within his cell, was he suspended from the ceiling with the chains?
A: Both feet were on the ground, and he was able to walk around the cell a little bit. But, he could not run towards the door or walls.
Q: Could he have choked or injured himself with the restraints?
A: No, because we had the restraints set up so he could not get the chains near his throat and his hands were handcuffed in front of him.
Q: Prior to the incident with SPC [redacted] was detainee BT-412 restrained, or was he restrained due to the incident?
A: He had been previously restrained.
Q: How was BT-412 restrained?
A: Belly chain, ankle restraints, short handcuffs, and he had one chain connected to the ceiling behind him and another in front of him.
Q: Is this statement in your own words and typed by this agent?
A: Yes.
Q: Do you have anything further to add to your statement?
A: No ///End of Statement///

[redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: ____

FOR OFFICIAL USE ONLY

Exhibit: 4

b6, 7C

79

Statement of SFC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 4 Dec 02, continued:

AFFIDAVIT

I, SFC [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

[redacted]
INITIALS

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 4 Dec 02
TIME: 0500Z
NAME: [redacted]
SSAN: [redacted]
RANK: SSG/E-6/Reserves
ORGANIZATION: 377th Military Police Company (Bagram Confinement Facility), Bagram Airfield, Afghanistan, APO AE 09354

I, SSG [redacted] want to make the following statement under oath:
[redacted] round 1908Z, I responded to ISO Cell 7, PUC 412 not eating and spitting at the ISO guard, SPC [redacted] When I had SPC [redacted] open the cell PUC 412 was unresponsive and his eyes open. I called SFC [redacted] who came to my location and saw PUC 412 unresponsive. I asked for smelling sauce and SFC [redacted] went to see if we had any. SPC [redacted] then came in and along with SPC [redacted] checked vital signs and proceeded to do a sternum rub to get a response, but there was none. I left to see SFC [redacted] and when I came back to the cell, PUC 412 was on the floor. I then told SPC [redacted] to go get SPC [redacted] who is the facility doctor. After talking with SFC [redacted], I told him I was going to call an ambulance. I then told SFC [redacted] was going to call the hospital, and he said that he would do so. When I got back to the cell, SFC [redacted] and SPC [redacted] was putting PUC 412 on a stretcher, and then they moved him to the processing area to await the ambulance. When in the room, SPC [redacted] and SPC [redacted] took the blood pressure to see how PUC 412 was doing. They had a pulse and we waited until the ambulance arrived. [redacted]
Q: SA [redacted]
A: SSG [redacted]
Q: What was your position in the Confinement Facility on 3 Dec 02?
A: SOG.
Q: Were you aware of any medical problems with BT-412?
A: No.
Q: What is ISO?
A: Isolation area.
Q: When you arrived at BT-412's cell, was he restrained?
A: Yes.
Q: How was he restrained?
A: Short handcuffs around his hands. Attached to the handcuffs was a belly chain. He also had a set of leg shackles with a chain going from the cuffs to the leg shackles. He was also chained to the ceiling from a chain in front of him and behind him.
Q: Why was he restrained?
A: He was combative, non-complaint, punched guards, and spit at guards. We had him on a 4 hour standing and 20 minutes sitting procedure directed from MI.
Q: Do you know why MI had him standing for 4 hours?
A: No.

[redacted]
Initials of Person Making Statement

b6, 7C

Statement of SSG [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 4 Dec 02, continued:

Q: When was he put in restraints?

A: When we came on shift, BT-412 was in chains which were attached to the ceiling with his arms stretched out. After we came on, we pulled his arms down and placed his hands in front of him and handcuffed them together. The chains that were attached to the ceiling, were there in order to keep him from running into the door and walls. The restraints also prevented him from pulling on his handcuffs, which he had been previously doing, so that he did not injure himself. The handcuffs had been digging into his wrists.

Q: When you handcuffed his hands in front of him, did you also place the other chains on him?

A: He already had the leg shackles on, we just put the other chains on him.

Q: How long has the detainee, BT-412, been at the Bagram Confinement Facility?

A: Three days.

Q: How long had he been in the Isolation Cell Block?

A: Since he arrived.

Q: Why was he in the Isolation Block?

A: MI requested it. He came in with a group of seven persons, and they were all placed in the ISO.

Q: Was it standard procedure for a detainee to be restrained the way BT-412 was?

A: When they first come into the Confinement Facility, detainees are normally told to stand for 24 hours, and then be in chain and leg shackles for about 3 days. If MI deems that the detainee has been cooperative, then they can get the shackles taken off and they are allowed to sleep. BT-412 was always combative and non-complaint. We normally will only place a detainee in restraints if they are combative.

Q: What altercations have occurred with BT-412?

A: He has punched a guard, spit on several guards, kicked a guard in the genital area, refuses to walk when being escorted to the latrine, talking with the other detainees, grabbed several guards, and tried to get out of his cell when he was being fed.

Q: Since he has been in Isolation, how would you say his eating patterns have been?

A: Non-consistent.

Q: During any of the altercations with BT-412, do you know if any US personnel had struck him?

A: No.

Q: Was there any guards that were violent towards the detainees?

A: No.

Q: While BT-412 was restrained within his cell, was he suspended from the ceiling with the chains?

A: His feet touched the floor. The restraints were to keep him from sitting down and throwing himself against the door and walls.

Q: Could he have choked or injured himself with the restraints?

A: No, we had him restrained so that he could not get his hands up to his neck, or get his restraints up to his neck.

Q: Just prior to the ambulance arriving, how was BT-412?

A: Non-responsive. I did not feel a pulse and did not see his chest rise. SPC [redacted] and SPC [redacted] stated they had blood pressure.

Q: [redacted] attempt at CPR conducted?

[redacted]

Statement of SSG [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 4 Dec 02, continued:

A: We tried to find the CPT mask, but could not find it, and by this time the ambulance had arrived and shortly after the doctor stated he was dead.

Q: Is this statement in your own words and typed by this agent?

A: Yes [redacted]

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

A: No ///End of Statement// [redacted]

AFFIDAVIT

I, SSG [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]

WITNESS:

(Signature of Person Making Statement)

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]

(Signature of Person Administering Oath)

WITNESS:

SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Article 136, UCMJ
(Authority to Administer Oaths)

[redacted]

Initials of Person Making Statement

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 4 Dec 02
TIME: 0556
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/E-4/Reserves
ORGANIZATION: 377th Military Police Company (Bagram Confinement Facility), Bagram Airfield, Afghanistan, APO AE 09354

I, SPC [redacted], want to make the following statement under oath:
At approximately 1912Z, 3 Dec 02, I was summoned on the floor to Isolation Room One to help with a PUC. I entered Cell #7 to find BT-412 slumped over. At that time, I checked for a pulse. I found a weak, but steady carotid pulse, faint breath sounds and slowly reactive pupils. I tried a sturnum rub to stimulate the PUC with no reaction. I then helped SPC [redacted] and SGT [redacted] wer the PUC to the floor. At approximately 1915Z, SPC [redacted] checked vital signs again. At 1920Z, the sergeant of the guard, SSG [redacted] told me to go get the medic SPC [redacted] at his tent. I woke him up at about 1926Z, and he advised me that we needed to contact an ambulance to be taken to the hospital. I returned to the BCP and was notified that they had already contacted an ambulance which was enroute. The PUC was moved to the front processing room to wait for the ambulance. At about 1950Z, I checked the PUC's vitals again. He had a blood pressure of 115/68, his pulse was very weak and thready. He had very faint breath sounds and his pupils were not reactive. The ambulance crew arrived two minutes later to transport the non-reactive PUC to the hospital. [redacted]
Q: SA [redacted]
A: SPC [redacted]
Q: What is your position within the Confinement Facility?
A: Military Police guard.
Q: What was your position on 3 Dec 02?
A: General population.
Q: Describe non-reactive?
A: Just before the ambulance arrived he had faint breath sounds and a very low pulse. When they arrived, the ambulance personnel stated they could no longer hear any breath sounds.
Q: Just before the ambulance arrived, did it appear that the PUC was no longer breathing or had no pulse?
A: Yes.
Q: Were there any attempt at CPR conducted?
A: We do not have the proper equipment.
Q: How long before the ambulance arrived, was there no breathing or pulse coming from the PUC?
A: About 2 minutes prior to the ambulance arrival, I had breath sounds coming from the PUC, but between that we could not see his chest rise and fall.
Q: How long has the PUC been at the Bagram Confinement Facility?

[redacted]
Initials of Person Making Statement

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: [redacted]

FOR OFFICIAL USE ONLY

Exhibit: 6

b6, 7c

84

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 4 Dec 02, continued:

A: Not specifically.
Q: How long had he been in the Isolation Cell Block?
A: Since he has been there at the facility.
Q: Did you assist SGT [redacted] with feeding the PUC?
A: I was in the room when SPC [redacted] and SGT [redacted] were feeding him.
Q: What did you observe when they were feeding him?
A: SPC [redacted] offered him some bread and then the PUC spit at him. We gave the PUC some water, but he drank only a small amount. The PUC would not eat or drink, so we left the cell.
Q: When SPC [redacted] was spat at by the PUC, did SPC [redacted] strike the PUC?
A: No.
Q: Since the PUC had been in Isolation, how would you say his eating patterns have been?
A: I would say that he refuses most meals, but sometimes eats the bread and fruit.
Q: During any of the altercations with the PUC, are you aware if any personnel struck him?
A: I heard nothing about the previous altercations.
Q: Have you heard of any of the guards striking the PUC's?
A: No.
Q: After being notified that the PUC was slumped over, how was the PUC positioned after you entered the cell?
A: He was still standing up due to his restraints.
Q: Was his restraints around his neck?
A: No.
Q: Did it appear that he injured himself due to the restraints?
A: No.
Q: Are you trained as a medic?
A: Not in the Army. I am qualified as an EMT.
Q: Is this statement in your own words and typed by this agent?
A: Yes. [redacted]
Q: Do you have anything further to add to your statement?
A: No ///End of Statement/// [redacted]

[redacted]
Initials of Person Making Statement

DA Form 2823 FOR OFFICIAL USE ONLY Exhibit: ____

Statement of SPC [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 4 Dec 02, continued:

AFFIDAVIT

I, SPC [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

[redacted]
Initials of Person Making Statement

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit [redacted]

Exhibit: 6

FOR OFFICIAL USE ONLY

b6, 7C

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 4 Dec 02
TIME: 1421
NAME: [redacted]
SSAN: [redacted]
RANK: SGT/E-5/National Guard
ORGANIZATION: A Company, 519th Military Intelligence Battalion, Bagram Airfield, Afghanistan, APO AE 09354

I, SGT [redacted], want to make the following statement under oath:
Q: SA [redacted]
A: SGT [redacted]
Q: What was your position with Mr. Habib ULLAH?
A: Lead interrogator for Mr. ULLAH.
Q: How many times did you interview Mr. ULLAH?
A: Three times.
Q: When you interviewed him did he ever appear ill?
A: No.
Q: Did he complain about any illness, pain or injury?
A: On 2 Dec 02, just before we were ready to finish up the interview, he stated, through the interpreter, that he had a pain in his lower left abdomen. The way he depicted this was by placing his hand on his abdomen.
Q: Do you know if he received treatment?
A: I informed the guards about this, and it was their responsibility to get him medical attention.
Q: Did you believe that he had a pain?
A: I know that many of the detainees will often fake a pain or injury in order to get out of the interview, or to be uncooperative. Mr. ULLAH made the comment about his injury at the end of our interview, so I am not sure.
Q: Any other medical problems that you noticed?
A: On 2 Dec 02, when he was with me he was hacking up large green or white phlegm. I don't know if this was because of any health problems or because he had been previously taking "Neswa", a sort of tobacco or herb that a lot of Afghans use as a chewing tobacco. I have been told that when they do not use it for a period of time they build up a sort of phlegm.
Q: Did you see or know of guards that struck Mr. ULLAH?
A: No.
Q: Did you see or know of guards striking any of the detainees?
A: No.
Q: What was Mr. ULLAH like when being interviewed?
A: He seemed to me to be very coherent and healthy, although I know that when the guards were bringing him to the interview room, he would always be uncooperative and would sometimes have to be carried by the guards.

[redacted] on Making Statement

bc. 7c

Statement of SGT [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 4 Dec 02, continued:

Q: Mr. ULLAH was supposedly made to stand for long hours and he was also in restraints. Is this uncommon?

A: No there was nothing out of the ordinary about his treatment. If a detainee was uncooperative, he could be restrained; or if we wanted information out of him, then we could deprive them of sleep by making the detainee stand for long periods of time, or not allow him to go to sleep. The detainees are closely monitored in and outside of the booth while receiving any form of special treatment.

Q: Is this statement in your own words and typed by this agent?

A: Yes.

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

A: No ///End of Statement//

AFFIDAVIT

I, SGT [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

[redacted]
S

b6, 7C

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 5 Dec 02
TIME: 1146Z
NAME: [redacted]
SSAN: [redacted]
RANK: SPCE-4/Reserves
ORGANIZATION: 377th Military Police Company (Bagram Confinement Facility), Bagram Airfield, Afghanistan, APO AE 09354

I, SPC [redacted] want to make the following statement under oath:
On 3 Dec 02, I assumed duties at 0900Z, in the Isolation Block Delta, at the Interment Detention Facility, in Bagram Afghanistan. At 0900Z, I had to move PUC #412 to cell #7, so the Engineers could reinforce the doors in the Isolation Block Delta. Upon entering Cell #6, #412 was let down from hanging. He was told to walk and would not do so. I then got assistance from another soldier to help me carry #412 to Cell #7. PUC #412 laid down and refused to walk. We then had to carry #412 back to Cell #6 after the Engineers finished. Then at 1115Z, I removed one of PUC #412's cuffs to untangle him because he repeatedly swung in a circle and wrapped his chains. PUC #412 then resisted and pulled away from me, with one hand free, #412 tried to grab my hand, scraping skin off of my middle knuckle, then he tried jabbing me in the chest. I then got separation from #412, cuffed the loose cuff back to the chain on the cuff that was still attached. I then locked the cell and got help from two other soldiers. The three of us struggled to get the PUC handcuffed again and had to use wristlocks and common perennial hits to the thigh to get the PUC' s attention in order to recuff him. At 1200Z, I removed PUC #412 from hanging position so that the PUC could eat chow and pray. PUC #412 then made steps toward the open cell door and I used a wrist lock and pulled on his hand shackles and pinned him on the far wall of the cell. I regained control of the situation and backed out of the cell. PUC #412 was consistently non-complaint, and I got help from other soldiers to re-hang him. As soon as PUC #412 was strung up, he then tried using his chains on his cuffs as a saw and tried cutting through the handcuffs that were holding him up. The time was 1235Z. PUC #412 constantly tried to pull off his hood. I reported this to the SOG and was instructed to give the PUC a slight common perennial strike and pull his hood back down. SSG [redacted] (the SOG) observed the three different times I struck the PUC in the thigh. PUC #412 eventually stopped trying to grab his hood. I then told SPC [redacted] at the end of the guard shift that I was instructed to do so, and that PUC #412 had not pulled off his mask for at least an hour, and that the PUC had finally learned what not to do. I then told SPC [redacted] that I used the common perennial strikes but only that I got the authorization to do so. I also told him that PUC #412 had to be forced to do anything and everything, and that SPC [redacted] should read the incident logbook. I also instructed SPC [redacted] was non-complaint and would not do anything that I asked him to do. [redacted]
Q: SA [redacted]
A: SPC [redacted]
Q: Describe the common perennial strikes?

[redacted]
Initials of Person Making Statement

DA Form 2823 FOR OFFICIAL USE ONLY Exhibit: 8

b6, 7C

Statement of SPC [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 5 Dec 02, continued:

A: Kneed him in the "IT" band which contracts after being hit and causes the individual pain. It is one of the pressure point compliant techniques. I believe the nerve mass on the outer part of the thigh is called the "IT" band.
Q: When you struck PUC #412, was that the only place that you did so?
A: Yes.
Q: Did anyone else strike the PUC?
A: SPC [redacted] did a common perennial strike to his thigh also.
Q: Did SPC [redacted] strike the PUC anywhere besides the thigh?
A: No.
Q: What day did all of the aforementioned incidents occur on?
A: On 3 Dec 02, in about a six hour span.
Q: Do you know if any guards had struck PUC #412, other than what you have stated?
A: No I do not know.
Q: Describe how the PUC was hanging?
A: At first there were two sets of cuffs around his wrists, a short set and a longer chained set. I decided to remove the short set, because it looked like the short set was cutting off his circulation. There were two sets of long chained cuffs that were attached to the cuffs around his wrist and then attached to the ceiling. He had his wrists in front of him the entire time.
Q: Was he ever hung with his hands spread out?
A: Not when I was in there.
Q: Did you work with the PUC on 2 Dec 02?
A: Not that I remember.
Q: Were you aware that PUC #412 had informed MI personnel that he had a pain in his abdomen?
A: It was written on our board that PUC #412 had complained about stomach pains and that is why he was spitting, however, the doctor had apparently examined him on 2 Dec 02, and could find nothing wrong with him.
Q: Who was the Doctor that examined PUC #412?
A: I don't know who that was.
Q: Was it a doctor that was permanently within the Detention Facility, or would the PUC have been transported to the hospital?
A: It was someone that came from the hospital that examined the PUC in the Detention Facility.
Q: You stated PUC #412 tried to jab you in the chest, how did he do so?
A: He closed his fists and tried to punch me in the chest repeatedly.
Q: When the PUC attempted to escape his cell, you used a wrist lock, describe this?
A: I had a hold of his chain to put the other cuff back up, at that time he tried to get out, so I pulled on the chain and pulled him into the chain so that I could restrain him.
Q: Did the PUC ever complain to you that he was hurt or injured?
A: No.
Q: Did the PUC appear to be hurt or injured?
A: No.
Q: Is this statement in your own words and typed by this agent?
A: Yes.

[redacted]

b6, 7C

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 5 Dec 02, continued:

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

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

AFFIDAVIT

I, SPC [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Sig[redacted]ng Oath)
SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

FIELD TEST ANALYSIS OF SUSPECTED CONTROLLED SUBSTANCES

CID Regulation 195-1

TO:	FROM:
	SPECIAL AGENT IN CHARGE 8TH MP DET (CID) (FWD) APO AE 09354

Formal laboratory analysis of the described evidence will not be conducted unless specifically requested for presentation in court-martial proceedings. When such examination is necessary notification. If no request is received to submit evidence for laboratory analysis the described items will be destroyed forty-five days (45) from date of field testing.

TITLE:

~~UNK~~ UNDETERMINED DEATH

CID ROI/SEQUENCE NUMBER	DATE OF TESTING
0134-02-CID369- 23533	7 DEC 02

ITEM NUMBER	DESCRIPTION OF ITEM TESTED	FIELD TEST UTILIZED	RESULTS
1	SUSPECTED MARIHUANA	DUQUENOIS - LEVINE REAGENT, TEST KIT 05	NEGATIVE FOR MARIHUANA
1	SUSPECTED HEROIN	MECKE'S REAGENT TEST KIT 942	NEGATIVE FOR HEROIN
1	SUSPECTED COCAINE	MECKE'S REAGENT TEST KIT 904	NEGATIVE FOR COCAINE
///	LAST ITEM		///

TYPED/PRINTED NAME	SIGNATURE	DATE
SA [redacted]	[redacted]	7 DEC 02

CID FORM 36-E

Previous edition of this form are obsolete

FOR OFFICIAL USE ONLY

EXHIBIT: C

STATEMENT OF RECOGNITION OF DECEASED

For use of this form see FM 10-63. Proponent agency is TRADOC.

PRIVACY ACT STATEMENT

0134-02-CID369-23533

AUTHORITY: 10 USC Sections 1481 through 1488.

PRINCIPLE PURPOSE: To establish initial identification of deceased personnel.

ROUTINE USE: For documentation of visual identification of deceased personnel.

DISCLOSURE: Disclosure of required information is voluntary and will in no way affect or jeopardize the individual effecting the visual identification of the deceased person.

1. INFORMATION ON DECEASED

a. NAME (Last, First, Middle Initial)	b. RANK	c. SSN
ULLAH, HABIB		DETAINEE NUMBER: BT-412

d. ORGANIZATION	e. SERVICE COMPONENT
BAGRAM DETENTION FACILITY APO AE 09354	

2. I HAVE PERSONALLY VIEWED THE REMAINS IDENTIFIED ABOVE. RECOGNITION IS BASED ON THE FOLLOWING:

a. SEX	b. APPROXIMATE AGE (Years)	c. APPROXIMATE HEIGHT	d. RACE
MALE	27-28	66"	

e. HAIR COLOR (If brown, indicate light or dark, as applicable)	f. BUILD/MUSCULARITY (Slender, medium, heavy or obese)
BLACK (ALTHOUGH SHAVED)	MEDIUM

g. IDENTIFYING MARKS (Fully describe by type and location ALL known scars, tattoos, birthmarks, amputations or other body markings/criteria to support the identification (if none, so state))

h. RELATIONSHIP TO DECEASED (CDR, ISG, Friend, Brother, etc.)	i. LENGTH OF TIME YOU KNEW DECEASED (Number of months or years)
BAGRAM DETENTION FACILITY EVENING SHIFT OIC	3-4 DAYS

J. REMARKS

3. DETAILS OF VIEWING

a. DATE	b. TIME	c. PLACE
3 DEC 2002	2014 Z (0144 local)	AMERICAN HOSPITAL, BAGRAM AF APO AE 09354

4. PERSON MAKING VISUAL IDENTIFICATION

a. NAME (Last, First, Middle Initial)	b. RANK / GRADE	c. SSN	d. ORGANIZATION
[redacted]	1LT/O2	[redacted]	377TH MP CO.
e. SIGNATURE [redacted]		f. DATE SIGNED 9 DEC 02	

5. WITNESS

I CERTIFY THAT THE INDIVIDUAL IDENTIFIED IN ITEM 4 HAS VIEWED THE REMAINS IN MY PRESENCE, THAT TO THE BEST OF MY KNOWLEDGE THE ABOVE STATEMENTS ARE TRUE, AND THAT THE REMAINS HAVE BEEN PROPERLY TAGGED AS THE ABOVE NAMED DECEASED.

a. NAME (Last, First, Middle Initial)	b. RANK	c. TITLE
[redacted]	SPECIAL AGENT	SPECIAL AGENT
d. SIGNATURE [redacted]	e. DATE SIGNED 9 DEC 02	f. ORGANIZATION 8TH MP DET (CID) APO AE 09354

DD Form 565, AUG 84 — Previous editions are obsolete.

9.

b6, 7C

0134-02-CID369-2353

CERTIFICATE OF DEATH *(OVERSEAS)*
Acte de décès *(D'Outre-Mer)*

NAME OF DECEASED *(Last, First, Middle)* Nom du décédé (Nom et prénoms)	GRADE Grade	BRANCH OF SERVICE Arme	SOCIAL SECURITY NUMBER Numéro de l'Assurance Sociale
ULLAH,HABIB			
ORGANIZATION Organisation BT 412 BCP, BAGRAM AIR FIELD, AFGHANISTAN	**NATION** *(e.g., United States)* Pays	**DATE OF BIRTH** Date de naissance	**SEX** Sexe ☒ MALE Masculin ☐ FEMALE Féminin

RACE Race	MARITAL STATUS État Civil	RELIGION Culte
☐ CAUCASOID Caucasique	☐ SINGLE Célibataire	☐ PROTESTANT Protestant
☐ NEGROID Négroïde	☐ MARRIED Marié	☐ CATHOLIC Catholique
☒ OTHER (Specify) Autre *(Spécifier)* PASHTUN	☐ WIDOWED Veuf	☐ JEWISH Juif
	☐ DIVORCED Divorcé	☒ OTHER *(Specify)* Autre *(Spécifier)* MUSLIM
	☐ SEPARATED Séparé	

NAME OF NEXT OF KIN Nom du plus proche parent	RELATIONSHIP TO DECEASED Parenté du décéde avec le susdit
STREET ADDRESS Domicilé à (Rue)	**CITY OF TOWN AND STATE** *(Include ZIP Code)* Ville (Code postal compris)

MEDICAL STATEMENT Declaration médicale

CAUSE OF DEATH *(Enter only one cause per line)* Cause du décès (N'indiquer qu'une cause par ligne)			INTERVAL BETWEEN ONSET AND DEATH Intervalle entre l'attaque et le décès
DISEASE OR CONDITION DIRECTLY LEADING TO DEATH[1] Maladie ou condition directement responsable de la mort.[1]		PULMONARY EMBOLISM	
ANTECEDENT CAUSES Symptômes précurseurs de la mort.	MORBID CONDITION, IF ANY, LEADING TO PRIMARY CAUSE Condition morbide, s'il y a lieu, menant à la cause primaire		
	UNDERLYING CAUSE, IF ANY, GIVING RISE TO PRIMARY CAUSE Raison fondamentale, s'il y a lieu, ayant suscité la cause primaire		
OTHER SIGNIFICANT CONDITIONS[2] Autres conditions significatives[2]			

MODE OF DEATH Condition de décès	AUTOPSY PERFORMED Autopsie effectuée ☒ YES Oui ☐ NO Non	CIRCUMSTANCES SURROUNDING DEATH DUE TO EXTERNAL CAUSES Circonstances de la mort suscitees par des causes exterieures
☐ NATURAL Mort naturelle	MAJOR FINDINGS OF AUTOPSY Conclusions principales de l'autopsie MANNER OF DEATH: DEFERRED PENDING COMPLETION OF SPECIAL STUDIES	DECEDENT WAS FOUND UNRESPONSIVE IN HIS CELLWHILE IN CUSTODY
☐ ACCIDENT Mort accidentelle		
☐ SUICIDE Suicide	NAME OF PATHOLOGIST Nom du pathologiste [redacted], LTC (P), MC, USA	
☐ HOMICIDE Homicide	DATE Date 8 DEC 02	AVIATION ACCIDENT Accident à Avion ☐ YES Oui ☒ NO Non

DATE OF DEATH *(Hour, day, month, year)* Date de décès *(L'heure, le jour, le mois, l'ann*	PLACE OF DEATH Lieu de décès
2014Z, 3 DEC 02	BCP, BAGRAM AF, AFGHANISTAN

I HAVE VEIWED THE REMAINS OF THE DECEASED AND DEATH OCCURRED AT THE TIME INDICATED AND FROM THE CAUSES AS STATED ABOVE.
J'ai examiné les restes mortels du défunt et je conclus que le décès est survenu à l'heure indiquée et à, la suite des causes énumérées ci dessus

NAME OF MEDICAL OFFICER Nom du médicin militaire ou du médicin sanitaire	TITLE OR DEGREE Titre ou diplômé
[redacted] LTC (P), MC, USA	ARMED FORCES REGIONAL MEDICAL EXAMINER
GRADE Grade LTC (P)	**INSTALLATION OR ADDRESS** Installation ou adresse LANDSTUHL REGIONAL MEDICAL CENTER
DATE Date 8 DEC 02	[redacted]

[1] *State disease, injury or complication which ca[redacted]ch as heart failure, etc.*
[2] *State conditions contributing to the death, but not related to th[redacted]ondition causing death.*
[1] *Préciser la nature de la maladie, de la blessure ou de la complication qui a contribué à la mort, mais non la manière de mourir, telle qu'un arrêt du coeur, etc.*
[2] *Préliser la condition qui a contribué à la mort, mais n'ayant aucun rapport avec la maladie ou à la condition qui a provoqué la mort.*

For Official Use Only

CERTIFICATE OF DEATH *(OVERSEAS)*
Acte de décès *(D'Outre-Mer)*

NAME OF DECEASED *(Last, First, Middle)* Nom du décédé (Nom et prénoms)	GRADE Grade	BRANCH OF SERVICE Arme	SOCIAL SECURITY NUMBER Numéro de l'Assurance Sociale
ULLAH,HABIB			

ORGANIZATION Organisation	NATION *(e.g., United States)* Pays	DATE OF BIRTH Date de naissance	SEX Sexe
BT 412 BCP, BAGRAM AIR FIELD, AFGHANISTAN	AFGHANISTAN	APPROX 1974	☒ MALE Masculin ☐ FEMALE Féminin

RACE Race	MARITAL STATUS État Civil	RELIGION Culte
☐ CAUCASOID Caucasique	☐ SINGLE Célibataire	☐ DIVORCED Divorcé
☐ NEGROID Négroïde	☐ MARRIED Marié	☐ SEPARATED Séparé
☒ OTHER (Specify) Autre *(Spécifier)* PASHTUN	☐ WIDOWED Veuf	☐ PROTESTANT Protestant ☐ CATHOLIC Catholique ☐ JEWISH Juif ☒ OTHER *(Specify)* Autre *(Spécifier)* MUSLIM

NAME OF NEXT OF KIN Nom du plus proche parent	RELATIONSHIP TO DECEASED Parenté du décédé avec le susdit
[redacted]	FATHER
STREET ADDRESS Domicilé à (Rue)	CITY OF TOWN AND STATE *(Include ZIP Code)* Ville (Code postal compris)

MEDICAL STATEMENT Declaration médicale

CAUSE OF DEATH *(Enter only one cause per line)* Cause du décés (N'indiquer qu'une cause par ligne)			INTERVAL BETWEEN ONSET AND DEATH Intervalle entre l'attaque et le décès
DISEASE OR CONDITION DIRECTLY LEADING TO DEATH[1] Maladie ou condition directement responsable de la mort.[1]		PULMONARY EMBOLISM DUE TO BLUNT FORCE INJURY TO THE LEGS	
ANTECEDENT CAUSES Symptômes précurseurs de la mort.	MORBID CONDITION, IF ANY, LEADING TO PRIMARY CAUSE Condition morbide, s'il y a lieu, menant à la cause primaire		
	UNDERLYING CAUSE, IF ANY, GIVING RISE TO PRIMARY CAUSE Raison fondamentale, s'il y a lieu, ayant suscité la cause primeire		
OTHER SIGNIFICANT CONDITIONS[2] Autres conditions significatives[2]			

MODE OF DEATH Condition de décès	AUTOPSY PERFORMED Autopsie effectuée ☒ YES Oui ☐ NO Non	CIRCUMSTANCES SURROUNDING DEATH DUE TO EXTERNAL CAUSES Circonstances de la mort suscitees par des causes exterieures
☐ NATURAL Mort naturelle	MAJOR FINDINGS OF AUTOPSY Conclusions principales de l'autopsie	DECEDENT WAS FOUND UNRESPONSIVE IN HIS CELLWHILE IN CUSTODY
☐ ACCIDENT Mort accidentelle		
☐ SUICIDE Suicide	NAME OF PATHOLOGIST Nom du pathologiste [redacted] LTC (P), MC, USA	
☒ HOMICIDE Homicide	[redacted] DATE Date 8 DEC 02	AVIATION ACCIDENT Accident à Avion ☐ YES Oui ☒ NO Non

DATE OF DEATH *(Hour, ...)* Date de décés *(l'heure, le jour, ...)*	PLACE OF DEATH Lieu de décés
2014Z, 3 DEC 02	BCP, BAGRAM AF, AFGHANISTAN

I HAVE VEIWED THE REMAINS OF THE DECEASED AND DEATH OCCURRED AT THE TIME INDICATED AND FROM THE CAUSES AS STATED ABOVE.
J'ai examiné les restes mortels du défunt et je conclus que le décés est survenu à l'heure indiquée et à, la suite des causes énumérées ci dessus

NAME OF MEDICAL OFFICER Nom du médicin militaire ou du médicin sanitaire	TITLE OR DEGREE Titre ou diplômé
[redacted] LTC (P), MC, USA	ARMED FORCES REGIONAL MEDICAL EXAMINER
GRADE Grade LTC (P)	INSTALLATION OR ADDRESS Installation ou adresse LANDSTUHL REGIONAL MEDICAL CENTER
DATE Date 14 DEC 02	[redacted]

[1] *State disease, injury or complication which ca[used]*
[2] *State conditions contributing to the death, but not related to [the] condition causing death.*
[1] *Préciser la nature de la maladie, de la blessure ou de la complication qui a contribué à la mort, mais non la manière de mourir, telle qu'un arrêt du coeur, etc.*
[2] *Préciser la condition qui a contribué à la mort, mais n'ayant aucun rapport avec la maladie ou à la condition qui a provoqué la mort.*

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 10 Dec 02
TIME:
NAME: [redacted]
SSAN: [redacted]
RANK: SSG/E-6/Reserves
ORGANIZATION: 377th Military Police Company (Bagram Confinement Facility), Bagram Airfield, Afghanistan, APO AE 09354

I, SSG [redacted], want to make the following statement under oath:
On 2 Dec 02, I was working in Isolation #1 at the IDF. While on duty I encountered many problems with inmate #412. At approximately 1945hrs, I entered cell #6, #412's cell. I entered to retrieve his food, which he refused to eat. At that point I also had to put his pants back on because he found some way to get them down to his ankles. I chose to let him stand free, but not sit down for a period of time to be determined on his actions. At 2100hrs, I observed #412 lying down on the cell floor. I contacted Control (SGT [redacted] and he assisted me as we entered the cell to place #412 back up and in restraints. As I told him to stand up he shook his head no. I told him again and again to stand up and he would not. I grabbed him by the arms and lifted him up and against the wall to place the restraints on him. Just as I was holding his arms against his body he struck the right side of my chin with his left fist. He was pinned against the wall and restraints placed on him. We then placed a hood over his head and placed him in corrective restraining. At this point we exited the cell.
Q: SA [redacted]
A: SSG [redacted]
Q: The times above, are they local time or Zulu time?
A: Zulu.
Q: After you left the cell around 1945hrs, what type of restraints did #412 have on him?
A: He had on hand and leg shackles.
Q: What type of restraints did he have on him after the incident at 2000hrs?
A: He had one long cuff on each arm which going attached to the ceiling, so his arms were raised up over his head at a slight angle.
Q: When #412 hit you, did you strike him back?
A: No I did not. I just held him against the wall, while SGT [redacted] restrained him.
Q: Did SGT [redacted] strike him back?
A: No.
Q: Other than guards striking areas such as common pressure points, did you know of any guards striking detainees?
A: Just strikes in the common perennial areas, other than that no.
Q: Did #412 tell you or complain about any injuries after the incident on 2 Dec 02?
A: Not at all.
Q: Did #412 ever tell you or complain about any injuries?
A: No.
Q: Were you working at the same time on 2 Dec 02, that he was interrogated by MI?

Initials of Person Making Statement
DA Form 2823 FOR OFFICIAL USE ONLY Exhibit: 13

b6, 7C

96

Statement of SSG [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 10 Dec 02, continued:

A: I was on the night shift, so I am not sure if he had been interrogated during the day.
Q: When you came on shift were you informed or aware that BT 412 had complained to the MI about a pain or injury in his abdomen?
A: Not that I was aware of no.
Q: Is this statement in your own words and typed by this agent?
A: Yes.
Q: Do you have anything further to add to your statement?
A: No.///End of Statement///

AFFIDAVIT

I, SSG [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESS:

_____
(Signature)

_____
to

_____
(Printed Rank, Name)

_____
(Unit)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

_____
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law administer oaths, this 4th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

_____
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533

DETAILS

About 1110Z, 16 Dec 02, SA [redacted] advised SPC [redacted], 377th MP Co, BAF, of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SPC [redacted] indicated he had not struck BT-412 or [redacted] He did indicate SPC [redacted] 377th MP Co, BAF, did have to knee [redacted] a few times in the common perennial area due to [redacted] being combative and fighting. SPC [redacted] did not know how many times SPC [redacted] kneed [redacted] SPC [redacted] indicated that [redacted] was not walking impaired or with a limp when he saw him, but was impaired by the leg shackles. SPC [redacted] indicated he has heard of other guards that had to knee some of the Persons Under Control (PUC). SPC [redacted] indicated he did not strike any detainees with any type of instrument, and had not witnessed anyone else do so. (See Waiver Certificate and Sworn Statement of SPC [redacted] for details)

About 1515Z, 16 Dec 02, SA [redacted] advised SGT [redacted], 377th MP Co, BAF, of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SGT [redacted] indicated he was in charge of informing the PUC's of the rules and what their number was during inprocessing. During this time, BT-412 became combative and he brought his right knee up and hit him (SGT [redacted], in the genital area. SGT [redacted] then grabbed BT-412 by the sides of his head and yelled at him about this incident. During this confrontation, BT-412 had to be wrestled to the ground by SGT [redacted] and two other guards. When BT-412 was brought up, he grabbed one of the other guards at which point, SGT [redacted] had to apply a gooseneck come-along hold to subdue him. During another move, BT-412 became combative with a Crash team. BT-412 stepped on someone's hand, so SGT [redacted] tried to move his leg, at which time, BT-412 squeezed his legs together and pinned SGT [redacted] hand between them. At that point, SGT [redacted] did strike BT-412 in the common perennial area of his thigh with his knee. SGT [redacted] admitted to striking BT-412 in the thigh area due to his combativeness. He did not observe anyone else striking any of the PUC's. (See Waiver Certificate and Sworn Statement of SGT [redacted] for details)

About 1644Z, 16 Dec 02, SA [redacted] this office, advised SPC [redacted] 377th MP Co, BAF, of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SPC [redacted] indicated BT-412 was combative every time that he was in his presence. SGT [redacted] admitted to SPC [redacted] to striking BT-412 twice in the thigh due to his combativeness. He did not observe any other guards striking the PUC's. (See Waiver Certificate and Sworn Statement of SPC [redacted] for details)

About 0515Z, 17 Dec 02, SA [redacted] advised SPC [redacted] 377th MP Co, BAF, of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SPC [redacted] related BT-412 was very combative and non-compliant. BT-412 was constantly talking and not following instructions. BT-412 wound his cuff chain into a twist by spinning in the cell. SPC [redacted] went in to untwist the chain and BT-412 tried to punch him in the chest. SPC [redacted] had to get help to re-cuff BT-412. Later, BT-412 tried to remove his hood so he could spit. SPC [redacted] then called the Sergeant of the Guard (SOG), and was informed to pull down the hood, and give him a common perennial strike. SPC [redacted] admitted to striking BT-412, 5 times in the middle of the outer thigh with his knee due to authorization obtained form the SOG, but did not observe any other guards striking the PUC's. (See Waiver Certificate and Sworn Statement of SPC [redacted] for details)

About 0832Z, 17 Dec 02, SA [redacted] interviewed Mr. [redacted] Interpreter, BCP,

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	87th Military Police Detachment (CID)(FWD)(ABN) Bagram Air Field, APO AE 09354
SIGNATURE [redacted]	DATE: 23 Dec 02 / EXHIBIT: 14

DETAILS

BAF, who rendered a sworn statement detailing his knowledge of this incident. MR. related he was the interpreter when Military Intelligence personnel, named identified as SPC , A Co, 519th MI BN, BAF), and (identified as SGT A Co, 519th MI BN, BAF), interviewed During the interview of indicated thought that would not answer questions truthfully, which angered her. was sent back to his cell when the interview was complete. MR. did not strike but did observe grab beard and behind his ears with her hands, kick him in the genital area, punch in his chest, and once put her foot on top of bare feet. Mr. also observed push against the wall about two to three times during the interview. (See Sworn Statement of Mr. for additional details)

About 0930Z, 17 Dec 02, SA advised SPC of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SPC related he was the lead Interrogator in the questioning of and was there for all five of his interrogations. He stated he had no dealings with BT-412 and never saw him. During the first three interrogations of , SPC A Co, 519th MI BN, BAF, and (NFI), an Interpreter, were in the interrogation room. During the fourth interrogation, SGT and Mr. were in the room. During the fifth and last interrogation, SPC A Co, 519th MI BN, BAF, and Mr. , Interpreter, BCP, BAF, was with him. SPC admitted to grabbing clothing four times and putting him up against the wall, and to placing his right foot on the back of left knee to get him in the kneeling position. SPC did observe SGT putting her hands on shoulders and push down to make him go to his knees, and grabbed his ears once to lift him up. SPC also observed an unknown MP punch on two occasions for twelve times total, due to resisting the guards, but the blows were on his side. (See Waiver Certificate and Sworn Statement of SPC for details)

About 1200Z, 17 Dec 02, SA advised SPC of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SPC related his job during the interview was to write notes on body position and anything else that he noticed. BT-412 came into the interview room under his own power escorted by MP's. SPC said that during the first interview with BT-412, they (SPC and SGT A Co, 519th MI BN, BAF) just had him tell his story, and did not forcibly ask him any questions. Neither one ever forcibly laid their hands on BT-412, except to calm him down by placing their hand on his shoulder. When the interview was complete, BT-412 left under his own power, escorted by MP's. The first interview with was conducted on the evening of 9 Dec 02, by SPC and SPC with Mr. as the interpreter. was dragged in by the MPs because he said that his legs hurt him related he was struck by the MPs. SPC started the interview, but would not respond. SPC wanted to stand up, but he would not do so. SPC got behind and placed his hands under his armpits and helped him stand up. After a few minutes of standing, said he was tired, so SPC had the MP in the room lean against the wall. SPC had drink some more water. A short time later, two other MP's including the SOG came into the room and escorted back to his cell. SPC stated he did not strike or BT-412, and did not observe anyone strike any of he PUC's. (See Waiver Certificate and Sworn Statement of SPC for details)

Agent Comments: SPC is the identified in other statements.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA	87th Military Police Detachment (CID)(FWD)(ABN) Bagram Air Field, APO AE 09354	
SIGNATURE	DATE 23 Dec 02	EXHIBIT 14

b2, b6, 7c

DETAILS

About 1514Z, 17 Dec 02, SA [redacted] advised SGT [redacted] of her legal rights, which she waived, and rendered a sworn statement detailing her knowledge of this incident. SGT [redacted] indicated she spoke to [redacted] one time, and that was about a day and a half before he died. SGT [redacted] and SPC [redacted] started going over the basic questions pertaining to the time of his capture and basic biographical stuff. BT-421 would sort of answer questions and some questions he would give a vague answers. SGT [redacted] indicated BT-421 would not stay in the correct position they put him in as he would stand up and try to sit on the back of his heels when he was kneeling. SGT [redacted] related the non-compliance got to the point that BT-421 was not looking at her, but at the interpreter. SGT [redacted] then grabbed BT-421 on both sides of the head and turned his head towards her. She then held his chin in place so that BT-421 was looking at her as he kept trying to turn away. When BT-421 was on his knees, he had them closed together, so SGT [redacted] took her foot and went back and forth spreading his knees apart. The last time BT-421 was on his knees, they went to go get the guards and two came. When the guards went to prep BT-421 to go downstairs, he pushed them and moved away, so the guards tackled him. The guards then walked him downstairs with help from other guards. SGT [redacted] related that less than an hour later, she saw BT-421 in the airlock with his hands up. The guards went in there and BT-421 was kicking at them. It took a bunch of guards to pull BT-421 out of the airlock. When they got BT-421 out of the airlock, there were about five guards wrestling with him. Then the guards put him on a litter and handcuffed him to it, so that he could not fight anymore. SGT [redacted] said that was the only contact she ever had with BT-421. SGT [redacted] denied ever striking BT-421 or having any involvement with BT-412. She did observe other guards striking BT-421during the airlock incident due to his combative behavior. (See Waiver Certificate and Sworn Statement of SGT [redacted] for details)

About 0555Z, 18 Dec 02, SA [redacted] interviewed Mr. [redacted] who rendered a sworn statement detailing his knowledge of this incident. MR. [redacted] stated he had no dealings with BT-412, other than to ask him a few questions or to give him a few commands from the guards or others. Mr. [redacted] stated BT-412 seemed to be in good health and appeared to be well. MR [redacted] stated he was in the booth with BT-421 on his last interview at about 0300 to 0400, 10 Dec 03. He stated that when BT-421 entered the booth, he walked in on his own power, but he had problems walking. He did not look well and there was a scratch on his nose. MR. [redacted] related [redacted] SPC [redacted] and [redacted] (SPC [redacted] were the interrogators with [redacted] as the lead interrogator, but [redacted] did most of the questioning. MR [redacted] stated BT-421 kept saying he was tired and could not remember anything. BT-421 asked for some water, so [redacted] went to get a bottle of water for him to drink. [redacted] made a small hole in the bottom of the bottle for some reason. At one point, [redacted] told BT-421 to get on his knees, but he refused. [redacted] then asked the guard to make BT-421 get on his knees, so the guard tried to force him to his knees, but BT-421 would not do it. The guard then kicked BT-421 on the back of the knees to try to force him to kneel, he did not kick him hard, just enough to try to get him to kneel. BT-421 said he was falling asleep, so [redacted] took some water and poured it on BT-421's head and shoulders, which kind of jolted him. At that point, [redacted] stopped the interrogation, and BT-421 was taken away by the guard. He was walking under his own power. MR. [redacted] denied striking BT-421, but did observe [redacted] (SGT [redacted]) and [redacted] kick some of the detainees. (See Sworn Statement of Mr. [redacted] for additional details)

About 0648Z, 18 Dec 02, SA [redacted] interviewed Mr. [redacted] interpreter, BCP, BAF, who rendered a sworn statement detailing his knowledge of this incident. MR [redacted] related that about a day before BT-412 died, he and two unknown interrogators, were interviewing BT-412. BT-412 was brought into the room where he sat on the floor with his hands behind his back and eased himself down to the floor. The two interrogators interviewed him, but did not go near him, because he was spitting up a lot of phlegm. The interrogators never hit BT-412

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	87th Military Police Detachment (CID)(FWD)(ABN) Bagram Air Field, APO AE 09354
SIGNATURE [redacted]	DATE: 23 Dec 02 / EXHIBIT: 14

DETAILS

or ever touched him. BT-412 complained about a pain in his chest and said that he had to throw up. MR. [redacted] stated that he thought BT-412 was faking the throw up part, because every time the interrogators would ask him a sensitive question, he would act as if he had to throw up. When the interview was finished, BT-412 was released to the guards. MR. [redacted] denied striking BT-412 and stated he did not observe any other persons striking the PUC's. (See Sworn Statement of Mr. [redacted] for additional details)

About 0750Z, 18 Dec 02, SA [redacted] interviewed Mr. [redacted] Interpreter, BCP, BAF, who rendered a sworn statement detailing his knowledge of this incident. MR [redacted] related he was an interpreter in Kandahar before coming to BAF. MR. [redacted] said he did not remember any contact with BT-421 at all. He stated he had contact with BT-412 one time, but could not recall anything about that session. MR [redacted] also related he did not remember anybody hitting BT-412 or abusing him in any way. If anyone had done that, he would have remembered it and reported the matter. MR. [redacted] denied striking BT-412 and did not observe anyone else striking BT-412 (See Sworn Statement of Mr. [redacted] or additional details)

About 0925Z, 18 Dec 02, SA [redacted] advised SPC [redacted] of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SPC [redacted] related he never had contact with BT-412. SPC [redacted] did conduct the initial interrogation along with SPC [redacted] of BT-421. He related BT-421 was brought into the interrogation room with a hood over his head and seated. SPC [redacted] removed the hood from BT-421 to ask him questions. SPC [redacted] and SPC [redacted] never placed there hands on BT-421, except to remove the hood. When the interview was completed, BT-421 was escorted out of the room by the MP's. SPC [redacted] denied striking BT-421. (See Waiver Certificate and Sworn Statement of SPC [redacted] for details)

About 1300Z, 18 Dec 02, SA [redacted] advised SPC [redacted] A Co, 519th MI Bn, BCP, BAF, of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SPC [redacted] related he had no involvement with BT-421, but did interview BT-412 about three different times with SGT [redacted] SPC [redacted] stated neither he nor SGT [redacted] ever placed their hands on the PUC, except when SPC [redacted] placed his hands on BT-412 to guide him to lean on a wall, which only happened in the last interview. SPC [redacted] stated that during all of the interviews, BT-412 was either sitting down on the ground or in a chair. SPC [redacted] said that whenever the MP's would bring BT-412 into the room, they would always tell SPC [redacted] to tell BT-412 not to kick his cage and stop being uncooperative. SPC [redacted] denied striking BT-412, but did observe the guards restrain detainees while in processing them because the detainees tried to hit the guards. (See Waiver Certificate and Sworn Statement of SPC [redacted] for details)

About 0740Z, 19 Dec 02, SA [redacted] advised SPC [redacted] A Co, 519th MI Bn, BCP, BAF, of his legal rights, which he invoked, and requested a lawyer, at which time the interview was immediately terminated.

Agent Comments: SPC [redacted] was the [redacted] mentioned in other statements.

About 0804Z, 19 Dec 02, SA [redacted] advised SGT [redacted] of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SGT [redacted] related he did not have any dealings with BT-421. SGT

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID)(FWD)(ABN) Bagram Air Field, APO AE 09354	
SIGNATURE [redacted]	DATE 23 Dec 02	EXHIBIT 14

DETAILS

[redacted] related he interviewed BT-412 about three times, but could not remember the specifics of the interview. SGT [redacted] related BT-412 looked healthy, coherent, and acted natural. He said BT-412 walked in and out on his own power for the first two sessions. But the third session, BT-412 had to be carried in by the MP's, but walked out under his own power. SGT [redacted] said it appeared BT-412 did not look as though he could not walk. It looked as though he was being uncooperative and did not want to walk. SGT [redacted] denied ever striking BT-412 and did not observe any others striking the PUC's. (See Waiver Certificate and Sworn Statement of SGT [redacted] for details)

About 1435Z, 19 Dec 02, SA [redacted] advised SSG [redacted] 377th MP Co, BCP, BAF, of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SSG [redacted] related he was not aware of any significant involvement with BT-412. His involvement with BT-421 was when he told guards to take BT-421 out of the airlock in order to clean the area around the cells. SSG [redacted] related BT-421 would rest his head on the front of the cage, and at several times bumped his head on the cage which could have caused the injury to the bridge of his nose. SSG [redacted] said he was SOG the day he told SPC [redacted] that if needed, he could strike BT-412 with common perennial strikes to the thigh to get him to stop trying to remove his hood. SSG [redacted] said he was present during this and that the strikes were very light and only to get BT-412's attention to listen to what the guard was instructing him to do. SSG [redacted] denied striking BT-412 or BT-421 and only observed SPC [redacted] strike BT-412 in the common perennial area, because of his being uncooperative. (See Waiver Certificate and Sworn Statement of SSG [redacted] for details)

About 1555Z, 19 Dec 02, SA [redacted] advised SPC [redacted] 377th MP Co, BCP, BAF, of his legal rights, which he waived and rendered a sworn statement detailing his knowledge of this incident. SPC [redacted] related he was on watch in the Isolation Cell for day shift. During the morning, BT-412 kept lifting his hood and was told to pull it back down. When SPC [redacted] relieved SPC [redacted] in the afternoon, SPC [redacted] passed along what BT-412 was doing. SPC [redacted] related that on one occasion, SPC [redacted] called him in because BT-412 would not keep his hood down. SSG [redacted] told SPC [redacted] and SPC [redacted] to administer common perennial strikes if BT-412 would not comply. Over the course of the afternoon, SPC [redacted] administered three to four strikes and SPC [redacted] administered two to three strikes. SPC [redacted] stated the strikes were on both legs, in the thigh area, about a medium amount of force, enough to where BT-412 would feel it, but not enough to really hurt him. SPC [redacted] admitted to striking BT-412 three to four times in the thigh of both legs due to receiving authorization from SSG [redacted] and observed SPC [redacted] strike BT-412 two to three time in the thigh area of both legs, based on the same authorization. SPC [redacted] related the strikes were due to BT-412 being uncooperative. (See Waiver Certificate and Sworn Statement of SPC [redacted] for details)

About 0450Z, 20 Dec 02, SA [redacted] briefed COL [redacted] on the status of this investigation to date.

About 0510Z, 20 Dec 02, SA [redacted] advised SSG [redacted] 377th MP Co, BCP, BAF, of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SSG [redacted] related he did not have any involvement with BT-421. SSG [redacted] related that during a daily brief as SOG, he was told that every time BT-412 raised his hood, the guards administered common perennial strikes. SSG [redacted] stated the only time he would authorize a strike, would be if the PUC was being combative or had struck or attempted to strike a guard. SSG [redacted] related no instruments were used to strike any detainees and the batons within the facility are only for a riot.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID)(FWD)(ABN) Bagram Air Field, APO AE 09354	
SIGNATURE [redacted]	DATE 23 Dec 02	EXHIBIT 14

DETAILS

SSG [redacted] denied striking BT-412 or BT-421 and did not observe anyone else strike them. (See Waiver Certificate and Sworn Statement of SSG [redacted] for details)

About 0530Z, 20 Dec 02, SA [redacted] briefed MAJ [redacted] and MAJ [redacted] on the status of this investigation to date.

About 1558Z, 20 Dec 02, SA [redacted] advised SSG [redacted] 377th MP Co, BCP, BAF, of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SSG [redacted] related he had no significant involvement with BT-412, but did have involvement with BT-421. SSG [redacted] related that on 9 Dec 02, BT-421 was non-compliant with verbal commands and combative with the guards. BT-421 took off his hood several times and when SSG [redacted] loosened BT-421's cuffs on his wrists, he would not allow SSG [redacted] to re-secure the chain to the ceiling. BT-421 would pull his arms into his chest and pull his legs up off the ground. He would then struggle violently by kicking and moving his arms and elbows around. After numerous attempts to pull the chain form BT-421's hands, SSG [redacted] decided to remove BT-421 from the cell. Once the chain was freed from BT-421's hands, SSG [redacted] SPC [redacted] SSG [redacted] same unit, attempted to attach the chain to the ceiling. BT-421 grabbed his hood with both hands and attempted to remove it. They tried to take BT-421's hands away from his hood without success. At that time, SPC [redacted] delivered a common perennial strike to BT-421's right thigh. This strike had no effect on BT-421. BT-421 was removed from the cell in order to regain control. BT-421 was kicking violently as he was removed from the cell, causing SSG [redacted] to trip and fall to the ground. During this time, SSG [redacted] noticed drops of blood on the ground near BT-421. SSG [redacted] checked BT-421 and discovered that a scab on BT-421's nose had broken open. Positive control was regained on BT-421 and SSG [redacted] decided to put him into an ISO cell. SSG [redacted] denied striking BT-421, but did observe SPC [redacted] strike his right thigh, due to his combative behavior. (See Waiver Certificate and Sworn Statement of SSG [redacted] for details)

About 0310Z, 21 Dec 02, SA [redacted] advised SPC [redacted] of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SPC [redacted] related he was in charge of the Isolation Cell where BT-412 was kept. SPC [redacted] stated he had problems with BT-412 all night on the night shift. BT-412 was uncooperative with everything the guards tried to do, such at taking BT-412 to the latrine and keeping his hood on. Due to BT-412 being uncooperative, SPC [redacted] had to strike BT-412 in the right thigh once, then three more times in a row to get BT-412 to cooperate. SPC [redacted] was working the Isolation cells during the time BT-421 was there and indicated he was the most uncooperative person he had seen. BT-421 would kick at the guards and refused to eat. SPC [redacted] had to knee BT-421 in the right thigh once due to his resistance to putting his hood back on. On the next shift, SPC [redacted] had to assist the guard with getting BT-421's hood back on after he drank some water. BT-421's resistance caused SPC [redacted] to strike BT-421 on the right thigh with his knee. SPC [redacted] admitted to striking BT-412 four times in the thigh due to his combative nature and SPC [redacted] admitted to striking BT-421 two times in the thigh for the same reason. SPC [redacted] did observe another guard strike BT-412 on the thigh once or twice, but did not remember whom it was. SPC [redacted] did observe SGT [redacted] 377th MP Co, BCP, BAF, and SPC [redacted] strike BT-421 in the thigh, but could not remember how many times. These strikes were also due to the combativeness of BT-421. (See Waiver Certificate and Sworn Statement of SPC [redacted] for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID)(FWD)(ABN) Bagram Air Field, APO AE 09354	
SIGNATURE [redacted]	DATE 23 Dec 02	EXHIBIT 14

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533

DETAILS

About 0448Z, 21 Dec 02, SA [redacted] advised SGT [redacted], 377th MP Co, BCP, BAF, of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SGT [redacted] related he had contact with BT-412 once and it was the night he died. SGT [redacted] went to BT-412's cell along with SPC [redacted] and SPC [redacted] to try to feed BT-412. When the hood was removed from BT-412, he was shown the food and motioned to eat and then spit at SPC [redacted]. The hood was put back on BT-412 and the guards left the cell. SGT [redacted] SPC [redacted] and SSG [redacted] returned a short time later to the cell of BT-412 to try to get him to eat an orange. When the hood was removed from BT-412, he was unresponsive, that was when the guards realized there was a problem. SPC [redacted], who was a medic, started checking BT-412 for a pulse and breathing. SGT [redacted] then went to assist with another detainee, because there were four other people in the cell. When SGT [redacted] returned to BT-412's cell, he saw him on a stretcher. SGT [redacted] indicated he had two incidents with BT-421 along with SGT [redacted]. They were escorting BT-421 downstairs to the latrine, but he would not utilize the facilities, but just wanted to sit down. At that point, SGT [redacted] and SGT [redacted] motioned to BT-421 that they were taking him back to his cell. BT-421 became non-compliant and he let himself drop to the floor. SGT [redacted] and SGT [redacted] had BT-421's arms, under his armpits, which kept him from hitting the ground. BT-421 was then carried back up to his cell. SGT [redacted] second incident with BT-421 was when he and SPC [redacted] escorted BT-421 to the interview room. SPC [redacted] stayed in the interview room, because BT-421 had become combative. SGT [redacted] was called about 45 minutes later to get BT-421 from the interview room and escort him back to his cell. SGT [redacted] then continued with his other duties. SGT [redacted] heard the call on the radio for an ambulance and a medic. SPC [redacted] was already there so SGT [redacted] continued with his duties. When SGT [redacted] finished his duties, he went to BT-421's cell and helped put him on a stretcher and carry him to the in-processing room, SGT [redacted] then continued with his other duties, while they waited for the ambulance. SGT [redacted] denied striking BT-412 or BT-421 and did not observe any other guard strike the PUC's. (See Waiver Certificate and Sworn Statement of SGT [redacted] for details)

About 0955Z, 21 Dec 02, SA [redacted] advised SGT [redacted] 77th MP Co, BAF, of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SGT [redacted] related he had no significant involvement with BT-421. He did have several problems with BT-412. BT-412 would not want to walk to the latrine and would have to be carried. One day, BT-412 was being escorted to the latrine and did not want to walk and SGT [redacted] had to administer the pressure point under the nose to make BT-412 compliant. Another incident was when BT-412's restraints had to be adjusted. The Crash Team had gone into BT-412's cell and he started to kick his legs up and SGT [redacted] was not sure if he hit someone, because he was behind BT-412. This was when SGT [redacted] had to administer the pressure point under BT-412's nose to get him to be compliant. SGT [redacted] denied striking BT-412, except when he had to administer the pressure point under his nose to make him comply. He did not observe anyone striking the PUC's. (See Waiver Certificate and Sworn Statement of SGT [redacted] for details)

About 0410Z, 22 Dec 02, SA [redacted] advised SGT [redacted], 377th MP Co, BCP, BAF, of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SGT [redacted] related he did not have any significant involvement with BT-412, except to move him to the bathroom. SGT [redacted] stated he never hit any of the detainees, nor did he see any of the interrogators strike the detainees. SGT [redacted] did see SPC [redacted] SPC [redacted] and SGT [redacted] administer the common perennial strike to BT-421 on separate occasions. (See Waiver Certificate and Sworn Statement of SGT [redacted] for additional details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID)(FWD)(ABN) Bagram Air Field, APO AE 09354	
SIGNATURE [redacted]	DATE 23 Dec 02	EXHIBIT 14

DETAILS

AGENT'S COMMENTS: After coordinating with 377th MP Co, it was determined the SPC [redacted] indicated within SGT [redacted] statement is actually SPC [redacted]

About 1343Z, 22 Dec 02, SA [redacted] advised SPC [redacted] 377th MP Co, BCP, BAF, of his legal rights, which he waived and rendered a sworn statement detailing his knowledge of this incident. SPC [redacted] related the only significant involvement he had with BT-412 was when he kept putting his hands out of the window of the door to his cell. BT-412 was told several times not to put his hands out the window and did not comply. SFC [redacted] same unit, and SPC [redacted] entered BT-412's cell to restrain him better. SPC [redacted] indicated he placed BT-412 against the wall and used only enough force to gain control of him. SPC [redacted] involvement with BT-421 was when SGT [redacted] was trying to get him out of the airlock. SPC [redacted] helped to get BT-421's chain away from his hands that were underneath his body. While on the ground, SPC [redacted] held the chain that was around BT-421's wrists over his head to keep control of him. The last time SPC [redacted] saw BT-421 was when SPC [redacted] tried to revive him. SPC [redacted] denied striking BT-412 or BT-421. SPC [redacted] indicated he might have seen SPC [redacted] administer the common perennial strike to BT-421 while they were wrestling in the airlock. (See Waiver Certificate and Sworn Statement of SPC [redacted] for additional details)

About 1517Z, 22 Dec 02, SA [redacted] advised SGT [redacted] 377th MP Co, BCP, BAF, of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SGT [redacted] indicated he no significant involvement with BT-421. SGT [redacted] stated he was part of the Crash team, along with SGT [redacted], SSG [redacted] and SGT [redacted] all of the 377th MP Co, BCP, BAF, when they were called downstairs to the ISO block to assist other guards in restraining BT-412. BT-412 was trying to slip out of his cuffs. They were able to restrain BT-412 and left the cell. SGT [redacted] denied striking BT-412, but did observe SGT [redacted] strike BT-412 three times in the common perennial area with his knee. (See Waiver Certificate and Sworn Statement of SGT [redacted] for details)

About 1620Z, 22 Dec 02, SA [redacted] advised SGT [redacted] of his legal rights, which he invoked, and requested a lawyer, at which time the interview was terminated.

About 0415Z, 23 Dec 02, SA [redacted] advised SGT [redacted] of his legal rights, which he waived, and rendered a sworn statement detailing his knowledge of this incident. SGT [redacted] related he did not have any dealings with BT-412. SGT [redacted] did deal with BT-421 when he became non-compliant in the airlock by sitting down and taking his hood off. SSG [redacted] and SPC [redacted] went into the cell to restrain him, while the SOG, SSG [redacted] watched them. BT-421 became combative and pulled down on his cuffs to keep from being restrained. SGT [redacted] related someone made a decision to remove BT-421 from the cell and put him in the isolation cell. BT-421 was still non-compliant and continued to wrestle with the guards. When BT-421 was on the ground and secured, they noticed blood on the ground and noted it was from a scab on BT-421's nose that had broken open during the scuffle. The guards secured BT-421 to a stretcher and carried him up to Isolation Block #2, Cell #1. SGT [redacted] stated that there were two more incidents with BT-421. The first was when BT-421 un-hooked his legs from the stretcher. The second was when BT-421 indicated that he had to go to the bathroom. When BT-421 was taken to the bathroom he just sat down and did not have to use the latrine. BT-421 was very non-compliant when he was place back in his cell. SGT

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID)(FWD)(ABN) Bagram Air Field, APO AE 09354	
SIGNATURE [redacted]	DATE 23 Dec 02	EXHIBIT 14

DETAILS

[redacted] denied striking BT-421, but did observe SPC [redacted] strike BT-421 in the thigh with a common perennial strike due to his combative behavior. (See Waiver Certificate and Sworn Statement of SGT [redacted] for additional details)

About 0615Z, 23 Dec 02, SA [redacted] and SA [redacted] briefed COL [redacted] CENTCOM Appointed 15-6 Investigating Officer, CJ-4, CJTF-180, BAF, on the status of this investigation.
///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID)(FWD)(ABN) Bagram Air Field, APO AE 09354	
SIGNATURE [redacted]	DATE 23 Dec 02	EXHIBIT 14

34-02-CID369-2353

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 0137-02-CID369-23534

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	2. DATE	3. TIME	4. FILE NO.
BAGRAM BRANCH OFFICE, APO AE 09354	16 DEC 02	1110Z [redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377TH MP COMPANY BAGRAM AIRFIELD, AFGHANISTAN APO AE 09354
6. SSN [redacted]	7. GRADE/STATUS SPC/ACTIVE

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION COMMAND As A SPECIAL AGENT and wanted to question me about the following offense(s) of which I am suspected/ [redacted] - AGGRAVATED ASSAULT ///

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

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

- or -

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

[redacted] 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 [redacted]

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	[redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87TH MP DET. (CID) APO AE 09354

Section C. Non-waiver

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

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

0137-02-CID369-23534
~~0134-02-CID369-23533~~
0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 16 Dec 02
TIME: 1220 Z
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/E-4
ORGANIZATION: 377th MP Company, Bagram Airfield, Afghanistan, APO AE 09354

I, SPC [redacted], want to make the following statement under oath:
I am making this statement to clarify certain aspects or to further clarify certain issues from my last statement.
Q: Did you ever strike either BT-412 or BT-421?
A: No.
Q: Did you ever see anyone strike either one of them?
A: No, I didn't.
Q: Have you heard anyone say they had struck either one?
A: Yes, BT-421, after I had given my first interview with CID, I heard SPC [redacted] say that the night before BT-421 had died, he had went to the upstairs Isolation Cell that we had, where SPC [redacted] was working. SPC [redacted] said BT-421 was fighting and he, SPC [redacted] had kneed BT-421 a few times in the common perennial. He said BT-421 was really combative.
Q: Did you ask him how many times he had kneed him?
A: No, I didn't, I was actually trying to get everyone to drop the subject.
Q: Why did you want them to stop talking about it?
A: For one, we were ordered not to talk about it, and the other, it wasn't something I really wanted to think about.
Q: Did SPC [redacted] say how many times he actually struck BT-421?
A: No, I just over-heard him say a few times.
Q: Was BT-421 able to walk under his own power when you saw him?
A: Yes.
Q: How was he walking?
A: He was walking pretty good, he had leg shackles on, so he couldn't take full strides, but he didn't look like he was walking impaired.
Q: Did he look like he was limping or like it hurt for him to walk?
A: No, not that I noticed.
Q: Is there any type of instrument at the BCP or that anyone uses to strike any of the Detainees?
A: No, we have the riot sticks, but I don't now of them ever being used.
Q: Have you ever heard anyone say they struck any of the Detainees with any type of instrument?
A: No, I haven't heard.

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 15

b6, 7C

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 16 Dec 02, continued:

Q: Have you ever struck any of the Detainees with any type of instrument?
A: No.
Q: Have you ever seen anyone strike any of the Detainees with any type of instrument?
A: No.
Q: When you do a pass-on, do you let the shift relieving you know how many times and where you've had to strike a Detainee?
A: Yes, I do.
Q: Does everyone doing a pass-on do the same?
A: I can't honestly say that they do, I do, but I can't speak for everybody else.
Q: Have you been told by whomever you receive your pass-on from?
A: Yeah, I've been told by some people that they've had to knee someone once or twice.
Q: Do you think you've always been told?
A: Beforehand, yeah, I believed it, but now I'm starting to question that.
Q: Why?
A: Because I've been told that the Detainees who died were badly bruised on their legs and I've never been told by anyone that they had been kneed before I relieved them.
Q: Is it Standard Operating Procedure (SOP) to pass-on this information?
A: Yes, it is SOP to pass on everything that's happened.
Q: Would this include how many times and where the Detainee was struck?
A: No, it's not that specific, we've just been told to pass on everything that's happened.
Q: In your mind, does that include passing on where and how many times you've done it?
A: Yes, I have passed that information on a number of times, but I don't think I've passed on right or left, meaning on what side I struck the Detainee.
Q: Have you been instructed to pass-on that information?
A: Specifically, no, we've just been told to pass-on everything that's happened.
Q: As far as you know, does everyone pass-on that information.
A: No, I can't say that's common for everyone, I do pass that information on.
Q: What was the time/date you last saw BT 421 walking unimpaired?
A: About 1830z on the night he died.
Q: Did [redacted] describe how BT 421 was combative?
A: He probably did, but I was trying to stop the conversation and I only recall him saying I ended up kneeing him a coupla' times.
Q: Is there anything you want to add to your statement?
A: No.///End of Statement//[redacted]

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 16 Dec 02, continued:

AFFIDAVIT

I, [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

WITNESS:

[redacted]
(Signature of Person Making Statement)

(Signature)

(Printed Rank, Name)

(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)

WITNESS:

SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

(Signature)

Article 136, UCMJ
(Authority to Administer Oaths)

(Printed Rank, Name)

(Unit)

0137-02-CID369-23533

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0137-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
BAGRAM AIRFIELD, AFGHANISTAN APO AE 09354	16 DEC 02	1515Z [redacted]	

5. [redacted]	8. ORGANIZATION OR ADDRESS
	377TH MP CO BAGRAM AFGHANISTAN APO AE 09354
6. [redacted]	7. GRADE/STATUS SGT / RESERVE

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 is a SPECIAL AGENT and wanted to question me about the following offense(s) of which I am suspected/accused: [redacted] AGGRAVATED ASSAULT III

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

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

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

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

- or -

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

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

5. COMMENTS *(Continue on reverse side)*

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE [redacted]
1a. NAME *(Type or Print)*	4. SIGNATURE OF INVESTIGATOR [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR SA [redacted]
2a. NAME *(Type or Print)*	6. ORGANIZATION OF INVESTIGATOR 87TH MP DET (CID) APO AE 09354
b. ORGANIZATION OR ADDRESS AND PHONE	

Section C. Non-waiver

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

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

b6, 7C FOR OFFICIAL USE ONLY

exhibit 16

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 16 Dec 02
TIME: 1630Z
NAME: [redacted]
SSAN: [redacted]
RANK: SGT/E-5/Reserves
ORGANIZATION: 377th Military Police Company, Bagram Airfield, Afghanistan, APO AE 09354

I, SGT [redacted], want to make the following statement under oath:
While I was inprocessing BT-412, I was in charge of telling him what to do. I would stand in front of the PUC's and informed them the rules and what their number was. BT-412 had just gotten a rectal examination done, when he raised up, looked at me, brought his right knee up and hit me in the genital area. I was hurt and thought about retaliating, but did not. I grabbed him by the sides of his head and yelled in his face that he kneed me in the balls. He then became combative, at which time me and the other two guards took BT-412 to the ground and I applied pressure to the lower part of his nose. I started to see that his eyes were tearing up and he became calm, so we released him. When he got up, he grabbed one of the other guards, at which time, I applied a gooseneck come-along in order to subdue him. An interpreter spoke with him, so he calmed down. After inprocessing him, we took him to the holding area and after completing all of the inprocessing, took him to the ISO cell. Several days later, I assisted Crash with extracting BT-412 out of his cell. I cannot remember what we were taking him out for. He grabbed his handcuffs in order so we could not remove them. His handcuffs were attached to the ceiling. He stepped on someone's hand, so I tried to move his leg, at which time, he squeezed his legs together and pinned my hand between them. I struck him in the common perineal area of his thigh with my knee, and then in the pressure point on his left shoulder with a closed fist. BT-412 then released his grip on his handcuffs, calmed down and was escorted out of his cell. I don't know if any other person struck him during this confrontation or the earlier one, and I had no other involvement with BT-412.

Q: What shift were you on?
A: First shift, which was days.
Q: What is "Crash"?
A: They are teams that will escort the PUC's between their cells and the interview rooms. They consist of two persons and there are five people per shift.
Q: During the incident at the inprocessing room, how did you place your hands on his head?
A: I just had my hands on either side of his head.
Q: Did you have your fingers behind his ears?
A: No. I just had my hands on either side of his head, and yelled into his face.
Q: Did you grab his hair?
A: No.

Statement of SGT [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 16 Dec 02, continued:

Q: During the incident at the inprocessing room, do you know if the other guards struck BT-412?
A: No I don't know.
Q: Other than placing your hands on his head, applying pressure to his lower nose, and applying a gooseneck come-along, did you hit or strike BT-412?
A: No.
Q: Do you know the name of the interpreter in the inprocessing room?
A: No.
Q: While in his cell, how many times did you strike BT-412 in the thigh?
A: Once.
Q: How many times did you strike him in the shoulder?
A: Twice.
Q: Were both times with a closed fist jab or a "hammer" blow?
A: With a closed fist.
Q: When he grabbed his handcuffs inside the cell, was he hanging with his legs off of the ground?
A: No.
Q: When he was in his cell, how was he restrained?
A: Long shackles which were secured to the ceiling and his arms, and leg shackles. His arms were positioned upwards towards the ceiling at an angle.
Q: What is the SOP on restraining the PUC's?
A: Either MI would order it, or if the PUC was being combative. If MI ordered it, it would have to be approved by the SOG and OIC of the shift. If the PUC was being combative, the MP could apply the restraints without the approval of the SOG or OIC of the shift.
Q: While in the cell, did the other guards strike BT-412?
A: I don't know.
Q: How often do you get PUC's that are as combative as BT-412 and BT-421?
A: Not very often, I would say maybe 1 out of 10.
Q: Do you know if any guards were excessively aggressive or physical towards the PUC's?
A: Not to my knowledge, no.
Q: When you conducted shift change, how did you inform the next shift of what happened with a PUC?
A: If you were on the main floor, the floor Sergeant, would pass the information onto the new floor Sergeant, and the ISO guards would pass the information on to each other.
Q: I understand you would pass-on information when a PUC was being combative, did you ever pass on if you struck the PUC, where or how many times the PUC was hit?
A: No.
Q: So you never knew how many times the night shift may have struck a particular PUC, is that correct?
A: Yes, other than just word of mouth between one guard to another.
Q: Whenever a PUC was being combative and struck by a guard, was the PUC ever examined by a doctor?

Statement of SGT [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 16 Dec 02, continued:

A: No, not unless there was extreme circumstances.
Q: Is this statement in your own words and typed by this agent?
A: Yes [redacted]
Q: Do you have anything further to add to your statement?
A: NO [redacted] END OF STATEMENT [redacted]

AFFIDAVIT

I, SGT [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

0137-02-CID369-23533

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 0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	16 Dec 02 [redacted]	1614 [redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN [redacted] / 7. GRADE/STATUS SPC/E-4/Reserves	Bagram Airfield, Afghanistan, APO AE 09354

PART 1 - 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 (CID)

As a Special Agent and wanted to question me about the following offense(s) of which I am suspected/acc[redacted]ggravated Assault///

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)
Have you been advised of your legal rights in the past and requested legal counsel? No [redacted] Do you currently have a lawyer? No [redacted]

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME (T[redacted] SA [redacted]	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE 87TH MP DET. (CID) APO AE 09354	
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANI[redacted]F INVESTIGATOR 87th Military Police Detachment (CID) APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOR OFFICIAL USE ONLY

Exhibit 17

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 16 Dec 02
TIME: 1800
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/E-4/Reserves
ORGANIZATION: 377th Military Police Company (Bagram Confinement Facility), Bagram Airfield, Afghanistan, APO AE 09354

I, SPC [redacted] want to make the following statement under oath:
I don't remember the exact date, but the first time I had any contact with BT 412 was the day that he died. Sometime during the night shift that day I went into BT 412's ISO 1, cell 7, to help feed him. He had fought with the guards prior to that whenever they had tried to do anything with him. We went in to feed him and he refused food and water by not opening his mouth. Then he spit on SPC [redacted] and we left the cell. The next time I entered his cell was when they thought he was fake passing out like he had done previously. We were unable to revive him. He had low vital signs and he was removed from his shackles and taken to the inprocessing room to be transported to the hospital. That was pretty much all my dealings with him.
Q: Did the off going shift of guards pass on any information to you pertaining to BT 412?
A: I wasn't working ISO.
Q: Is it normal to pass on information from one shift to another pertaining to the PUCs?
A: Yes it is. But with that the guards that work ISO pass on the info to the new shift working ISO. I was working the floor that night.
Q: What information does one shift pass to the other shift pertaining to the PUCs?
A: Any type of problems that they've had on their shift, any type of info on new people coming in, changes in routine, if things were supposed to be done on their shift couldn't be done for some reason. Just mostly things like that.
Q: Do they pass on any information about the attitude or cooperation of the PUC?
A: Yeah. It had been put out in guard mount. It was put out in guard mount that BT 412 was uncooperative and that his movements were to be done with at least 3 people.
Q: Do they relay to the next shift how many times they had to strike the PUC or where they struck PUC during the shift?
A: No.
Q: If a PUC was struck throughout the shift to subdue him or make him compliant, did a doctor look at him later?
A: Not specifically. I mean if there was no apparent injury, then no.
Q: What would indicate apparent injury?
A: A massive bruise, blood, dislocation.
Q: Did that ever occur?
A: Not to my knowledge.
Q: How would anyone realize the PUC had a massive bruise if he had pants on all of the time?

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 16 Dec 02, continued:

A: I don't know. They do have the opportunity to talk to a medic every morning. The medic is there every morning to pass out medications, so he talks to every PUC. They can talk to him then.
Q: Did you strike PUC BT 412?
A: Not that I can recall.
Q: Did you see others strike BT 412?
A: No.
Q: Do you know of other guards striking BT 412?
A: No, I do not know of any other guards striking BT 412.
Q: Did you notice any injury to BT 412 during your contact with him?
A: No.
Q: How much contact would you say you had with BT 412?
A: I cannot recall any contact until I tried to help feed him. Then on the night that he died as I said in my previous statement.
Q: How often is the doctor available to consult pertaining to the treatment of the combative PUCs during the times at which they had to be struck until they complied?
A: I honestly don't know. I would assume that a doctor would be available from the CSH as needed.
Q: How often have you seen PUCs as uncooperative and combative as BT 412 and BT 421?
A: Very few.
Q: What was the extent of your contact with BT 421?
A: I had an incident with BT 421 the night prior to his death. I was working the floor and he was non-cooperative and fought with us as we were trying to adjust his restraints. At first he would not let us put his hands where we needed him to, and then he grabbed all of his restraints and clutched them close to his chest. As we tried to put him back into a shackled position he was swinging his arms so that we couldn't reach his shackles. SSG [redacted] and I removed BT 421 from the airlock to the main floor to try to regain control. We were still having difficulties and SSG [redacted] came over to help. We regained control of his restraints and attempted to put him back into his airlock cell and he fought again. We returned him to the floor and it turned into a wrestling match on the ground. Somewhere during the struggle on the floor, I hit him once on the common perineal area. We removed him from the floor as quickly as possible so as not to incite the rest of the general population.
Q: How many times and where on his body did you strike BT 421?
A: I struck BT 421 one time in the common perineal, and I placed one of his arms into a joint lock. The best that I could in short cuffs.
Q: How many times have you seen others strike BT 421?
A: I can't recall any.
Q: Did you ever notice that BT 421 could not walk very well?
A: Yes. On the night of his death I helped move him from isolation to an interview room where he complained to the interviewer that his legs hurt. We actually had to carry him into the interview room because he refused to walk, but after the interview he walked back to his cell without incident.
Q: Was he walking normally?

[redacted]
Initials of Person Making Statement

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 16 Dec 02, continued:

A: Very slowly.
Q: Do you know of anyone else striking BT 421? Interpreters, MI personnel, other interviewers etc?
A: Not that I can recall.
Q: How often have you seen the doctor in the facility?
A: On night shift, usually only when new arrivals come in.
Q: What about on day shift?
A: I have never worked day shift.
Q: How do you feel about the PUCs?
A: The people in custody are still untried and I'm sure some are innocent. Some of them are killers and some of them are dirt farmers. So I treat each one of them with the respect that they treat me with.
Q: BT 412's legs suffered severe trauma while at the BCP. How do you suppose that happened?
A: If his trauma was on the side of his legs, then he probably suffered from knee strikes to his common perineal nerve.
Q: Is this statement in your own words and typed by this agent?
A: Yes.
Q: Do you have anything further to add to your statement?
A: Yes. I also struck BT 421 one time in his common perineal during his interview with MI on the night of his death, because he was not compliant with the interviewer's instructions.
Q: Was that the only other time you struck him?
A: Yes, that I can recall.
Q: Did anyone else in the interview room strike him?
A: Not that I can recall.
Q: Explain striking the common perineal?
A: I raised my knee and made contact with the outside thigh of the detainee.
Q: How much force do you normally apply to such a strike?
A: As much as I can, so that I do not have to do it again.
Q: Is there anything further you wish to add to this statement?
A: No. ///End of Statement///

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 16 Dec 02, continued:

AFFIDAVIT

I, SPC [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

SA [redacted]
(Printed Rank, Name)

87TH MP DET. (CID)
(Unit)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

[redacted]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of December, 2002, at Bagram Airfield, Afghanistan

[redacted]

SA
87th Military Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

[redacted]
Initials of Person Making Statement

0137-02-CID369-235

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
87th MP DET (CID), APO AE 09354	17DEC02	0515Z	0134-02-CID369

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th MP Co, APO AE 09354
6. [redacted]	7. GRADE/STATUS: SPC/USAR

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION COMMAND AS A SPECIAL AGENT and wanted to question me about the following offense(s) of which I am suspected [redacted]: AGGRAVATED ASSAULT III

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

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

- or -

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

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

5. COMMENTS *(Continue on reverse side)*
HAVE YOU BEEN ADVISED OF YOUR LEGAL RIGHTS IN THE PAST AND REQUESTED LEGAL COUNSEL? NO[redacted]

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	4. ORGANIZATION OF INVESTIGATOR: 87th MP DET (ABN) (CID) APO AE 09354

Section C. Non-waiver

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

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOR OFFICIAL USE ONLY
b6, 7C

Exhibit 18
12

0137-02-CID369-23533

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 17 Dec 02
TIME: 0611Z
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/USAR
ORGANIZATION: 377th MP Co, Bagram Airfield, Afghanistan, APO AE 09354

I, [redacted] **want to make the following statement under oath:** I was working day shift, I think it was 1 Dec 02, when I first had contact with BT 412. During this time he was hanging for 24 hours and shackled. He was constantly talking and being non-compliant. I put goggles and earmuffs on him underneath his hood to try to keep him from knowing when a guard was around. It seemed that whenever he knew a guard was around he would start his activity. Talking and struggle a little against his chains. He was constantly talking. I had an interpreter tell him to stop talking and settle down and he still did not comply. That went on my entire shift. Nobody hit him that day. The next time I had contact with BT 412 was on the day he died. I was with him for about 6 hours prior to his death. I came in at 1330 local time that day. He was continually talking and the first thing we did was move him from ISO cell 6 to cell 7. He refused to walk so we had to carry him. Then we shackled him with his arms over his head in cell 7, so that he had to stand. The engineers were reinforcing the doors and when they were finished we put him back into cell 6. He refused to walk again and we had to carry him. We shackled him in a standing position again with his hands above his head. A couple hours later he wound his cuff chain into a twist by spinning in the cell. I then removed one handcuff to untwist the chain. He tried punching me in my chest and I pressed him against the wall separating him from me. I cuffed the loose cuff onto the chain itself and got help. We had to take his right hand and lift him up to force his hand into the cuff to re-cuff him. At 1220z we let him down to eat and he made a move to exit the open door and I jerked him back by his chain on his left hand and put him against the far wall. I then backed out of the cell and he sat down against the far wall and refused to eat or drink anything. I then re-cuffed him about 35 minutes later and chained him standing up again. He then kept grabbing his hood trying to take it off and spit. I called the SOG and he informed us to pull down his hood after he pulled it up and to give him a common perineal strike. After about 5 hits he stopped grabbing his hood. We didn't have any trouble with him after that.

Q: Describe a common perineal strike?
A: You hit the middle of the outer thigh with your knee.
Q: How hard is this method administered?
A: I used probably medium to light force. You don't have to do it very hard for it to be effective.
Q: Did you hit him anywhere else?
A: No.
Q: Did you see anyone else strike him?
A: SPC [redacted] gave him 3 common perineal strikes. The SOG and I witnessed those.

Initials of Person Making Statemen[redacted]

DA Form 2823 FOR OFFICIAL USE ONLY Exhibit: 18

b6, 7C

Statement o[redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

Q: Who was the SOG?
A: SSG[redacted]
Q: Did SSG[redacted]ever strike BT 412?
A: No.
Q: What amount of force did SPC[redacted]use that time?
A: Light to medium.
Q: Is anything passed on from one shift to another pertaining to the PUCs?
A: Yes. We mostly pass on if they are being compliant or not.
Q: Do you pass on how many times you had to strike the PUC on where or his body he was struck?
A: No.
Q: Would you or any other guard know how many times or where on his body strikes were administered over a day?
A: No.
Q: Does a doctor check non-compliant, combative PUCs after numerous strikes have been delivered upon his person?
A: No.
Q: Does a doctor have any input into how the PUCs are chained, restrained or controlled with restraints in the cells or general area?
A: Yes, but only if there is a known medical problem.
Q: Were any implements of any type used to strike BT 412 or any other PUC?
A: No.
Q: Do you ever have to stand on or place your feet to pin the legs of a PUC?
A: No.
Q: Did you ever see a guard do that?
A: No.
Q: How often does a doctor interact with the PUCs?
A: Rarely. Only if they complain of pain.
Q: Are there any routine exams of the PUCs by the doctor at any type regular intervals?
A: Whenever the PUCs enter the BCP and whenever the PUCs leave.
Q: Is it possible for you to observe the bare legs of the PUCs routinely?
A: No.
Q: Is it accurate to say you could not see the extent of any injury to a PUCs legs after strikes were administered over a period of days?
A: Yes.
Q: Have you ever seen any other guard strike a PUC with any type of instrument?
A: No.
Q: Have you ever heard of any other guard striking a PUC with an instrument?
A: No.
Q: Do you have anything further to add to your statement?
A: No ///End of Statement///

Statement of [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

AFFIDAVIT

I, [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
SA
87th Militar[redacted]WD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 18

bc, FE

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 17 Dec 02
TIME: 0832Z
NAME: [redacted]
SSAN: [redacted]
RANK: Civ/Interpreter
ORGANIZATION: Bagram Detention Facility, Bagram Airfield, Afghanistan, APO AE 09354

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

About two days before PUC 421 died, I was the interpreter when Military Intelligence personnel named [redacted] and [redacted] interviewed him. The detainee walked into the room, escorted by MP's. The detainee sat down in the chair, and [redacted] offered him a cigarette. [redacted] started to ask him some questions and after a few minutes, she told him that he was lying. The detainee also had a smirk on his face, and I believe that it angered [redacted] so much that she said "you're laughing." The MI personnel told him to get out of the chair and sit on his knees with his hands over his head. After a few minutes, the detainee said that he was tired, so [redacted] told him to crouch down with his back to the wall. During this entire time [redacted] pushed the detainee against the wall about 2-3 times [redacted] grabbed the detainee's beard and behind his ears with her hands; she kicked him in the genital area; and punched the detainee in his chest. One time the detainee's booties had come off, and [redacted] put her foot on top of his bare feet. I didn't see [redacted] or [redacted] ever hit the detainee in the legs, or anywhere else that I have not already mentioned. The detainee was pleading to me several times that the MI personnel were beating him, but I told him that if he cooperated, then he would not be hurt. [redacted] then called the MP's to take the detainee away and place him in restraints standing up with his hands over his head. She told them to keep him that way until the next shift came on, which would be the night shift.

Q: Do you remember the exact date or time of the interview?
A: No, but it was a couple of days before we were informed that he had died.
Q: How long have you worked at the Bagram Detention Facility?
A: I got here 25 Nov 02.
Q: Have you previously worked with detainees?
A: I have previously been at Guantanamo for about 7 months.
Q: How many interviews have you sat in with [redacted] or [redacted]
A: Several with [redacted] but PUC 421 was the first with her. Several with [redacted] also, but this was the first time for him too.
Q: During the interviews was it common for the MI personnel to treat the detainees like [redacted] and [redacted] did?
A: No, I have never seen this, not even at Guantanamo.
Q: In the other interviews with [redacted] or [redacted] did they act the same way to other detainees?
A: No. After this interview, I spoke with [redacted] the NCOIC of the MI personnel about what happened with PUC 421, and he said that they have to be a little bit rougher with the detainees

Initials of Person Making Statement [redacted]

Exhibit: 19

FOR OFFICIAL USE ONLY

b6, 7C

12

Statement of [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

than they are at Guantanamo. He also said [redacted] was not supposed to do what she did to the PUC.

Q: When the detainee came into the interview room, did he walk in by himself?
A: Yes.
Q: When the detainee left the interview room, did he walk out by himself?
A: Yes.
Q: Before the detainee was brought into the interview room, do you know what cell he was in?
A: I don't know.
Q: After the detainee left the interview room, do you know what cell he was put in?
A: I don't know, but I know that MI ordered his hands put up, and that would usually be done in the ISO block.
Q: Was PUC 421 more or less aggressive than the other PUC's during interviews?
A: He was talking more than others, but did not appear more violent or aggressive than the others.
Q: Did he say anything against the Americans or the US?
A: No.
Q: How was the PUC restrained when he walked into the interview room?
A: He had shackles on his arms, but after not cooperating with [redacted], she went and got a set of leg shackles and a chain to connect the arm and leg shackles, which she put on him.
Q: How hard did [redacted] push the detainee against the wall?
A: Not really hard.
Q: Did [redacted] kick the detainee in the genital area, or in the inner thighs?
A: I believe it was right in the center of his genital area, because I could not see. After she did this, he sat down on the floor and was complaining about how he was hurting. They told him to get back up, and he did so.
Q: When [redacted] it the detainee was he standing or sitting?
A: He was standing.
Q: How did she kick the detainee?
A: With her foot.
Q: When she kicked him, did it appear to be really hard?
A: She just raised her foot, and touched his genital area. If she really hit him hard, I don't believe he would have been able to stand back up.
Q: How did [redacted] grab the detainee behind the ears?
A: With both of her hands and her fingers behind his ears. I am not sure if she had her fingers "dug" into his ears.
Q: How did [redacted] punch the detainee in the chest?
A: With a closed fist, about 2-3 times.
Q: How hard did she hit him in the chest?
A: Not a full punch, just little ones.
Q: After the interview, did a doctor examine the PUC?
A: I did not see.

Statement of [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

Q: What exactly did the detainee tell you?
A: He told me that he was being beaten by the MI personnel, and I told him to cooperate. He also told me that he was beaten by the personnel downstairs.
Q: Who was he referring to when he said the people downstairs?
A: The guards.
Q: Why did he tell you that he was beaten by the guards?
A: I asked him about an injury he had on his nose.
Q: Did you ever strike PUC 421?
A: No.
Q: When the MP's came to get PUC 421, did you see them strike the detainee?
A: No, he was on the floor because of all the pushing and shoving. So they picked him up and pushed him out of the door, like in a hurry.
Q: Have you ever seen any guards strike any of the detainees?
A: No.
Q: How do you feel about the incident that occurred with [redacted] and [redacted]
A: I was really shocked at it. I even spoke with my supervisor, that if it continued then I would ask for a transfer.
Q: Do the MI personnel or guards pass on to each other how many times or where on the body they had struck the PUCs?
A: I didn't notice. I didn't hear.
Q: How often does the doctor have contact with the PUCs or examine them?
A: I don't know.
Q: Is this state[redacted]in your own words and typed by this agent?
A: Yes [redacted]
Q: Do you have anything further to add to your statement?
A: No [redacted] End of statement

Statement of [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

AFFIDAVIT

I, [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]
(Sig[redacted]Making Statement)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signat[redacted]ath)
SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 19

b6, 7c

0137-02-CID369-23534

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS 0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
87TH MP DET. (CID), APO AE 09354	17 DEC 02	0930Z [redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	A CO, 519TH M.I. BN. APO AE 09354
6. [redacted]	7. GRADE/STATUS SPC/ACTIVE

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION COMMAND
AS A [redacted]IAL AGENT and wanted to question me about the following offense(s) of which I am
suspected/a[redacted]: AGGAVATED ASSAULT ///

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

[redacted] ot have to answer any questions or say anything.

[redacted]ing 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 [redacted]ed for me before any questioning begins.

[redacted] 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 [redacted]illing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with [redacted]

WITNESSES *(If available)*	3. SIGNATURE [redacted]
1a. NAME *(Type or Print)* SA [redacted]	
b. ORGANIZATION OR ADDRESS AND PHONE 87th MP Det (CID) APO AE 09354	4. SIGNATURE [redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87TH MP DET. (CID) APO AE 09354

Section C. Non-waiver

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

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOR OFFICIAL USE ONLY
b6, 7C

Exhibit 21
128

0137-02-CID369-23536

~~0134-02-CID369-23533~~

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 17 Dec 02
TIME: 1130Z
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/Active
ORGANIZATION: A Company, 519th Military Intelligence Battalion, Bagram Airfield, Afghanistan, APO AE 09354

I, SPC [redacted] want to make the following statement under oath:
I was the lead Interrogator in the questioning of BT-421 , and was there for all five of his interrogations. I had no dealings with BT-412, and never even saw him. During the first three interrogations of BT-421, SPC [redacted] and [redacted] the Interpreter, were in the interrogation room with me. During the fourth interrogation, SGT [redacted] and [redacted] the Interpreter, were with me. During the fifth and last interrogation, SPC [redacted] and [redacted] the Interpreter, were with me. We would place BT-421 at one end of a table and myself at the other end. The other Interrogator would sit along the side of the table with the Interpreter across from them on the other side. I was the lead Interrogator, so I would ask most of the questions, through the Interpreter, and the Interpreter would relay the answer to me. The additional Interrogator would ask questions I missed, or would ask questions to clarify certain aspects of the questioning.

Q: During your questioning, did you ever strike BT-421?
A: Negative.
Q: Did anyone else strike him?
A: No.
Q: Did any of the other Interrogators strike BT-421 during questioning?
A: Negative.
Q: Did any of the Interpreters ever strike BT-421 during questioning?
A: Negative.
Q: Did anyone ever grab or get rough with him?
A: I grabbed his clothing and put him up against the wall.
Q: How many times?
A: Four times, I would just kind of walk him around the room and put him in different spots.
Q: All during the same session?
A: Yes.
Q: How hard would you say you grabbed and put him against the wall?
A: Not very hard.
Q: Do you think you ever did it hard enough to hurt him?
A: No, I don't think so.

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

Q: Did you do anything else?
A: Yes, I placed my right foot on the back of his left knee, when he was kneeling, to get him in the kneeling position.
Q: How much force did you use?
A: I wouldn't say much at all, I really don't know how to measure it.
Q: On a scale of 1-10, with 10 being the most force, how much force would you say you used?
A: I'd say about three to four.
Q: Did anyone else do the same?
A: No, it was just me.
Q: Did you have to do that every session?
A: No, just on the fourth one.
Q: Did anyone else use any blows to BT-421?
A: No, the first three times we talked to him we were very friendly to him, but on the fourth interview, some holes came up and we wanted him to answer us truthfully.
Q: Did anyone use any type of instrument to get him to comply?
A: No.
Q: Did anyone ever strike him on the calves?
A: I would have been the closest by putting my foot in the back of his knee.
Q: Did you do this at any other time?
A: No, just during the fourth session. In the fifth session, we had an MP place him on his knees. The MP kind of tripped him while he held him and placed him down on his knees. He was shackled and cuffed at the time.
Q: Did anyone else ever grab or get rough with him?
A: [redacted] mostly all she did was put her hands on his shoulders, she would push down on his shoulders to make him go to his knees. She also grabbed his ears once and lifted him up.
Q: Did she cause any damage to his ears?
A: None that I knew of, there was no blood or anything.
Q: Did she ever do anything else to him?
A: No.
Q: Did she ever strike him in his genital area?
A: No.
Q: Was she ever in a position to have struck him in his genital area?
A: Yes, when he was on his knees, she would place her foot in between his knees.
Q: Did you ever see her strike him in the groin area while in this position?
A: No.
Q: Is it possible she could have?
A: Yes, but I never saw her.
Q: Could someone else have seen her strike him?
A: If she did, [redacted] might have seen it.
Q: Does [redacted] seem reliable and truthful to you?
A: No.

Initials of Person Making Statement [redacted]

Exhibit: 20

FOR OFFICIAL USE ONLY

b6, 7C

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

Q: Why not?
A: Because he leaves a lot out of what is said when he gets the answer for us.
Q: How do you know that?
A: Because whenever the person says something about the Taliban, he leaves that out of the answer.
Q: How many times have you worked with [redacted]
A: About four or five times.
Q: How many of those times were with BT-421?
A: Just once.
Q: Do you think [redacted] would lie about someone striking BT-421?
A: I don't think he'd have a reason to, he was angry about the stress positions we would use, like putting him on his knees.
Q: Did any of the other Interrogators or Interpreters ever strike BT-421?
A: No.
Q: How would you say BT-421 received bruising to his groin area?
A: I have no idea.
Q: Are you certain you never saw anyone strike BT-421 in the groin area?
A: Yes, I'm positive.
Q: Have you ever seen any of the Military Police (MP) strike any of the PUCs?
A: Yes, BT-421. During my fourth session of questioning BT-421, he refused to follow my instructions and became non-compliant. Since he didn't want to stay on his knees, [redacted] got a pair of long cuffs and placed one cuff on the chain of the set of short cuffs that were attached to his wrists and placed the other end on the chain of the pair of leg shackles that were on BT-421. [redacted] then left the booth and told the guard to come get him. Two MP's came into the booth to get BT-421, I don't know who they were, they unlatched the top part of the extra cuffs we added, this left his hands free with the other cuffs around his wrists. He stood up and ran towards one of the walls, one of the MP's grabbed him and threw him on the floor. We had [redacted] tell him not to resist what the MP's were doing. The MP's then unlatched the bottom part of our cuffs and walked him downstairs.
Q: Did he walk under his own power?
A: I believe he did.
Q: Did you see anything else?
A: Yes, I went to my office and heard BT-421 yelling, it sounded like he was in pain. The MP's had put him in an airlock originally and he was cuffed to the ceiling standing up. They tried to reposition the cuffs on his hands and he lifted his legs so they couldn't hang him up to the top of the cage again. After he did that with his legs, they were lifting him back up, he tried to resist and one of the MP's punched him on his right side about six times. They kept trying to put his hands up and he kept resisting them. They then grabbed him and threw him on the ground outside of the airlock onto his stomach. Two more MP's came out from the front desk, there were about six MP's holding him down on the ground, and the same MP that was punching him in the airlock started punching him again while he was on the ground. He punched him about six more times on the same side. Then they brought out a stretcher, hand-cuffed him to the stretcher,

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

and carried him upstairs to the first Isolation cell on the left. When he was in the Isolation cell, they asked us to bring an interpreter, I can't remember which one, and they pulled up his hood to see where he was bleeding from. I had told them about a scab on his nose, because I had seen it while I was questioning him, and they thought he had a nose bleed. The scab on his nose had been re-injured and was bleeding.

Q: How did he get the injury (scab) on his nose?

A: I had asked him about it during the first interrogation and he said that he had received it before he came to us, he didn't say from who. He said he was injured at the place he had been before coming to the BCP.

Q: Where you around when he was inprocessed?

A: I was there, but I wasn't downstairs in the inprocessing room when he arrived.

Q: When was the first time you saw BT-421?

A: I talked to him the night he was brought in, a couple of hours after he had been screened.

Q: What was his attitude?

A: He seemed like a really nice man.

Q: Did you notice the injury to his nose then?

A: Yes.

Q: Did it look new or old?

A: It looked old, he already had a scab on it.

Q: How big was the injury?

A: Maybe about an inch, it didn't look like it was one big cut, it looked like a scrape.

Q: I have shown you pictures of BT-421 when he first inprocessed and after he died, is the injury to his nose the same injury you first noted at his inprocessing?

A: It wasn't as big, it just looked like a bunch of scabs that almost matched his flesh.

Q: When did you first notice the larger of the two injuries to his nose, the one in the picture I showed you after his death?

A: During my last interview with him.

Q: Did he say how he had received it?

A: No.

Q: Did you ask him?

A: No.

Q: Do you know of how it was re-injured?

A: No.

Q: Do you pass on information to anyone after a session?

A: Yes, I pass it on to my team leader.

Q: Do you pass on how many times you would have hit him or what injuries he might have sustained?

A: No, we don't hit them.

Q: Have you ever seen a doctor examine the PUCs?

A: No, I just know the doctor works through the MP's.

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

Statement of SPC [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

A: I would kinda like to note the way he was on the last interview with him. He came in and he wanted some water and so we brought him some water. We asked him how he was doing and he said that his wife had died that day, he said his wife had come and told him. We gave him the water, and he couldn't even hold onto it. As soon as we gave it to him he dropped it on the floor. It was in a plastic, .5 liter bottle, and he started drinking it. We didn't talk to him long that day because of the way he was acting that day. The MP's came and got him, and he actually walked out on his own two feet, which was funny because the MP's had to drag him in there when he first cam in to the booth.

Q: Is there anything else you want to add?

A: No ///End of Statement/// [redacted]

AFFIDAVIT

I [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESS: [redacted]
(Signature)

SA [redacted]
(Printed Rank, Name)

87th MP Det (CID) APO AE 09354
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature)

SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

0134-02-CID369-23533

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

DATA REQUIRED BY THE PRIVACY ACT

0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	17 Dec 02	1200Z	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	A Company, 519th Military Intelligence Battalion
6. SSN: [redacted] / 7. GRADE/STATUS: SPC/E-4/ Active	Bagram Airfield, Afghanistan, APO AE 09354

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 (CID)
As a Special Agent and wanted to question me about the following offense(s) of which I am
suspected/[redacted] Aggravated Assault///
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
[redacted] I do not have to answer any questions or say anything.
[redacted] Anything I say or do can be used as evidence against me in a criminal trial.
[redacted] *(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.
[redacted] If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)
Have you been advised of your legal rights within the last 30 days? [redacted] NO Do you currently have a lawyer? [redacted] NO

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE [redacted]
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR: SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR: 87th Military Police Detachment (CID), Bagram Airfield, Afghanistan, APO AE 09354

Section C. Non-Waiver

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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 80 EDITION OF NOV 80 IS OBSOLETE

FOR OFFICIAL USE ONLY

134

EXHIBIT 21

0137-02-CID369-23

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 17 Dec 02
TIME: 1320Z
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/E-4/Active
ORGANIZATION: A Company, 519th Military Intelligence Battalion, Bagram Airfield, Afghanistan, APO AE 09354

I, SPC [redacted] want to make the following statement under oath:
The first time that BT-412 was interviewed, SGT [redacted] and myself conducted the interview. I cannot remember who the interpreter was. The detainee was brought into the room by the MP's on his own power. He was restrained by leg and arm shackles. When he came into the room, he sat on the floor. My job during the interview was to write notes on his body position and anything else I noticed about the PUC. During the interview we just had him tell his story, and did not forcibly ask him any questions. Neither one of us ever forcibly laid our hands on him, and if we did touch him, it was only to calm him down by placing our hand on his shoulder. When we were finished with the interview, he was escorted out by the MP's on his own power.
The first time I interviewed BT-421 was in the evening of 9 Dec 02. I was with SPC [redacted] and the interpreter was [redacted]. He was dragged in by the MPs because he said that his legs hurt him. When I asked him why his legs hurt him, he said that he was struck by the MP's. When the detainee entered the room, he had on leg and arm shackles. When he entered the room, he sat on a chair with his knees bent. He asked for a bottle of water, so I went out into the hallway and got him one. While bringing it over to him, it fell out of my hands and hit the floor, cracking on the bottom slightly. I brought the bottle over to him, but he could not raise his hands up to get the bottle and it fell in his lap. He finally was able to get the bottle to his mouth and took a drink. We started the interview, but the PUC was not responding. He kept saying that his legs hurt him and he was very tired. I went over to him and had him place each of his feet in my hands one at a time. He did so, but very slowly. After a little while, I wanted him to stand up, but he would not do so. I got behind him and placed my hands under his armpits and helped him to stand up. After a few minutes of standing, he said that he was tired, so I asked the MP who was in the room with us to lean him up against the wall, which he did. After talking to him for a few minutes, I took him back to the center of the room. When he got into the center of the room, he was swaying and looked kind of white, and seemed really tired. I handed him the water bottle and he drank a little but then stopped. I wanted him to drink the rest of the bottle, so I took the bottle and held it up to his mouth and had him drink the rest of it. Just a short time later, two other MP's including the SOG came into the room and escorted him back to his cell.
Q: When BT-412 came into the interview room, was he walking by himself?
A: Yes.
Q: When he left the room was he walking by himself?
A: Yes.

Initials of Person Making Statement: [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 21

b6, 7C

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

Q: When BT-421 left the interview room, was he walking by himself?
A: Yes.
Q: When BT-421 said that he was struck by the MP's. did he say when or how?
A: No he pointed to his left outer thigh and said that he was hit here.
Q: Did you or SGT [redacted] ever strike BT-412?
A: Never.
Q: Did you or SPC [redacted] ever strike BT-421?
A: No.
Q: Did the interpreters ever strike the PUC's?
A: Never.
Q: Prior to BT-412 coming into the interview room, what cell was he in?
A: I think he was in ISO, but I'm not sure.
Q: After leaving the interview room, what cell was he put in?
A: I think he was brought back to ISO. He was placed into a standing position, because he had just gotten to the Detention Facility and that was the practice for newly arrived PUC's in order to deprive them of sleep and to become more compliant.
Q: Prior to BT-421 coming into the interview room, what cell was he in?
A: He was in ISO upstairs.
Q: After leaving the interview room, what cell was he put in?
A: He was put back into his cell in upstairs ISO.
Q: Other than you lifting his feet and helping him to stand up, did you touch BT-421?
A: Any other time that I did was to rub or touch his back. The Afghans do not like other guys to touch them, and I like to use that to break them down.
Q: Who was the MP that was in the room with you?
A: I am not sure of his name, but he is a SPC, has a moustache and I believe his name is [redacted]
Q: Did the MP forcibly place him against the wall?
A: No. He just brought him over and let him rest against the wall.
Q: Do you know if any guards had struck BT-412 or BT-421?
A: No, I never saw them strike either one of the detainees.
Q: Did you ever hear of another interrogator strike a PUC?
A: No.
Q: Did you notice any bruising or injuries on either BT-412 or BT-421?
A: No visible signs.
Q: When BT-421 told you that his legs were hurting did you believe him?
A: No. I have had many PUC's who would fake an injury or a pain in order to get out of an interview. I felt that BT-421 was really tired and that his legs may have been hurting for standing, but I did not feel that he was in any medical emergency.
Q: Is this statement in your own words and typed by this agent?
A:
Q: Do you have anything further to add to your statement?
A: No ///End of Statement///

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

b6, 7C

Exhibit: 21

136

0137-02-CID369-

0134-02-CID369-23533

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

AFFIDAVIT

I, SPC [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

b6, 7c

Exhibit: 21

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0137-02-CID369-23534

DATA REQUIRED BY THE PRIVACY ACT

0134-02-CID369-23533

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

1. LOCATION Bagram Airfield, Afghanistan, APO AE 09354	2. DATE 17 Dec 02	4. FILE NO. [redacted]
5. NAME (Last, First, MI) [redacted]	8. ORGANIZATION OR ADDRESS A Co, 519th MI Bn APO AE 09354	
6. SSN [redacted]	7. GRADE/STATUS SGT/RA	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command (CID) and wanted to question me about the following offense(s) of which I am suspected/~~accused~~: As a Special Agent [redacted] AGGRAVATED ASSAULT // [redacted]

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)
Have you been advised of your legal rights in the past and requested legal counsel? NO [redacted]

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigati[redacted]atement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES *(If available)*

1a. NAME *(Type or Print)* SA [redacted]	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE 87TH MP DET (CID) APO AE 09354	[redacted]
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID), Bagram Airfield, Afghanistan, APO AE 09354

Section C. Non-Waiver

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

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

DA FORM 3881 NOV 89 EDITION OF NOV 85 IS OBSOLETE

FOR OFFICIAL USE ONLY

DET-70

138

EXHIBIT 2

18

0137-02-CID369-235

Sworn Statement 0134-02-CID369-23533

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 17 Dec 02
TIME: 1715
NAME:
SSAN:
RANK: SGT/E-5/Active
ORGANIZATION: A Company, 519th Military Intelligence Battalion, Bagram Airfield, Afghanistan, APO AE 09354

I, SGT , want to make the following statement under oath: I spoke to BT 421 one time and that was about a day and a half before he died. He came into the room with 2 guards and he was shackled with long cuffs on his ankles and long and short cuffs on his wrists. He also had the hood on. The guards took off the short cuffs leaving him standing and they left the room. We then told him to get down on his knees and he complied. Then we started going over the basic questioning pertaining to the time of his capture and basic biographical stuff. He was sort of answering questions and others he would give a very vague answer. He kept smiling and laughing and we kept asking him what was he smiling about and he kept saying nothing. Nothing. Then he stood up. We asked him why he stood up and he said because his knees hurt. After that is when nd I approached him and put him on his knees. Before we did that though we told him not do anything without us telling him to do it. We kept asking him questions. I can't remember exactly how many times he stood up before we put him on the wall, but it was a couple times. Then he said his knees hurt and we said OK fine then we're going to put you on the wall and we put him on the wall. Then we continued to ask him questions while he was on the wall, but he just continued to slide down the wall. This was to the point that he would actually sit on the ground. Then I would help lift him back up. That continued for I don't know how many times. It got to the point that he wasn't looking at me, and he was looking at the interpreter, so I grabbed him on both sides of the head and turned his head towards me. Then I held his chin in place so that he was looking at me, because he was trying to turn away. I had him hold his arms up so that if he turned his head away the only thing he was looking at was his arms. He would keep bringing his arms down so that we either had to tell him to put them back up, or just take and put his arms back up. Then at one point we brought him back to sit on his knees, because he said his legs were hurting. Then while he was on his knees he kept sitting back on his heels, and we wanted up straight with his weight on his knees. He had his knees closed together, so I took my foot and went back and forth spreading his knees apart. had already picked him up onto his knees. I think we put him on the wall again. Then after that we put him back on his knees. We kept alternating like that because he kept bitchin' about his knees....his legs.... and like that. The last time he was on his knees we went to go get the guards and the guards came. Two of them. When they went to prep him to go downstairs, BT 412 pushed them or something, I didn't see exactly what he did, but he had moved the guards away somehow. Then he moved away from them and the guards tackled him. He was on the ground and he was struggling with them. Then they picked him up, put the bag on his head, and

Statement of SGT [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

they walked him downstairs. He wasn't really walking on his own, but they helped him. That was it for our time in the booth. Then less than an hour later I heard him moaning as if he were crying. Then we went out on the balcony and I saw him in the airlock with his hands up. The guards went in there and he was kicking at them. When he would slow down with his kicking he would just like hang there with his wrists. When he had all of his weight on his hands it looked like the bar he was strung to, just bent a little. It took like I don't know how many, but it was a bunch of them, and they pulled him out of the airlock. When they got him out of the airlock they were wrestling on the ground. I think there were about five guards wrestling with him. Then they put him on the litter and they handcuffed him to it, so he couldn't fight anymore. Then they took him to the ISO upstairs. That was the only contact I had with him and the next morning I was scheduling guys to go in there with him, they went in with him that night, and later he was dead he was dead sometime after their interview.

Q: How many times did you observe anyone strike BT 421?

A: The time when I was on the balcony I saw the MPs hit him numerous times, but I don't recall where on his body they hit him.

Q: How many times did you hit BT 421?

A: I never hit him.

Q: Did you kick BT 421 in the genitals while you were interrogating him?

A: No.

Q: Why would anyone think you kicked him in the genitals?

A: Cause they couldn't see what I was doing. And if we're talking about [redacted] He probably didn't want to be in the booth anyways. They couldn't see what I was doing because I was in front of the table, the PUC was in fron t of me, and [redacted] was behind the table, and I don't think he could see.

Q: Why do you say [redacted] didn't want to be in the booth anyway?

A: Because he was obviously segregating himself from the interrogation. He was stepping away, staying back where he didn't have to have any interaction with the PUC.

Q: Why would someone think you kicked BT 412 in the genitals by what you were doing?

A: Because I was separating his knees by shoving his feet apart with my foot. It was minimal force. Enough to get him to comply.

Q: Did you punch BT 421 in the chest?

A: No.

Q: Did you grab BT 421 by the ears?

A: No.

Q: Did you use your knee to strike the back of BT 421's legs to force him to kneel?

A: Yes. With minimal force.

Q: When you grabbed BT 421 on the chin to get his attention, did you grab him by the beard?

A: Not by the beard. It was mostly the lower portion of the face. The jaw.

Q: When you grabbed his face in order to get his attention, how were your hands on his face?

A: I grabbed his head with both hands, one on each side of the head, with my fingers horizontal with the ground.

0137-02-CID369-2;

0134-02-CID369-23533

Statement of SGT [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 17 Dec 02, continued:

Q: Who is [redacted]
A: SPC [redacted], he's a team member who is on my team.
Q: Did you ever see [redacted] step on the back of BT-421's knees?
A: No.
Q: Do you have anything further to add to your statement?
A: No ///End of Statement///

AFFIDAVIT

I, SGT [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESS:

[redacted]

SA [redacted]
(Printed Rank, Name)

87th MP DET (CID) APO AE 09354
(Unit)

[redacted]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17th day of December, 2002, at Bagram Airfield, Afghanistan 09354

[redacted]

SA [redacted]
87th Military P[redacted]
Bagram Airfie[redacted]
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

Initials of Person Making Stat[redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 22

b6, 7C

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 18 Dec 02
TIME: 05:55Z
NAME:
SSAN:
RANK: Civilian
ORGANIZATION: S.O.S. Titan (Interpreter, BCP), Bagram Airfield, Afghanistan, APO AE 09354

I, want to make the following statement under oath:
I understand I am being questioned in a non-custodial interview and can leave at any time, and I do not have to answer any questions.
I had no dealings with BT-412 other than to ask him a few questions or to give him a few commands the guards or someone else wanted me to translate to BT-412. I never saw anyone get physical or rough with him, but he did seem to be in good health and appeared well. I was in the booth with BT-421 on his last interview, about 0300-0400 local in the morning, a couple of hours before he passed away. When he entered the booth, he walked in on his own, but he had problems walking. He didn't look well at all and there was a scratch on his nose. I asked him how he was and he said not well because for the last three or four nights he had been standing and didn't get any sleep. He said he was standing and his hands were tied up with shackles and he was standing on his feet. He then said his wife had died, and I asked him how he knew. He said he knew, so I asked him when and he said she had died that afternoon. I tried to comfort him, but he said he knew she was dead. He never said how he knew his wife was dead, but he said he knew she had died that afternoon. [redacted] and [redacted] were in the booth with me, [redacted] was the lead interrogator, but [redacted] did most of the work, all of the questioning. During questioning, BT-421 kept saying he was tired and that his hands and legs were hurting him. He said his legs were paralyzed and that he could not move them, and that his hands were numb. There was also a big scratch on his nose. He could not remember the basic rules, and I told him the rules about 10 times. He kept saying he couldn't remember them and that he was having trouble remembering anything. BT-421 asked for some water, so [redacted] went to get a bottle. [redacted] had made a small hole in the bottom of the bottle, I don't know why, but he gave the bottle to BT-421. When BT-421 tried to open the bottle, the water would spill all over him. [redacted] grabbed the bottle and turned it over to where the hole he had made in the bottle was pointing towards BT-421's mouth. [redacted] then squeezed the bottle hard and the water went down BT-421's throat hard. BT-421 spit the water back out because it was forced down his throat, that annoyed [redacted], so [redacted] turned to the Military Police (MP) guard that it was up to him now. He asked the guard what he wanted to do, so the guard pulled him back off of the chair and BT-421 fell on the ground. BT-421 sat back down again, and [redacted] continued the interrogation. At one point [redacted] told him to get on his knees, but he said he could not. He tried to humbly request not to have to get on his knees, but [redacted] said he had to do it. [redacted] asked the guard to make him get on his knees, so the guard tried to force him to get to his knees, but BT-421 could not do it. The guard then kicked

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02, continued:

him on the back of the knees to try to force him to kneel, but he said he couldn't kneel. He didn't kick him hard, just enough to try to get him to kneel. BT-421 didn't say he wouldn't or didn't want to, he told us he couldn't because his legs were hurting him. When they couldn't get him to kneel, [redacted] told him to stand up and told him to put his forehead against the wall. BT-421 then placed his head against the wall, but he looked tired and looked like he was trying to sleep. Then [redacted] tried to explain to him that if he didn't cooperate he would be transferred to an American jail, he was just talking to BT-421 trying to get him to cooperate. Every now and then [redacted] would ask him if he understood, and he would answer yes, but in a very weak voice, his eyes were half closed. He told me that he could not stand that way and said he was falling asleep. [redacted] took some water and poured it on BT-421's head and shoulders, which kind of jolted him. At that point, [redacted] stopped the interrogation and BT-421 asked for some water. He drank a few sips, which looked like it gave him a little energy to walk. [redacted] asked the guard to take BT-421 away, and BT-421 walked out on his own. He still had trouble walking, but he left on his own power. That was the last time I saw BT-421.

Q: Did anyone ask for a doctor to examine BT-421 when he said he was having trouble with his hands and legs?

A: No, [redacted] did tell him that a doctor would see him after the interrogation.

Q: Was that the first time you had ever seen BT-421?

A: I believe so, I don't remember seeing him before, I cannot recall that. There was a big scratch on his nose that looked fresh.

Q: Did you ever see anyone hit or kick BT-421?

A: No.

Q: Did you ever hear of anyone hitting or kicking BT-421?

A: I don't think so, no.

Q: Did any of the other Interpreters ever tell you they saw someone hit, kick, or get to rough with BT-421?

A: [redacted] said something about during the interrogation the night before that [redacted] was hitting him.

Q: Did he say how she was hitting him?

A: He said she hit him against the wall and that she put her foot on his neck when he was on the ground.

Q: Did [redacted] say anything else?

A: No, he was just complaining about [redacted] that she was hitting him, but he never said how else she was hitting him.

Q: Have you ever seen anyone else hit or kick the Detainees during their interrogations?

A: A few times [redacted] and [redacted] have kicked some of the Detainees. They have also jerked them off of their chairs and made them fall on the ground. [redacted] gets upset at the Detainees and pulls them and makes them fall down. [redacted] pulls them by the shirt and bangs them against the walls.

Q: How hard does [redacted] bang them against the wall?

A: Hard enough to make a sound.

Q: Did anyone step on the legs of any of the Detainees?

A: No.

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

b6, 7C

Exhibit: 23

143

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02, continued:

Q: Did anyone use any type of instrument to hit any of the Detainees?
A: No.
Q: Have you ever seen anyone get too rough with any of the Detainees?
A: Yes, whenever the Detainees are first brought in, they have a black hood put on their heads and are told not to touch anyone. The Detainees get nervous and reach their arms out to try to figure out where they are or what is going on because they can't see. When they touch one of the guards, all the guards, usually about four or five, hit him with their fists very hard and a lot of times.
Q: Do the Detainees have access to doctors whenever they ask for one?
A: To some extent no, the guards will sometimes not call a doctor and just forget about it. On one occasion, the doctor came and examined the Detainee and said it was a minor thing.
Q: Why did [redacted] make a hole in the bottom of the water bottle?
A: I don't know why.
Q: Did it choke or injure him in any way?
A: No, it just made him spit the water out. [redacted] got annoyed and told him he needed to learn the basic rules.
Q: Is there anything else you want to add to your statement?
A: No.///End of Statement/// [redacted]

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02, continued:

0137-02-CID369-23534

AFFIDAVIT

I, [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

b6, 7C

Exhibit: 23

Sworn Statement 0134-02-CID369-23533

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 18 Dec 02
TIME: 0648Z
NAME: [redacted]
SSAN: [redacted]
RANK: Civ/Interpreter
ORGANIZATION: Bagram Detention Facility, Bagram Airfield, Afghanistan, APO AE 09354

I, [redacted] want to make the following statement under oath:
About a day before BT-412 died, myself and Alex, the interrogator, were interviewing him. There was another interrogator in the room, but I am not sure of his name. When the detainee came into the room, he was in leg and arm shackles with a hood over his head. On his wrists, he had a set of long and short shackles. When he came into the room the guards removed his hood and the set of short shackles, and then we had him sit down on the floor. When he sat down on the floor he was unable to bend his knees to sit down, so he placed his hands behind his back and eased himself down to the floor. [redacted]nd the other interrogator interviewed him, but did not go near him, because he was spitting up a lot of phlegm. The interrogators never hit the detainee or even touched him. The detainee complained about a pain in his chest and would place his hand on his chest. He also said that he had to throw up. I thought that he was faking the throw up part, because every time the interrogators would ask him a sensitive question, he would act as if he had to throw up. [redacted]nd the other interrogator finished up the interview and released him to the guards.

Q: How long have you been at the Detention Facility?
A: Three weeks.
Q: What is [redacted]ast name?
A: I am not sure.
Q: Was the other interrogator a male or female?
A: Male. I cannot remember any features on him, but was young looking and was not wearing glasses
Q: Did BT-412 say why he could not bend his knees?
A: He just said that they hurt.
Q: Did BT-412 tell you he had been struck or hit by the guards or MI interrogators?
A: No.
Q: Did you ever see any of the guards or MI interrogators strike any of the detainees?
A: No.
Q: Did you ever hear of any guards or MI interrogators strike any of the detainees?
A: I heard from someone that they had been informed by one of the detainees that they had been hit, but I cannot remember who told me and what detainee said it.
Q: Did you have any contact with BT-421?
A: The only contact I had with the detainee was the day before he died. The detainee was in his

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 84

20 b6, 7c

146

0134-02-CID369-23533

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02, continued:

cell with his hands outstretched and chained to the ceiling. The guards had me translate to him that he would have to be quiet for an hour and then the guards would let him down. I told him this and he seemed to calm down, but I was told later as soon as I left he started to yell again. When I came back in a ½ hour, I told him that he would be let down in ½ hour, so to be quiet. He wanted me to get a doctor and said that he needed a "shot".

Q: Did he say what he needed the shot for?

A: He said that he didn't feel good. He said that his legs were hurting.

Q: Did he say what type of medication he needed?

A: No.

Q: Did you inform the MP guard about this?

A: Yes I did, and he just looked at his nails and said that the detainee was ok, that he was just trying to get out of his restraints. The MP said that his vital signs were ok.

Q: Do you know the name of the MP?

A: No.

Q: Can you describe the MP?

A: All I know is that he was a white male.

Q: Do you have anything fur[redacted]o add to your statement?

A: No ///End of Statement/[redacted]

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

b6, 7C

Exhibit: 24

147

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02, continued:

AFFIDAVIT

I, [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT[redacted]

[redacted]

(Signature of Person Making Statement)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]

(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Initials of Person Making Statement [redacted]

Sworn Statement 0134-02-CID369-23533

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 18 Dec 02
TIME: 0750
NAME [redacted]
SSAN [redacted]
RANK: CIV
ORGANIZATION: Bagram Collection Point, Bagram Airfield, Afghanistan, APO AE 09354

I, [redacted] want to make the following statement under oath: I have been at the BCP this time about 3 weeks. I was an interpreter in Khandahar before this. I do not remember any contact with BT 421 at all. I had contact with BT 412 one time, but I can't recall anything about that session. I don't remember anybody hitting him or abusing him in any way. If anyone had done that I would remember it. However, I do remember [redacted] grabbing PUC 414 by the beard and yanking his head back and forth. He also forcefully grabbed his head and turned it quickly. I don't know about anyone else, but this would definitely have hurt me if someone did that. [redacted] and [redacted] also kicked PUC 414 on the buttocks with their feet, but the blows were not hard and would not hurt. They did make him spread his knees and raise his hands over his head. This obviously hurt him, because he said it hurt his knees and he was sweating a lot. There were beads of sweat on his head. I went to [redacted] and told him about this abuse in the middle of the interrogation, and [redacted] said I had to go back in because it was an important interrogation. I said if they were going to do that kind of abuse, I was not going to do it. I did go back in and they wrapped it up. [redacted] told them to finish it and they were only in there one more minute. A few detainees have complained about the sleep deprivation. They think it is excessive. When I was in Khandahar they did not let the guy sleep, but they did not hang him up by his hands for 24 hours without anyone checking him. They didn't hang them up in Khandahar. Other than that I do not remember other specific abuse. I just think that this new group of interrogators, whether it be from inexperience or what, does not do it correctly.

Q: Other than what you have described here. Have you seen any other specific abuse?
A: No.
Q: Is the doctor readily available for the PUCs that complain of pain or illness?
A: No. A lot of them have said they have a problem where they say they hurt or feel sick, and the interrogator will said, "Oh they are just lying. They don't need it."
Q: How often does that occur?
A: I have been here for 3 weeks now and it has happened 3 or 4 times.
Q: Do you see the guards routinely abusing the PUCs?
A: Sometime the guards grab the front of the hood and turn it with their hand so that it gets tight on their face.
Q: Do you know who specifically has done that?
A: No. There are so many guards that I don't remember the faces.
Q: Do you have anything further to add to your statement?

Initials of Person Making Statement [redacted]

DA Form 2823 FOR OFFICIAL USE ONLY Exhibit: 25

21 b6, 7C

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02, continued:

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

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02, continued:

AFFIDAVIT

I, [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE _3_. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
SA [redacted]
87th Military [redacted]
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

0137-02-CID369-2

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 0134-02-CID369-23533

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	2. DATE	3. TIME	FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	18 Dec 02	0925	
[redacted]		8. ORGANIZATION OR ADDRE[redacted] A Company, 519th Military Intelligence Battalion	
6. SSN [redacted]	7. GRADE/STATUS SPC/E-4/Active	APO AE 09354	

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 (CID)

As a Special Ag[redacted] and wanted to question me about the following offense(s) of which I am

suspected/~~accused~~ [redacted]gravated Assault///

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

[redacted] do not have to answer any questions or say anything.

[redacted]thing I say or do can be used as evidence against me in a criminal trial.

[redacted] *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.

[redacted] 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 a[redacted]illing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present wit[redacted]

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE [redacted]
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	[redacted]
2a. NAME *(Type or Print)*	[redacted] NAME OF INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID), Bagram Airfield, Afghanistan, APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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 EDITION OF NOV 84 IS OBSOLETE

22 b6, 7C

152

EXHIBIT 26

0137-02-CID369-23534
0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 18 Dec 02
TIME: 1027Z
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/E-4/Active
ORGANIZATION: A Company, 519th Military Intelligence Battalion, Bagram Airfield, Afghanistan, APO AE 09354

I, SPC [redacted] want to make the following statement under oath:
I have never had contact with BT-412. A day or two after BT-421 had arrived at the Detention Facility, I conducted the initial interrogation along with SPC [redacted] I am not sure who the interpreter was. When the detainee was brought into the room he had a hood over his head and he was restrained by a set of long and short cuffs around his wrists and a set of leg shackles around his ankles. After coming into the room, the guards moved him to a seat and after they left, I removed his hood. The initial interrogation was to just ask him questions and compare them to what he said during the initial screening. [redacted]nd myself never placed our hands on the detainee with the exception of me removing his hood. The interview was completed, and he was escorted out of the room by the MP's.
Q: Did BT-421 walk into the room on his own?
A: Yes.
Q: Did he walk out of the room on his own?
A: Yes.
Q: Did the interpreter ever touch BT-421 while in the interview room?
A: No.
Q: Did you ever move the detainee around the room?
A: No, he stayed in the seat the entire time he was in the room.
Q: Did BT-421 ever tell you that he had been beaten or struck?
A: No.
Q: Did any of the PUC's ever tell you that they had been beaten or struck?
A: [redacted] mentioned that he had been beaten where he was initially held. I do not know if it was a US military unit or an Afghan unit that captured him. He did not say who the unit was, but said that there was no part of his body that had not been touched. He also mentioned that when he was brought into the Detention Facility he was placed inside one of the airlocks with his hands restrained over his head and a hood over his face. He said that he fell asleep a couple of times and was awoken by someone hitting the back of his head or hitting him in the ribs, but he did not know who.
Q: Did you ever see the guards strike any PUC's?
A: During his inprocessing, I saw the MP's strike [redacted]n the thigh. I was in another room and did not see the entire incident, but I heard a commotion in the hallway and went out to see what was going on. When I got out there, the MP's had [redacted] on the ground. One of the MP's

Initials of Person Making Statem[redacted] Page 1 of 3 Pages

DA Form 2823 FOR OFFICIAL USE ONLY Exhibit: 26

b6, 7c

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02, continued:

had his hands on the detainee's leg, with his (the MP's) legs were on the ground. The MP raised one his right leg and kneed the PUC in the left thigh. I later learned that the PUC tried to hit one of the MP's.

Q: Did the detainee appear to have been injured?

A: No. The PUC walked into the screening room and did not appear to be in pain. The PUC appeared to be angry because he came to the main gate of the post and wanted to see the CG of the post. He was detained and transported to the Detention Facility. I am not sure why he was detained.

Q: Do you know the name of the MP?

A: No.

Q: Did any of the PUC's ever tell you that they were hurt or injured?

A: No.

Q: If a PUC told you that they were hurt or injured, what would you have to do?

A: Depends of the injury. If it was something minor that could wait, it would wait until the doctor came to the Facility the next day. If it was something serious that needed immediate attention, then I would notify my supervisors, who would then either contact the doctor or have the MP's contact the doctor.

Q: Who is the doctor for the facility?

A: Either Dr. [redacted] SPC [redacted]

Q: Have you ever seen or heard about any guards or interrogators step on any PUC's legs?

A: No. I have stepped on their chains so that they would not go in a particular direction, but never stepped on them.

Q: Did you ever see any guards ever strike a PUC with an object such as a baton?

A: No.

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

A: No ///End of Statement/// [redacted]

Initials of Person Making Statement [redacted]

0134-02-CID369-23533

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02, continued:

AFFIDAVIT

I, SPC [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT [redacted]

[redacted]

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

_____
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]

_____
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

0137-02-CID369-23

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 0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	18 Dec 02	1300Z	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	A Company, 519th Military Intelligence Battalion
6. SSN: [redacted] / 7. GRADE/STATUS: SPC/E-4/Active	APO AE 09354

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 (CID)
As a Special Agent and wanted to question me about the following offense(s) of which I am
suspected/accused: Aggravated Assault///

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

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES *(If available)*

1a. NAME *(Type or Print)*	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR: SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR: 87th Military Police Detachment (CID), Bagram Airfield, Afghanistan, APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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 80 EDITION OF NOV 84 IS OBSOLETE

156

b6, 7C

EXHIBIT 27

0137-02-CID369-23534

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 18 Dec 02
TIME: 1345Z
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/E-4/Active
ORGANIZATION: A Company, 519th Military Intelligence Battalion, Bagram Airfield, Afghanistan, APO AE 09354

I, SPC [redacted] want to make the following statement under oath:
I had no involvement with BT-421. I interviewed BT-412 about three different times with SGT [redacted] The interpreter for the last interview was [redacted] and I believe [redacted] was in one of the other ones. My first interview with BT-412 was about 5 days before he died, and the last one was 1-2 days before he died. Every time he came into the interview room, he had on a set of long and short wrist shackles and a set of leg shackles. I do believe that on one occasion he had on a set of long shackles, but I'm not certain. SGT [redacted] and myself never placed our hands on the detainee, except when I placed my hands on his shoulders to guide him to lean on a wall, which happened at the last interview. SGT [redacted] was the lead interrogator and was late. The MP's showed up with the detainee, but I did not want to start interviewing him, so I guided him by placing my hands on his shoulders, up against one of the wall to lean on until SGT [redacted] got there. He was against the wall for maybe 5 minutes. During all of the interviews, BT-412 was either sitting down on the ground or in a chair. I never noticed if he had any difficulty sitting down, and did not complain about his legs or knees hurting. The only complaint I heard out of him is when he said that the MP's sometimes beat him. Whenever the MP's would bring him into the room, they would always tell me to tell BT-412 not to kick his cage and stop being uncooperative.

Q: Did BT-412 go into detail about how the MP's beat him?
A: No nothing specific.
Q: When BT-412 was brought into the interview room, did he walk in by himself?
A: No, each time he had to be carried in by the MP's. BT-412 did not want to walk, so they carried him. They would pick him up under his arms so that his legs barely touched the floor.
Q: Whenever he left the interview room, did he walk by himself?
A: No he had to be carried out the same way as he came in.
Q: Did BT-412 ever tell you why he did not walk?
A: No.
Q: Did he appear to be stubborn and not want to listen to directions?
A: With the MP's and us, yes. With us he did not want to answer our questions and if he did, he usually gave us several different answers.
Q: Did you ever see any guards or interrogators strike a PUC?
A: Interrogators no. I did see guards restrain detainees while they were inprocessing because the detainees tried to hit the guards. I saw this twice and when it happened the guards would either

0134-02-CID369-23533

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02, continued:

apply pressure under the nose or hit the back of their (the detainees) legs with their (the guards) knees.

Q: Do you remember who the guards or PUC's were?

A: No, it happened awhile ago.

Q: Do you remember the date of each incidents?

A: No.

Q: Did you ever hear about a guard or interrogator striking a PUC?

A: No.

Q: If the PUC's complained that they were hurt or injured, was there an SOP or guidelines in place for you to address this?

A: If they were hurt or injured we would notify the MP's who would contact a doctor or the medic.

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

A: No ///End of Statement///[redacted]

Statement of SPC [redacted] aken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02, continued:

0134-02-CID369-23533

AFFIDAVIT

I, SPC [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature)
SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

Article 136, UCMJ
(Authority to Administer Oaths)

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 27

b6, 7C

160

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS 0137-02-CID369-23

DATA REQUIRED BY THE PRIVACY ACT 0134-02-CID369-23533

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	2. DATE	3. TIME	FILE NO.
87TH MP DET. (CID), APO AE 09354	19 DEC 02	0740Z	

5. [redacted]	8. ORGANIZATION OR ADDRESS
	A CO, 519TH M.I. BN. APO AE 09354
6. SSN [redacted]	7. GRADE/STATUS SPC/ACTIVE

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

1. [redacted]ot have to answer any questions or say anything.
2. [redacted]ng I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

[redacted] 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
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	4. [redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87TH MP DET. (CID) APO AE 09354

Section C. Non-waiver

1. I do [redacted] to give up my rights:
   [redacted] lawyer.
   ☐ I do not want to be questioned or say anything.
2. [redacted]

ATTACH THIS WAIVER CERTIFICATE [redacted] *(DA FORM 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOR OFFICIAL USE ONLY

161

EXHIBIT 78

0137-02-CID369-2

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 0134-02-CID369-23533

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	2. DATE	3. TIME	FILE NO.
87TH MP Det. (CID), APO AE 09354	19 Dec 02	0804 Z	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	A Co, 519TH M.I. Bn.
6. SSN [redacted] / 7. GRADE/STATUS SGT/National Guard	APO AE 09354

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 (CID)
As a Special Agent and wanted to question me about the following offense(s) of which I am
suspected/ [redacted] Aggravated Assault///

[redacted] he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
[redacted] do not have to answer any questions or say anything.
[redacted] thing 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 [redacted] pointed for me before any questioning begins.
[redacted] If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)
Have you been advised of your legal rights within the last 30 days? NO [redacted] Do you currently have a lawyer? NO [redacted]

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	[redacted]
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID), Bagram Airfield, Afghanistan, APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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 EDITION OF NOV 82 IS OBSOLETE

66, 7C

162

EXHIBIT 29

0137-02-CID369-2

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 19 Dec 02
TIME: 0855Z
NAME: [redacted]
SSAN: [redacted]
RANK: SGT/National Guard
ORGANIZATION: A Company, 519TH Military Intelligence Battalion, Bagram Airfield, Afghanistan, APO AE 09354

I, [redacted] want to make the following statement under oath:
I am making this statement to clarify certain aspects of my previous statement made to CID on 4 Dec 02.
Q: Did you have any dealings with BT-421?
A: No.
Q: Did you ever see him while he was at the BCP?
A: No.
Q: Did you hear about anyone hitting or mistreating him?
A: No.
Q: Concerning BT-412, did you ever strike him?
A: No.
Q: Did you ever witness anyone else strike him?
A: I did not.
Q: Did you ever hear of anyone hitting or mistreating him?
A: I heard rumors that the Military Police (MP) guards might have been mistreating him, but I have no direct knowledge or anyway to substantiate these rumors.
Q: While in the booth interrogating BT-412, did anyone strike or mistreat him?
A: No, absolutely not.
Q: How many times did you interrogate BT-412?
A: I think three times, it's been awhile since I did, and with everything else going on it's hard to remember the specifics.
Q: When was the first time you interrogated him?
A: I don't remember, but it would have been around the end of November or the beginning of December 2002.
Q: How did he look at that time?
A: From the outside he looked healthy, he seemed coherent, he laughed at some of the things I said, and he acted natural.
Q: When he arrived, did he walk in under his own power?
A: Yes, as far as I remember, and he also walked out on his own. He walked in and out for the first two sessions, but for the third, last, session, he had to be carried in by the MPs, but he walked out under his own power. It didn't look as though he couldn't walk, it looked as though he was being uncooperative and didn't want to walk.

Statement of SGT [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 19 Dec 02, continued:

Q: During the third session, how did he look?
A: The last iteration that I had with him, the only thing he did that was abnormal was ask for a can to spit into. He was spitting a thick expectoration, it was not bloody and it was a little greenish in color. I asked the Interpreter if [redacted] had ever seen that before and he said it was probably from a kind of dip they use. Other than that, he looked and acted fine.
Q: Did you think it was necessary to call a doctor about?
A: No.
Q: Are the doctors readily available if needed?
A: Yes. The PUCs are screened by a doctor and if they are not deemed fit or if there is something wrong with them, then we don't interrogate them. If there are any concerns, then the doctors will check on them on a regular basis.
Q: Have you ever seen or heard of anyone using any type of instrument to hit any of the PUCs?
A: No.
Q: Have you ever seen any type of hitting instrument in the facility?
A: No.
Q: Is there anything you want to [redacted] to your statement?
A: No ///End of Statement//[redacted]

Initials of Person Making Statem[redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 29

b6, 7-C

164

Statement of SGT [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 19 Dec 02, continued:

AFFIDAVIT

I, [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESS:

[redacted]

SA [redacted]
(Printed Rank, Name)

87 MP DET (CID) APO AE 09354
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19TH day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]

SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

0134-02-CID369-23533

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 0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	19 Dec 02	1435 Z	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN: [redacted] / 7. GRADE/STATUS: SSG/E-6/Reserves	APO AE 09354

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 (CID)
As a Special Agent [redacted] and wanted to question me about the following offense(s) of which I am
suspected/~~accused~~ [redacted]Aggravated Assault///
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGN[redacted]
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIG[redacted]
2a. NAME *(Type or Print)*	5. TY[redacted] INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID), Bagram Airfield, Afghanistan, APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 80 EDITION OF NOV 75 IS OBSOLETE

FOR OFFICIAL USE ONLY

b6, 7C

164

EXHIBIT 31

0137-02-CID369-235

0134-02-CID369-23553

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 19 Dec 02
TIME: 1540 z
NAME: [redacted]
SSAN: [redacted]
RANK: SSG/E-6/Reserves
ORGANIZATION: 377th Military Police Company, Bagram Airfield, Afghanistan, APO AE 09354

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

Q: Did you have contact with BT-412 or BT-421?

A: If I ever had contact with either one of them, it was as Sergeant of the Guard (SOG) for the day shift. I believe that I was present when they were both inprocessed. A day or two before he died, BT-412 was in his cell and kept removing his hood. I told SPC [redacted] that if needed, he could strike the PUC with common perennial strikes to the thigh. I told them and any of my guards that if they struck the PUC's with common perennial strikes that it would be light strikes. When I observed SPC [redacted] strike BT-412 with common perennial strikes, it was very light and only to get the detainee's attention that he (the detainee) would listen to what the guard was instructing him to do.

Q: Did you have any other significant involvement with BT-412?

A: Not that I am aware of.

Q: Did you have any significant involvement with BT-421?

A: One day, and I believe it was a Sunday, I told the guards to take BT-421 out of the airlock in order to clean the area around the cells. I got him out because he was to be interviewed later that night and I didn't want him to fall asleep.

Q: Why was BT-421 in the airlock that night?

A: I am assuming that he was new, and that is standard procedure. Upon their arrival, the detainees are put in ISO, then transferred to the airlock and when they prove that they are not going to be a problem, then they are put into general population.

Q: How was BT-421 restrained within the airlock?

A: I am not sure if he was restrained. I cannot remember, but I believe that he had a set of long cuffs on him. I am assuming that he was ordered to stand because he was standing. He was resting his head on the front of the cage, and at several times bumped his head on the cage.

Q: Did he receive any injuries on his face from bumping into the cage?

A: He might have, but I am not for sure. He did say that his head hurt. I thought that he might be dehydrated, so I had the guards give water. I saw him drink at least three bottles.

Q: Do you know if he received any injury on the bridge of his nose from bumping into the cage?

A: He might have. If it was, it would have been minor, and it would have been logged down..

Q: Other than what you have already stated, did you see any guards strike either BT-412 or BT-421?

A: No, not to my knowledge. In my opinion, BT-421 was not even a problem.

Statement of SSG [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 19 Dec 02, continued:

Q: Did you ever strike BT-412 or BT-421?
A: Not to my knowledge.
Q: Did any of your guards ever strike any of the PUC's with an object, such as a baton?
A: Not to my knowledge. I know that we have a few batons, but guards do not carry them. If they ever had them in their hands, it was because they were moving them from one room to another. We have been told that we have the batons in case of a riot.
Q: What was your procedure for a PUC that was hurt or injured?
A: We had a medic and a doctor that would be there at least twice a day each.
Q: Do you have anything further to add to your statement?
A: No. ///End of Statement/// [redacted]

Statement of SSG [redacted] ken at Bagram Airfield, Afghanistan, APO AE 09354, on 19 Dec 02, continued:

AFFIDAVIT

I, SSG [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT [redacted]

[redacted]
(Signature of Person M[redacted]g)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signa[redacted]g Oath)
SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Article 136, UCMJ
(Authority to Administer Oaths)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0137-02-CID369-235

DATA REQUIRED BY THE PRIVACY ACT

0134-02-CID369-23533

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	2. DATE	3. TIME	FILE NO.
87TH MP DET. (CID), APO AE 09354	19 DEC 02	1555 [redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377TH MP [redacted] APO AE 09354
6. SSN: [redacted]	7. GRADE/STATUS: SPC/RESERVE

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS *(Continue on reverse side)*

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE [redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR: SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR: 87TH MP DET. (CID) APO AE 09354

Section C. Non-waiver

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

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

FOR OFFICIAL USE ONLY

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

b6, 7C

170

EXHIBIT 31

0137-02-CID369-23534
0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 19 Dec 02
TIME: 1635Z
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/Reserve
ORGANIZATION: 377th MP Company, Bagram Airfield, Afghanistan, APO AE 09354

I, [redacted] want to make the following statement under oath:
On the day BT-412 died, 3 Dec 02, I was on watch in the Isolation Cell for the day shift. I was in there for the morning and SPC [redacted] relieved me in the afternoon. During the morning, BT-412 would keep lifting his hood and I would have to keep telling him to pull it back down. When SPC [redacted] relieved me, I told him about what BT-412 was doing so he could keep an eye on him. SPC [redacted] called me in one time because BT-412 would not keep his hood down. SSG [redacted] finally told us to administer common perineal strikes if he would not comply. BT-412 would not listen to our verbal commands, so we decided to administer a common perineal strike. I'm not sure who delivered the first strike, but I remember I had to strike him about three to four times and SPC [redacted] had to strike him about two to three times before he finally stopped lifting his hood. We didn't strike him all at the same time, it was over the course of the afternoon. We struck him on both legs, in the thigh area, about a medium amount of force, enough to where he would feel it, but not enough to really hurt him. We were relieved by the night shift at 1930 local, 3 Dec 02. That was the only time I had to deal with BT-412, he died that night. I only dealt with BT-421 on the day he died too, I'm not sure what the date was. That day I was on the crash team, which means I handled all the escorts. I had him out in another cell sweeping the floor to keep him awake and mobile. I never had to strike him and I never saw anyone else strike him. I was relieved by the night shift at 1930 local that day, and early the next morning, before I went on shift, BT-421 died.

Q: Did you ever see anyone else strike BT-412?
A: No.
Q: Do you know of any type of instrument that was used to strike any of the PUCs?
A: Negative.
Q: Did you or anyone that you know of strike any of the PUCs on the calves of their legs?
A: Negative.
Q: Did you ever hear of anyone striking any of the PUCs on the calves?
A: Negative.
Q: Did you ever hear of anyone striking any of the PUCs with any type of instrument?
A: Negative.
Q: Did you or anyone else ever stand or step on any of the calves of any of the PUCs?
A: Negative.
Q: Did you ever pass on to the night shift how many times and where you struck BT-412?
A: Negative.

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 19 Dec 02, continued:

Q: If a PUC requires medical attention, do they get it?
A: Yes.
Q: If a PUC complained about any type of problem, what would you do?
A: We let one of the two medics that were in there every day know so they could examine them. If needed the doctor would give them medication.
Q: Did you ever have to witness an interrogation with the MI personnel?
A: Negative.
Q: Do you know if any of the MI personnel were abusive towards the PUCs?
A: No.
Q: Where any of the other MP guards abusive towards any of the PUCs?
A: Negative.
Q: Were you ever told by anyone else to strike any of the PUCs?
A: Negative.
Q: Did you ever see anyone else strike BT-421?
A: Negative.
Q: Did you ever hear of anyone else having to strike BT-421?
A: Negative.
Q: Is there anything you want to add to your statement?
A: No.///END OF STATEMENT///

[redacted]

0134-02-CID369-23533

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 19 Dec 02, continued:

AFFIDAVIT

I, [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

[redacted]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]

SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 31

b6, 7C

0137-02-CID369-2

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 0134-02-CID369-23533

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

1. LOCATION Bagram Airfield, Afghanistan, APO AE 09354	[redacted] DATE 19 Dec 02	3. [redacted]	4. FILE NO.
5. NAME [redacted]	8. ORGANIZATION OR ADDRESS 377th Military Police Company APO AE 09354		
6. SSN [redacted]	7. GRADE/STATUS SSG/E-6/Reserves		

PART 1 - 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 (CID) As a Special A[redacted] and wanted to question me about the following offense(s) of which I am suspected/~~accused~~ [redacted]gravated Assault///

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

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

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

[redacted] *(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.

[redacted] 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 m[redacted]

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	[redacted]OR
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR SA[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID), Bagram Airfield, Afghanistan, APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

b6, 7C

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOR OFFICIAL USE ONLY

174

Exhibit 302

0137-02-CID369-23534
0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 20 Dec 02
TIME: [redacted]
NAME: [redacted]
SSAN: [redacted]
RANK: SSG/E-6/Reserves
ORGANIZATION: 377th Military Police Company (Bagram Confinement Facility), Bagram Airfield, Afghanistan, APO AE 09354

I, SSG [redacted] want to make the following statement under oath:
I am making this statement to clarify certain aspects of my previous statement made to CID on 4 Dec 02.
Q: Did you have any involvement with BT-421?
A: No.
Q: Did you ever strike BT-412?
A: No.
Q: Did you see any of your guards strike BT-412?
A: No.
Q: Did you hear about anyone hitting BT-412?
A: One day when I was getting my briefing as SOG, I was briefed that every time that BT-412 had raised his hood, the guards had administered common perineal strikes.
Q: Did you ever authorize any of your guards to strike any of the PUC's in the common perineal?
A: The only time that I would authorize such a strike, it would only be if the PUC was being combative or had struck or attempted to strike the guard. Any time that a guard would enter a PUC's cell, the guard would be accompanied by another guard, and would only administer any strikes when authorized by the SOG, NCOIC or OIC.
Q: What was the policy for a PUC that said he was injured or hurt?
A: We would usually get SPC [redacted] and if he could not do anything then we would take the PUC to the hospital. Now we have full-time medics in the facility.
Q: Do you know of any type of instrument that was used to strike any of the PUCs?
A: There are no objects, we were not allowed to have them.
Q: Did you have batons within the facility?
A: Yes we have them, but they are for a riot.
Q: If a PUC was ever struck by a guard, was it passed onto the next shift?
A: If it was passed out, it would have been done at the outbrief. Sometimes it would be done, and sometimes it would not. The only thing that is logged in the logbook, is if they had been combative or uncooperative.
Q: Do you have anything further to add to your statement?
A: No ///End of Statement/ [redacted]

[redacted]
Initials of Person Making Statement

b6, 7C

0134-02-CID369-23533

Statement of SSG [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 20 Dec 02, continued:

AFFIDAVIT

I, SSG [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

[redacted]
Initials of Person Making Statement

b6, 7C

0137-02-CID369-23

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 0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	20 Dec 02	[redacted] 1558 Z	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company APO AE 09354

6. SSN	7. GRADE/STATUS
[redacted]	SSG/E-6/Reserves

PART 1 - 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 (CID) As a Special Agent and wanted to question me about the following offense(s) of which I am suspected [redacted] Aggravated Assault///

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

[redacted] do not have to answer any questions or say anything.

[redacted] thing I say or do can be used as evidence against me in a criminal trial.

[redacted] *(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.

[redacted] 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 [redacted] 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 [redacted]

WITNESSES (Available)	3. SIGNATURE OF [redacted]
1a. NAME *(Type or Print)* [redacted] SA [redacted]	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE 87TH MP DET. (CID) APO AE 09354	[redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID), Bagram Airfield, Afghanistan, APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA Form 3822) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOR OFFICIAL USE ONLY

b6, 7C

178

EXHIBIT 33

0137-02-CID369-2

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 20 Dec 02
TIME: 1715Z
NAME: [redacted]
SSAN: [redacted]
RANK: SSG/E-6/Reserves
ORGANIZATION: 377th Military Police Company, Bagram Airfield, Afghanistan, APO AE 09354

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

Q: What is your position within the Detention Facility?
A: I rotate between the floor NCOIC and the Sergeant of the Guard (SOG).
Q: What is the floor NCOIC?
A: MP NCO in charge of floor operations on the "floor." The floor is the area where the holding cells are. Within the Detention Facility there is the floor and Isolation Cells (ISO) where detainees are kept.
Q: Have you had any significant involvement with PUC 412?
A: No.
Q: Have you had any significant involvement with PUC 421?
A: Yes.
Q: Can you describe the incident?
A: I believe the incident occurred on 9 Dec 02. PUC 421 was non-compliant with verbal commands to standup and not to talk. We gave him several verbal commands, but it failed. We placed him in corrective restraints in an attempt to get him to be compliant. We placed short cuffs around his hands with his hands sticking out through the bars on the front door, and placed a hood on his head. He took his hood off several times, so we decided to place a box around the chain of the short cuffs, and then connected another long chain to the box and suspended that from the ceiling of the cell, so that his hands were over his head. He continued to talk and continued to remove his hood. At that point we took an English-speaking detainee [redacted] out of the cell and had this individual translate what PUC 421 was saying. [redacted] stated that PUC 421 was complaining that his handcuffs were too tight and that he wanted to lay down and go to sleep. At this point, myself, SPC [redacted] SSG [redacted] and one other soldier entered the airlock of PUC 421. I took the chain from the ceiling, checked his cuffs and loosened them. After completing this I double locked them back. While attempting to re-secure the chain to the ceiling, PUC 421 grabbed the chain, so that we could not re-hook it to the ceiling. He brought the chain into his body and was able to lift his feet off of the floor. While doing this he struggled violently by kicking and moving his arms and elbows around. After numerous attempts to pull the chain from PUC 421, who had the chains in both of his hands, I decided to remove him from the cell. We pulled him out to the main floor and brought him down to the ground where we had to pry his fingers away from the chain. Once the chain was freed, we placed him back into the airlock and again attempted to attach the chain to the ceiling. PUC 421 grabbed his hood with both of his hands and attempted to remove it. We tried to take his hands

b6, 7C

Statement of SSG [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 20 Dec 02, continued:

away from his hood without success. At this time, SPC [redacted] delivered a common perineal strike to PUC 421's right thigh. The common perineal strike had no effect to PUC 421. I decided to remove PUC 421 from the cell in order to regain control of him. PUC 421 kicked violently as we removed him from the cell, causing myself to trip and fall to the ground. The remaining MP's brought PUC 421 to the ground about the same moment. During this time I noticed that there was drops of blood on the ground near PUC 421. I asked my guards if anyone was injured, which all stated that they were ok. I checked PUC 421, and discovered that a scab on his nose had been broken open. Positive control was regained and I decided to put PUC 421 into an ISO cell. PUC 421 was re-shackled with a combination of long and short cuffs to a stretcher, and transported to ISO #2 located on the second floor. That was the only significant incident I had with PUC 421.

Q: Prior to PUC 421 being restrained by the cuffs with his hands outside of the cell, how was he restrained?

A: He was instructed to stand in his cell, not to talk, with a hood over his head and he had a set of long cuffs on both his hands and feet.

Q: What was the name of the fourth MP that entered the cell with you?

A: I cannot recall who it was.

Q: When PUC 421 complained about his handcuffs being tight, had they been improperly placed on him and tightened up?

A: No. When I checked his cuffs, they were double locked and proper spacing had been allowed. I loosened them because of the cuffs being over his head, I wanted to give him a little more room for his hands.

Q: Did SSG [redacted] the fourth MP, or you strike PUC 421?

A: No.

Q: How many times did SPC [redacted] administer the common perineal strike?

A: One strike.

Q: Did you see any other MP's strike other PUCs?

A: No.

Q: Do you know how PUC 421 got the injury to his nose?

A: No. I do know that PUCs commonly do fall asleep standing up and have hit the cell doors and have fallen into the concertina wire.

Q: When the [redacted] was translating for PUC 421, did he say if PUC 421 complained that his legs hurt him?

A: No.

Q: Is a doctor or medic readily available if needed?

A: Now, yes, before we had SPC [redacted] who is a medic available but supplies were not that readily available.

Q: Do the PUCs receive medical attention on a regular basis?

A: They are seen by a medic daily, if not more. A medic usually checks on them daily on our shift. They also receive a comprehensive examination when inprocessed by a doctor.

Q: Have you ever known of a PUC being denied medical attention when requested?

A: No.

Statement of SSG [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 20 Dec 02, continued:

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

A: No.///END OF STATEMENT [redacted]

AFFIDAVIT

I, SSG [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]
(Signature)

SA [redacted]
(Printed Rank, Name)

87TH MP DET. (CID)(FWD)
(Unit)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

(Si[redacted]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

Initials of Person Making Statement [redacted]

b6, 7C

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

0137-02-CID369-23

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

DATA REQUIRED BY THE PRIVACY ACT 0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
87TH MP DET. (CID), APO AE 09354	21 DEC 02	0310 [redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377TH MP Co. APO AE 09354
6. [redacted]	7. GRADE/STATUS: SPC/RESERVES

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION COMMAND AS A SPECIAL AGENT and wanted to question me about the following offense(s) of which I am suspected/a[redacted] AGGAVATED ASSAULT III

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

1. I do not have to answer any questions or say anythi[redacted]
2. Anything I say or do can be used as evidence against me in a criminal tri[redacted]
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questio[redacted]is lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both[redacted]

- or -

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

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

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 m[redacted]

WITNESSES *(If available)*	3. [redacted]
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR: SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR: 87TH MP DET. (CID) APO AE 09354

Section C. Non-waiver

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

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOR OFFICIAL USE ONLY

b6, 7C

182

EXHIBIT 34

0137-02-CID369-2

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 21 Dec 02
TIME: 0430Z
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/Reserves
ORGANIZATION: 377TH MP Company, Bagram Airfield, Afghanistan, APO AE 09354

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

I was in charge of the Isolation Cell one day that BT-412 was in one of the cells. I had problems with him all night on the night shift. He was uncooperative with everything we tried to do with him, like take him to the latrine and trying to keep his hood on him. He was very uncooperative, so I had to knee him in the right thigh one time. I kneed him about three times in a row, which stopped him enough to cooperate for a little while. I also had to strike him one other time, but I don't remember when. I struck him once in the thigh. Those were the only times I ever struck him. I went into his cell numerous times that night to try to take him to the bathroom, he was uncooperative the entire time. That was the only time I was on Isolation that I had to deal with him, I did have to deal with him when I was on control, where we escort the detainees, but I never had to strike him during those times. I was also working the Isolation cells during one shift when BT-421 was in an isolation cell, the day before he died. He was the most uncooperative person I've ever seen in the cell. He was also combative that shift, he would kick at us and would not eat very much at all. I had to knee him on the right thigh once while I was working the Isolation cells because he was resisting putting his hood back on. The next shift, when SGT [redacted] was in charge of the Isolation cells, I went upstairs to assist the guards with getting him to drink some water, after drinking water he wouldn't let us put his hood back on, so I struck him once on the right thigh with my knee. I never had any other incidents with BT-421 after that, the next time I saw him they were doing CPR on him, which was that same night.

Q: When you struck BT-412, how hard would you say you struck him?
A: I wouldn't say extremely hard, just hard enough to get him to cooperate.
Q: On a scale of 1 to 10, with 10 being the hardest, how hard would you say?
A: I would go, maybe a 7.
Q: How hard would you say you struck BT-421?
A: I would say about the same, maybe a little less with him. He was a little more tired than the other guy and didn't resist quite as much as BT-412.
Q: Did you see anyone else strike BT-412?
A: Yes, I can't remember who it was, but somebody went into the cell with me and also struck him. They struck him on the thigh also, about once or twice. I know it wasn't SGT [redacted] or SPC [redacted] but I can't remember who it was.
Q: How hard would you say they struck him?
A: About the same as I did.

Initials of Person Making Statement: [redacted]

DA Form 2823 FOR OFFICIAL USE ONLY Exhibit: 34

b6, 7C

Statement of SPC [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 21 Dec 02, continued:

Q: Did you see anyone else strike or get rough with him?
A: I don't think so.
Q: Did he ever complain about pain?
A: I don't know.
Q: Was he ever examined by a doctor or a medic while he was in the Isolation cell?
A: Not that I know of.
Q: Did anyone ever check his thighs or legs to see if there was any bruising to them?
A: No.
Q: Did you see anyone else strike BT-421?
A: Yes, I saw SGT [redacted], SPC [redacted] strike him. I heard SGT [redacted] had to strike BT-412, but I didn't see it.
Q: How did they strike him?
A: SGT [redacted] and SPC [redacted] both kneed BT-421 in the thigh, but I can't remember what thigh or how many times. I didn't see SGT [redacted] strike BT-412, but I heard he had to strike BT-412 because he was being combative. I don't where he struck him or how many times.
Q: How hard would you say SGT [redacted] and SPC [redacted] struck him?
A: I would guess the same as mine.
Q: Did you see anyone else strike him or get rough with him at any other time?
A: I can't think of anything or anybody.
Q: Did he ever complain about any pain?
A: I don't speak the language, so I don't know. The doctor had made a few rounds during the night shift back then but I don't know if he saw him. I don't know if he gave him any medications or not.
Q: Did he examine him?
A: No, he doesn't usually examine the detainees unless there is a specific reason to.
Q: Did anyone ever check his thighs or legs to see if there was any bruising to them?
A: As far as I know on my shift, probably not.
Q: Is it standard procedure to physically examine the detainees on a daily basis?
A: No.
Q: Do you pass on to the next shift how many times and where you struck a detainee?
A: No, usually all we pass on is what they're eating, what kind of problems they gave us, if they need to see a doctor, or any other requests the detainees have. Some of them speak English.
Q: Is it recorded anywhere?
A: It wasn't then, but it is now.
Q: If a detainee asks for a doctor, do they get to see one?
A: Yes, but they don't go to the hospital unless its serious.
Q: Did you ever see either BT-412 or BT-421 strike anyone?
A: No, I didn't. BT-421 did try to kick us, and I heard about BT-412 swinging at a guard, but I didn't see it or know much about it.

Statement of SPC [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 21 Dec 02, continued:

Q: Were you ever in an interrogation booth during any of the interrogations of BT-412 or BT-421?
A: No.
Q: Did you ever escort either detainee to an interrogation booth?
A: No, I don't think so.
Q: When you did have to escort either detainee somewhere, did you have to carry them?
A: I just had to carry BT-412 one time to the bathroom. A few of the detainees usually make you have to push them everywhere. When we carried BT-412 to the latrine there were three guards and the SOG, he refused to walk.
Q: Was he complaining about his legs?
A: While we were doing that he wasn't saying anything.
Q: Did any of the detainees refuse to walk saying they couldn't or that their legs hurt?
A: They didn't say anything, and BT-412 was the only one I ever had to carry. There was another incident with BT-421, I just remembered. I was in the cell with three other guards and the SOG one time trying to change his clothes. BT-421 had peed on himself and we were trying to change him, he fought with us the entire time.
Q: Did anyone strike him then?
A: No, I did have his right arm twisted behind his back, someone else had his other arm, and someone was holding his head still so he wouldn't try to bite anyone.
Q: Have you ever seen anyone get abusive with any of the detainees?
A: No.
Q: Have you?
A: No.
Q: Is there anything else you want to add to your statement?
A: No.///END OF STATEMENT/// [redacted]

Statement of SPC [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 21 Dec 02, continued:

AFFIDAVIT

I, [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21st day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

(Signature)

(Printed Rank, Name)

(Unit)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

0134-02-CID369-23533

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

DATA REQUIRED BY THE PRIVACY ACT 0134-02-CID369-23533

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	2. DATE	3. TIME	FILE NO.
87TH MP DET. (CID), APO AE 09354	21 DEC 02	0448 [redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377TH MP [redacted] COMPANY APO AE 09354
6. [redacted]	7. GRADE/STATUS: SGT / RESERVES

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION COMMAND AS A SPECIAL AGENT and wanted to question me about the following offense(s) of which I am suspected [redacted]: AGGRAVATED ASSAULT III

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

1. [redacted] not have to answer any questions or say anything.
2. [redacted]hing I say or do can be used as evidence against me in a criminal trial.
3. [redacted] *(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 [redacted]ted for me before any questioning begins.

[redacted]ow 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 [redacted]ng to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with m[redacted]

WITNESSES *(If available)*	3. [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 SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87TH MP DET. (CID) APO AE 09354

Section C. Non-waiver

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

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

FOR OFFICIAL USE ONLY

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

b6, 7C

187

EXHIBIT 35

0137-02-CID369-23

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 21 Dec 02
TIME: 0555Z
NAME: [redacted]
SSAN: [redacted]
RANK: SGT/Reserves
ORGANIZATION: 377TH MP Company, Bagram Airfield, Afghanistan, APO AE 09354

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

As far as BT-412, I only had contact with him on the night he died. I went into the cell with SPC [redacted] nd SPC [redacted] when they tried to feed him chow. When they tried to feed him they had him restrained. He turned and spit on SPC [redacted] when they took his hood off. SPC [redacted] howed him the food and motioned for him to eat, that's when he spit at him. I don't remember if the spit hit SPC [redacted] or not. After that, we put the hood back on him and left the cell. As we were walking out, SSG [redacted] s walking towards us with a peeled orange and said he had been able to get him to eat an orange the night before. I went back into the cell with SSG [redacted] d SPC [redacted] We took the hood back off of him, SSG [redacted] ried to show him the orange but there was no response from him. That's when we knew there was a problem. SPC [redacted], who is a medic, started checking him and SFC [redacted] alked in to see what was going on because he had heard the radio calls for assistance. They wanted a stethoscope, so I ran out to look for one. When I couldn't find one, I ran back and that's when we took him out of the restraints and laid him down on the ground. After they laid him down on the ground, they kept trying to check for a pulse and his breathing. There was another call for someone to assist in taking another detainee to the latrine, so I asked SFC [redacted] f I could go since there were five people in the cell including myself. SFC [redacted] told me to go, so I left to assist with the other detainee. After that, I escorted one detainee to cell 5, and while I was sitting there waiting for him to go to the bathroom, I saw them taking BT-412 out of the cell on a stretcher. That was the last involvement I had with him. I had two incidents with BT-421 with SGT [redacted]. We escorted him downstairs to the latrine, but he wouldn't go. We had been told by MI to keep him standing as part of their sleep depravation for him, and he wanted to sit down, he didn't really have to use the latrine, he just wanted to sit down. He rubbed his legs and kind of motioned that they were hurting, I knew this because one of the Interpreters had told me they rub their legs when they are hurting them. We motioned for him to get up, and he stood up. When we motioned that we were taking him back to his cell, he became non-compliant and he let himself drop. We had his arms, so we were able to keep him from falling all the way to the ground. We lifted him up by his arms, under his armpits, and carried him back up to his cell in the upstairs Isolation cell. Somebody picked up his feet, I can't remember who, but they helped us carry him back up to his cell. I had a second incident with him on the night he died. I was on control and had to escort him from the cell to the interview room. Myself and SPC [redacted] escorted him to the interview room, SPC [redacted] stayed in the interview room because BT-421 had become combative. I was called

Initials of Person Making Statement [redacted]

DA Form 2823 FOR OFFICIAL USE ONLY Exhibit: 35

b6, 7C

188

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 21 Dec 02, continued:

about 45minutes later to go get him from the interview room back to his isolation cell. When I got to the interview room, he was standing up and I asked the MI person what BT-421's deal was. The MI guy said he was not cooperating and said he was, "being an ass." I saw the MI guy, I'm pretty sure his name is [redacted] take a .5 liter bottle of water with a hole in the bottom and squeeze the water out of the bottom into BT-421's throat. BT-421 spit the water out and [redacted] told us to take him back to his cell. We asked him if he was going to be combative or cooperative, and [redacted] said he wasn't going to be cooperative. [redacted] d to leave him up, meaning to leave him restrained in the standing position. We took him back to his cell and restrained him with his arms up so he would have to stand. We left out of the cell, he still had his hood on, and then I continued on with my duties. I heard the call on the radio for an ambulance and for a medic. Since SPC [redacted] was already up there, I continued with my other duties. After I finished what I was doing, I headed up to the cell and saw SPC [redacted] and SPC [redacted] performing CPR. I helped put BT-421 on a stretcher and carry him to the inprocessing room. After that they waited for the ambulance and I went back to my other duties.

Q: Did you ever strike either of the two detainees?

A: No.

Q: Did you ever see anyone strike either one of them?

A: No, but I heard that one of them had become combative with SSG [redacted] nd he had had to strike him. I didn't witness it, but I did hear him say he had to strike him, I can't remember why.

Q: Had you ever been rough or abusive with either one?

A: No.

Q: Had you ever seen anyone else get rough or abusive with either one?

A: I've seen them restrain them, but not abusive or rough with them. I remember another incident with BT-421, I was working in Isolation 1 when they tried to put BT-421 in the airlock of cell 2. SSG [redacted] was trying to restrain BT-421 in the airlock, but he wouldn't comply, and they struggled with him inside the airlock. They then pulled him outside of the airlock and put him in the prone position to try to cuff him. There were about four or five MPs trying to restrain him, but I can't remember who the other Mps were. After that, they did restrain him and they put him on a stretcher and carried him upstairs. I was watching cells 5 and 6 and trying to keep the other detainees from watching the incident.

Q: Did you see anyone strike him?

A: No.

Q: Do the detainees get to see the doctors when requested?

A: At the time we had one medic, and if we had a medical emergency, someone would have to run to the tent to get him, or the RTO would have to call the hospital to have them send an ambulance.

Q: Does anyone examine the detainees on a daily basis?

A: They do now, but before I assumed it was done on the day shift. I never saw anyone examine them at night unless there was a problem. I did see the medic stay late to re-hydrate a detainee or to give them meds.

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 21 Dec 02, continued:

Q: During shift change, is it passed on how many times and where a detainee was struck during that shift?

A: Sometimes it is and sometimes it isn't, it all depends on the person doing the shift change.

Q: When BT-421 rubbed his legs to say they were hurting, did anyone examine his legs?

A: No, we just took him back upstairs and told the SOG that he didn't go to the bathroom. We put him back in his restraints.

Q: Did he appear to be in pain?

A: No, he sat down on the steel can they use for a latrine and just sat there with clothes on. He wouldn't go to the bathroom and we asked him, "tashnob", which we were told means they need to go to the bathroom, and he said, "ney tashnob", which means no bathroom. He started rubbing one of his legs, I can't remember which one, and wouldn't go to the bathroom, that's when we motioned for him to stand up.

Q: Is there anything you want to add to your statement?

A: The only other thing that I came across with either one was that they were definitely non-compliant.

Q: Anything else?

A: I can't think of anything else right now.///END OF STATEMENT/// [redacted]

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 21 Dec 02, continued:

AFFIDAVIT

I, [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT[redacted]

WITNESS:

[redacted]
(Signature of Person Making Statement)

(Signature)

(Printed Rank, Name)

(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21st day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)

WITNESS:

SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

(Signature)

(Printed Rank, Name)

Article 136, UCMJ
(Authority to Administer Oaths)

(Unit)

Initials of Person Making Statement [redacted]

0137-02-CID369-2

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 0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	21 Dec 02	0955 Z	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN: [redacted] / 7. GRADE/STATUS: SGT/E-5/Reserves	APO AE 09354

PART 1 - 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 (CID)

As a Special Agent and wanted to question me about the following offense(s) of which I am suspected/~~accused~~: Aggravated Assault///

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

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

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

c. *(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.

d. 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. [redacted] 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 [redacted]

WITNESSES *(If available)*

1a. NAME *(Type or Print)*	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE [redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID), Bagram Airfield, Afghanistan, APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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 80 EDITION OF NOV 84 IS OBSOLETE

b6, 7C

192

EXHIBIT 36

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 21 Dec 02
TIME: 1040Z
NAME: [redacted]
SSAN: [redacted]
RANK: SGT/E-5/Reserves
ORGANIZATION: 377th Military Police Company, Bagram Airfield, Afghanistan, APO AE 09354

I, [redacted] want to make the following statement under oath:
I have had no significant involvement with PUC 421. I had several problems with PUC 412. Whenever I tried to bring him to the bathroom, he would not want to walk and therefore would have to carry him. I would also administer the common pressure point under the nose, by placing my hand under his nose and lift up slightly. Often times upon administering the pressure point, he would be compliant. I can recall on one day that I was escorting him to the bathroom and he did not want to walk, I had to administer the pressure point under the nose. I was also part of the Crash team that had gone into his cell when we had to adjust his restraints. SSG [redacted] SGT [redacted] SG [redacted] SGT [redacted] SGT [redacted] and myself were inside the cell. I was behind the PUC. SSG [redacted] was trying to adjust the cuffs. The PUC started to kick his legs up, but I am not sure if he hit someone, because I was behind him and at that time administered the pressure point under his nose in order for him to be compliant. I am not sure if one of the other MP's had struck the PUC, but I do know that SSG [redacted] was mad at SGT [redacted] We adjusted the cuff and left the cell. These are essentially the only significant incidents I had with PUC 412.
Q: What is the Crash Team?
A: Does escorts back and back to MI, or for prisoners in the ISO to take them to the bathroom, and also cell extractions. They are also in groups of two MP's.
Q: Can you explain why would you do cell extractions?
A: If anyone has to go into a cell, the Crash Team would assist.
Q: Is the Crash Team utilized just in the ISO cells?
A: No, they are also used on the main floor.
Q: Other than the pressure point under the nose, did you administer any other pressure points?
A: To him, no.
Q: What other pressure points have you administered?
A: I had escorted a PUC by placing my right hand on the shoulder and with my other hand I had a hold of the PUC's wrist. I used this because the PUC was not being compliant, and so that if the PUC decided to become hostel, I could easily bring the PUC on the ground.
Q: Had you ever struck a PUC with such thing as a common perineal strike?
A: No. The reason I do not use it is because I am taller than most of the PUC's and if I attempted to administer the strike, I would have hit them in the hip or lower abdomen.

Initials of Person Making Statem[redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

b6, 7C

Exhibit: 36

Statement of [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 21 Dec 02, continued:

Q: Did you ever observe any guards strike a PUC other than a common perineal strike or other pressure points?

A: No not that I have seen.

Q: Did you ever see a guard or MI interrogator get physical with a PUC beyond what is authorized?

A: No.

Q: Do you know what day it was that you and the Crash team had to go into PUC 412's cell in order to adjust his restraints?

A: No, I do not remember what date it was.

Q: How was PUC 412 restrained within the cell?

A: The PCU was restrained by a set of long cuffs on each wrist, which were then attached to the ceiling, so that his arms were outstretched at an angle over his head. On his wrists there was also a set of short cuffs so that he could not get the long cuffs off. He also had a set of leg shackles on.

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

A: No, not at this time. ///END OF STATEMENT/// [redacted]

Statement of [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 21 Dec 02, continued:

AFFIDAVIT

I [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

WITNESS:

(Signature of Person Making Statement)

(Signature)

(Printed Rank, Name)

(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21st day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]

WITNESS:

SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

(Signature)

(Printed Rank, Name)

(Unit)

Article 136, UCMJ
(Authority to Administer Oaths)

Initials of Person Making Statem[redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 36

195

b6, 7C

1137-02-CID369-23

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 0134-02-CID 369-23533

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	2. DATE	3. TIME	4. FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	22 Dec 02	0410 [redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company APO AE 09354

6. SSN	7. GRADE/STATUS
[redacted]	SGT/E-5/Reserves

PART 1 - 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 (CID) As a Special Ag[redacted] and wanted to question me about the following offense(s) of which I am suspected/~~accused~~ [redacted] Aggravated Assault///

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

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now [redacted] to discuss the offense(s) under investigation [redacted] without talking to a lawyer first and without having a lawyer present with m[redacted]

WITNESSES (*If available*)	
1a. NAME (*Type or Print*)	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	[redacted]
2a. NAME (*Type or Print*)	5. TYPED NAME OF INVESTIGATOR SA[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID), Bagram Airfield, Afghanistan, APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

196

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

FOR OFFICIAL USE ONLY

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

b6, 7C

EXHIBIT 37

0137-02-CID369-2

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 22 Dec 02
TIME: 0430
NAME: [redacted]
SSAN [redacted]
RANK: SGT/E-5/Reserves
ORGANIZATION: 377th Military Police Company (Bagram Confinement Facility), Bagram Airfield, Afghanistan, APO AE 09354

I, SGT [redacted], want to make the following statement under oath:
I understand that this statement is made to clarify or add to certain questions or aspects of my statement which I made to this office on 10 Dec 02:
Q: Did you have any significant involvement with PUC 412?
A: No, the only involvement I had with him is moving him around, going to the bathroom, etc. I was off the night that he died.
Q: Did you ever strike PUC 421?
A: No, not even any common pressure point strikes. I never hit any of the PUC's.
Q: Other than administering common pressure point strikes, did you ever see any guards strike the PUC's?
A: I have never seen any of the guards strike any of the PUC's unnecessarily. I did see SPC [redacted] SPC [redacted] and SGT [redacted] administer the common perineal strike to PUC 421, while in his cell, on separate occasions.
Q: Did you ever see a guard strike a PUC with an object, such as a baton?
A: No. I don't think anybody as ever hit any of them with a baton, not that I know of.
Q: Does your unit have batons?
A: Yes.
Q: What are they used for?
A: They were already in the Detention Facility, it was nothing that my unit brought with them. To my knowledge, they are used to control or regain control of PUC's in case they start to fight with the guards, as in a riot situation.
Q: Did you ever see any of the MI interrogators strike or kick any of the PUC's?
A: No.
Q: Did you see any of the MI interrogators place their hands on any of the PUC's?
A: No, if they did it was to help the PUC's walk, nothing such as an assault.
Q: What was the SOP within the Detention Facility for a PUC that said he was hurt or injured?
A: It was kind of tough because they do not really communicate with us, but if they did, we would contact the SOG.
Q: Do you have anything further to add to your statement?
A: No ///End of Statement/[redacted]

[redacted]
Initials of Person Making Statement

b6, 7C

Statement of SGT [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 22 Dec 02, continued:

AFFIDAVIT

I, SGT [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]

SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

b6, 7C

0137-02-CID369-2

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 0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	22 Dec 02	1343Z	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN: [redacted] / 7. GRADE/STATUS: SPC/E-4/Reserves	APO AE 09354

PART 1 - 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 (CID)
As a Special Agent and wanted to question me about the following offense(s) of which I am suspected/a[redacted] Aggravated Assault///
Before he/s[redacted]d me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES *(If[redacted]*	3. SIGNATURE OF INTERVIEWEE [redacted]
1a. NAME *(Type or Print)* [redacted]	
b. ORGANIZATION OR ADDRESS[redacted] 87TH MP DET. (CID) (ABN) (FWD) APO AE 09354	
2a. NAME *(Type or Print)*	5. [redacted] SA[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID) (ABN) (FWD) APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

FOR OFFICIAL USE ONLY

199

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

DA FORM 3881, NOV 80 EDITION OF NOV 84 IS OBSOLETE

b6, 7C

EXHIBIT 38

0137-02-CID369-2

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 22 Dec 02
TIME: (4452
NAME:
SSAN:
RANK: SPC/E-4/Reserves
ORGANIZATION: 377th Military Police Company, Bagram Airfield, Afghanistan, APO AE 09354

I, , want to make the following statement under oath:

Q: What significant involvement did you have with BT-412?

A: SFC and I made an entry into his cell, in order to restrain him. BT-412 had kept putting his hands out of the window of the door. He was told several times not to put his hands out, but he did not listen. SFC and I entered the cell, at which time I grabbed BT-412 and placed him against the far wall so that SFC could restrain him better.

Q: How hard would you say that you placed BT-412 against the wall?

A: Enough force so that he could not hurt me, but not enough so that it hurt him. It was enough force in order to gain control of him.

Q: Did you or SFC ever strike the PUC?

A: No.

Q: When did this incident occur?

A: I cannot remember.

Q: What involvement did you have with BT-421?

A: On one day, I cannot remember when exactly, I was working at the RTO desk and had gone into the break room in order to get a snack. I heard a commotion on the main floor and peaked through the curtain at the main entrance onto the main floor. I could see several guards trying to bring BT-421 out of the airlock and onto the main floor. I decided not to go into the airlock, because I felt there would be too many people in there. As soon as they got the PUC out of the airlock, he was brought down to the floor. SGT and I struggled with the PUC to get the chain, which the PUC had in his hands underneath his body, away from him. We were finally able to restrain him, at which time we rolled him over on his back and waited for someone to get a stretcher in order to carry him to an ISO cell. I grabbed the chain of the long cuffs that were around his wrists and held them on the ground over his head to keep control of him. Someone arrived with a stretcher and then we brought the PUC up to an ISO cell. The other involvement I had with him was the day that he died. I was walking back to ISO #1,when SSG and SPC were moving fast up to ISO #2 for an emergency. I followed them up. When I arrived I could see that PUC 421 was on the ground and SPC SPC and SSG were trying to administer CPR. I was told to get the facemask for CPR. I went to the railing and yelled down to SGT who was in ISO #1, and asked him to get the mask. He returned about a minutes later and told me that he could not find it. I returned back to ISO #2 and could see that SPC was giving the PUC mouth to mouth.

Statement of [redacted] taken at Bagram Airfield, APO AE 09354, on 22 Dec 02, continued:

After the stretcher arrived, myself and SGT [redacted] lped carry him down to the inprocessing room.

Q: Did you ever see any of the guards strike the PUC?

A: I believe I saw SP[redacted] hit the PUC in the common perineal while they were wrestling in the c-wire in the airlock.

Q: Do you know how many times SPC [redacted] administered the common perineal strike?

A: No.

Q: Did you observe any other guards strike the PUC?

A: No.

Q: Did you see anyone strike the PUC in the ribs?

A: No.

Q: When the PUC was brought to the ground, how was this accomplished?

A: As soon as they cam out fo the cell, they fell to the floor.

Q: Have you ever seen an MI interrogator strike a PUC?

A: No.

Q: Other than striking a PUC in common pressure points, have you ever seen a guard strike a PUC?

A: No.

Q: In the incident outside the airlock, how were the PUC's hands when you held onto the chains?

A: They were stretched out over his head.

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

A: No ///END OF STATEMENT/[redacted]

b6, 7c

Statement of [redacted] taken at Bagram Airfield, APO AE 09354, on 22 Dec 02, continued:

AFFIDAVIT

I [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT [redacted]

[redacted]

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted] Oath)

SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Initials of Person Making Statem [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 38

b6, 7c

20

0137-02-CID369-23

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 0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	22 Dec 02	1512Z	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN: [redacted] / 7. GRADE/STATUS: SGT/E-5/Reserves	APO AE 09354

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 (CID)
As a Speci[redacted]ent and wanted to question me about the following offense(s) of which I am
suspected/~~ac~~[redacted] Aggravated Assault///

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

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

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

[redacted] (*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.

[redacted] 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 [redacted]

WITNESSES *(If available)*	[redacted]
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID) APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE 203

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

DA FORM 3881, NOV 80 EDITION OF NOV 76 IS OBSOLETE

FOR OFFICIAL USE ONLY

b6, 7e

EXHIBIT 39
EXHIB.-

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 22 Dec 02
TIME: 1555Z
NAME: [redacted]
SSAN: [redacted]
RANK: SGT/E-5/Reserves
ORGANIZATION: 377th Military Police Company, Bagram Airfield, Afghanistan, APO AE 09354

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

Q: What significant involvement did you have with PUC 412?

A: On one day, I cannot remember the exact date, I was part of the Crash team, along with SGT [redacted] SSG [redacted] and SGT [redacted] We were called to the downstairs ISO block to assist other guards in restraining PUC 412 who was trying to slip out of his cuffs. SSG [redacted] was the SOG and SGT [redacted] was the floor sergeant. We entered the cell. PUC 412 was restrained with a set of long cuffs attached to his wrists, which were then attached to the ceiling, with his hands over his head. SSG [redacted] was on the right side of the PUC, SGT [redacted] was behind, SGT [redacted] was directly in front of him and I was on the left side. SSG [redacted] was standing off to the side behind SGT [redacted] The PUC was able to raise his legs off of the ground, at which time SGT [redacted] struck the PUC three times in the common perineal area with his knee. SSG [redacted] pulled SGT [redacted] side and was yelling at him "why did you do that?" We were able to restrain PUC 412 and then left the cell. I had no other significant involvement with PUC 412.

Q: Did you have any significant involvement with PUC 421?

A: No, I was even in the Detention Facility by the time that PUC 421 got there. By this time my platoon rotated out to man the gates.

Q: Did SGT [redacted] strike the PUC in any other place aside from the common perineal area?

A: No, not that I could see.

Q: Did any of the other guards within the cell strike PUC 412?

A: Not like SGT [redacted] did. I know that SGT [redacted] had his finger on the pressure point under the PUC's nose.

Q: What was SGT [redacted] doing before he struck the PUC in the common perineal area?

A: He was yelling in his face.

Q: Did the PUC attack or try to physically harm SGT [redacted]

A: No. His hands were restrained over his head and his legs were off of the ground.

Q: Did the PUC ever try to kick SGT [redacted]

A: Not that I could see.

Q: Other than this incident, have you ever seen a guard strike a PUC?

A: In aggression, no.

Q: Have you ever seen an MI interrogator strike a PUC?

A: No I have not.

Initials of Person Making Statement: [redacted]

DA Form 2823 FOR OFFICIAL USE ONLY Exhibit: 39

b6, 7c

20

Statement of [redacted] taken at Bagram Airfield, APO AE 09354, on 22 Dec 02, continued:

Q: If you had seen a guard strike a PUC such as in the common perineal area, did you ever see a guard go beyond what is allowed?
A: No.
Q: Do you have anything further to add to your statement?
A: No///END OF STATEMENT///

AFFIDAVIT

I [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

b6, 7C

Exhibit: 39

20

0137-02-CID369-2

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 0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	22 Dec 02	1620Z [redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN [redacted] / 7. GRADE/STATUS SGT/E-5/Reserves	APO AE 09354

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 (CID)

As a Special Agent and wanted to question me about the following offense(s) of which I am

suspecte[redacted] Aggravated Assault///

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

[redacted]ot have to answer any questions or say anything.

[redacted]hing 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 [redacted]ted for me before any questioning begins.

[redacted]m 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
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	[redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OR [redacted] SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID) APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☒ I want a lawyer [redacted]

☐ I do not want to be questioned or say anything.

206

[redacted]NY SWORN STATEMENT (DA Form 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881, NOV 95 EDITION OF NOV 85 IS OBSOLETE

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 40

0137-02-CID369-23

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 0134-02-CID369-23533

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	2. DATE	3. TIME	FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	23 Dec 02	04:15	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377TH MP Company
6. SSN: [redacted] / 7. GRADE/STATUS: SGT/Reserves	APO AE 09354

PART 1 - 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 (CID)

As a Special Agent and wanted to question me about the following offense(s) of which I am

suspected/accused of: AGGRAVATED ASSAULT///

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

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

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

(For military 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)
Have you been advised of your legal rights within the last 30 days? NO [redacted] you currently have a lawyer? NO [redacted]

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 [redacted]
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)*	5. NAME OF INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID), Bagram Airfield, Afghanistan, APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE 207

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

FOR OFFICIAL USE ONLY

DA FORM 3881, NOV 80 EDITION OF NOV 84 IS OBSOLETE

b6, 7C

EXHIBIT 4

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 23 Dec 02
TIME: 0515Z
NAME: [redacted]
SSAN: [redacted]
RANK: SGT/Reserves
ORGANIZATION: 377TH MP Company, Bagram Airfield, Afghanistan, APO AE 09355

I, [redacted] want to make the following statement under oath:
I never had anything to do with BT-412, I did walk through the Isolation cells once and saw him restrained in the cell, but I never dealt with him or saw anyone mistreat him. I never saw him get combative with anyone and never saw anyone strike him. I heard he was combative and non-compliant, but never saw it for myself. The day BT-421 was down in general population in cell 2 in the airlock, SSG [redacted] and SPC [redacted] were working the floor that day. They were having problems with him sitting down and taking his hood off, so they said they were going to go into the cell and restrain him. SSG [redacted] was the SOG and was watching them as they entered the cell. I went down to cell 1 to watch the PUCs while they did that so none of the PUCs would take advantage of the guards not watching them while they restrained BT-421. As I was watching SSG [redacted] trying to restrain BT-421 to the ceiling of the airlock, I saw BT-421 pull down on the cuffs, which made SSG [redacted] kind of flinch. I thought the chain to the cuffs had pinched SSG [redacted] fingers, so I ran over to the cell. SSG [redacted] had also run into the cell, and with all those people already in the cell, I couldn't get into the cell, so I climbed up on the door so I could get my hands into the cell through the roof to try to grasp the cuffs so I could hook them to the bar on the ceiling. I couldn't get the cuffs, so I climbed back down. They were wrestling with BT-421 in the airlock, so somebody, I don't remember who, made the decision to remove BT-421 from the cell. He was removed from the cell and we placed him on the ground. He kept being non-compliant, and we tried to stand him back up to move him to an Isolation cell. He was still being non-compliant, so we placed him back on the ground. That's when we noticed there was blood on the ground, so we stopped to see who was bleeding. We noticed that it was from BT-421's nose, he had a scab on his nose that had busted open and was bleeding. It was a scab from a prior injury, I don't know how he got it, but it had started bleeding again from the scuffle. Once we got him down on the ground the second time, we called for a stretcher, put him on the stretcher and carried him up to Isolation Block #2, Cell #1. We took and stood the stretcher up, where his feet were on the ground and he was still shackled to the stretcher. We shackled the stretcher to the ceiling with long cuffs and left him in the cell. When he was checked again, he had been able to un-hook his legs from the stretcher, his legs were still shackled, but they weren't attached to the stretcher anymore. We went into the cell, I don't remember who went into the cell with me, but there were three of us in the cell. We took him off of the stretcher and took the extra cuffs off that were used to keep him on the stretcher, we placed some short cuffs on the long cuffs on his legs to shorten his leg movement, then laced some short cuffs on the long cuffs on his wrists to give him an extension. We then restrained

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 23 Dec 02, continued:

him to the ceiling with the long cuffs on his wrists and placed a belly chain on the cuffs around his legs. We then placed another belly chain on the first belly chain and ran it up to the ceiling so he couldn't kick at us. We placed a black hood on his head and left it at that. Sometime after that, a second incident occurred with him. SGT [redacted] and I took him down from his restraints because he said he had to go to the bathroom. We took him down to the bathroom and let him go into the area to go. After a few minutes we checked on him to see what was going on, he still had his pants on and had not gone to the bathroom. We asked him if he had to go and he motioned that he did not, he then rubbed his legs and mumbled something. He rubbed his legs and kept looking at us, so we picked him back up and started taking him back up to his cell. While he was walking back up, he suddenly decided he wasn't going to walk anymore and became dead weight. SPC [redacted] was on the floor and came over to help us carry him back up to his cell. He was very non-compliant, even when we were trying to place him back into his cell. We placed him back into his cell and restrained him again. That was the last time I dealt with BT-421. I can't remember what day that was, and I think it was a day or two before he died, but it was the last time I had anything to do with him.

Q: During the scuffle in the airlock, did you have to strike BT-421?

A: No, I was in no position to do it.

Q: Did anyone else strike him?

A: Yes, SPC [redacted] gave him a common perineal strike in the thigh, I didn't really see it very well because I was trying to concentrate on his hands.

Q: Did anyone else strike him at that time?

A: Not to my knowledge.

Q: Did you or anyone else strike him while he was outside the cell on the ground?

A: No.

Q: During the second incident, while you were with him at the latrine, did you or anyone else strike him?

A: No.

Q: Did anyone strike him at any other point during that time?

A: No.

Q: Did you ever strike BT-421 at any time?

A: No.

Q: Did you ever see anyone else strike BT-421 at any other time?

A: No.

Q: Did you ever see anyone get rough or mistreat him?

A: No.

Q: When BT-421 rubbed his legs, did anyone exam him?

A: No, it didn't dawn on anybody that he rubbed his legs because they hurt, nobody thought that his legs were really hurt. We thought he was just tired of standing and wanted to take a break. Most of the PUCs who have to stand try to do something to get to sit for a while, we thought he was just trying to take a break from standing.

Q: Do the PUCs get examined on a regular basis?

A: They do now, but before, during the day, the doctor would go by twice a day. The doctor wouldn't come by at night before unless we figured there was a medical emergency.

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 23 Dec 02, continued:

Q: How hard would you say SPC [redacted] struck BT-421?

A: It looked like a quick blow, it wasn't with a lot of force, he was just trying to get his attention.

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

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

[redacted]

AFFIDAVIT

I [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMEN[redacted]

[redacted]

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23rd day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]

(Signature of Person Administering Oath)

S[redacted]

87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Initials of Person Making Statement [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 41

b6, 7c

21

AGENT'S INVESTIGATION REPORT 0134-02-CID369-23533

CID Regulation 195-1 Page 1 of 1 Page

About 1435Z, 26 Dec 02, SA [redacted] advised SSG [redacted] A Co, 519th MI, Bagram Collection Point (BCP), Bagram Air Field, Afghanistan, APO AE 09354 (BAF), of his legal rights, which he waived, and provided a sworn statement. SSG [redacted] related he heard BT-421 had been kneed in the groin by SGT [redacted] A Co, 519th MI, BCP, BAF, and heard this from an interpreter. SGT [redacted] also told him that she had moved his head with her hands and denied kicking the person under control (PUC) in the groin. SSG [redacted] also heard BT-412 had been treated badly by the MP guards at the BCP, but never witnessed anything first hand. He denied assaulting the PUC or witnessing anyone assault them. (See DA Form 3881 and DA Form 2823 for details)

Agent Comment: SSG [redacted] is the [redacted] mentioned in other statements.

About 0810Z, 31 Dec 02, SA [redacted] interviewed SPC [redacted] 377th MP Co, BAF, APO AE 09354, who provided a sworn statement. SPC [redacted] described the training his unit conducted prior to and during their deployment. He also related he never witnessed any abuse of the PUC's. (See DA Form 2823 for details)

About 1035Z, 31 Dec 02, SA [redacted] interviewed SPC [redacted] 377th MP Co, BAF, APO AE 09354, who provided a sworn statement. SPC [redacted] described the training his unit conducted prior to and during their deployment. He also related he never witnessed any abuse of the PUC's. (See DA Form 2823 for details)

About 1335Z, 21 Jan 03, SA [redacted] advised SSG [redacted] 377th MP Co, BAF, APO AE 09354, of his legal rights, which he waived, and provided a sworn statement. SSG [redacted] admitted he struck BT-421 while he was fighting to secure him in the airlock. He added the only injury he noticed on the PUC was from a scab that broke on his nose. He did not see BT-421 strike any other guards or MI personnel. (See DA Form 3881 and DA Form 2823, for details)

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

SA [redacted]

87th MP Det (CID) (ABN), FWD
3d Military Police Group (CID)
APO AE 09325

Signature: [redacted]

Date: 21 Jan 03

Exhibit: 42

CID Form 94

FOR OFFICIAL USE ONLY

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

0134-02-CID369-23534

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

DATA REQUIRED BY THE PRIVACY ACT 0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
Bagram Airfield, Afghanistan, APO AE 09354	26 Dec 02	1435Z [redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	A Company, 519th Military Intelligence Bn.
6. SSN: [redacted] / 7. GRADE/STATUS: SSG/Active	Bagram Airfield, Afghanistan APO AE 09354

PART 1 - 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 (CID)

As a Special Agent and wanted to question me about the following offense(s) of which I am

suspected/a[redacted] AGGRAVATED ASSAULT///

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

[redacted]ot have to answer any questions or say anything.

[redacted]hing 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 [redacted]inted for me before any questioning begins.

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

5. COMMENTS (Continue on reverse side)
Have you been advised of your legal rights within the last 30 days? NO [redacted] Do you currently have a lawyer? NO [redacted]

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 [redacted]

1a. NAME (Type or Print) [redacted]	3. SIGNATURE OF [redacted]
b. ORGANIZATION OR ADDRESS [redacted] 87th MP Det. (CID) (FWD) APO AE 09354	4. SIGNATURE [redacted]
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Detachment (CID), Bagram Airfield, Afghanistan, APO AE 09354

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE 212

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE.

FOR OFFICIAL USE ONLY

0617

Exhibit 43

0137-02-CID369-23534
0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 26 Dec 02
TIME: 1615Z
NAME:
SSAN:
RANK: SSG/Active
ORGANIZATION: A Company, 519th Military Intelligence Battalion, Bagram Airfield, Afghanistan, APO AE 09354

I, , want to make the following statement under oath:
I am the NCOIC of Intelligence and Investigative Operations at the Bagram Collection Point (BCP), I'm also the Platoon Sergeant. I was made aware of a situation involving SGT and BT-421 by one of the Interpreters I don't remember the date, but told me SGT had kicked BT-421 in the genitals during an interrogation. I immediately had SGT brought to the BCP to talk to her about the allegation. She told me she had not kicked BT-421 in the genitals, but had spread his legs apart with her foot. When asked what other physical contact she had with BT-421, she also said she had moved his face with her hands. I reminded her of the policy she was made aware of prior to this incident that interrogators were not to hit, or touch Persons Under U.S. Control (PUC) or Detainees about the head or face. She stated that she only moved his face so that she would look at him. She spread his legs with her foot to enforce the safety position that he was in during the approach. I again reminded her of the policy she was made aware of prior to this incident that interrogators were not to hit, or touch PUCs or Detainees about the head or face. I also advised her that if she violated these policies that I wouldn't be able to help her. I further instructed her at that time to have Military Police (MP) in the booth during intense interrogation approach strategies to enforce safety positions to avoid even the appearance of physical abuse. I was also previously made aware of alleged harsh treatment of BT-412 by the MPs. SPC one of my interrogators, advised me of this. I made inquiries with the MPs and my Interrogation Squad Leader on BT-412's behavior and was informed that BT-412 was openly combative on numerous occasions with the MPs. It was documented by the MPs that he had to be subdued on several occasions. The last incident I was made aware of in regards to the treatment of either BT-412 and BT-421 was an incident that occurred during the final interrogation prior to BT-421's death. Another NCO informed me that he walked by the interrogation booth where BT-421 was being interrogated and he saw SPC standing near BT-421 holding a bottle of water. There was a large puddle of water on the floor. The NCO said that he asked what was going on to which SPC replied, "We've got to keep him hydrated". I immediately sent for SPC and briefly questioned him on the events of the interrogation and he informed me that BT-421 didn't look good and he was simply helping him drink water. I inquired as to whether or not he was forcing him to drink water and he said no. I asked what comment he had made to the NCO regarding the situation and said that he couldn't exactly recall. I asked if it was a joke. He said that he thought that it was. He further stated that the PUC had asked for water and when he began to drink it he spit it all

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 26 Dec 02, continued:

over the floor. I questioned SPC [redacted] who had also been in the booth at the time and he said that SPC [redacted] had not forced the PUC to drink water. He confirmed that the PUC had spit water onto the floor. I questioned [redacted] the interpreter, who had also been in the box at the time. [redacted] said that nothing out of the ordinary had occurred. When I asked him about the water, he stated that the PUC had spit water on the floor and that he had not been forced to drink water. The next day, the NCO approached me and stated that he may have misinterpreted the events he briefly witnessed the night before. In closing I would like to state that these are three incidents that took place during over 3800 hours of interrogations. I pursued these incidents until I felt that there was not enough credible information to report any wrongdoing to my chain of command. I made the call in these instances to support my soldiers, have faith in their judgment, and issue stern warnings as to the repercussions if it should be found that this behavior was going on. At no time did I believe, based on any of the conversations I had with my staff or interpreters that any physical abuse was going on in the facility. I am absolutely sure that my interrogators knew that they were not allowed to physically abuse PUCs or detainees. The use of safety positions is authorized in accordance with DoD policy. Numerous requests for strict guidelines on PUC treatment have been voiced to the Staff Judge Advocate, but no training has been offered. I do not believe that any PUCs or detainees have been mistreated or treated inhumanely.

Q: Did SGT [redacted] admit to you she had grabbed BT-421 by the ears?

A: No.

Q: Have you had any other problems with any of your Interrogators mistreating or abusing any of the detainees?

A: Not to my knowledge.

Q: Did you ever have any personal contact with either BT-412 or BT-421?

A: I never screened either or interrogated either, but I was present when they were brought in to the BCP.

Q: When a PUC complains about any type of pain or medical problem, do they receive medical attention?

A: Yes.

Q: Do the Interrogators have to pass on when and where they've had to strike a PUC?

A: In the event that they had to strike a PUC, which is only authorized in self-defense, they would pass it on to me, it wouldn't matter who else they've told, they would have to tell me as well. I've only had one incident when a PUC, [redacted], attacked an Interrogator with a chair. He was subdued and the MPs were called to restrain and remove him.

Q: Are Interrogators allowed to strike or hit a PUC during the course of an interrogation?

A: Only in self-defense.

Q: Are they allowed to bounce them off a wall?

A: No.

Q: Were you aware that any of the Interrogators bounced any PUCs off a wall?

A: No.

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

A: No.///END OF STATEMENT///[redacted]

Initials of Person Making Statem[redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 43

b6, 7C

21L

Statement of [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on 26 Dec 02, continued:

0134-02-CID369-23533

AFFIDAVIT

I, [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT[redacted]

[redacted]

CW3 [redacted]

87th MP DET (ABN)(CID)
(Unit)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

[redacted]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]

(Signature of Person Administering Oath)
SA [redacted]
87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

Initials of Person Making Statement: [redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

b6, 7C

Exhibit: 43

215

Sworn Statement 0134-02-CID369-23533

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 31 Dec 02
TIME: 0410Z
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/USAR
ORGANIZATION: 377TH Military Police Company, Bagram Airfield, Afghanistan, APO AE 09354

I, [redacted] want to make the following statement under oath:
I trained my platoon, 3rd Platoon, 377th Military Police (MP) Company, on Pressure Point Control Techniques (PPCT) in January 2002 while on drills. The Indiana State Police and the Indiana Law Enforcement Academy taught me these techniques from the PPCT manual. I am employed by the Indiana State Police and have been a Patrolman for about 2 years now. I also trained my platoon on these techniques between Jun – Aug 02 while we were at Fort Dix, New Jersey waiting to deploy here to Afghanistan. SPC [redacted] who is also in my platoon, was the primary instructor during these training sessions, I was the alternate instructor. There was no training conducted on these techniques once we arrived in Afghanistan. We conducted the training as a way to spend some time preparing to deploy. Some of the techniques we instructed on were the mandibular angle, the brachial tie-in/plexus origin, infra-orbital, common perineal, and the median & radial points. The mandibular angle is the point behind the ears. The brachial tie-in/plexus origin is a point on the neck. The infra-orbital is under the nose and pressure is applied in an upward motion. The common perineal is on the thigh, between the knee and the waist. The median & radial points are on the arms above the elbows. When using the common perineal, I instructed my platoon to use the amount of force needed according to the situation, and to strike with the knee to the outside thigh area. These techniques are what we call "distraction techniques".
Q: Have you ever seen anyone strike any of the PUCs with what you considered to be excessive or unnecessary force?
A: No.
Q: Have you ever used excessive or unnecessary force with any of the PUCs?
A: No.
Q: How much training did you conduct with your platoon on these techniques?
A: We did it once for about four hours in Jan 02, and once at Fort Dix for about 1-1/2 hours.
Q: How proficient do you believe they were?
A: I would say for the most part, for those who had never been trained before, awareness.
Q: What would you say the training was intended for?
A: Just to control whatever the situation was.
Q: Is there anything you want to add to your statement?
A: No.///End of Statement///[redacted]

[redacted]
INITIALS

b6, 7C

Statement of [redacted]ken at Bagram Airfield, Afghanistan, APO AE 09354, on 31 Dec 02, continued:

0134-02-CID369-23533

AFFIDAVIT

I, [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]
(Signature of Person Making Statement)

WITNESSES:

_____

_____

_____

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31st day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354
(Name of Person Administering Oath)

Article 136, UMCJ
(Authority to Administer Oaths)

Sworn Statement 0134-02-CID369-23533

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 31 Dec 02
TIME: 10352
NAME: [redacted]
SSAN: [redacted]
RANK: SPC/USAR
ORGANIZATION: 377TH Military Police Company, Bagram Airfield, Afghanistan, APO AE 09354

I, [redacted] want to make the following statement under oath:
I trained my platoon, 3rd Platoon, 377th Military Police (MP) Company, on Pressure Point Control Tactics (PPCT) sometime in the spring of 2002 while on drills in Bloomington, Indiana. The Indiana Law Enforcement Academy taught me these tactics from the PPCT manual. I was also taught these tactics while at Fort Leonard Wood, Missouri by the Drill Sergeants during hand-to-hand combat while attending Basic Training and Advanced Individual Training in April 2001. I was employed by different correctional facilities from September 1996 through August 2000 in civilian corrections. I was with the Shelby County, Indiana Sheriff's Department, the Bartholomew County, Indiana Juvenile Corrections, and the State of Indiana Juvenile Corrections. I also trained my platoon on these techniques between 20 Jun – 20 Aug 02 while we were at Fort Dix, New Jersey waiting to deploy here to Afghanistan. SPC [redacted] who is also in my platoon, was the alternate instructor during these training sessions, I was the primary instructor. There was no training conducted on these techniques once we arrived in Afghanistan. We conducted the training as a way to spend some time preparing to deploy. Some of the techniques we instructed on were the super-scapula, brachial plexus stun, common pronial, mandibular angle, jugular notch, and the brachial plexus tie-in. The super-scapula is a strike tactic where you strike down across the back of the shoulders. The brachial plexus stun is a strike tactic where you strike with the side of your hand against the side of the neck. The common pronial is a strike where you strike the middle of the thigh, about 3 to 4 inches above the knee. The mandibular angle is an applied pressure technique where you apply pressure directly behind the ears. The jugular notch is also an applied pressure technique where you apply pressure to the jugular area, and the brachial plexus tie-in is a strike where you strike the area between the shoulder and clavicle. When using any of these tactics, I instructed my platoon to use only the amount of force needed to control the situation. These techniques are what we call "distraction techniques". Everything we taught our platoon was from a PPCT manual.
Q: Have you ever seen anyone strike any of the PUCs with what you considered to be excessive or unnecessary force?
A: No.
Q: Have you ever used excessive or unnecessary force with any of the PUCs?
A: No.
Q: How much training did you conduct with your platoon on these techniques?
A: We did it once maybe twice, for about three to four hours in Bloomington, and two to three times while at Fort Dix for about two to three hours.
Q: How proficient do you believe they were?

[redacted]

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 45

b6, 7C

Statement of [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 31 Dec 02, continued:

A: Those with Law Enforcement experience, I would say are proficient. Those without any Law Enforcement experience, I would say not very proficient.
Q: What would you say the training was intended for?
A: The training was intended so that people had the ability to control someone without having to use too much physical force.
Q: Is there anything you want to add to your statement?
A: No.///End of Statement///[redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [redacted]

[redacted]

WITNESSES:

_____

_____

_____

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31st day of December, 2002, at Bagram Airfield,

[redacted]

(Signature of Person Administering Oath)

SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354
(Name of Person Administering Oath)

Article 136, UMCJ
(Authority to Administer Oaths)

[redacted]
INITIALS

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

0134-02-C10369-23

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

DATA REQUIRED BY THE PRIVACY ACT

0134-02-C10369-23553

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	2. DATE	3. TIME	4. FILE NO.
BAGRAM CID OFFICE, APO AE 09354	21 JAN 03	1335Z	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377 MP Co APO AE 09354
6. SSN: [redacted]	7. GRADE/STATUS: SSG / E-6

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION COMMAND AS A SPECIAL AGENT and wanted to question me about the following offense(s) of which I am suspected/[redacted] AGGRAVATED ASSAULT III

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

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

- or -

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

[redacted]
- 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 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 [redacted]
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF [redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 8TH MP DET (CID) APO AE 09354

Section C. Non-waiver

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

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOR OFFICIAL USE ONLY

b6, 7C

220

EXHIBIT 46

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 21 Jan 03
TIME: 1350Z
NAME: [redacted]
SSAN: [redacted]
RANK: SSG/E-6/Reserves
ORGANIZATION: 377th Military Police Company (Bagram Confinement Facility), Bagram Airfield, Afghanistan, APO AE 09354

I, SSG [redacted] want to make the following statement under oath:
I am making this statement to clarify certain aspects or to further clarify certain issues from my last statement, which I made on 10 Dec 02:
Q: In the statement you made on 10 Dec 02, you stated that you had struck BT-421 while he was being combative in the Airlock Cell. Is that correct?
A: Correct.
Q: How many times did you hit him?
A: One or two. Just a couple to get his arms back down.
Q: How did you hit him?
A: With my fist in his right side.
Q: After the altercation, did BT-421 appear to be injured, hurt, or did he complained that he was injured or hurt?
A: The only injury that I saw on him was where a scab had come off of an injury on his nose. After we restrained him, an MI person mentioned that she observed a scab on his nose earlier in the day. He did not make any indications or saying anything to the fact that he was hurt of injured.
Q: Other than guards administering common perineal strikes, did you see any of them strike BT-421, during the incident in the Airlock Cell?
A: No.
Q: Did you see any other guards strike BT-421 in the same area as you did?
A: No.
Q: Did you have any significant involvement with BT-412?
A: He had struck me in the face while I was trying to restrain him in his cell. I stated this in my earlier statement.
Q: Do you have anything further to add to your statement?
A: No.///END OF STATEMENT//[redacted]

[redacted]
Initials of Person Making Statement

b6, 7C

Statement of SSG [redacted], taken at Bagram Airfield, Afghanistan, APO AE 09354, on 21 Jan 03, continued:

0134-02-CID369-23533.

AFFIDAVIT

I, SSG [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT [redacted]

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

[redacted]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21st day of January, 2003, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136, UCMJ
(Authority to Administer Oaths)

[redacted]
Initials of Person Making Statement

AGENT'S INVESTIGATION REPORT 0134-02-CID369-23533

CID Regulation 195-1 Page 1 of 1 Page

About 0830, 5 Mar 03, SA [redacted] coordinated with LTC [redacted] Office of the Staff Judge Advocate, BAF, APO AE 09354, who requested a status of the investigation.

On 6 Mar 03, SA [redacted] received a copy of the final Autopsy Report, 13 Jan 03, pertaining to Mr. ULLAH. The report reflected the cause of death was pulmonary embolism due to blunt force trauma and the manner of death was homicide.

On 11 Mar 03, SA [redacted] briefed LTC [redacted] and provided him with copies of the exhibits from this investigation. He was provided with a draft of the Investigative Summary and concurred with the summary as written. LTC [redacted] did not give a legal opinion on the investigation.

About 1745, 14 Mar 03, SA [redacted] interviewed CPT [redacted] Commander, 377th MP Co, BAF, APO AE 09354, who provided a sworn statement reflecting what training his unit received prior to deployment and while deployed to BAF.
//////////////////////////////LAST ENTRY//////////////////////////////

SA [redacted]

87th MP Det (CID) (ABN), FWD
Bagram Air Field, Afghanistan,
APO AE 09354

[redacted]

Date: 14 Mar 03

Exhibit: 47

CID Form 94

FOR OFFICIAL USE ONLY

b2, b6, 7C

0134-02-CID369-23534

0134-02-CID369-23533

ARMED FORCES REGIONAL MEDICAL EXAMINER
LANDSTUHL REGIONAL MEDICAL CENTER
TEL. NO. DSN 486-7492
FAX DSN 486-7502
CIV. 011(49)6371-86-7492
A02-93

FINAL REPORT OF POSTMORTEM EXAMINATION

DATE OF BIRTH:
DATE OF DEATH: 3 December 2002
DATE OF AUTOPSY: 6-8 December 2002
INVESTIGATIVE AGENCY: USACIDC, SSI # 0134-02-CID369-23533-5H9B

I. CIRCUMSTANCES OF DEATH: The decedent is a 27-28 year old Pashtun male, who was found unresponsive, restrained in his cell, (b)(2)-2 0015, 4 December 2002. He was dead on arrival at the (b)(2)-2.

II. AUTHORIZATION: Armed Forces Medical Examiner under Title 10 U.S. Code, Section 1471.
III. IDENTIFICATION: Visual recognition; postmortem dental examination performed; fingerprints and specimens for DNA obtained.

IV. ANATOMIC FINDINGS:
a. Pulmonary embolism (saddle).
b. Mild pulmonary congestion and edema; diffuse anthracosis.
c. Mild chronic passive congestion (agonal change).
d. Multiple blunt force injuries:
(1) Head and neck injuries.
(a) Contusions and abrasions (remote), face & head.
(b) Linear abraded contusions (3), right neck.
(2) Torso injuries:
(a) Abrasions and contusions (non-specific).
(b) Curvilinear abraded contusions (patterned, left upper abdomen and flank).
(c) Linear vertical abrasions (brush burn), bilateral back.
(3) Extremity injuries:
(a) Abrasions and contusions (non-specific), bilateral arms.
(b) Linear abrasions and contusions (patterned), bilateral forearms and wrists.
(c) Elongated contusions, bilateral anterior medial upper thighs (recent).
(d) Contusion, left knee (recent).
(e) Deep contusions with intramuscular hemorrhage and necrosis (left greater than right), bilateral posterior calves and knees (recent).
(f) Associated patterned abrasions, posterior left calf (recent).

V. TOXICOLOGY: Negative.
VI. CAUSE OF DEATH: Pulmonary embolism due to blunt force injuries.
VII. MANNER OF DEATH: Homicide.

CONTINUATION ON NEXT PAGE

☐ HISTORY & PHYSICAL EXAMINATION (SF 504, SF 505, & SF 506)	☐ OPERATION REPORT (SF 516)	NAME (b)(6)	
☐ CONSULTATION SHEET (SF 513)	☐ NARRATIVE SUMMARY (SF 502)	REGISTER NO. (b)(2)-2	SSN
☐ CHRON RECORD OF MEDICAL CARE (SF 600)	☒ AUTOPSY PROTOCOL (SF 503)	UNIT (b)(2)-2	
☐ PROGRESS NOTE (SF 509)	☐	DATE DICT: 8 DECEMBER 2002	DATE TYPED: 13 JANUARY 2003

MEDICAL RECORD REPORT

OPTIONAL FORM 275 (12-77)
Prescribed by GSA and 1 CMR
FIRMR (41 CFR) 201-45.505
USAPPC V1.00

FOR OFFICIAL USE ONLY

EXHIBIT 48

0137-02-CID369-23534

0134-02-CID369-23533

ARMED FORCES REGIONAL MEDICAL EXAMINER
LANDSTUHL REGIONAL MEDICAL CENTER
TEL. NO. DSN 486-7492
FAX DSN 486-7502
CIV. 011(49)6371-86-7492
A02-93

CONTINUATION OF FINAL REPORT OF POSTMORTEM EXAMINATION

VIII. OPINION: Based on these autopsy findings and the investigative and historical information available to me, the cause of death of this Pashtun male (b)(6) is pulmonary embolism (blood clot that traveled to the heart and blocked the flow of blood to the lungs). The patterned abrasion on the back of the left calf is consistent with the treat of a boot. The severe injury to the underlying calf muscle and soft tissue is most likely a contributing factor. The deceased was not under the pharmacologic effects of drugs or alcohol at the time of death. Therefore, the manner of death, in my opinion is homicide.

(b)(6)

LTC (P), MC, USA
Armed Forces Regional Medical Examiner

☐ HISTORY & PHYSICAL EXAMINATION (SF 504, SF 505, & SF 506)	☐ OPERATION REPORT (SF 516)	NAME (b)(6)	
☐ CONSULTATION SHEET (SF 513)	☐ NARRATIVE SUMMARY (SF 502)	REGISTER NO. (b)(2)-2	SSN
☐ CHRON RECORD OF MEDICAL CARE	☒ AUTOPSY PROTOCOL	UNIT (b)(2)-2	
☐ PROGRESS NOTE (SF 509)	☐	DATE DICT 8 DECEMBER 2002	DATE TYPED 13 JANUARY 2003

FOR OFFICIAL USE ONLY

MEDICAL RECORD REPORT

OPTIONAL FORM 275 (12-77)
Prescribed by GSA and 1 CMR
FIRMR (41 CFR) 201-45.505
USAPPC V1.00

229

EXHIBIT 48

0137-02-CID369-23534
0134-02-CID369-23533

A02-93
(b)(6)

I. POSTMORTEM EXAMINATION:

A. **GENERAL:** The postmortem examination is performed in the mortuary affairs tent in (b)(2)-2 on 6-8 December 2002. Photographs are obtained on 6 December 2002. External examination was performed on 7 December 2002 and the internal examination was performed on 8 December. The autopsy is performed by Dr. (b)(6) LTC (P), MC, USA, Forensic Pathologist, the Armed Forces Regional Medical Examiner (AFRME). Assisting in the autopsy procedures is SSgt (b)(6) USAF, Forensic Assistant.

The autopsy is witnessed by Special Agent (b)(6) CW2, USAF, Special Agent in Charge, United States Army Criminal Investigation Command (USACIDC), (b)(2)-2 (b)(2)-2.

Additional observers at the autopsy are listed as follows: Major (b)(6) (b)(2)-2 (b)(2)-2 COL (b)(6) (b)(2)-2 LTC (b)(6) (b)(2)-2 (b)(2)-2 CPT (b)(6) (b)(2)-2 LTC (b)(6) (b)(2)-2 and MAJOR (b)(6) (b)(2)-2

The autopsy is started at approximately 0900 hours, 8 December 2002.

B. **PHOTOGRAPHY:** Photographs are taken by SSgt (b)(6) Forensic Assistant and are on file in the Medical Photography Section, Landstuhl Regional Medical Center, Landstuhl, Germany.

C. **AUTHORIZATION:** The autopsy is authorized by the Armed Forces Medical Examiner under Title 10, U.S. Code, Section 1471 at the request of USACIDC, with an SF 523, Authorization for Autopsy, signed by the AFRME, appointed representative.

D. **IDENTIFICATION:** The remains are identified visually as (b)(6) (b)(2)-2 by 1LT (b)(6) (b)(2)-2 with a signed DD 565, Statement of Recognition of Deceased. Postmortem dental examination including x-rays are performed by COL (b)(6) Forensic Odontologist, U.S. Army.

E. **MEDICAL RECORD REVIEW:** Copies of the inprocessing evaluation are reviewed in full. The clinical portion documents the decedent as "appearing well", without injuries and offering "moderate resistance to inprocessing". The decedent was "dead on arrival" per the Medical Treatment Facility (MTF) Emergency Room record which was otherwise non-contributory.

FOR OFFICIAL USE ONLY

226

EXHIBIT 48

0137-02-C10369-23534

0134-02-C10369-23533

A02-93
(b)(6)

II. GROSS AUTOPSY FINDINGS:

A. CLOTHING AND PERSONAL EFFECTS: The remains are presented for autopsy clothed in a disposable diaper. No additional clothing or personal effects accompany the body.

B. EXTERNAL EXAMINATION: The remains are those of a well developed, well nourished Southwest Asian male of muscular build that appears compatible with the listed age of 27-28 years. Length is 5 feet, 4 inches. The body is well preserved and has not been embalmed. Multiple injuries are described below in the Evidence of Injury Section.

RIGOR: Not appreciated at the time of autopsy (reportedly mildly developed in the small extremities on arrival in the (b)(2)-2 emergency room).

LIVIDITY: Fixed on the posterior dependent surfaces.

TEMPERATURE: The remains are frozen at the time of the photographic documentation and external examination. At the time of the internal examination the remains are slightly colder than the ambient air, approximately 30 to 40 degrees F.

SKIN: Unremarkable except for evidence of injury that is described below in the Evidence of Injury Section. An apparent small pox vaccination scar is on the right upper arm. Well healed scars are noted below the right front knee and the left back knee. Two parallel lines of gray-black adhesive substance encircle the back of the head extending from ear to ear. The adhesive is consistent with that which is seen in tape products.

HAIR: Close shaved black hair covers the head. Facial hair consists of a black beard up to 2 inches in length and mustache. The remaining body hair, the color of the head hair, is in a normal adult male distribution.

HEAD/SCALP/FACE: Injuries are described below in the Evidence of Injury Section. No non-traumatic abnormalities are identified.

EARS: Unremarkable.

EYES: Brown irides that are partially obscured by mild corneal clouding surrounding equal 4 mm pupils. The conjunctivae is remarkable for rare petechiae, one on the left upper bulbar and one on the palpebral conjunctivae. There is early Tach Noire formation.

FOR OFFICIAL USE ONLY

227
EXHIBIT 98

0137-02-CID369-23534

0134-02-CID369-23533

A02-93
(b)(6)

NOSE: Injuries are described below in the Evidence of Injury Section. No non-traumatic abnormalities are identified.

MOUTH/LIPS: Unremarkable except for postmortem drying artifact.

TEETH: Dentition is in good repair.

NECK/CHEST/ABDOMEN/BACK/ANUS: Unremarkable except for injuries that are described below in the Evidence of Injury Section. The abdomen is flat.

EXTERNAL GENITALIA: Normal adult circumcised male with bilaterally descended testes.

ARMS/HANDS/FINGERNAILS: Unremarkable except for injuries described below in the Evidence of Injury Section. The fingernails are irregular with focal small chips on the left second and third fingers.

LEGS/FEET/TOENAILS: Unremarkable except for injuries described below in the Evidence of Injury Section. The circumference of the mid calves measure 14 inches bilaterally.

C. INTERNAL EXAMINATION:

BODY CAVITIES: The body is opened by the usual Y-shaped incision. The pleural and peritoneal surfaces are smooth and glistening and the pericardium is unremarkable. There are no fibrovascular adhesions or abnormal collections of fluid. The mediastinum and retroperitoneum show no non-traumatic abnormalities. The leaves of the diaphragm are intact and the organs are normally disposed. There is no evidence of injury.

HEAD/CENTRAL NERVOUS SYSTEM: Reflection of the scalp shows the usual scattered reflection petechiae. The calvarium is intact. Removal of the calvarium shows the epidural space to be normal. No collections of subdural blood are present. The brain is removed in the usual manner and appears normal in weight. The leptomeninges are smooth and glistening and the gyri demonstrate the usual orientation and configuration. There is no herniation. The vessels at the base of the brain are normally disposed and no anomalies or significant atherosclerosis is identified. Serial sections of the brain show the cerebral cortical ribbon to be intact. The lateral ventricles are normal. The usual anatomical landmarks of the cerebrum, pons, and medulla demonstrate no abnormalities. The pituitary fossa is unremarkable. The Foramen Magnum demonstrates the normal orientation and the first portion of the spinal cord viewed through the Foramen Magnum is unremarkable.

FOR OFFICIAL USE ONLY

228
EXHIBIT 48

0137-02-CID369-23534

0134-02-CID369-23533

A02-93
(b)(6)

NECK: Examination of the soft tissues of the neck by separate bloodless layerwise dissection of the strap muscles shows no abnormalities. The thyroid gland and large vessels are unremarkable. The hyoid bone and larynx are intact.

CARDIOVASCULAR SYSTEM: The heart is of apparent normal weight. The epicardium is intact and unremarkable. The chambers demonstrate the usual shape and configuration with no gross hypertrophy. The coronary arteries are normally disposed and there is no atherosclerosis. Cut surfaces of the myocardium show a normal color. The valves are intact with the usual anatomic relationships. The aorta follows the usual course and exhibits no significant atherosclerosis. The origins of the major vessels are normally disposed and unremarkable. The great vessels of venous return are in the usual position and unremarkable.

RESPIRATORY SYSTEM: The larynx, trachea, and bronchi show no abnormalities. The right and left lungs appear slightly heavier than the normal weight. There is moderate diffuse anthracosis bilaterally. Cut surfaces show the usual deep red to pink parenchyma exuding a mild amount of blood and frothy fluid with no evidence of injury. Examination of the pulmonary artery in-situ reveals a large branching embolus (blood clot) extending into both the right and left pulmonary arteries. The embolus is mildly firm, focally coiled, and smaller than the circumference of the pulmonary vessels. There are focal small fibrinous patches on the external surface on the clot. The embolus is moderately tenacious upon removal.

HEPATOBILIARY SYSTEM: The liver is of apparent normal weight. It has a smooth, glistening capsule. Cut surfaces show the usual anatomic landmarks with a deep red-brown parenchyma exhibiting a mild nutmeg pattern. The gallbladder contains approximately 20 cc of bile. No abnormalities are present in the mucosal lining. The biliary tree is normally disposed and no abnormalities are demonstrated.

INTESTINAL TRACT: The pharynx and esophagus are unremarkable. The stomach lies in the normal position and contains a small amount of thick green-yellow fluid. No pills or residues are identified. The mucosal lining is intact. The small bowel and large bowel are unremarkable. The appendix is unremarkable.

LYMPHORETICULAR SYSTEM: The spleen is of apparent normal weight and has a smooth glistening capsule with an unremarkable parenchyma. The thymus is not identified. Lymph nodes show no notable pathologic change.

URINARY SYSTEM: The right and left kidneys are of apparent normal weight. The cortical surfaces are smooth and glistening with good preservation of the cortex and good cortico-medullary differentiation. The pelves and ureters are unremarkable. The bladder is unremarkable and empty.

FOR OFFICIAL USE ONLY

229

EXHIBIT 4

0134-02-C10369-0
23533

A02-93
(b)(6)

INTERNAL GENITALIA: The prostate is palpably unremarkable. On cut sections, the testes show no abnormal masses or evidence of injury.

ENDOCRINE SYSTEM: The pituitary, thyroid, adrenals, and pancreas show the usual anatomic features without evidence of natural disease or injury.

MUSCULOSKELETAL SYSTEM: No fractures are identified and the skeletal muscle demonstrates the normal appearance. The bone marrow, where visualized, is unremarkable.

D. EVIDENCE OF MEDICAL TREATMENT: Consists of EKG leads adherent to the upper chest bilaterally and the right upper abdomen. There are bilateral femoral needle punctures with associated dried blood.

E. EVIDENCE OF INJURY: Multiple blunt force injuries.

(1) **HEAD AND NECK INJURIES:** Externally, an irregular crusted abrasion, ½ inch in greatest dimension is on the right upper forehead. On the right lower forehead above the eyebrow is a ¼ inch greatest dimension irregular crusted abrasion. Multiple irregular red-purple patchy contusions are on the right cheek covering an area of 1 ½ inches. On the prominence of the lower nose is a ½ x ¼ inch irregular crusted abrasion. On the left upper forehead just adjacent to the midline is a 1 x ¼ inch elongated crusted abrasion. To the left of this is a ½ x 1/8 inch elongated crusted abrasion. A ¾ x ½ inch crusted abrasion is on the left side of the back of the head, in the occipital area. On the right side of the neck there are two parallel, faint, linear abraded contusions, each averaging 1 ¼ x ¼ inches with ½ inch separation between the two. They average approximately 10 inches below the top of the head and three inches to the right of the anterior midline. Just to the left of these is a similar, fainter, patchy abraded contusion of approximately the same dimensions.

On internal examination there is no underlying evidence of injury.

(2) **TORSO INJURIES:** Externally, an ovoid 1 x ¾ inch abrasion is on the mid upper chest which has a tan-yellow "parchment" appearance most likely representing a postmortem injury. On the right lower upper chest just below the level of the nipples is a 1 x 3/8 inch vertically oblique elongated abrasion. A ¼ inch greatest dimension faint gray-purple contusion is in the right lower chest. Three ovoid ¼ inch greatest dimension gray-purple contusions are arranged linearly along the left lower costal margin. Associated with these is a faint dark purple contusion covering an area 2 ½ inches. This extends as a curvilinear abraded contusion to the left, along the costal margin across the

FOR OFFICIAL USE ONLY

230

EXHIBIT 48

0137-02-CID369-23534

0134-02-CID369-23533

A02-93
(b)(6)

left flank and mid left back. The extended portion measures 10 ½ x ¼ inches. On the left mid back is a ½ inch greatest dimension red contusion. Multiple vertical parallel linear abrasions are on the right mid back in a "brush burn" type pattern covering an area of 7 x 1 ¼ inches. Faint similar brush burn type abrasions are noted on the left mid back.

There is no evidence of underlying injury on internal examination.

(3) **EXTREMITY INJURIES:** Multiple ovoid dark purple contusions, the largest averaging ½ in greatest dimension cover an area of 2 ½ x ¾ on the anterior right upper arm. On the right inner arm are multiple irregular partially ovoid red-purple contusions, each averaging 1 ½ inch in greatest dimension and covering an area of 2 ½ x ¾ inches. A ¾ x ½ inch crusted abrasion is on the right lateral posterior elbow. On the distal right forearm a 3 ½ x ¼ inch red-purple contusion encircles the anterior distal right forearm, extending around the lateral side. An elongated dark purple contusion with associated scattered small irregular abrasions, the largest averaging 3/8 inch in greatest dimension, covers both the back and front of the right wrist. Two parallel, vertically oblique linear abrasions, each 2 ½ x ¼ inches, are just beneath the left upper inner arm. Patchy red-purple contusions are scattered over the inner upper arm to the elbow covering an area of 5 ½ x 2 inches. On the left upper, anterior forearm are patchy irregular red-purple contusions covering an area of 4 x 2 inches. A dark purple contusion with associated 3/8 inch greatest dimension scattered abrasions is on the left inner wrist encircling the lateral and posterior wrist. Associated with this is a linear abrasion encircling the posterior wrist. On the right upper anterior thigh, 2 ½ inches below the groin, is a vertically oblique elongated red-purple contusion 4 ½ x 1 ½ inches. A vertically oblique red-purple contusion, 12 ½ x 2 inches is on the left anterior inner thigh 2 ½ inches below the groin extending downwards to the left inner knee. On the right back of the knee and calf is an elongated red-purple contusion, 7 ½ x 7 inches, which extends across to the anterio-lateral side. On the back of the left knee and calf is a 11 x 7 ½ inch red-dark purple contusion which extends upwards above the back of the knee in a linear fashion. On internal examination, confluent hemorrhage extends deep within the muscle which is focally necrotic. On the left calf, centrally located, is a patterned abrasion consisting of multiple parallel horizontal linear abrasions the largest averaging 1 ½ x ¼ inches, these are closely spaced. On the mid anterior left lower leg adjacent to the midline is a ¼ inch ovoid abrasion.

FOR OFFICIAL USE ONLY

231

EXHIBIT 48

0137-02-CID369-23534
0134-02-CID369-23533

A02-93
(b)(6)

III. MICROSCOPIC EXAMINATION:

HEART: Sections of the myocardium reveal intact striated muscle fibers. There is no evidence of atrophy, hypertrophy, and recent or old myocardial infarction.

LUNGS: The alveolar spaces and small air passages are expanded and contain no significant inflammatory component. There is focal mild edema fluid. The alveolar walls are thin and mildly congested. The arterial and venous vascular systems are normal. The peribronchial lymphatics are unremarkable.

LIVER: The hepatic architecture is intact. The portal areas show no increased inflammatory component or fibrous tissue. There is mild central micro and macrovesicular steatosis. The hepatic parenchymal cells are well preserved with no evidence of cholestasis or sinusoidal abnormalities.

SPLEEN: The capsule and white pulp are unremarkable. There is minimal congestion of the red pulp.

KIDNEYS: The subcapsular zones are unremarkable. The glomeruli are mildly congested without cellular proliferation, mesangial prominence, or sclerosis. The tubules are well preserved. There is no interstitial fibrosis or significant inflammation. There is no thickening of the walls of the arterioles or small arterial channels. The transitional epithelium of the collecting system is normal.

BRAIN: Multiple sections of brain demonstrate an unremarkable configuration of gray and white matter, which is appropriate for age. There is no evidence of atrophy, inflammation, hemorrhage, or neoplasm.

TESTES: Sections show normal spermatogenesis with no evidence of inflammation or neoplasia.

SKIN: Sections show unremarkable epidermis, dermis, and subcutis with normal adnexal structures and no evidence of inflammation.

SKELETAL MUSCLE: Multiple sections show intact skeletal muscle fibers with focal interstitial extravasation of red blood cells. There is no evidence of any acute or chronic inflammation, or necrosis.

PULMONARY EMBOLUS: Multiple sections show well formed blood clot, with alternating layers of platelets admixed with fibrin and layers of red blood cells ("lines of Zahn"). There is no evidence of recannulization.

FOR OFFICIAL USE ONLY

232

EXHIBIT 48

0137-02-CID369-23534

0134-02-CID369-23533

A02-93
(b)(6)

IV. TOXICOLOGY: Samples of vitreous fluid, bile, and tissue samples of liver, heart, and kidneys are submitted for toxicologic analysis at the Armed Forces Medical Examiner's Forensic Toxicology Laboratory, Armed Forces Institute of Pathology (AFIP), Washington, DC:

AFIP Accession No.: 2859166/01, Toxicology Accession No.: 027070 dated 6 January 2003.

Volatiles: The bile and vitreous fluid were examined for the presence of ethanol at a cutoff of 20 mg/dL. No ethanol was detected.

Comprehensive drug screen (liver): No drugs were found.

V. SPECIAL STUDIES:

a. (Radiographic studies). Full body postmortem skeletal x-rays are performed at the (b)(2)-2 and show no fractures.

b. Alternate light source examination: Examination of the neck using an alternate light source reveals no injuries other than those that are seen grossly and are described above in the Evidence Injury Section.

VI. EVIDENCE: Evidence is collected under standard chain of custody procedures and are listed as follows: Head and pubic hair, fingernail scrapings, oral and anal swabs, and specimen of blood. The evidence is retained by Special Agent (b)(6) USACIDC, under standard chain of custody procedures.

(b)(6)

24 Feb 03
Date

LTC (P), MC, USA
ARMED FORCES REGIONAL MEDICAL EXAMINER

(b)(6)

24 Feb 03
Date

MAJ, MC, USAF
Deputy Medical Examiner

FOR OFFICIAL USE ONLY 233

EXHIBIT 48

0137-02-CID369-23534

0134-02-CID369-23533

Sworn Statement

LOCATION: Bagram Air Field, APO AE 09354
DATE: 14 Mar 03 1315Z
TIME: 1315Z
NAME: [redacted]
SSAN: [redacted]
RANK: CPT
ORGANIZATION: 377th Military Police Company, Bagram Air Field, Afghanistan, APO AE 09354 (1600 Seymore Ave, Cincinnati, OH)

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

Q. What type of Military Police type training did your unit receive prior to being deployed to Bagram Air Field, Afghanistan?

A. Personnel and vehicle search procedures, unarmed self defense, night stick or baton training on where to strike people with the baton or stick, cell extraction procedures, some riot control, emergency evacuation procedures, hand cuffing and shackling procedures, escorting prisoners, Sally port training, regular deployment type training like mine awareness and ranges and stuff. We didn't do any type of mace training, but we wanted to.

Q. What type of unit is your MP Unit?

A. It's called a Guard Company. We are not a combat support company. We are the ones who watch for the towers and access control, riot control, but generally we are not the ones who have close contact with the prisoners, like washing them and handling them. We do have some soldiers that are MOS 95 Charlie qualified. I have some who were correctional officers, police officers, and other prisoner control type jobs in their jobs on the outside when they are not activated.

Q. What training did your unit conduct while deployed here?

A. We worked 12 on and 12 off, so we didn't have much time to train. It was minimal since we worked 12 hours a day, six days a week. We did conduct some emergency access drills, lock down procedures, hand cuffing training, and self defense training. It may have been only two hours a week due to the longs hours we put in.

Q. What were the standards the MP's used when dealing with resistant PUC's?

A. The standard was Use the minimum amount of force necessary to contain the situation. This was based on the Rules of Force and Levels of Force.

Q. Did your unit receive the Rules of Force and Levels of Force training prior to deployment?

A. Yes, but they were not necessarily Theater Specific. The gave us the Rules of Force and when we got here we received training on the rules of Engagement that applied here.

Q. Did you have the soldiers read the BCP SOP prior to starting to work at the BCP?

A. When we got here, there wasn't much of an SOP, so we developed the SOP while we were here. We were briefed on what we needed to do and there was an SOP available, but it wasn't very good. The rules of force within that SOP hadn't changed since we got here though. It was about three months after we got here that we had a good SOP developed. Some of the procedures were not valid, such as they had in the SOP that there was a SAW gunner as the ove[redacted]

b6, 7C

Statement of CPT [redacted] taken at Bagram Airfield, Afghanistan, APO AE 09354, on [redacted] Mar 03, continued:

watch and we changed this to a shotgun. Some procedures were not defined very well and we had to define them better and be less vague on the procedures.

Q. Are you familiar with the training regarding the Manadnock Baton Chart?

A. We received training at Fort Dix on where to strike the person and where to avoid. They taught us the color concept type areas, like Green, Yellow and Red and which areas of the body are which colors.

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

A. No. [redacted]

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

AFFIDAVIT

I [redacted] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

WITNESS:

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14th day of March, 2003, at Bagram Airfield, Afghanistan, APO AE 09354

[redacted]

(Signature of Person Administering Oath)

WITNESS:

SA [redacted]

Typed name of person making statement

_____
(Signature)

_____
(Printed Rank, Name)

_____
(Unit)

87th Military Police Detachment (CID) (FWD)
Bagram Airfield, Afghanistan
APO AE 09354

Article 136 (b)4, UCMJ
(Authority to Administer Oaths)

Initials of Person Making Statemen [redacted]

b2, b6, 7C

0134-02-CID369-2353
0134-02-CID369-2353
0134-02-CID369-2353

Monadnock Baton Chart

Guidance For Officers Who Need To Apply Force To The Human Body

FOR OFFICIAL USE ONLY

236

Ex 50

50

0137-02-CID369-23535

0134-02-CID369-23536

GREEN TARGET AREAS

Minimal level of resultant trauma. Injury tends to be temporary rather than long lasting, however exceptions can occur.

YELLOW TARGET AREAS

Moderate to serious level of resultant trauma. Injury tends to be more long lasting, but may also be temporary.

RED TARGET AREAS

Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock, or death.

237

FOR OFFICIAL USE ONLY

EXHIBIT 50

GREEN TARGET AREAS

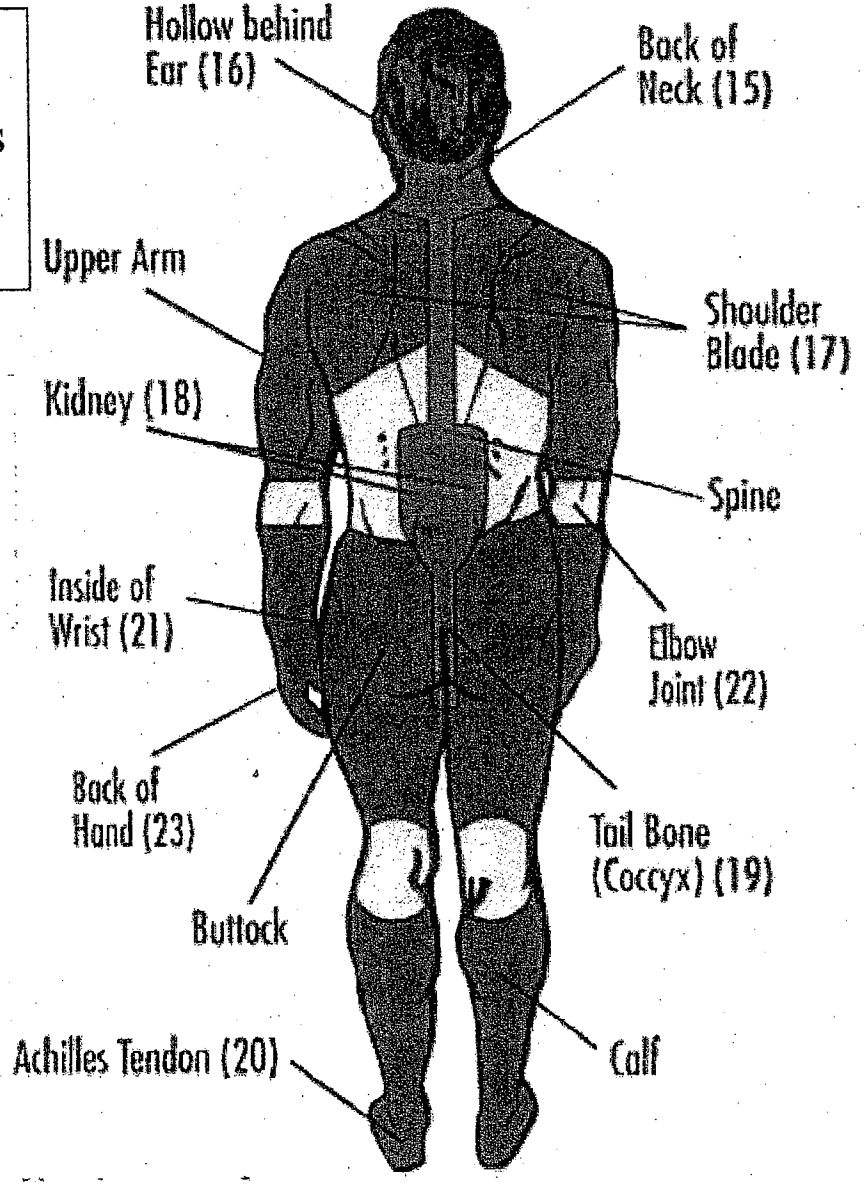
Minimal level of resultant trauma. Injury tends to be temporary rather than long lasting, however exceptions can occur.

YELLOW TARGET AREAS

Moderate to serious level of resultant trauma. Injury tends to be more long lasting, but may also be temporary.

RED TARGET AREAS

Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock, or death.



238

01-34-02-CID369-235
0137-02-010369-23534

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER ~~0165-03-CID032~~

DETAILS

About 1430, 20 May 03, SA [redacted] Special Agent-in-Charge, this office, received an RFA from SA [redacted] Special Agent-in-Charge, 87th MP Detachment (CID)(ABN)(FWD), 3rd MP Group (CID), APO AE 09354 (Afghanistan). The RFA required numerous interviews of Reserve Military Police Soldiers in the 377th Military Police (MP) Company, 1600 Seymore Avenue, Cincinnati, OH (COH) 45237.

About 0700, 7 Jun 03, SA [redacted] coordinated with CPT [redacted], Commander, 377th Military Police (MP) Company, 1600 Seymore Avenue, Cincinnati, OH (COH) 45237, who provided a photocopy of Permanent Orders 179-001, 28 Jun 02, which identified the 377th MP Co., in a OCONUS deployment in support of Operation Enduring Freedom. Attached to these orders was a listing of all 377th MP Co. personnel that were to deploy. Additionally, this office obtained a copy of the 377th MP Co. Tactical Standing Operating Procedure (TACSOP), May 99, and a copy of the Unit Alpha Roster, 3 Jun 03. (See Permanent Orders 179-001 with attached Annex A-1, 377th MP Co. Mobilizing Members list, 28 Jun 02, 377th MP Company TACSOP, May 99, and 377th MP Company Alpha Roster, 3 Jun 03, for details).

About 1145, 7 Jun 03, SA [redacted] conducted a Canvass Interview of SFC [redacted] 377th MP Co., who related he had no information pertaining to coordination made between any MP's and Military Intelligence (MI) NCO, SGT [redacted] (NFI).

About 1330, 7 Jun 03, SA [redacted] conducted Canvass Interviews of SSG [redacted] and SSG [redacted] 377th MP Co. SSG [redacted] nd SSG [redacted] onfirmed they received riot baton training both during their pre-deployment training in Ohio and at Fort Dix, NJ, but had no recollection of utilizing the Manadnoc Baton Chart (MBC). Neither had any information about SGT [redacted] Regarding the incident where SSG [redacted], 377th MP Co., was struck in the groin by BT-412 (Detainee – NFI), neither SSG [redacted] or SSG [redacted] ad any knowledge of SSG [redacted] striking BT-412 following that incident. SSG [redacted] and SSG [redacted] both confirmed there was a Standard Operating Procedure (SOP) that was drafted and continually updated as the deployment progressed. The SOP for an assault upon a guard was to restrain, handcuff, and isolate the detainee that committed the assault.

About 1410, 7 Jun 03, SA [redacted] N conducted a Canvass Interview of SSG [redacted] 377th MP Co., who related she only had limited contact with the detainees. SSG [redacted] had no information pertaining to MBC training as she missed a day of pre-deployment training while at Fort Dix, NJ. Additionally, SSG [redacted] had no information pertaining to SGT [redacted] SSG [redacted] further related detainees were usually kept standing during the first 48 hours after their capture. Sometimes the detainees were

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	280TH MP Det (CID) Fort Knox, KY 40121	
SIGNATURE [redacted]	DATE 11 Jun 03	EXHIBIT 51 239

DETAILS

also hooded and handcuffed. SSG [redacted] related these instructions sometimes came from MI and that the MP's had to enforce these requests.

About 1440, 7 Jun 03, SA [redacted] conducted a Canvass Interview of SSG [redacted], SSG [redacted], and SSG [redacted] 377th MP Co. SSG [redacted] SSG [redacted] and SSG [redacted] related they were all working outside details (gate guard) during the time frame where BT-412 died. No information was known about SSG [redacted] SGT [redacted] 377th MP Co.), involvement in separate incidents where detainees assaulted them. The SOP for this type of incident was to bring the detainee under control, restrain the detainee, and then place him in isolation. Significant incidents such as these were usually documented in a shift or log book. Additionally, SSG [redacted] related he had a portion of the SOP that was utilized during deployment. (See 377th MP Co., Disturbance/Riot Emergency Action SOP and Emergency Reception Procedures, for details).

About 1520, 7 Jun 03, SA [redacted] conducted a Canvass Interview of SFC [redacted] 377th MP Co., who related there was a minor conflict between MI and the MP's regarding the process of handling the detainees. SFC [redacted] related he was the Operations NCO during this period and he was not pleased with the direction that the MP's were given by MI to keep certain detainees hooded or to keep them standing for specific periods of time. SFC [redacted] described the relationship between MI and the MP's as "hostile". Additionally, MAJ [redacted] NFI) also instructed the MP's to change things and provided additional guidance as to how to handle or treat the detainees. SFC [redacted] felt MI and MAJ [redacted] were providing guidance without going thru the proper command and training channels. These outside influences often impacted the working procedures of the guards. The SOP was a working document and constantly being updated. SFC [redacted] elt the MP's were given very little power during significant or non-compliance incidents. Regarding BT-412, SFC [redacted] described this detainee as "aggressive... put in isolation and chained up." SFC [redacted] ad no knowledge of BT-412 ever being struck. Additionally, SFC [redacted] confirmed no batons or other weapons were ever carried as a normal part of duties in the detention facility and that the SOP specified the minimum force necessary to restrain, subdue, and isolate troublesome detainees. SFC [redacted] had no information pertaining to the use or training on the MBC.

About 1700, 7 Jun 03, SA [redacted] interviewed CPT [redacted] who corroborated his previous statement, dated 14 Mar 03, wherein he confirmed there was a written Standard Operating Procedure (SOP) for their actions while deployed. CPT [redacted] further confirmed he already provided USACIDC Special Agents a copy of this document sometime in Dec 02, while in Afghanistan. CPT [redacted] further provided details pertaining to the deployment

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	280TH MP Det (CID) Fort Knox, KY 40121	240
SIGNATURE [redacted]	DATE 11 Jun 03	EXHIBIT 51

FOR OFFICIAL USE ONLY
b2, b6, 7C

ENCLOSURE(1)

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER ~~0165-03-CID032~~

0137-02-CID369-2353

DETAILS

training the 377th MP Co. received and policies under which it operated while deployed. (See Sworn Statement of CPT [redacted] 8 Jun 03, for details).

AGENT'S COMMENT: CPT [redacted] was interviewed on 7 Jun 03, but the sworn statement was not closed until 8 Jun 03 after an operable printer was located.

About 0945, 8 Jun 03, SA [redacted] interviewed SSG [redacted] 377th MP Co. (detached), 520 South Woodcrest Drive, Bloomington, IN 47401 who corroborated his previous statement, dated 19 Dec 02, wherein he denied any knowledge of BT-412 being struck. SSG [redacted] further confirmed SGT [redacted] 377th MP Co, was kneed in the groin by BT-412, but denied SGT [redacted] struck BT-412 back. SSG [redacted] enied being angry with SGT [redacted] over this incident and related BT-412 was restrained and handcuffed, but never struck. (See Sworn Statement of SSG [redacted] 8 Jun 03, for details).

About 1000, 8 Jun 03, SA [redacted] conducted Canvass Interviews of SPC [redacted] SGT [redacted] SSG [redacted] and SGT [redacted], 377th MP Co., 520 South Woodcrest Drive, Bloomington, IN 47401. The aforementioned personnel all confirmed there was a SOP for working in the detention facility, but that it "...often didn't apply and was updated... and changed." It was further confirmed that Use of Force and Rules of Engagement were known by all personnel. Training on these topics was provided during pre-deployment training at Fort Dix, NJ, and once they arrived in Theater. No information was recalled about BT-412, other than the detainee was described as "...passive aggressive, belligerent, and got in a fight during in-processing." No information was known about information provided to SGT [redacted]

About 1600, 11 Jun 03, SA [redacted] advised SSG [redacted] of his legal rights, which he waived and consented to be interviewed. SSG [redacted] corroborated his two previous statements, dated 2 Dec 02 and 21 Jan 03, wherein he denied striking BT-412. SSG [redacted] had no information pertaining to BT-412 complaining of being injured or any mention of preexisting injuries. SSG [redacted] further had no information pertaining to SGT [redacted] NFI) being provided information that BT-412 was injured or complained of pain. (See Rights Waiver Certificate and Sworn Statement of SSG [redacted] 11 Jun 03, for details).///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	280TH MP Det (CID) Fort Knox, KY 40121	241
SIGNATURE [redacted]	DATE 11 Jun 03	EXHIBIT 51

FOR OFFICIAL USE ONLY

b2, b6, 7C

ENCLOSURE(1)

(j) Enlisted soldiers are entitled to Foreign Duty Pay (FDP) and Basic Allowance for Subsistence (BAS).
(k) Special storage of House Hold Goods (HHG) may be authorized IAW JFTR Para U4770. Movement of Family Members is not authorized. TCS weight allowance is for the shipment of HHG that enhances a soldier's personal comfort and well being. Some examples would be a small Television (20 ins or less), small Stereo, small Microwave Oven, Pots & Pans, Dishware, Silverware, Reading Lamp, Bicycle and Civilian Clothing.
(l) Bag Meal is authorized in transit.
(m) Commercial Air authorized for emergency returns.
(n) Excess Baggage authorized not to exceed two pieces of 70 lbs each to include individual weapon on commercial air flights.
(o) The gaining command is responsible for preparing DD Form 1610 for Soldiers required to travel to other locations.
(p) Unit is attached to Fort Dix for Command Control, Administration, Logistical Support and The Administration of Uniform Code of Military Justice while at the MOB Station.
(q) Variations authorized, Turkey, Fort Bragg, NC, Egypt, Kuwait, Bahrain, Qatar, Pakistan, Oman, U.A.E., Uzbekistan and Afghanistan.
(r) Personnel should depart with sufficient funds to pay for meals/billeting en-route (in flight meals/ government meals directed) Government quarters and mess is available. If mess/quarters are not available, soldier is authorized Per Diem rate for local area as per variations authorized. Soldier is authorized per diem while at Ft McClellan, AL ARCENT, CJTF per diem is $3.50 a day.
(s) Family Separation Allowance-II (FSA-II) is payable to all soldiers with dependents who are deployed 31 consecutive days or longer. Hardship Duty Pay for location (HDP-L) is authorized for Enlisted Soldiers only for Kuwait, Bahrain and Qatar. Authorized for Officers and Enlisted at Uzbekistan and Oman. Hostile Fire/Imminent Danger Pay (HF/IDP) authorized in Kuwait, Bahrain, Oman, Pakistan, Uzbekistan, Afghanistan and Qatar. Combat Zone Tax Exclusion (CZTE) for deployed soldiers to Kuwait, Bahrain, Oman, Pakistan, Uzbekistan, Afghanistan and Qatar are authorized. Upon returning to home station, soldier should complete DA Form 1351-2 and submit to servicing finance office in conjunction with a finalized travel order.

Format: 745

FOR THE COMMANDER:

****
* OFFICIAL *
HQS, US ARMY FORT DIX, NJ
****

[redacted]
Director, Military Personnel

DISTRIBUTION:
Each Indiv (3)
MPD, Pers Str Mgt (1)
MPD, Pers Auto Br (1)
MPD, Enl/Ofcr Rec Sec (1)
MPD, Prog Cord (1), DOIM (1)
DOL (1), DFAS (1)
Cdr, PERSCOM, EUROPE (2)
Cdr, (2)

243

EXHIBIT 52

(2)

For Official Use

~~0-05-03-CID032~~
0137-02-CID369-23534
0134-02-CID369-23533

PERMANENT ORDERS 179-001 UNITED STATES ARMY FORT DIX 28 JUNE 2002

ANNEX (A-1)
HOS, 377TH MP CO, MOBILIZING DUIC MEMBERS

RANK	LAST NAME	FIRST NAME	MIDDLE INITIAL	LAST 4 SSN	MOS/ASI
					31AOO
					31AOO
					31AOO
					31AOO
					95B5O
					95B4O
					95B4O
					95B4O
					95B4O
					95B4O
					95B3O
					95B3O
					95B3O
					95B3O
					95B3O
					63B3O
					95B3O
					95B3O
					95B3O
					95B3O
					92Y3O
					95B2O
					95B2O
					95B2O
					95B2O
					95B2O
					95B2O
					95B2O
					95B2O
					92A2O
					92G2O
					75B2O
					92Y2O
					63B2O
					95B2O
					95B2O
					95B2O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					63B1O

244

EXHIBIT 52
(2)

5-03-CID032

0137-02-CID369-23534

PERMANENT ORDERS 179-001 UNITED STATES ARMY FORT DIX 28 JUNE 2002

0134-02-CID369-23533

ANNEX (A-1)(CONTINUED)

HOS, 377TH MP CO, MOBILIZING DUIC MEMBERS

RANK	LAST NAME	FIRST NAME	MIDDLE INITIAL	LAST 4 SSN	MOS/ASI
					92G1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					92Y1O
					95B1O
					95B1O
					92G1O
					63B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B10
					95B1O
					95B1O
					95B1O
					19K1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O
					95B1O

245

EXHIBIT 52

EVIDENCE (2)

Exhibits 53, 54

Page(s) 246-306 withheld

b2

0137-02-CID369-23

SWORN STATEMENT 0134-02-CID369-23533

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

LOCATION	DATE	TIME	FILE NUMBER
377th MP Company 1600 Seymour Ave, Cincinnati, OH	[redacted] Jun 03	11:05 [redacted]	-03-CID032-

LAST NAME, FIRST NAME, MI	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	CPT

ORGANIZATION OR ADDRESS
377th MP Company
1600 Seymour Ave, Cincinnati, OH 45237

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

Q. SA [redacted]
A. CPT [redacted]
Q. Do you currently have a copy of the Standard Operating Procedures (SOP)?
A. No, it was classified secret and was left in theater.
Q. Did you provide a copy of the SOP to CID while in Afghanistan?
A. As far as I know, Yes. Chief [redacted] should have a copy.
Q. What non-lethal training did you and your unit receive prior to deployment?
A. Hand to hand combat, about a days worth at Ft Dix. A days worth of the baton and the hand strikes to non-lethal body areas according to the strike-color chart. We didn't have any tazer or rubber bullet training. We asked, but it wasn't available.
Q. Were there any certification type training you received?
A. No.
Q. What non-lethal training did you and your unit receive while you were deployed overseas?
A. There was no training time.
Q. What was the policy towards striking Inmates?
A. The standard rules of engagement were of course, minimum force necessary. There was no retaliatory strikes. Contact with the inmate were for personal safety or for the safety of others. Strikes were made at the Common Perennial Area with the flat of the hand or the knee.
Q. What were the circumstances there a strike may be used?
A. If the detainee were to physically grab a hold of the soldier and you were unable to get free from him, or the detainee was about to strike or injure someone. To stop him.
Q. Was the Manadnoc Baton Chart used as guidance in the SOP or in practice?
A. In practice. I'm not sure if it was referenced with that title in the SOP or not. But that's what we were taught.
Q. What type of training did you and your unit receive as far as the Manadnoc Baton Chart goes?
A. We were shown the chart and we didn't really do much except discuss

CONTINUED ON NEXT PAGE

EXHIBIT	INI[redacted]ON MAKING STATEMENT	PAGE 1 OF 4 PAGES

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

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 50

307

the strikes and we practiced the hand-strikes on each other.
Q. Did you get information/guidance as far as Use of Force/Levels of Force?
A. Yes, both. Use of Force and Levels of Force briefings at Fort Dix and also once we arrived in Theater.
Q. Was it a briefing or hand-out or what?
A. The Rules of Engagement was a hand-out once we arrived in Theater. Everyone got one. At Fort Dix, they were unsure what the specific Theater rules were, but said the minimum force necessary, which was pretty much universal.
Q. Who from and what guidance was this?
A. At Fort Dix, there was a Major in charge of the MP training. I can't recall his name. Down-range, the CJTF180-Provost Marshal. His name was MAJ [redacted]
Q. Were you or anyone else informed by Mr. ULLAH (BT 412) that he was in pain or complained about stomach or leg pains?
A. I can't speak for anyone else, but I wasn't informed and as far as I know, no one else was informed.
Q. Did BT 412 have a history of medical problems, being seen by the Medic, or a history of complaints?
A. As far as I remember. We in processed him and he had no medical conditions that were unusual. I was unaware of any known medical conditions which would warrant him being treated differently than any other detainee.
Q. Do you know if anyone from Military Intelligence (MI) ever had any information that BT-412 was in pain or complained about stomach or leg pains?
A. No.
Q. How were complaints or assaults on guards, or other serious indecent documented?
A. There was an incident log that was run by the MP's. One for General Population and one for each Isolation area.
Q. Where are these incident logs now?
A. They were left in Theater. Also, the only thing that might not have made it to the log is when an incident may have occurred during in processing prior to the detainee being assigned to an area.
Q. Do you know of such an incident with BT-412?
A. No, not that I know of for BT-412. BT-412 was what we categorized as a fighter. From the minute we received him, he was continually resistive. He was passive-resistant and very uncooperative all the time. He spit on guards and attempt to grab, bite, kick, or otherwise. Whether he actually assaulted anyone, I don't know. The guards were pretty alert anytime they dealt with him. I'm not sure whether or not it was BT-412 or BT-421, but one of them kicked SGT [redacted] in the groin. Either way, they were both similar and always fighting.
Q. Did SGT [redacted] strike Mr. ULLAH back?
A. I wasn't present when it happened, but what I was told by person/s there, he did not retaliate. The detainee was held by each arm. After he kicked, his arms were pulled up and he was restrained from kicking futher [redacted]
Q. Do you know if SPC [redacted] and SPC [redacted] struck BT-412?
A. I only found out about this incident after the investigation started.

Q. Did BT-412 strike SSG [redacted] and/or hit him in the chin?

A. I don't know about this incident.

Q. Do you know SGT [redacted]?

A. The name is familiar as an MI person working in the same area, but I don't recall ever working or dealing with him much.

Q. Do you know if any one informed SGT [redacted] that BT-412 complained of pain?

A. No.

Q. Is there anything else you wish to add to this statement?

A. My understanding of BT-412 was that he was physically tough to control the entire time we had him. Up until his death, however, I never knew of any health or medical problems that he had.

Q. Is there anything else you wish to add to this statement?

A. No. ///END of STATEMENT///

0134-02-CID369-23

~~65-03-CID362~~

DA FORM 2823 (AUTOMATED)
STATEMENT OF CPT [redacted] TAKEN AT 377TH MP CO DATED 8 Jun 03 CONTINUED:

0134-02-CID369-23533

NOT USED [redacted]

AFFIDAVIT

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

WITNESSES:

_____

_____

_____

ORGANIZATION OR ADDRESS

_____

_____

_____

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE [redacted] PERSON BY LAW TO ADMINISTER OATHS, THIS 8 DAY OF JUN, ~~193~~ 2003 AT 377TH MP Co, Cincinnati, OH.

[redacted]

SA [redacted]

(Name of Person Administering Oath)

Art 136 UCMJ / 5 USC 303

(Authority to Administer Oath)

INITIALS OF PERSON [redacted] ATEMENT

PAGES 4 OF 4 PAGES 6

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY

EXHIBIT C

310

0134-02-CID369-23533
165-03 CID032

SWORN STATEMENT 0134-02-CID369-23533

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

LOCATION	DATE	TIME	FILE NUMBER
377th MP Company 1600 Seymour Ave, Cincinnati, OH	8 Jun 03	11:05 [redacted]	-03-CID032-

LAST NAME, FIRST NAME, MI	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	SSG

ORGANIZATION OR ADDRESS
377th MP Company
520 South Woodcrest Drive, Bloomington, IN 47401

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

Q. SA [redacted]
A. SSG [redacted]
Q. What non-lethal training did you receive prior to deployment?
A. We did physical ~~army training~~ PART Arm Restraining tactics. We went to Fort Dix to a sand pit and went more full speed. It was along [redacted]e lines of take-downs, not hand-to-hand combat. It was unarmed restraint tactics. Taught to restrain. We understood our mission more to be restraining people rather than combat operations.
Q. Any baton training?
A. No. We didn't carry batons. I was certified along time ago with the Manadnoc Baton Chart when I was in the Marines. We used the PR-24, but the certification ran out along time ago. I was certified on Fort Knox. We didn't carry the batons. There were riot batons available, but only in an emergency.
Q. Did you receive any current training using the Manadnoc Baton Chart?
A. I can't recall. If we got it, it wasn't certified. We never got a card. Like I said, we never carried batons. The only sticks we had were the riot batons. MANADNOC [redacted]
Q. What non-lethal training did you receive while you were deployed?
A. We didn't have any time for training. We worked everyday. Towards the end we started getting some days off, but there was no time for training a squad let alone a platoon.
Q. What was the policy towards striking Detainees?
A. We had a ROE (Rules of Engagement). It was posted and most of us carried a copy. There was never a real reason to strike anyone. Sometimes we had to restrain people. No one ever used any instrument. They were man handled, but never struck.
Q. What type of strikes were authorized and when?
A. Truthfully, there isn't a specific guidance, it was up to the MP's judgment to use what was appropriate at the time. The simple fact that you could never predict the type of action or incident.
Q. Did you recall seeing a hard copy of the Standard Operating Procedures (SOP)?
CONTINUED ON NEXT PAGE

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 5 PAGES

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

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY

EXHIBIT 31

A. At different times, yes. Initially, when we got there, there was one and it was constantly being changed and worked on. We rewrote some of it for different situations. Last time I seen it, it was about 2" thick.

Q. Do you know if BT-412 hit SGT [redacted] d/or kneed him in the groin?

A. Yes, during the in processing. I do not recall him getting struck. Just kneed. SGT [redacted] somewhat doubled over.

Q. Were you there at the time?

A. Yes, I think I was the Sergeant of the Guard. I was there for part of the in processing.

Q. What happened during that incident?

A. The detainee and SGT [redacted] were face to face explaining the rules. The detainee was aggravated and kneed him in the groin.

Q. What happened after that?

A. He was taken to the ground and restrained and informed to cooperate. I can't recall who was actually in the room at the time. It often varied depending on who was sent to us for in processing.

Q. Did SGT [redacted] strike BT-412 back?

A. No, actually not. If he did, I didn't see him. There were two MP's present on either side and SGT [redacted] was in front. I know SGT [redacted] was watching the detainee's head from striking the ground.

Q. For SGT [redacted] to be concerned about the detainees head, is that a trained action or something that was taught?

A. My personal opinion; I do a lot of liability insurance. This issue was to take care and watch out for our own interest. The issue of detainees getting hurt was important. I think SGT [redacted] just did what was instinctive to do. To avoid further injury. It was fast. SGT [redacted] was holding the guys head. That type of action was not necessarily trained.

Q. How did you feel about SGT [redacted] ctions during that incident?

A. Pretty restrained. I was kind of proud of him that he maintained his bearing and composure. I told him that later.

Q. Do you recall the other two MP's that were on over-watch?

A. No. A lot of times it was just who was available or someone on the CRASH team. There was no formal pattern to receiving the detainees. Usually the detainee would come in with flex-cuffs which were removed to undress. After than, they'd be re-cuffed.

Q. Do you recall the actions of the other two MP's?

A. They took the detainee down. After he was down, the interpreter explained to him and that he was to cooperate. You can't really wail on the guy, you could only explain that he'd be taken down and punished.

Q. What type of punishment was given out for non-cooperation?

A. It depended on the type on non-cooperation. Frequently they'd be handcuffed around the door. They only had limited mobility. Sometimes they'd be given a work detail cleaning up. They could only work on things that benefited them. Cleaning their own areas, etc.

Q. Did SGT [redacted] have any contact with BT-412 prior to this in processing?

A. No, BT-412 was brand new then. When we got him in, he was in a holding area. They were then brought in one at a time.

Q. Was SGT [redacted] ngry with BT-412 for any other reason?

FOR OFFICIAL USE ONLY
EXHIBIT

A. Not that I'm aware of. He had no other contact with him that I'm aware of.
Q. Were you or anyone else informed by BT-412 that he was in pain or complained about stomach / leg pains?
A. Not that I'm aware of. I know he spoke to the Doctor when he in processed. I don't know what he told the Doctor.
Q. Do you recall any known pre-existing complaints or problems with BT-412?
A. No.
Q. Do you know if anyone from Military Intelligence (MI) ever had any information that BT-412 was in pain?
A. No I do not.
Q. Do you know of any detainee that complained about stomach pains?
A. Yes, there was one, but the Doctor said he was just having a time adjusting to the food. There was quite a bit of Pepto-bismol being given out. I don't recall who it was.
Q. Do you know SGT [redacted]
A. Not that I'm aware of.
Q. Do you know if any MP informed SGT [redacted] hat BT-412 complained of pain?
A. No. Chances were that we told the doctor rather than MI.
Q. Would you describe BT-412 as being combative during his incarceration?
A. Yes, I think so. Yes. I don't know if he was combative, but he was definitely non-cooperative.
Q. Do you know SPC [redacted] and SPC [redacted]
A. Yes.
Q. Did SPC [redacted] ask permission to strike BT-412 at all?
A. I don't recall if he specifically asked permission. I believe BT-412 was pretty difficult to handle. We were told we were able to give common perennial strikes. Once in hand irons, there really wasn't any other type of discipline to do.
Q. What were the circumstances surrounding this?
A. I do know I told him that if he did give a common perennial strike, be sure that it was light. I figured this would be common, because I anticipated the detainee was difficult. He just wouldn't cooperate. I don't think [redacted] had any dealings with this one. He might have.
Q. Did SPC [redacted] ask permission to strike BT-412 at all?
A. Not that I'm aware of. You have to understand, they didn't have to ask permission. Frequently they'd come to me and let me know what was happening and to further inform MI that a detainee was cooperative or not. In this incident I thought if the detainee required a lot of strikes, then to make sure they were light. That was just to cover ourselves.
Q. Did you observe SPC [redacted] r SPC [redacted] trike BT-412?
A. Not that I recall. I feel pretty confident they did. I don't think [redacted] had much contact with BT-412. I think [redacted] was working there that day.
Q. What happened between [redacted] and BT-412?
A. Nothing specific that I'm aware of. He must have been working there that day. I recall stressing light strikes. I anticipated he needed more than one. I know [redacted] brought this up.
Q. Were SPC [redacted] and SPC [redacted] nowledgeable as far as what strikes were authorized, knowledgeable in use of force, and trained in non-lethal techniques?

Sworn Statement Continued

"Statement of SSG [redacted] taken at 377th MP Company, Bloomington, IN, dated 8 Jun 03 continued."

0134-02-CID369-23533

A. Yes, as far as I know. The ROE was posted. What we did in there was mostly just physical restraining techniques.

Q. Do you recall being angry at SGT [redacted]

A. Not particularly. I thought he showed a lot of restraint after he was kneed.

Q. Someone said you were angry or showed angry for some reason, do you recall this?

A. Not really, nothing that really jumps out at me. Just day-to-day stuff that irritated me, but nothing with SGT [redacted] I thought he showed a lot of restraint.

Q. What did [redacted] and/or [redacted] tell you when he/they approached you to inform you about BT-412; when you told them to make the strikes light?

A. I anticipated the detainee would be getting more strikes. I told him to emphasize light common perennial strikes. I don't recall [redacted] being there that day. I remember [redacted] He had a good disposition and understands things. He wasn't a hot temper or anything. I knew [redacted] would understand what I was telling him.

Q. Did you see [redacted] strike BT-412?

A. Not that I recall.

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

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

FOR OFFICIAL USE ONLY

EXHIBIT

STATEMENT OF SSG [redacted] TAKEN AT 377 MP Co, IN DATED 8 Jun 03 CONTINUED:

0134-02-CID369-23533

NOT USED [redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

WITNESSES:

_____

_____

_____

ORGANIZATION OR ADDRESS

_____

_____

_____

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 8 DAY OF Jun, ~~19~~2003 AT 377th MP Co, Bloomington, IN. BD

[redacted]

(S[redacted] Oath)

SA [redacted]

(Name of Person Administering Oath)

Art 136 UCMJ / 5 USC 303

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGES 5 OF 5 PAGES

DA FORM 2823 (AUTOMATED)

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 315

0134-03-CID032

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE 0134-02-CID369-23

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

DATA REQUIRED BY THE PRIVACY ACT 0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
[redacted]	11 JUN03	1605 [redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377TH MP CO, USAR
6. SSN [redacted]	7. GRADE/STATUS SSG/ USAR

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION DIVISION and wanted to question me about the following offense(s) of which I am suspected/accused: AGGRAVATED ASSAULT

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

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

- or -

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

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

5. COMMENTS *(Continue on reverse side)*

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE
1a. NAME *(Type or Print)*	X [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 290TH MP DET CID FT KNOX KY 40121

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
b6, 7C

57
EXHIBIT
3/6

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

0165-03- CID032 1 1 1

0137-02-CID369-2

SWORN STATEMENT

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

PRIVACY ACT STATEMENT 0134-02-CID369-23533

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

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

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	FILE NUMBER
[redacted]	11Jun03	1643 [redacted]	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	SSG / USAR

8. ORGANIZATION OR ADDRESS

9.

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. SA [redacted]

A. SSG [redacted]

Q. THIS STATEMENT IS INTENDED TO CLARIFY YOUR PREVIOUS STATEMENT MADE BY YOU ON 10 DEC 02 IN BAGROM AIRFIELD, AFGHANISTAN. THIS STATEMENT WILL ADDRESS THE INCIDENT BETWEEN YOU AND BT-412 ON OR ABOUT 2 DEC 02. DESCRIBE HOW BT-412 STRUCK YOU?

A.

I WAS IN BT-412'S CELL ALONG WITH SGT [redacted] TO RE-ARRANGE BT-412 HANDSHACKLES. WE STOOD BT-412 UP BECAUSE HE WAS SITTING DOWN ON THE FLOOR. AS I HELPED HIM UP, BECAUSE HE WOULD NOT COMPLY WITH MY DIRECTION TO STAND UP, I NOTICED THAT I NEEDED TO RE-ARRANGE HIS HANDSHACKLES. I REMOVED HIS HANDSHACKLES AND BT-412 STRUCK ME IN THE CHIN WITH HIS FIST. I GRABBED HIM BY THE UPPER PART OF THE ARM AND PUSHED HIM TO THE WALL DIRECTLY BEHIND HIM. THIS WAS DONE TO GAIN CONTROL OVER HIM SO WE COULD PLACE HANDSHACKLES BACK ON HIM. THE HANDSHACKLES WERE PLACED ON AND THAT WAS THE END OF THE INCIDENT.

Q. were you injured in any way?

A. NO

Q. was BT-412 injured or complained later of Being injured or in pain?

A. NOT TO ME OR ANYONE ELSE THAT I KNEW OF.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 4 PAGES
	[redacted]	

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

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

57

EXHIBIT

DA FORM 2823, DEC 1998 FOR OFFICIAL USE ONLY DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00

b6 7C 312

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

STATEMENT OF SSG [redacted] TAKEN AT [redacted] DATED 11 JUN 03

9. STATEMENT *(Continued)*

Q. DID SGT [redacted] OBSERVE YOU BEING STRUCK?
A. YES
Q. WHAT WAS HIS RESPONSE?
A. DID HE HIT YOU? THEN HANDED ME HANDSHACKLES.
Q. He asked that of you?
A. YES
Q. WAS THERE ANYONE ELSE PRESENT TO OBSERVE THIS INCIDENT?
A. NO
Q. WAS THE INCIDENT DOCUMENTED IN ANY WAY?
A. I BELIEVE SO BUT NOT 100% SURE. PROBABLY IN ISOLATION LOGBOOK.
Q. DID YOUR COMMANDER OR OTHER SUPERVISOR KNOW OF THIS?
A. MY PLATOON SGT (SFC [redacted] AND PROBABLY PLATOON LEADER CILT [redacted] WERE NOTIFIED.
Q. DO YOU RECALL A SGT [redacted]?
A. AS BEING MI-NCOIC OF THE FACILITY, YES.
Q. DID YOU OR ANYONE ELSE INFORM SGT [redacted] THAT BT-412 COMPLAINED OF BEING IN PAIN?
A. NO, I DID NOT, AND I DON'T BELIEVE ANYONE ELSE DID, BECAUSE I DO NOT RECALL SGT [redacted] BEING IN THE FACILITY YET.
Q. How would you describe the behavior of BT 412 as a detainee?
A. NON COMPLIANT AS FAR AS REFUSING MEALS, AND ORDERS AND DIRECTION.
Q. Reviewing your second STATEMENT, DATED 21JAN03, [redacted] BY you at Bagram Airfield, Afghanistan, you stated you STRUCK BT 412 [redacted]421 while in the Airlock cell - please explain this incident?
A. I STRUCK BT-421 BECAUSE HE GRABBED ONE OF MY GUARDS AS WE WERE ATTEMPTING TO RESTRAIN HIM.
Q. DO YOU KNOW OF ANYONE ELSE THAT STRUCK BT 412?

57
EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [redacted]

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

STATEMENT OF SSG [redacted] TAKEN AT [redacted] DATED 11 JUN 03

0134-02-CID369-23533

9. STATEMENT *(Continued)*

A. NO

Q. DO YOU KNOW IF BT 412 WAS INJURED BEFOR HE WAS INPROCESSED AT THE DETENTION FACILITY OR HAD ANY PRE-EXISTING INJURIES OR COMPLAINTS?

A. I DO NOT RECALL, BUT INPROCESSING MEAICAL REVIEW WOULD SHOW THIS IF THERE WAS ANY COMPLAINTS.

Q. DO YOU HAVE ANY KNOWLEDGE OF SGT [redacted] BEING ANGRY AT SGT [redacted]?

A. NO, NOT AT ALL. THEY ARE IN 3RD PLATOON, AND I AM IN 1ST PLATOON. WE DID NOT WORK TOGETHER WITH 3RD PLATOON.

Q. WHAT TYPE OF NON-LETHAL TRAINING DID YOU AND THE UNIT GET PRIOR TO DEPLOYMENT?

A. HAND TO HAND COMBAT - BASIC STUFF LIKE TAKEDOWNS, ARM BAR TAKE DOWNS AND HOLDS.

Q. WHAT ABOUT AFTER YOU GOT TO AFGHANISTAN?

A. I DO NOT THINK SO

Q. WHAT WAS THE SOP / POLICY TOWARDS STRIKING DETAINEES?

A. AS ALWAYS WE ARE ALLOWED TO USE MINIMUM AMOUNT OF FORCE NECESSARY.

Q. IS THERE ANYTHING ELSE YOU WISH TO ADD TO THIS STATEMENT?

A. NO /// END OF STATEMENT /// [redacted]

57

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [redacted]

Statement of SSG [redacted] Taken at [redacted] 11 JUN 03

STATEMENT *(Continued)*

0134-02-CID369-23533
0137-02-CID369-23534

NOT USED [redacted]

AFFIDAVIT

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

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of JUN 2003 at [redacted]

[redacted]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted]
(Typed Name of Person Administering Oath)

ART 136 UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [redacted]

FOR OFFICIAL USE ONLY
FOR OFFICIAL USE ONLY

EXHIBIT 320-8

AGENT'S INVESTIGATION REPORT 0134-02-CID369-23533

CID Regulation 195-1 Page 1 of 5 Pages

NARRATIVE: **CORRECTED AGENT'S INVESTIGATIVE REPORT**

This corrected Agent's Investigative Report (AIR) was completed to clarify some aspects of the report.

About 1900, 18 Apr 03, SA [redacted] coordinated with SA [redacted], Military Intelligence Detachment, Bagram Collection Point (BCP), Bagram Air Field, Afghanistan, APO AE 09354 (BAF), who provided a copy of the previous Military Intelligence Operations Standard Operating Procedure, 30 Jun 90, which was on file at the BCP.

Agent Comments: The SOP was for Military Intelligence Operations and not specific to the BCP. Upon reviewing the SOP, it was determined that it was not the current SOP and was created prior to the BCP being established. The SOP was then returned to SA [redacted] and not maintained by this office. Since the SOP was classified, it was not attached with the final report.

About 1945, 18 Apr 03, SA [redacted] examined the BCP and the areas where the incidents allegedly occurred. Sketches of the first floor detention area; the air lock area; one of the 1st floor Isolation Cells; and one of the second floors Isolation cell. The sketches were prepared to reflect the current entrance/exit ways, the locking devises currently being used, any barbed or concertina wire being used, and the measurements of the areas where the deaths occurred. (See crime scene sketches for details)

Agent Comments: The BCP was examined after it was determined that the finalized crime scene sketches that were allegedly completed by the case agents who conducted the initial crime scene examination could not be located within the case files. At the time of the examination, the incidents where the PUC's were allegedly assaulted/abused had occurred several months prior and it was unknown what, if any, changes had taken place at the BCP since then. The request to go and complete the new sketches was forwarded from Current Operations, HQ-USACIDC, Fort Belvoir, VA 22060, and was completed at that time.

About 0900, 21 Apr 03, SA [redacted] collected a tube of blood of Mr. ULLAH, from the office refrigerator, as evidence, on an Evidence/Property Custody Document, VO 049-03.

Agent Comments: During an office move from the old CID Office to the new CID Office, the refrigerator was cleaned out and prepared for moving. During the cleaning process, a tube of blood was located in the butter dish area on the door. The blood was in a holding container and had Mr.

SA [redacted]

87th MP Det (CID) (ABN), FWD
Bagram Air Field, Afghanistan,
APO AE 09354

Signature: [redacted]

Date: 13 Jun 03

Exhibit: 58

CID Form 94

ULLAH on the side of the tube. A check of the case file and the evidence ledger revealed there was no documentation located within either to reflect who initially seized the blood or when it was seized. It was reflected SA [redacted] NFI) attended the autopsy of Mr. ULLAH and could have initially taken the tube of blood from the autopsy then. Guidance was sought from the Operations Officer, 3rd Military Police Group (CID)(FWD), Kuwait, where it was directed to seize the tube of blood from the refrigerator, which was done, and then logged into the Evidence Depository, 87th MP Detachment (CID)(FWD), BAF.

On 21 Apr 03, SA [redacted] and SA [redacted] this office, reviewed the statements previously provided and completed a timeline of when BT-412 was hit or fought with the guards of the Military Intelligence personnel while at the BCP, BAF. (See timeline for details)

About 1700, 22 Apr 03, SA [redacted] coordinated with SA [redacted] Commander, Criminal Investigative Task Force (CITF), BAF, regarding the identification of who captured BT-412. SA [redacted] related that due to poor record keeping or the lack of records by the Afghanistan Military Forces and US Forces, it would not be possible to determine who actually captured BT-412 or what kind of treatment he received while in custody prior to being released to the BCP.

About 0930, 24 Apr 03, SA [redacted] coordinated with CPT [redacted] Commander, 293rd MP Co, BCP, BAF, who related his unit was currently conducting detainee security operations at the BCP, BAF. CPT [redacted] related his unit replaced the 377th Military Police Company, BAF, who were in charge of the BCP, BAF, when the two deaths occurred. He related the 377th MP Co did not maintain a DA Form 6, Duty Roster.

About 0930, 25 Apr 03, SA [redacted] coordinated with CPT [redacted] who provided a lay out schematic of the BCP, BAF. (See lay out for details)

About 1000, 7 May 03, SA [redacted] coordinated with CPT [redacted] who provided schematics of the current lay out of the BCP and the proposed changes to the building. (See schematics for details)

On 20 May 03, SA [redacted] coordinated with LTC [redacted], Office of the Staff Judge Advocate, CJTF-180, BAF, who provided a copy of the 15-6 investigation with all attached documentation. A review of one of the documents reflected physical contact with the PUC's was allowed, but not in any way to cause pain. He explained that physical contact with the detainees was allowed to move them from location to other locations and for security purposes. One of the findings noted there were no regulatory guidelines for imposition of punishments for disobedient

PUC's. LTC [redacted] related all of the findings and recommendations documented within the 15-6 were forwarded to LTG [redacted] Commander, CJTF-180, BAF, who approved of the findings and recommendations.

Agent Comments: The 15-6 investigation was listed as classified due to some of the contents and documents being classified and will not be attached to the final report. The following statements were taken by the Investigating Officer and were not classified.

On 16 Jan 03, SSG [redacted] A Co, 519th MI BN, BCP, BAF, provided a sworn statement regarding what training his unit received or attended prior to their arrival at the BCP, the experience level of his unit, and standard procedures used by his personnel for interrogations of the PUC's. (See statement for details)

Agent Comments: This statement was taken during the conduct of the 15-6 and attached as an exhibit of this report.

On 17 Jan 03, CPT [redacted] ommander, 377th Military Police Co, BCP, BAF, provided a sworn statement regarding what training his unit received or attended prior to their arrival at the BCP, the experience level of his unit, and standard procedures used by his personnel while guarding and handling the PUC's. (See statement for details)

Agent Comments: This statement was taken during the conduct of the 15-6 and attached as an exhibit of this report.

On 17 Jan 03, CPT [redacted] Commander, A Co, 519th MI Bn, BCP, BAF, provided a sworn statement regarding what training her unit received or attended prior to their arrival at the BCP, the structure and experience level of his unit, and standard procedures used by his personnel for interrogations of the PUC's. CPT [redacted] related her interrogators were allowed to have physical contact with the PUC's, but in a non-malicious manner. She related the interrogator could use physical contact on the PUC's shoulder to have them move in a certain direction or sit in a particular place. (See statement for details)

Agent Comments: This statement was taken during the conduct of the 15-6 and attached as an exhibit of this report.

SA [redacted]

87th MP Det (CID) (ABN), FWD
Bagram Air Field, Afghanistan,
APO AE 09354

Signature: [redacted]

Date: 13 Jun 03

Exhibit: 58

FOR OFFICIAL USE ONLY

About 1800, 1 Jun 03, SA [redacted] interviewed CPT [redacted] former Commander, A Co, 519th MI BN, BCP, via "SIPERNET", who was now at an unknown location in the Operation Iraqi Freedom area of operations, regarding the MI Interrogators who worked for her at the BCP and the Standard Operating Procedures (SOP) for the BCP. CPT [redacted] related she did not have a copy of the SOP her unit followed while assigned at the BCP. She related any kind of deliberately malicious treatment was not encouraged nor tolerated by her or the command. She stated she was interviewed and provided a statement under the 15-6 investigation, but was not interviewed by this office or provided copies of any statements provided by personnel working within her command.

On 3 Jun 03, SA [redacted] received a copy of the CJTF-180 BCP SOP, dated 1 Aug 02, and reviewed the attached documents. The SOP reflected the duties and responsibilities that assigned personal need to perform and adhere to while working at the BCP. The documents reflect what actions personnel can take when PUC's are resisting, combative, or life threatening, but nowhere do the documents address compliance type blows being allowed or authorized.

On 3 Jun 03, SA [redacted] received a copy of the BCP SOP, undated, and reviewed the attached documents. The SOP reflected the duties and responsibilities that assigned personal need to perform and adhere to while working at the BCP. The documents reflect what actions personnel can take when PUC's are resisting, combative, or life threatening, but nowhere do the documents address compliance type blows being allowed or authorized. The SOP also reflected the disciplinary measures allowed when a PUC excessively talks or moves, touches concertina wire, or disobeys guards orders, but never mentions the use of compliance blows as a disciplinary measure.

Agent Comments: Both SOP's were classified as secret and therefore are not attached with the final report.

About 2000, 8 Jun 03, SA [redacted] interviewed SGT [redacted], A Co, 519th MI BN, formerly assigned at the BCP, BAF, over the "NIPERNET". He related he did not recall the conversation with the MP's who stated BT-412 complained of stomach pains. SGT [redacted] also related he would not be able to recognize who it was who said this by viewing photographs of the MP's who worked with him.

About 1000, 13 Jun 03, SA [redacted] coordinated with CPT [redacted], Office of the Staff Judge Advocate, CJTF-180, BAF, who opined there was no probable cause to believe any of the Military Police (MP) who used compliance blows were acting recklessly and had not committed any criminal offenses. He based this opinion after reading the case and the statements that the blows

were not excessive and they were told by their supervisors that compliance blows were authorized when the PUC's were non-compliant or combative.

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

SA [redacted]

87th MP Det (CID) (ABN), FWD
Bagram Air Field, Afghanistan,
APO AE 09354

Signature: [redacted]

Date: 13 Jun 03

Exhibit: 58

CID Form 94

AGENT'S INVESTIGATION REPORT 0134-02-CID369-23533

CID Regulation 195-1 Page 1 of 3 Pages

NARRATIVE:

About 1900, 18 Apr 03, SA [redacted] coordinated with SA [redacted], Military Intelligence Detachment, Bagram Collection Point (BCP), Bagram Air Field, Afghanistan, APO AE 09354 (BAF), who provided a copy of the previous Standard Operating Procedure, 30 Jun 90, which was on file at the BCP.

Agent Comments: The SOP was classified and was not attached with the final report.

About 1945, 18 Apr 03, SA [redacted] examined the BCP and the areas where the incidents occurred. Sketches of the first floor detention area; the air lock area; one of the 1st floor Isolation Cells; and one of the second floors Isolation cell.

About 0900, 21 Apr 03, SA [redacted] collected a tube of blood of Mr. ULLAH, from the office refrigerator, as evidence, on an Evidence/Property Custody Document.

On 21 Apr 03, SA [redacted] and SA [redacted], this office, reviewed the statements previously provided and completed a timeline of when BT-412 was hit or fought with the guards of the Military Intelligence personnel while at the BCP, BAF.

About 1700, 22 Apr 03, SA [redacted] coordinated with SA [redacted], Commander, Criminal Investigative Task Force (CITF), BAF, regarding the identification of who captured BT-412. SA [redacted] related that due to poor record keeping or the lack of records by the Afghanistan Military Forces and US Forces, it would not be possible to determine who actually captured BT-412 or what kind of treatment he received while in custody prior to being released to the BCP.

About 0930, 24 Apr 03, SA [redacted] coordinated with CPT [redacted] Commander, 293rd MP Co, BCP, BAF, who related the unit who was at the BCP prior to his unit's arrival did not maintain a DA Form 6, Duty Roster.

About 0930, 25 Apr 03, SA [redacted] coordinated with CPT [redacted] who provided a lay out schematic of the BCP, BAF.

About 1000, 7 May 03, SA [redacted] coordinated with CPT [redacted] who provided schematics of the current lay out of the BCP and the proposed changes to the building.

SA [redacted]

87th MP Det (CID) (ABN), FWD
Bagram Air Field, Afghanistan,
APO AE 09354

Signature: [redacted]

Date: 13 Jun 03

Exhibit: 58

CID Form 94

FOR OFFICIAL USE ONLY

On 20 May 03, SA [redacted] coordinated with LTC [redacted], Office of the Staff Judge Advocate, CJTF-180, BAF, who provided a copy of the 15-6 investigation with all attached documentation. A review of one of the documents reflected physical contact with the PUC's was allowed, but not in any way to cause pain. One of the findings noted there were no regulatory guidelines for imposition of punishments for disobedient PUC's. LTC [redacted] related the findings and recommendations of the 15-6 were forwarded to LTG [redacted] ommander, CJTF-180, BAF, who approved of the findings and recommendations.

Agent Comments: The 15-6 investigation was listed as classified due to some of the contents and documents being classified and will not be attached to the final report. The following statements were taken by the Investigating Officer and were not classified.

On 16 Jan 03, SSG [redacted] A Co, 519th MI BN, BCP, BAF, provided a sworn statement regarding what training his unit received or attended prior to their arrival at the BCP, the experience level of his unit, and standard procedures used by his personnel for interrogations of the PUC's.

On 17 Jan 03, CPT [redacted] Commander, 377th Military Police Co, BCP, BAF, provided a sworn statement regarding what training his unit received or attended prior to their arrival at the BCP, the experience level of his unit, and standard procedures used by his personnel while guarding and handling the PUC's.

On 17 Jan 03, CPT [redacted] Commander, A Co, 519th MI Bn, BCP, BAF, provided a sworn statement regarding what training her unit received or attended prior to their arrival at the BCP, the structure and experience level of his unit, and standard procedures used by his personnel for interrogations of the PUC's. CPT [redacted] related her interrogators were allowed to have physical contact with the PUC's, but in a non-malicious manner. She related the interrogator could use physical contact on the PUC's shoulder to have them move in a certain direction or sit in a particular place.

About 1800, 1 Jun 03, SA [redacted] ordinated with CPT [redacted] ormerly Commander, A Co, 519th MI BN, BCP, who was now at an unknown location in the Operation Iraqi Freedom area of operations, regarding the MI Interrogators who worked for her at the BCP and the Standard Operating Procedures (SOP) for the BCP. CPT [redacted] elated she did not have a copy of the SOP her unit followed while assigned at the BCP. She related any kind of deliberately malicious treatment was not encouraged nor tolerated by her or the command. She stated she was interviewed

and provided a statement under the 15-6 investigation, but was not interviewed by this office or provided copies of any statements provided by personnel working within her command.

On 3 Jun 03, SA [redacted] received a copy of the CJTF-180 BCP SOP, dated 1 Aug 02, and reviewed the attached documents. The SOP reflected the duties and responsibilities that assigned personal need to perform and adhere to while working at the BCP. The documents reflect what actions personnel can take when PUC's are resisting, combative, or life threatening, but nowhere do the documents address compliance type blows being allowed or authorized.

On 3 Jun 03, SA [redacted] received a copy of the BCP SOP, undated, and reviewed the attached documents. The SOP reflected the duties and responsibilities that assigned personal need to perform and adhere to while working at the BCP. The documents reflect what actions personnel can take when PUC's are resisting, combative, or life threatening, but nowhere do the documents address compliance type blows being allowed or authorized. The SOP also reflected the disciplinary measures allowed when a PUC excessively talks or moves, touches concertina wire, or disobeys guards orders, but never mentions the use of compliance blows as a disciplinary measure.

Agent Comments: Both SOP's were classified as secret and therefore are not attached with the final report.

About 2000, 8 Jun 03, SA [redacted] coordinated with SGT [redacted], A Co, 519th MI BN, formerly assigned at the BCP, BAF, who related he did not recall the conversation with the MP's who stated BT-412 complained of stomach pains. SGT [redacted] also related he would not be able to recognize who it was who said this by viewing photographs of the MP's who worked with him.

About 1000, 13 Jun 03, SA [redacted] coordinated with CPT [redacted] Office of the Staff Judge Advocate, CJTF-180, BAF, who opined there was no probable cause to believe any of the Military Police (MP) who used compliance blows were not acting recklessly and had not committed any criminal offenses. He based this opinion after reading the case and the statements that the blows were not excessive and they were told by their supervisors that compliance blows were authorized when the PUC's were non-compliant or combative.

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

SA [redacted]

87th MP Det (CID) (ABN), FWD
Bagram Air Field, Afghanistan,
APO AE 09354

Signature: [redacted]

Date: 13 Jun 03

Exhibit: 58

FOR OFFICIAL USE ONLY

Exhibit 59

Page(s) 330 - 342 withheld.

Exemption(s) b2.

TIMELINE OF BT-412 AT BAGRAM COLLECTION POINT

28 November 2002, unknown time: Captured by US Forces, Tarin Khowt, Afghanistan

30 November 2002, 1010z: Arrived at the Bagram Collection Point (BCP), Bagram Air Field, Afghanistan, APO AE 09354 (appeared to be in good health)

30 November 2002, while in processing BT-412: SGT [redacted] had to administer 3 perennial strikes, 2 shoulder strikes to BT-412, and had to wrestle him to the ground for being uncooperative

1 December 2002, unknown time: SPC [redacted] had to administer 3 perennial strikes to BT-412 for being non-compliant

2 December 2002, unknown time: SPC [redacted] had to administer 1 perennial strike to BT-412 for being non-compliant

3 December 2002, unknown times:

SPC [redacted] had to administer 5 perennial strikes to BT-412 for being non-compliant and combative

SPC [redacted] had to administer 3-4 perennial strikes to BT-412 for being combative and non-compliant

3 December 2002, 2014z: BT-412 pronounced dead

EXHIBITS 61, 62, 63

EXEMPT UNDER FOIA EXEMPTION 6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

SUMMARY OF SIGNIFICANT EVENTS: On 15 Apr 2003, this ROI was returned to the Special Agent in Charge, Bagram Branch Office, 3rd MP Group (CID), Bagram, Afghanistan for numerous investigative, operational, administrative and security classification related issues, which required additional work, pursuit, clarification or scrutiny. Throughout the summer, SA [redacted] SAC, Bagram BO completed some (or parts) of the corrective actions. However, by 30 Jun 03, it became apparent he was unable to answer questions raised or appropriately address concerns of reviewing officials at Investigative Operations Division & Staff Judge Advocate, within Headquarters, USACIDC. Those questions originated within investigative channels as well as from lawyers in the International Law and the Army General Counsel's Office, of the Pentagon.

The primary issues not covered in the earlier phases of the investigation were: the physical and medical status of the detainee prior to arrival at the Bagram Control Point (BCP); the chronology of the detainee's stay within the BCP (to include the timing and frequency of blows from the guard force and interrogation sessions); the training/certification/validation provided to Army Reserve units regarding proper custody, care and control of detainees; the origin of the concept of "compliance blows" (which are in direct contravention to the provisions of existing policy - Army Regulation 190-8); the behavior of MI interrogators, their physical contact with detainees and MI directives given to the MPs; the linkage between and perception of a senior/subordinate relationship of the MI/MP forces; hostile, combative acts and assaults on the guard force by the detainee and an assessment of criminal culpability for the assaults and subsequent deaths.

On 6 Aug 2003, after a review of investigative shortfalls and the robust investigative plan (created by SA [redacted] and SA [redacted] by Mr. [redacted] Assistant Deputy Chief of Staff for Operations (ADCSOPS), an assessment was made by Mr. [redacted] Chief of Staff, HQ, USACIDC, Fort Belvoir, VA 22060 to initiate a Task Force using agents from Headquarters, US Army Criminal Investigation Command (USACIDC) to complete the investigation. The task force core was designated as SA [redacted] and SA [redacted] with the understanding that additional agents for investigative support would be made available on an "as needed" basis.

On 7 Aug 2003, SA [redacted] and SA [redacted] Investigative Operations Division, Headquarters, USACIDC, Fort Belvoir, VA 22060 were assigned to assume both investigations which originated in the Bagram CID Office. The ROI #s were 0134-02-CID369-23533 and 0137-03-CID369-23534 and investigated the deaths of two Afghan persons under control (PUC) DILAWAR (PUC 421) and ULLAH (PUC 412). Both deaths occurred in US custody and inside a US correctional facility alternately referred to as the Bagram Collection Point (BCP) and the Bagram Detention Facility (BDF). Both deaths were ruled homicides by the Armed Forces Medical Examiner (AFME) and were caused by blunt force trauma (blows to their legs). Subsequently, SA [redacted] established contact with Army

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
[redacted]	DATE 24 Aug 2003	EXHIBIT 64

DETAILS

Corrections subject matter experts (SME); Mr. [redacted] 703-695-4357, [redacted]@hqda-aoc.army.pentagon.mil and LTC [redacted], Senior Corrections Advisor, Pentagon, Washington, DC, 703-607-2310 [redacted]@hqda.army.mil to determine the Army standard for treatment.

At 1330, 7 August 2003, SA [redacted] and SA [redacted] coordinated this investigation with LTC [redacted], Senior Corrections Advisor and Mr. [redacted] Security, Force Protection and Law Enforcement Division, Military Police Operations Branch (DAMO-ODL), Pentagon, Washington, DC. SA [redacted] provided a briefing of the investigation, to include actions and activities suspected to have been contributing factors in the death of ULLAH (PUC-412). [redacted] and [redacted] stated there were established policies and procedures for dealing with individuals confined within a formal correctional institution. The Bagram Collection Point (BCP) facility maintained by the US Army did not have to uphold the formalized standards of a correctional institution, based upon the function and mission of the facility differing from that of a formal correctional institution. [redacted] explained that although some of the established policies and procedures would not be able to be applied, the standards for use of force within the facility should be maintained. [redacted] related as the senior corrections advisor, he would obtain a copy of the Program of Instruction (POI), which was utilized to train members of the 377th MP Company during June 2002, at Fort Dix, NJ, related to operations related to handling of enemy prisoners of war (EPW) and confinement facility type operations. Both [redacted] and [redacted] related they had heard of and were familiar with "compliance techniques" as they related to corrections institutions and the handling of prisoners. However, neither was familiar with the terminology "compliance blows" and both stated striking prisoners is not doctrine within civilian or military correctional community. [redacted] further stated he was unfamiliar with any established military doctrine which identified the act of enforcing sleep deprivation of an individual by restraining an individuals hands and arms by shackling them to a point above the individuals head. [redacted] explained, based upon accepted correctional doctrine, that the only time an individual assigned duties as a guard within an institution may utilize force upon a detained individual was if the detained individuals was a physical threat to himself, was a threat to other members of the guard force, or was a threat to other individuals within the facility. After being briefed on excerpts from several members of the 377th MP Company related to training they had received in perennial strikes, [redacted] and [redacted] surmised that the training was provided to the unit members. However there was no additional training related to the establishment or identification of a rules of enforcement matrix, which would identify the appropriate utilization of the perennial strike training.

On 21 Aug 03, SA [redacted] coordinated with LTC [redacted] via electronic mail, who provided copies of the T&OE documents utilized for Military Police Training at Fort Dix, NJ during the March 2003 time period. The T&EO documents included evaluation forms related to the MP tasks of

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 24 AUG 2003	EXHIBIT 64

DETAILS

Detainee escorts; Control detainee movement within a detainee camp; and Apply priorities of force within a detainee camp. (See T&EO documents for details)

On 21 Aug 03, SA [redacted] coordinated with LTC [redacted] via electronic mail, who provided copies of the T&OE documents utilized for Military Police Training at Fort Dix, NJ during the June through November 2002 time period. The T&EO documents included evaluation forms related to the MP tasks of Escort of detainees by motor vehicle; Brief detainee escorts; Control detainee movement within a detainee camp; and Apply priorities of force within a detainee camp. (See T&EO documents for details)

REVIEW OF EVIDENCE: During a thorough review of the investigative file in early August 2003, SA [redacted] and SA [redacted] identified several questions related to the collection, processing and documentation of evidence within the ROI. As a result, SA [redacted], Special Agent in Charge, Bagram Branch Office, 3rd MP Group (CID), Bagram, Afghanistan conducted a review of all items with the Bagram CID Evidence Repository (related to this case) and the following items of evidence related to this case were found, (actions taken subsequent to a review of the aforementioned evidence are documented below):

- Voucher #063-02: Containing four items (a snuff case, a bottle containing liquid, a foil packet of tablets and a bottle w/ stopper containing liquid), derived from personal effects of HABIBULLAH (PUC 412)
- Voucher #067-02: Containing seven items (nail scrapings, hairs, and rectal/oral swabs), derived from the remains of HABIBULLAH (PUC 412), collected during autopsy on 8 Dec 2002.
- Voucher #074-02: Containing nine items (nail scrapings, hairs, and rectal/oral swabs), derived from the remains of DILAWAR (PUC 421) collected during autopsy on 12 Dec 02.
- Voucher #075-02: Containing one tube of blood from DILAWAR (PUC 421), collected during autopsy, on 13 Dec 02.
- Voucher #049-03: Containing one tube of blood from HABIBULLAH (PUC 412), collected during autopsy on 8 Dec 02, which apparently was stored in the office refrigerator for some time prior to being placed onto a voucher on 21 Apr 03 and processed into the Evidence Room on 9 May 2003.

AGENT'S COMMENT: The discrepancy regarding the collection of evidence documented on Voucher #049-03 was referred to CW5 [redacted] Chief, Investigative Operations Division, HQ,USACIDC, Fort Belvoir, VA who directed preliminary inquiry initiation by elements of the 3rd MP

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 24 Aug 2003	EXHIBIT 64

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

Group (CID), Fort Gillem, GA. The results of that inquiry are not addressed within this investigative file.

On 24 Aug 2003, SA [redacted] prepared a DA Form 3655, Crime Lab Examination Request and sent it electronically to SA [redacted] SAC, Bagram CID Office, Afghanistan for physical submission of the evidence to the US Army Crime Lab (USACIL). The laboratory request was drafted to secure examination by the Drug Chemistry and Trace Evidence Divisions of four items of evidence (snuff car containing vegetable matter, foil packet containing pills and two bottles of unidentified liquids) which are listed on Evidence Custody/Property Document (ECD), Voucher #063-02. (See Crime Lab Exam Request for additional details).

AGENT'S COMMENT: The four items on Voucher #063-02, originated from an unnumbered ECD, and were collected by SSG [redacted] 377th MP Company, at the time of in-processing or 30 Nov 2002. After the death of PUC 421, SA [redacted] Bagram CID collected the items for the possibility of their contributing to the death, but it is unclear. (See Unnumbered ECD, dated 30 Nov 2002 for additional details).

- *On 7 Dec 2002, a field test analysis of Item #1 only was conducted by SA [redacted] using Duquenois-Levine #05, Merke's #924 and #904 test Kits. The substance was negative for the presence of marijuana, cocaine and heroin, but it is unclear why only Item #1 was field tested. However, generally liquid substances (Items #2 & 4) are not field tested. (See CID Form 36, Field Test Analysis for additional details).*
- *On 22 Dec 2002, a Crime Lab Examination Request was drafted and examinations requested were similar to those described above, however prior to the completion of analysis, the request was cancelled/withdrawn. There is no discussion in previous case documents indicating the reason for the withdrawal of the earlier request.*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 24 AUG 2003	EXHIBIT 64

Exhibit 65

Page(s) 354-371 withheld

Pertains to b2

0134-02-CID369-23533

CRIME LAB EXAMINATION REQUEST

For use of this form, see AR 195-5; The proponent agency is the United States Army Crime Investigation Command

LAB USE ONLY
Referal Number 0137-02-CID369-23
2003-1751 DC/TE

TO: (Include Zip Code)	FROM: (Include Zip Code)
Director USACIL-CONUS Building 213-B, N 2nd Street Fort Gillem, GA 30050-5000	Special Agent in Charge Bagram Resident Agency 3rd MP Grp (FWD) Bagram, Afghanistan APO AE 09354
ATTN: Drug Chemistry Trace Evidence	Attn: Evidence Custodian DSN: 318-231-4457

"FRIDGE"

RECEIVED	RETURNED
RA6638684 3 REGIS MAIL	445 REGIS MAIL
RY EXP	RY EXP
HAND	HAND
DATE 4 Sep 03	DATE 4 Sep 03
RECEIVED BY C. Cooper	
EVIDENCE RECEIPT	
RECEIVED	INITIATED

1. CONTRIBUTOR CASE NUMBER
0134-02-CID369-23533

2. INVESTIGATOR'S NAME
SA [redacted]

3. AUTOVON AND PHONE NUMBER
DSN: 656-0299

4. SUSPECT(S) (Last, first and middle name(s))
Unknown

5. VICTIM(S) (Last, first and middle name(s))
ULLAH, Habib

6. TYPE OF OFFENSE
Death Investigation

7. ONE COPY OF EVIDENCE RECEIPT INCLOSED WITH EVIDENSE
☒ YES ☐ NO

8. OTHER EVIDENCE PREVIOUSLY SUBMITTED ON THIS CASE
☐ YES ☒ NO

9. IF "YES" IN ITEM 8, LIST OTHER SUSPECT(S), DATE SUBMITTED, UNIT CASE AND LABORATORY REFERAL NUMBER(S)
YES, BUT CANCELLED, NO REFFERAL # KNOWN

10. EVIDENSE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
1	Snuff Case (containing green leafy substance) (Item #1, VO #063-02)
2	Bottle (containing brown liquid) (Item #2, VO #063-02)
3	Foil Pack (containing yellow tablets) (Item #3, VO #063-02)
4	Bag/Bottle (containing yellow liquid) (Item #4, VO #063-02)
	////////////////////LAST ITEM//////////////////////////

DA FORM 3655
1 AUG 74

REPLACES DA FORM 3655-R, 1 NOV 70, WHICH IS OBSOLETE

FOR OFFICIAL USE ONLY

372

b6, 7C

EXHIBIT 66

10. EVIDENCE SUBMITTED	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
	0137-02-CID369-23534

11. EXAMINATION(S) REQUESTED (Briefly furnish any information or instructions that might assist the laboratory in examining, evaluating or returning evidence and/or report.)

Drug Chemistry/Trace Evidence Division: Please examine Exhibits 1 thru 4 determine their composition. Screen for the presence of drugs. If possible from elemental analysis explain the contents and whether any of the components would be harmful if consumed by the deceased.

SYNOPSIS: ULLAH was captured by US Forces and detained within a US operated Detention Facility from 30 Nov 02 until his death (three days later) on 2 Dec 02. At autopsy, extreme bruising was noted on the lower extremities and the manner of death was ruled a homicide. Investigation has revealed ULLAH was struck in the legs, by members of the MP guard force and physically assaulted by MI interrogators and that he repeatedly refused food and water. Toxicology performed (on liver, kidneys and vitreous) at AFIP screened for ethanol and drugs of abuse and found nothing.

***The items collected above were somehow associated with ULLAH, but it is unclear from documentation if he was in possession of them at the time of his death. The concern is that a toxin or poison was missed and may have contributed to ULLAH's compromised health prior to his death in custody.

Evidence above has not been examined by another expert in the same scientific field

TYPED/PRINTED NAME OF REQUESTOR	[illegible]	DATE
SA [redacted]	[redacted]	25 Aug 03

DA FORM 3655 PG 2

2003-1757

FOR OFFICIAL USE ONLY

373

EXHIBIT 66

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

PAGE 1 OF 2 PAGES

DETAILS

At 1045 hrs, 21 Aug 2003, SA [redacted] established contact with Titan Services Corporation, 3033 Science Park Road, San Diego, CA 92121 regarding the current location of Titan employees (interpreters/linguists) employed by the US Government. [redacted] Assistant to the Director of Human Resources, Titan Corporation, was out of the office until 26 Aug 2003. A voicemail message was left with her at (703)383-4658 and an email at [redacted]@titan.com Titan represents the best method for locating the following interpreters:

[redacted]

At 1100 hrs, 25 Aug 2003, SA [redacted] located **CPT [redacted], Womack Army Medical Center, Fort Bragg, NC 28307** (FBNC) via World Wide Locator (WWL). [redacted] was identified as the physician who medically cleared DILAWAR (PUC 421) for detention at the Bagram Detention Facility (BDF), Afghanistan. [redacted] medical documents reported DILAWAR in "good health". CPT [redacted] could not recall the individual, but added that he might recall more upon reviewing his notes.

At 1300 hrs, 25 Aug 2003, SA [redacted] contacted **SFC [redacted], Training NCO/2nd Platoon Sergeant, 377th MP Company, 1600 Seymour, Cincinnati, OH** for information on the unit's Duty Roster (DA Form 6) for the period in question and the individual or unit training records. SFC [redacted] related the 377th MP Co, had a platoon (3rd Platoon) working dayshift and a platoon (1st Platoon) working nights, in the BDF from late Nov 2002 to early Dec 2002. But he added that around that time 2nd Platoon was beginning to transition from gates to BDF. Shifts ran roughly from 0730 to 1930 hrs (dayshift) and 1930 to 0730 (nightshift) and days off were about 1 in every 5/6 days. Duty rosters (DA Form 6) were left behind with the relief element (293rd MP Company, Fort Stewart, GA). Training records for the unit's train up at Fort Dix, NJ were kept by the MUIC (Active Component Assistors who tracked validation). The 377th had no copies nor records of individual or unit training of the MP Training (Operate Within a Detention Facility) Training conducted at Fort Dix, NJ prior to deployment.

At 1330 hrs, 28 Aug 03, SA [redacted] and SA [redacted] interviewed **CPT (Dr.) [redacted], Company A, Womack Army Medical Center, Fort Bragg, NC 28310.** [redacted] related he conducted an initial medical screening of DILAWAR, shortly after his capture near Forward Observation Base (FOB) Salerno, Afghanistan. The examination occurred within a temporary confinement holding area on the FOB. [redacted] had excellent recall of his contact with DILAWAR

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SA [redacted]	DATE 28 Aug 2004	EXHIBIT 67

1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

374

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

and the events of the examination. [redacted] was certain DILAWAR had no visible injuries at the time of his capture. [redacted] detailed the examination process to include acquiring medical history information from DILAWAR through an interpreter. DILAWAR reported experiencing chronic headaches for which he would take aspirin, however, reported no other medical issues to [redacted] reviewed a copy of the treatment record related to DILAWAR and verified his signature on the document. [redacted] also prepared a sketch, which depicted the confinement and examination area in which the medical examination of DILAWAR was conducted. Additionally, [redacted] related CPT (Dr.) [redacted] Company A, Womack Army Medical Center, Fort Bragg, NC, may have observations significant to this investigation, as he was present at the time of the examination of DILAWAR. *(See Sworn Statement of [redacted] and [redacted] sketch for details).*

At 1550 hrs, 28 Aug 03, SA [redacted] and SA [redacted] interviewed **CPT (Dr.)** [redacted] **Company A, Womack Army Medical Center, Fort Bragg, NC** who stated he recalled the incident during which he and [redacted] conducted initial medial screening of several individuals whom had been captured near FOB Salerno. [redacted] stated when individuals were captured, the physicians would be notified and conduct an initial medical screening of them at the temporary confinement facility. [redacted] observed and verified the sketch prepared by [redacted] of the FOB Salerno confinement and examination facility was an accurate representation. [redacted] stated guards would escort the detained individuals into the open floor area, where the individuals would be disrobed and the medical examinations conducted. [redacted] explained the examination included past medical history, medical allergies and current medications being used by the individuals, as well as physical examination of the individuals skin for lesions, heart, lung and ears. [redacted] related he did not recall identifying anything during the examinations he conducted which he would have categorized as "non-accidental" trauma. He stated if a detainee identified a known medical condition or medication, which they required, the installation medical facility would accommodate their medical requirements to the best of their ability. [redacted] did not recall any specific details related to the examination of DILAWAR, as [redacted] conducted the examination. [redacted] stated he traveled through Bagram, Afghanistan while TDY on one occasion, however, never visited the detention facility. [redacted] related he never observed anyone strike any detainees. He did not recall any detainee becoming combative or resistive to treatment while at the FOB Salerno detention facility that he observed. [redacted] stated he received a general briefing on the rules of engagement related to the Afghanistan Theater of Operations, however, did not recall any specific briefing related to specific rules of engagement or conduct related to dealing with detained personnel.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SA [redacted]	
SIGNATURE [redacted]	DATE: 28 AUG 2004 / EXHIBIT: 67

SWORN STATEMENT

File Number : 0137-02-CID369-23534
Location : Bldg 8-1221, Fort Bragg, NC 28310
Date : 28 Aug 2003 **Time:** 1449
Statement of: [redacted]
SSN : 447-82-2881 **Grade/Status:** CPT/03/RA
Org/Address : Alpha Company, Womack Army Medical Center, Fort Bragg, North Carolina 28310

I, [redacted] want to make the following statement under oath: I went to Medical School, at Case Western Reserve University, Cleveland, OH and finished on 17 May 1998. I did my residency in Oklahoma City at Great Plains Family Practice, from 1 Jul 1998 to 30 Jun 2001. I was involved in an Army scholarship program, which I entered into in 1995. I did three 45 day medical rotations during my scholarship: at the University, at Walter Reed Army Medical Center (Apr 97) in Ophthalmology; and at Fort Belvoir, VA (Sep 97) in Family Practice. I came on full time active duty 8 Jul 2001, I went to an eleven week Officer's Basic Course, at Fort Sam Houston, TX. My first duty station was Fort Bragg, NC and I got here about 19 Sep 2001. I worked in Family Practice at Clark Clinic until I deployed to Afghanistan. I went with the 3rd Bde, 82nd Airborne Division to Afghanistan from 7 Aug 2002 - 22 Jan 2003.

Q: Prior to deployment, had you ever treated a patient with severe bruising requiring treatment?

A: During the last 22 months of my residency I worked as a contract doctor in both Jackson County Memorial Hospital, Altus, OK and Paul's Valley General Hospital in Paul's Valley, OK in the Emergency Room. I saw a lot of trauma at both places.

Q: Where were you assigned in Afghanistan?

A: I was the 1/504th PIR Battalion Surgeon. I usually treated soldiers. We were located at Forward Operating Base (FOB) Salerno.

Q: Did you routinely deal with detainees?

A: No. Charlie Med of the 82nd FSB usually supplied doctors to support the detainee exams at FOB Salerno. I only dealt with them once, it was three guys and all on the same day, so I remember it fairly well.

Q: Describe as best you can the capture and medical screening process for detainees.

A: If they were captured in the field near us, FOB Salerno was their first stop. They were interrogated by a Psy Ops Detachment guy (whose name I can't recall) through local nationals interpreters and assessed for retention based on what

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 68

[redacted]

STATEMENT OF CPT [redacted], TAKEN AT Fort Bragg, NC, DATED 28 Aug 2003, CONTINUED:

they told Psy Ops. Some were kicked loose, others were kept. On this day one of the four or five collected was supposed to be released, therefore he wasn't examined. The rest were suspected to have knowledge of or have participated in an attack on US forces and they were kept.

Q: How did you come to be involved in detainee screening on 2 Dec 2002?

A: First, it's a guess. If the information on capture on 1 Dec 2002 is correct and inprocessing at Bagram Detention Facility, on 5 Dec 2002, then my exam had to have happened was probably on the 2nd of December 2002. Because they were all kept awake all night on the night of capture. The Charlie Med physician and I are friends and I wasn't busy so I volunteered.

Q: How were they kept awake?

A: They were secured to the fencing. They were flexi-cuffed at wrist, in front of them and then attached to the fence in a standing position. If they fell asleep they were supposed to be roused by the guards.

Q: How did the guards rouse them?

A: I do not know.

Q: When you examined this group of Persons Under Control (PUC), how did that occur, how was it accomplished?

A: There was another doctor (Dr [redacted] A Co, WAMC, FBNC) and we did two each, one at a time. We were very close it was a small area. It was a simple screening.

Q: Describe the exam setting.

A: The PUC was in a small open area he was flexi-cuffed behind his back and was completely naked. I don't know how he was disrobed, he was the only one of the four who did not have clothes on when we got there. The rest we had disrobe as we examined them. After the exam they were redressed.

Q: Describe the medical portion of the exam.

A: The medical portion was examination for "trauma or infection", that meant lesions, sores, rashes, and pre-existing injuries. The portion to document any pre-existing injuries to protect soldiers from accusations of abuse. On PUC 421, I noted he was very thin, his stomach area was sunken in. I was warned he had spit on people, but he was not aggressive nor combative with me. My report reads "well developed, well nourished thin male; pupils equal, round, and reactive to light; tympanic membranes (ears) clear; mouth and throat clear; scalp clear. I noted he had no palpable lymph nodes (which could be a sign of infection); his chest was symmetric, his heart had a regular

0137-02-CID369-23534

STATEMENT OF CPT [redacted] TAKEN AT Fort Bragg, NC, DATED 28 Aug 2003, CONTINUED:

rate and rhythm; his lungs were clear and had normal breath sounds on both sides; his abdomen was scaphoid (sunken) non-tender and had no distention. I noted no edema (swelling) in his extremities and he had no rash, lesions, scars or tattoos. The other portion was to collect a medical history. He reported a history of headaches. The only medicine he reported using was aspirin for headaches. He reported no drug allergies and no surgeries. This is all documented on my exam sheet, which I signed.

Q: Did you make any other observations that aren't contained in your notes?

A: I did not do a rectal, but I looked for obvious signs of injury or illness and didn't see anything.

Q: Describe the weather and lighting conditions for the exam.

A: It was near mid-day, lighting was from the sun and it was bright, sunny and warm, like it normally in Afghanistan. He was shivering during the exam, but I think it was because he was outdoors all night and it does get cold in the desert.

Q: Did you observe any bruising to PUC 421 (DILAWAR) legs or thighs?

A: No.

Q: Could you reasonably expect to see signs of injury or bruising, if PUC 421 (DILAWAR) was injured during capture, at the time of your exam?

A: Yes, there weren't any and he didn't complain of any.

Q: Was that the only contact you had with PUC 421 (DILAWAR)?

A: Yes.

Q: Has anyone else talked with you about the death or your exam?

A: No.

Q: How did you document your exam?

A: On an SF600 which I signed. I have seen a copy of it today and recognize my own handwriting.

Q: Did you ever see anyone abusing detainees or striking them?

A: No.

Q: Did you ever have occasion to visit the BDF?

A: No. I saw it from the outside only once.

Q: Is there anything you wish to add to or delete from this statement?

A: No. [redacted]

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

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 68

37

STATEMENT OF CPT [redacted] TAKEN AT Fort Bragg, NC, DATED 28 Aug 2003, CONTINUED:

AFFIDAVIT

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

[redacted]

(Sign[redacted]atement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of August 2003 at Fort Bragg, NC 28310.

[redacted]

([redacted]stering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 68

37

0134-02-CID369-23533

0137-02-CID369-23

0137-02-CID369-23534.

[redacted]

Rough sketch of examination location, sketched by DR.

FOR OFFICIAL USE ONLY

b6, 7C

380

EXHIBIT 68

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

PAGE 1 OF 2 PAGES

DETAILS

On 2 Sep 03, SA [redacted] coordinated this investigation with **CPT [redacted] 2/312th Training Support Battalion (TSB), 5 Lobaugh Street, Oakdale, PA 15071**, who verified the 377th MP Company conducted pre-deployment training at Fort Dix, NJ. CPT [redacted] related the Point of Contact for the training, which was provided to the 377th MP COMPANY, was LTC [redacted] Commander, 1/309th TSB, Fort Dix, NJ.

On 3 Sep 03, SA [redacted] coordinated this investigation with MAJ [redacted] Battalion Executive Officer, 1/309th TSB, Ft. Dix, NJ, who stated issues related to unit training should be referred to **MAJ [redacted] Mobilization Assistance Team – Operations (MAT-Ops), 1/309th, TSB.** He provided the contact information for MAJ [redacted]

On 3 Sep 03, SA [redacted] coordinated this investigation with MAJ [redacted], who confirmed he had the training records related to the 377th Military Police Company secured within his unit storage area. MAJ [redacted] explained prior to November 2002, the training responsibility was assigned to a US Army Reserve Training Brigade, which rotated the responsibility among the various Battalions within the Brigade. After November 2002, MAJ [redacted] stated the training responsibility was assumed by the 1/309th TSB, who currently maintains the training responsibility. MAJ [redacted] related he would assist the USACIDC agents to identify the personnel responsible for training the 377th MP Company.

On 4 Sep 03, SA [redacted] coordinated this investigation with MAJ [redacted] 1/309th TSB, who stated he had recovered the training records related to the 377th MP Company, which documented the results of the unit pre-deployment training, from the unit storage area. MAJ [redacted] related the records were quite extensive and would be secured within his office until the arrival of USACIDC agents.

On 9 Sep 2003, SA [redacted] and SA [redacted] conducted a briefing with MAT Ops command and training staff, which included LTC [redacted] Commander, 1/309th TSB, Fort Dix, NJ; MAJ [redacted] Executive Officer, 1/309th TSB, Fort Dix, NJ; MAJ [redacted] MAT Operations Officer, 1/309th TSB, Fort Dix, NJ; MAJ [redacted] Military Police Team Officer in Charge, 1/309th TSB, Fort Dix, NJ; MAJ [redacted] MAT Chief (Incoming), 1/309th TSB, Fort Dix, NJ. The briefing included an overview of the investigation, focused on the relationship of the training received at Fort Dix to the incidents under investigation. MAJ [redacted] provided the training records associated with the training received by the 377th MP Company.

On 9 Sep 2003, SA [redacted] and SA [redacted] reviewed the existing records from MAT Operations on the training completed by the 377th MP Company and collected two items of evidence, against receipt

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
	DATE 9 Sep 2004	EXHIBIT 69

[redacted]

1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

on a DA Form 4137, Evidence Custody/Property Document (ECD), Voucher # 088-03. The items collected were an After Action Review (authored by CPT [redacted] and the Training Support Request (authored by CPT [redacted]

AGENT'S COMMENT: Several folders full of loose records provided by MAJ [redacted] were examined. It was noted sign in sheets existed for Code of Conduct, SERE, Law of War, etc. "GO/NO GO" evaluations existed for First Aid tasks, but no record existed of training in the 95C Mission Specific Tasks for which the 377th was trained.

At 1315 hrs, 9 Sep 2003, SA [redacted] and SA [redacted] conducted an interview of **CPT [redacted] 1/309th TSB, Fort Dix, NJ.** [redacted] provided a statement, which detailed his knowledge as the MP Officer-in-Charge of the training and evaluation of the 377th MP Company during a Mobilization Readiness Exercise (MRE). *(See Sworn Statement of [redacted] for additional details).*

At 1340 hrs, 9 Sep 2003, SA [redacted] and SA [redacted] conducted an interview of **SSG [redacted] 1/309th TSB, Fort Dix, NJ.** [redacted] provided a sworn statement, which detailed his knowledge and activity as an Observer Controller Trainer (OCT) for Military Police operations. He had knowledge of a USAMPS visit, which included USD training in Jan 2003, but no relevant recall of events related to the Mobilization Readiness Exercise (MRE) of the 377th MP Company. *(See Sworn Statement of [redacted] for additional details).*

At 1600 hrs, 9 Sep 2003, SA [redacted] and SA [redacted] conducted canvass interviews of **MSG [redacted] NCOIC MP Team and SFC [redacted] Platoon Sergeant Observer Controller, both assigned to the 1/309th TSB, Fort Dix, NJ.** Both [redacted] and [redacted] recalled having observed the MRE related to the 377th MP Company as Observer Controllers, however, could not recall any significant training issues with the unit. Both related the units in which serious training issues are usually the units, which are remembered by the training staff. [redacted] and [redacted] stated the observed training of the 377th MP Company occurred at the Internment Resettlement Training Center, Fort Dix, NJ. The training included numerous scenarios related to detainee facility management, including exterior security operations as well as detainee movement and control within the facility. Neither recalled any scenarios related to evaluation of the 377th MP Company dealing with "combative" detainees. Neither [redacted] nor [redacted] recalled any training being conducted by the unit members related to the administration of "compliance blows" and stated US Army doctrine would prohibit the MP's from employing physical force upon detainees outside of the use of force continuum. [redacted] and [redacted] (both of whom were Drill Sergeant qualified) stated they had never heard of the term "compliance blow".

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 9 Sep 2004	EXHIBIT 69

1 FEB 77

FOR OFFICIAL USE ONLY

b7 b6 7C

Exhibits 70, 71

Page(s) 383-388 withheld

b2

0137-02-CID369-2
0134-02-CID369-23533

SWORN STATEMENT

File Number : 0137-02-CID369-23534
Location : 1/309th Training Support Battalion, Fort Dix, NJ
Date : 9 September 2003 **Time:** 1:15 p.m.
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** CPT/USAR
Org/Address : 1/309th Training Support Battalion (TSB), Fort Dix, NJ 08640

[redacted], CPT [redacted] want to make the following statement under oath: I am a branch qualified Military Police Officer. I was commissioned through the Reserve Officer Training Corps (ROTC) during 1989. I joined the US Army Reserve during May 1992, and was assigned to the 340th Military Police (MP) Company, Queens, NY. I have remained in the US Army reserves as an MP Officer since. While serving in the US Army reserves, I was also employed by the Department of Juvenile Justice, City of New York, at the Spofford Juvenile Detention Center. I am currently employed as a police officer in Stamford, CT. During 2002 I mobilized with my Reserve MP unit, the 1/309th TSB, Fort Dix, NJ, for annual training. During this training period, I was the MP Team Project Officer for the Mission Rehearsal Exercise (MRE) to be conducted to evaluate the 377th MP Company from, Cincinnati, OH. My responsibility as the MP OIC for the exercise was to provide overall leadership and logistical support for the MRE. I was to make sure things were being run the way they were supposed to be run. I was responsible for compiling the final take home package for the unit, which is the final overall evaluation. The MRE is mission specific to the area where the unit is deploying and the type of mission the unit is going to conduct during their deployment. We attempt to replicate as much as possible the conditions and tasks that the unit will encounter. The MRE for the 377th MP Company was based on external guard operations, internal guard operations and reactionary force operations. The MRE was conducted on Fort Dix, NJ, during which there were various evaluators and role players involved in the training. On the first day of the MRE, the unit was exposed to Internment Facility Operations and Military Operational Specialty (MOS) 95C task training. My opinion was that this was possibly the first time the unit had conducted this type of training, or they had very limited exposure to Internment Facility Operations. During the second day of training, the unit was exposed to reacting to a power outage, conducting a lockdown, reacting to a bomb threat, controlling and eliminating an attempted escape, take actions

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 72

38

b6, 7C

STATEMENT OF CPT [redacted] TAKEN AT Fort Dix, NJ, DATED 9 Sep 2003, CONTINUED:

[redacted] pursuant to a death of an inmate, reacting to a medical emergency, and conducting routine daily functions. Some of the overall findings that I documented on my final evaluation included there was an overall lack of familiarization with 95C tasks. Additionally, there was poor preparation at squad and team level on the execution of 95C tasks. All of my findings as the MP OIC were documented on an After Action Report (AAR) for training dated 30 June 2002.

Q: Were you the only contributor to the AAR?

A: No, there were several AARs, conducted informally with the Observer Controller Trainers (OCT) and the unit members at the time of the event. This gives instant feedback during the MRE to the soldiers completing the task.

Q: How did the evaluators communicate their observations to you for input into the AAR?

A: They have Trainings, Outlines and Evaluations (TOE) sheets and they have the tasks, conditions and standards and are checklists for OCTs. Those forms should have been maintained in our records, but apparently are no longer there. Our unit was only involved in the 377th's training because we had to make up a weekend of AT. The training responsibility actually fell to the 2/314th Field Artillery, which no longer exists. Those records should have been left here, but I've seen the files and they don't contain those TOE sheets.

Q: Is it your opinion that the leadership of the 377th were aware their performance of 95C tasks was below standard?

A: Yes, the leadership got the AAR and our notes (which I no longer have). However I'm unaware of any additional training or retraining they did in weaknesses identified.

Q: Do you have any specific recollection of problem areas with the 377th that caused you to identify a weakness in 95C tasks set?

A: No, from re-reading my AAR (Paragraph 6), it seems like they never had a plan for conducting EPW/CI ops, like it was not part of their mission, they had limited to no experience in it and simply were not prepared to run an EPW/CI facility.

Q: Was their time after the MRE for the 377th to correct these deficiencies and master the required tasks?

A: I don't know. The only time I had contact with the 377th was for the MRE, so I do not know what they trained on before or after the Mission Rehearsal Exercise.

Q: In any of the 95C tasks you observed, were strikes or blows to detainees observed?

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 72 39

STATEMENT OF CPT [redacted] TAKEN AT Fort Dix, NJ, DATED 9 Sep 2003, CONTINUED:

[redacted]
A: No.
Q: Are physical punishment of detainees/EPW/CI or role players permitted?
A: No. It is not permitted nor is it trained. Our training is based on doctrine. It is not something we make up.
Q: Have you ever heard the term "compliance blow" in your military or civilian police experience?
A: No, absolutely not.
Q: Would you recall if soldiers from the 377th did any "hip pocket" training during the MRE?
A: They would not have had the time, it was a 24 hr operation.
Q: Is there anything you can think of that I have not asked you about you feel is pertinent?
A: No.
Q: Is there anything you wish to add to or delete from this statement?
A: No.
//////////////////////////End of Statement//////////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 22 3C

b6, 7C

STATEMENT OF CPT [redacted] TAKEN AT Fort Dix, NJ, DATED 9 Sep 2003, CONTINUED:

AFFIDAVIT

I, **CPT** [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 9th day of September 2003 at Fort Dix, NJ

[redacted]

(Typed Name of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7c

EXHIBIT 72 3c

0134-02-CID369-23533

0137-02-CID369-23534

SWORN STATEMENT

File Number : 0134-02-CID369-23533 1431
Location : Fort Dix, NJ
Date : 9 Sep 03 **Time:** 1431
Statement of:
SSN : **Grade/Status:** E-6/SSG/USAR
Org/Address : 1/309th Training Support Battalion, Fort Dix, NJ 08640

---

want to make the following statement under oath:

am a school trained and qualified 95B and I OJT'd in 95C Operations for Camp Bondsteel Detention Facility, Kosovo as the Sergeant of the Guard for three weeks, in Jul 2002. I was in Kosovo for ten months performing MP Duties with the 551 MP Bn (KFOR 10) from Jan 2001 to Nov 2002. I am very familiar with the 95B tasks and somewhat familiar with 95C tasks as a result of my training and experience. Now I serve as a Observer Controller Trainer (OCT) with the 1/309th and have on occasion been an OCT for MP units processing through Fort Dix, NJ and Fort Drum, NY enroute to GTMO, Afghanistan, Iraq.

In Jan 2003, a four man team consisting of a CSM and three SFCs from the US Army MP School (USAMPS), Fort Leonardwood, MO, visited Fort Dix, NJ to train an MP Company, which I can't recall the unit designation of. To my knowledge, this was the only time USAMPS came to train reserve or guard units. They came to teach Unarmed Self Defense (USD). They taught for 4 days I was present all four days. I observed all the USD training and functioned to ensure students were present, in proper uniform and paid attention. They taught takedowns, weapons takedowns, pain compliance/pressure points, hand-cuffing techniques, and where NOT to strike people with batons.

Q: During the USAMPS training, what was meant by the term compliance?

A: If a subject is resisting, you apply pain compliance, which is released immediate as they comply. The locations of pain compliance were predominantly in the hands, bending the wrist to gain compliance If the subject was seated, then a couple pain compliance locations were shown using fingers under the chin, behind the jaw bone near the ears and under the nose.

Q: Did you ever observe any thing termed "compliance blow"?

A: No.

Q: What was the stated purpose of pressure point control?

A: Gain control.

INITIALS

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 73

39

STATEMENT OF SSG [redacted], TAKEN AT Fort Dix, NJ, DATED 9 Sep 2003, CONTINUED:

[redacted] Did you observe any training relative to striking or kneeing persons to obtain compliance?
A: No.
Q: Was the practice of striking or kneeing addressed at all in training?
A: Yes, in the "Do Not" stuff. It was also where they discussed not striking the head, neck (front and back), chest, and armpits.
Q: If there were no strikes allowed, why was it necessary to tell soldiers where "not" to strike?
A: Because the guard and reserve units contain a lot of civilian police officers and they kept asking crazy "what if" questions, so it had to be explained to them repeatedly that they were not in a civilian police environment, they were in a military police environment.
Q: Was it clear that striking prisoners was not allowed?
A: Yes. They were told that the rule for use of force in their theater would be mission specific and explain what was or was not allowed.
Q: How long have you been an OCT for 1/309th?
A: About 18 months.
Q: Were you an OCT when the 377th came through Fort Dix, NJ in Jun/Jul 02 for train up?
A: Yes.
Q: Do you recall have contact with the 377th MP Company?
A: I probably helped out with the MRE, but I can't recall anything of note. I didn't complete any evaluation forms and I wasn't a role player.
Q: Is there anything you wish to add to this statement?
A: My observation is that most of the guard and reserve MP units come here civilian police training and techniques, which they try to apply across to military law enforcement. It is a constant challenge, it doesn't matter where they come from. They are very resistant to change and won't let go of skills they bring with them, regardless of how much we tell them it's not how we do business.
Q: Would it surprise you to learn USAR MP Companies have had problems with rough handling and treatment or abuse of detainees in their custody?
A: No, not at all. I have observed the mindset and practices of our reserve MP coming from civilian law enforcement where roughing up subjects is accepted. It's not everybody, but some of these guys are 30 year law enforcement veterans and you can't

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 73

STATEMENT OF SSG [redacted] TAKEN AT Fort Dix, NJ, DATED 9 Sep 2003, CONTINUED:

[redacted] teach them anything, because they don't want to modify what they know works.

Q: Anything else you think we should know about that we have not asked you or you would care to divulge?

A: No. That's it for now. [redacted]

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

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 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 [redacted] INDUCEMENT.

[redacted]

_____

[redacted] Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of September 2003 at Fort Dix, NJ 08640.

[redacted]

_____

(Signature [redacted] ing Oath)

SA [redacted]

_____

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

_____

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7c

EXHIBIT 73

39

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

PAGE 1 OF 1 PAGES

DETAILS

At 1025 hrs (EST), 15 Sep 2003, SA [redacted] and SA [redacted] coordinated with Ms. [redacted] and Ms. [redacted] Titan Services Incorporated, 3877 Fairfax Ridge Road,Fairfax, VA to locate interpreters who may have witnessed assaults by MI Interrogators and/or MP personnel. [redacted] determined [redacted] and [redacted] were still employed in Afghanistan. [redacted] was performing translator duties in Germany. [redacted] was not employed at Titan or it's sub-contractor (SOS Interpreting Limited). [redacted] was able to provide contact information for Project Managers in each geographic locale and provided an electronic introduction to allow SA [redacted] and SA [redacted] to schedule witness interviews.

On 17 Sep 2003, SA [redacted] consulted with Mr [redacted] Chief, Latent Prints Division, US Army Criminal Investigation Laboratory (USACIL), Fort Gillem, GA 30050 regarding the possibility of conducting forensic comparison of the patterned impression (observed in photographs and referenced in the autopsy report of DILAWAR - Exhibit ___). Mr [redacted] asked that the photographs be submitted as they are the only record of the patterned injury and examiners would assess them. Both Mr [redacted] and Mr [redacted] Latent Print Examiners, U.S. Army Criminal Investigation Laboratory, 4553 N. 2nd St. Forest Park, GA. 30297 looked at the information supplied. *(P: 404-469-7842 F: 404-469-7038 E-Mail: [redacted]@usacil.army.mil)*

It was their opinion there was insufficient detail in the digital photographs submitted to determine the origin of the marks on the left calf of the deceased. They noted the photographs of the boots have no scale, and are not photographed parallel to the plane of the camera. Some guesses could be made as to the approximate size of the boot, but this limited the strength of any overall conclusion because there were alternative possibilities for the pattern including, but not limited to; post-mortem lividity during contact with an unknown striated item. They added it was also possible that the marks were not made by shoes/boots at all.

AGENT'S COMMENT: Based upon the above opinions of Latent Print Examiners, no effort was undertaken at this late juncture in the case to obtain footwear from any of the Military Police or Military Intelligence personnel re-interviewed as suspects/subjects. The potential for making a conclusion regarding who (if anyone) placed the patterned injury onto DILAWAR's calf is outweighed by the inefficacy of the attempt at this time in the investigation.

At 2107 hrs (EST), 23 Sep 2003, SA [redacted] and SA [redacted] interviewed **COL [redacted] (USAR), [redacted]** At the conclusion of the interview, [redacted] authored a sworn statement detailing his in-processing medical examination of HABIBULLAH (PUC 412), during which he noted no serious health problems nor noted any injuries/disease. *(See Sworn Statement of [redacted] for additional details).*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
	DATE 23 Sep 03	EXHIBIT 74

[redacted]

1 FEB 77

FOR OFFICIAL USE ONLY

h7 bc. 7E

396

0134-02-CID369-23533

SWORN STATEMENT

0137-02-CID369-23

File Number : 0134-02-CID369-23533
Location : Fort Stewart, GA 31314
Date : 23 Sep 2003 Time: 2107
Statement Of: [redacted]
SSN : [redacted]
Org/Address : [redacted] Grade/Status: COL/USAR

[redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: In early Sep 02, I arrived in Afghanistan and I was the assigned to the Bagram Detention Facility (BDF) as the primary care physician for the Persons Under Control (PUC). At 1010 hrs, 30 Nov 02, I examined a PUC #412 and I documented my findings on a physical exam sheet, which bears my signature. I did the exam as they first came into BDF and through an interpreter asked about past medical history. He reported a questionable history of headaches and no known allergies. He reported no known history of tuberculosis and no past surgeries. I asked him about medical complaints (Systems Review) and he told me he had a slight sore throat. The system review encompassed complaints about head, ears, eyes, nose, throat (EENT); neck or thyroid; lungs for pneumonia or tuberculosis; heart for heart attacks, hypertension, irregular heart rates; gastro-intestinal (GI) for nausea or vomiting, trouble swallowing, ulcers or worms; gyneological -urogenic (GU) for complaints about kidney or bladder function; extremities – problems with muscles or joints; skin – lesions, abrasions; and neurological or psychological problems. This was all dependent upon self reporting, but he had no other complaints, besides the aforementioned sore throat. I also noted on the exam sheet that he reported he was a smoker.

Upon physical exam, he "looked well", his head was normocephalic. His oral pharynx (the mouth) had one cavity on the right posterior side. His neck was supple. His thyroid was normal. His heart had a regular rhythm and rate. There was no detectable murmur. His lungs were clear bilaterally, (i.e., I checked them by listening), which I also noted on the exam sheet. I noted he was obese, but without an enlarged spleen or liver. In the groin area, I noted both testes were descended and he was circumcised. In the rectal exam, I noted good tone, with a normal prostate and there were no foreign bodies in the rectal cavity. His extremities exhibited FROM (full range of motion). I noted multiple ski tags on his neck. I also noted on the exam sheet that he was moderately resistant during in processing. My assessment was he was a "well male" and he had a "dental carie". He was cleared for confinement and I recommended routine dental care. (as needed). I did not see any evidence of injury on him at the time of my exam. He had to completely disrobe for the physical exam, so I would have seen any injury to him at that time.

On 2 Dec 02, when PUC 412 came in, he was dead on arrival (DOA) to the Emergency Room (ER), Dr (LTC) [redacted] was there and he drew blood and ran tests, which came back with very high levels in the BUN/Creatine. They called me in from my tent and I went over to observe and consult with Dr

b6, 7C

SWORN STATEMENT OF COL [redacted]
TAKEN AT THE Fort Stewart, GA 31314 DATED 23 Sep 2003 CONTINUED.

[redacted] The high level of BUN/CR was indicative of renal failure. This condition can go undetected, but once it is set in motion results in death. When the kidneys fail, acidosis sets in, that cause a potassium shift in the body, the potassium shift causes heart failure. It was our opinion that PUC 412 died of renal failure.

Q: What does normocephalic mean?

A: Normal symmetrical head, not misshapen or abnormal.

Q: During the in processing, you noted PUC was resistant. What does that mean and did you observe any MPs using force or blows to obtain compliance from PUC 412?

A: No. There were no blows to PUC 412 during my exam. He did require a couple of MPs to control his movement, but they did not hit him.

Q: Did you observe MPs ever deliver blows of any sort to PUCs?

A: Once. I saw some MPs overcome a combative PUC by force in numbers and a few blows with the knee were delivered during the scuffle to regain control. From what I heard, the event was precipitated by the detainee attacking an MP in some manner. The MP later came to see me complaining of soreness in the chest wall. He was bruised but fine. I can't recall his name. I also looked at the PUC the next day, he had a small bruise to his left anterior thigh. I assured him he would be fine.

Q: Was that PUC #412?

A: I have no idea which PUC it was.

Q: Was there any established policy about reporting of injuries to PUCs?

A: A couple different scenarios might play out with regard to injury reporting. The MP medic (SPC [redacted] 377th MP Company) would assess complaints in the facility and then confer with myself or the ER doctor. The medic worked a different schedule than me. He dealt with minor complaints, bandages, Tylenol or asprin or medicine distribution. He left a list for me by PUC number of those with complaints that might need intervention at my level. Each day, PUCs had the opportunity to see a doctor, they simply had to tell someone their issue and they went on my list. I saw anyone who had a complaint that the medic could not address..

Q: Did you ever see PUC 412 after in processing?

A: Not that I recall. We kept a log of all complaints for individual PUCs for compilation upon their transfer to GTMO or other locations. When the compilation was complete, the paper records or computer records were destroyed. I asked the physician who relieved me to hold onto the records for PUC 412. I'm not sure what he kept. I recognize my exam sheet, but don't see the SF 558 Emergency Room Exam Sheet Dr [redacted] would have done on the night of PUC 412's death.

Q: Was there a medical SOP for detainee/PUC Ops?

A: Yes, I think the individual who wrote it was Dr [redacted] (?), who was my predecessor.

Q: Did the SOP deal with the details of reporting injuries?

SWORN STATEMENT OF COL [redacted]
TAKEN AT THE Fort Stewart, GA 31314 DATED 23 Sep 2003 CONTINUED.

[redacted]: I'm not sure, but the thing that sticks out to me was our requirement to see them each and every day and check them out within 24 hours of arrival. That doesn't mean that I saw every detainee every day, but I was available every day if they needed to see someone.

Q: Did MI ever make a complaint of injury to a PUC to you?

A: Yes, I visited the PUC with the bruised thigh, while he was in the interview room with a white male and white female MI interrogator, in civilian clothes. I believe I was summoned by MI because of the PUCs complaints.

Q: While you were visiting in the facility, did you visit with PUCs in isolation cells?

A: Yes, I made 'house calls' to the PUCs in isolation, on occasion, as requested (by the MPs or the PUC). I did not do exams in general population holding cells. Those PUCs with problems were brought to me for exam in the facility clinic area, by the MPs with an interpreter to support us.

Q: Describe your observation of PUCs in isolation cells.

A: It depended on where they were in their interrogation cycle, some were in standing restraint and some were sitting on the floor.

Q: Was there any protocol established for PUCs who refused food or water?

A: Not at the time of this death. The day after412's death, I instituted a policy of required liquid intake. Each PUC was supposed to drink two containers of water a shift and if they failed to, they were reported to medical personnel for a decision on how to handle them. That was based in part on our assessment that this death resulted from renal failure and we could better detect renal problems with well hydrated PUCs.

Q: Have you ever worked in a correction setting before?

A: No, but I have worked with PUCs in Kosovo, but only in a hospital setting. The MPs brought them to us for evaluation.

Q: What is your previous deployment experience?

A: Two tours to Kosovo, one to Bosnia, two in Alaska, as a physician. I also did two deployments with USMC to Okinawa/Japan and the Mediterranean, as an CH-46 aviator. I did 5.5 years in the USMC, 9 years Active Duty Army as a physician and the rest of my 31 years has been in the guard or reserve as a physician.

Q: When did you leave Afghanistan?

A: On or about 7 Dec 2002.

Q: Have you made any previous statements regarding the investigation of PUC 412's death?

A: No. I'm actually wondering why it took so long.

Q: Is there anything you wish to add to or delete from this statement at this time?

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

b6, 7C

SWORN STATEMENT OF COL [redacted]
TAKEN AT THE Fort Stewart, GA 31314 DATED 23 Sep 2003 CONTINUED.

AFFIDAVIT

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

[redacted]
(Sig[redacted]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23rd day of September, 2003 at Fort Stewart, GA 31314.

[redacted]
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

[redacted]

EXHIBIT 75 **INITIALS:** [redacted] **PAGE** 4 **OF** 4 **PAGES**

FOR OFFICIAL USE ONLY

b2,b6,7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

PAGE 1 OF 3 PAGES

DETAILS

On 7 Oct 2003, SA [redacted] interviewed **SFC [redacted]/338th Infantry Regiment (Training Support Battalion), Blacklick, OH 43004** who authored a sworn statement at the conclusion of the interview. [redacted] was part of a two man active duty Army team who performed as Unit Assistors to facilitate a smooth mobilization for specific units within the mid-west. He reported his recollection about training received by the 377th and stated it did not include "compliance blows, nor chaining to a fixed object". He stated no training was provided at that time on how to deal with unruly or non-compliant prisoners. (See Sworn Statement of [redacted] for additional details).

After his interview, [redacted] indicated he recalled the 377th was almost not validated for deploymen due to S1, S2, and S4 concerns. He provided copies of an email from MAT Ops, which indicated the 377th had the following problems:

- S1: 377th was at 78% strength (97 personnel out of 24 required present) with 2 to 3 additional persons potentially medically disqualified.
- S2: 377th was at 40% for security clearances (47 of the 97 did not have current security clearances)
- S4: 377th brought 80 M16A2 Rifles, 67 rifles were "dead lined"; all the unit M203 Grenade Launchers were "dead lined" and 6 M9 Beretta 9mm pistols were also "dead lined".
- In a message to G3, 1st Army, dated 26 Jun 2003, the stated intent of Fort Dix was to REFRAD the 377th MP Company. Thirty minutes later, 1st Army G3 responded telling Fort Dix, the fix the unit and send it on. (See email message dated 26 Jun 2003, 9:51AM for details)

At 1400 hrs (PST), 15 Oct 2003, SA [redacted] and SA [redacted] interviewed **CPT [redacted] Charlie Company, 704th MP Battalion, Fort Lewis, WA 98433**. At the conclusion of the interview, [redacted] authored a sworn statement detailing his observations relative to the MOB Training of the 377th MP Company at Fort Dix, NJ. [redacted] confirmed the POI Tasks trained by the 377th and indicated they were not trained to perform "compliance blows", "standing restraint" or "sleep deprivation". *(See Sworn Statement of [redacted] for additional details).*

At 1440 hrs (EST), 27 Oct 2003, SA [redacted] interviewed **Mr. [redacted] Civ/Interpreter, [redacted] at his home [redacted]**. At the conclusion of the interview [redacted] authored a sworn statement detailing his observation regarding DILAWAR (PUC 421). [redacted] was asked by unidentified MPs to translate for DILAWAR who was screaming and yelling while secured in an Isolation Cell. DILAWAR wanted to go to the bathroom, [redacted] observed DILAWAR being escorted under his own power by MPs to the restroom, but he was carried back. [redacted] impression was DILAWAR refused to walk back because he did not want to return to isolation. [redacted] observed no physical force applications by military police on

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
[redacted]	DATE 6 Nov 03	EXHIBIT 76

1 FEB 77

FOR OFFICIAL USE ONLY

b7 b6 b7C

401

DETAILS

DILAWAR. [redacted] described the use of kneeling positions with their hands extended overhead; a "full nelson" wrestling position [redacted] did not use this term, but described the physical position); and a seated chair position along a wall (with no chair). [redacted] indicated SGT [redacted] was one of the interrogators who applied these techniques, but not the only one. He could not recall the interrogators names, but indicated he would recognize their photographs. *(See Sworn Statement of Mr. [redacted] for additional details)*

On 28 Oct 2003, SA [redacted] coordinated with Mr [redacted] Technical Services Coordinator, USACIL, Fort Gillem, GA regarding the status of requested examinations on evidence submitted to Serology Division via Bagram BO in Sep 2003. USACIL cannot perform the request screens for toxins, as the list of possible toxins is infinite. They could screen for illicit drugs and would complete that portion of the requested examination.

At 1130 hrs (EST), 29 Oct 2003, SA [redacted] interviewed **LTC (Dr) [redacted] 3297 US Army Hospital, Fort Gordon, GA.** At the conclusion of the interview, [redacted] authored a sworn statement detailing his examination of ULLAH (PUC 412) on the night of ULLAH's death. He detailed the arrival of ULLAH at the 339th Combat Support Hospital (CSH) and [redacted] noted bruising visible on the left chest, left thigh, left knee and nose, as well as an elevated body temperature of 102.5 degrees Fahrenheit. [redacted] ordered blood tests and found evidence of renal failure and hyperkalemia (potassium shift). [redacted] flagged the death for AFME consultation and exam. *(See Sworn Statement of [redacted] for additional details)*

On 3 Nov 2003, SA [redacted] and SA [redacted] coordinated the progress of this investigation to date with LTC [redacted] Command SJA, HQ, USACIDC, Fort Belvoir, VA 22060. [redacted] coordinated the investigation with OTJAG, Pentagon, who determined it was appropriate to continue focusing on chain of command responsibility and allegations of physical maltreatment by the MP Guard Force and MI Interrogators. There is continued command interest in the vetting process and approval chain for the BCP SOP and the knowledge/participation of both the MP and MI Company Commanders in the operation of their units and the systems in place to check their tactics, techniques and procedures (TTP). [redacted] declined to render any opinion until more information was developed. SA [redacted] and SA [redacted] again stressed the need to have a trial counsel detailed to make decisions about titling.

On 6 Nov 2003, SA [redacted] coordinated with **Dr (MAJ-USAF) [redacted] Deputy Armed Forces Medical Examiner, OAFME, AFIP, 1413 Research Boulevard, Rockville, MD 20850.** The focus of the coordination was to determine the extent the practice of "standing restraint" may have contributed to the death of DILAWAR. Dr [redacted] indicated the death of HABIBULLAH (PUC 412) due to pulmonary embolism could have been heavily effected by static (standing) restraint and to that end, Dr (LTC) [redacted] conducted several attempted re-creations with her lab

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

assistant [redacted] (NFI), which are depicted in photographic exhibits (See Exhibit # _____ for additiona details).

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 6 Nov03	EXHIBIT 76

0134-02-CID369-23533

SWORN STATEMENT 0137-02-CID369-23

File Number : 0134-02-CID369-23533
Location : Fort Dix, New Jersey
Date : 7 Oct 2003 **Time:** 0934
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** SFC/RA
Org/Address : 3rd Bn, 338th Infantry Regiment (Training Support Battalion), Blacklick, OH 43004

I, [redacted] want to make the following statement under oath: I have been a Military Policeman since Apr 1984 and hold Military Occupational Specialty (MOS) 95B. I'm assigned as a Unit Assistor. I assist priority units (from the Guard and Reserve) in preparation for their missions/deployments. My contact with the 377th MP Company occurred in the summer of 2002 when I acted as the Unit Assistor for them along with CPT [redacted] Our job was to be a liaison between the 377th MP Company and the Mobilization Assistance Team (MAT).

I recently returned to Fort Dix, NJ to assist in the mobilization of an Engineer Group from the Ohio National Guard. I'm not an assigned Unit Assistor for them, but I was available, for the mission, so I came. Upon my return, I was asked by MAJ [redacted] Mobilization Assistance Team (MAT) Operations, if CID had talked with me. He advised me that CID was at Fort Dix, NJ looking into the training provided to the 377th MP Company.

Q: Did anyone attempt to influence your recollection or the way you related those memories to investigators?
A: No, but MATOPS personnel were uneasy with the idea of the CID visit, so they mentioned it. We didn't discuss it, they just remarked they expected CID to contact me, because of the position CPT [redacted] and myself held during the 377th MOB training. I haven't seen or talked with CPT [redacted] since his PCS, which was to Fort Lewis, WA.
Q: What precisely was your role in the training, evaluation and validation of the 377th MP Company?
A: I was the liaison for training, coordination and dissemination of information. It was not my job to evaluate the training nor validate the unit. I do sit on the validation board, where they check through S1, S2, S3 (MAT Ops) and S4. Any contributions we would have would be voiced through that forum or with the unit while preparing for training events.
Q: Do you recall any specific problems with the 377th?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 77

401

STATEMENT OF [redacted] TAKEN AT Fort Dix, NJ, DATED 7 Oct 2003 CONTINUED:

A: They were very close to being non-deployable due to shortage of personnel. They should have had 124 (max pax) and they had more in the range of 92-96 pax. They did not have an SOP for their primary mission, running an EPW Operation. Their mission is a "EPW Guard Company" which covers everything from perimeter (tower) guard to sally port operations, detainee movement, processing, etc.

Q: Were you present throughout the MOB training for the 377th MP Company?

A: No, I had to return home for a court appearance, part way through the training, so I was absent for 5-7 days. I was present for their Mission Rehearsal Exercise (MRE), which was at the Mock Confinement Facility.

Q: What is a "compliance blow"?

A: A blow to a non-vital part of the body (shoulder, torso, meaty portions) to get a detainees attention for the purpose of obtaining compliance. I heard this term from the Ravens, USAF Security Police Team.

Q: What is your knowledge, if any, about the practice of "compliance blows" as it pertains to military confinement setting doctrinally?

A: I did not know whether it was allowed or disallowed, until I was informed by CID, it wasn't. I did observe one unit (303rd MP Company), being taught by US Air Force "Ravens". The 303rd was headed to GTMO and they were instructed on compliance blows.

Q: What are the Ravens?

A: An elite group of Security Police, who have a personal security mission, threat analysis of airfields.

Q: Did the 377th get any training on compliance blows from anyone at Fort Dix, NJ?

A: No, not to my knowledge.

Q: How were 377th instructed to deal with unruly or non-compliant detainees?

A: I don't remember any instruction that equipped them to deal with that potential problem.

Q: Did any of the situational training deal with non-compliance from role-players?

A: Not at that time, there is now.

Q: Do the 377th's validation records contain any documentation of MP specific training they received?

A: Yes. The MRE AAR, signed by CPT [redacted] That's the only thing I saw.

Q: Were sign in sheets kept for training on MP tasks?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 77

STATEMENT OF [redacted] TAKEN AT Fort Dix, NJ, DATED 7 Oct 2003, CONTINUED:

[redacted]

A: I don't think that they were for this training event.
Q: Were you present when training on MP specific tasks was conducted?
A: I just don't recall, we train so many of these units, they all blur together. I can only clearly recall the MRE.
Q: Did you or CPT [redacted] (to your knowledge) take with you any training records pertaining to the 377th MP Company?
A: I am absolutely sure I did not. CPT [redacted] left after I did, you'll have to ask him, but I'm pretty sure he wouldn't. We had no reason to. We never do.
Q: Would the 377th have been allowed to take any of their training records with them?
A: Maybe, but I don't think so. After reviewing all the documents in the validation file, the valuable stuff to unit training records wise (weapons qualification, NBC, First Aid) is still in the file.
Q: During the MRE, did the 377th MP Company demonstrate problems executing their core mission - EPW Ops - in your opinion?
A: No. They were limited by resources. Their equipment was already packed up, shipped off and gone. They had to notionalize lots of things making it difficult to get good training. They only had their individual equipment and whatever the OC/Lanes team gave them, so it was hard to evaluate them. I honestly felt that the OC/Lanes Team was not as familiar with the tasks they were evaluating, as they should have been. This set up a situation where folks who didn't have a commanding knowledge of a task, evaluated it.
Q: Was there any training on handcuffing or shackling prisoners?
A: Yes. It entailed showing how to use the manacles, the leg chain and the belt the goes around belly and how to connect them all.
Q: Was there ever any instruction on chaining to a fixed object?
A: No, not that I remember
Q: Was there any instruction on overhead chaining?
A: No. Absolutely not.
Q: Do you recall any issues with the 337th MP Company's SOP, other than them not having one?
A: I can't recall what their excuse was, but they had time to create one if they didn't have one, or get it from the unit by mail if they'd forgotten it.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 77

66. 7C

STATEMENT OF [redacted], TAKEN AT Fort Dix, NJ, DATED 7 Oct 2003, CONTINUED:

Q: What other tools should the 377th have had to successfully operate a detainee facility?
A: They did not get any theater specific information on what types of tasks and specific things they needed for this deployment. They asked for it, we asked for it. They never got it. Now, all units going in to theater have specific input on things they need to be successful.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////////End of Statement//////////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 77

b6, 7c

STATEMENT OF [redacted] TAKEN AT Fort Dix, NJ, DATED 7 Oct 2003, CONTINUED: [redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 7th day of October 2003 at Bordentown, New Jersey.

[redacted]

(Sign[redacted]dministering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7c

EXHIBIT 77

408

Exhibit(s) 78, 79

Page(s) 409 - 416 withheld

Exemption(s) b2

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Building #1452, Fort Lewis, WA 98433
Date : 15 Oct 2003 **Time:** 1400
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** CPT/RA
Org/Address : Charlie Company, 704th Military Police Battalion, Fort Lewis, WA 98433 Unit Phone #(253)966-6933

I, [redacted] want to make the following statement under oath: I came in the Army in Nov 1992, through the ROTC program. I was an MP Officer from the beginning. My previous assignments include Platoon Leader, 549th MP Co, Panama (1993-1995); XO, Battalion S4, HHD Cdr, Battalion S3, 795th MP Battalion, Fort McClellan, AL (1995 - Jul 1997); Battalion S3, 16th MP Brigade and 108th MP Co Commander, Fort Bragg, NC (Jul 1997 - Feb 2000). From Feb 2000 to Jun 2003, I was an active duty Unit Assistor for a number of MP units in the Midwest. One of those units was the 377th MP Company, who attended Mobilization (MOB) Training in Jun/Jul 2002.

THE FOLLOWING QUESTIONS WERE ASKED OF CPT [redacted] BY SA [redacted] AND SA [redacted]

Q: Who decided/dictated what training took place for deploying units?

A: CENTCOM (the theater command) dictated soldier skills and survival training. FORSCOM added to and modified some training on MP specific tasks. They don't know what the mission is when they are called up, but by the third week of MOB training, the 377th Cdr knew his mission was going to be an EPW Ops. The Co Cdr was getting SIPR net communications from the unit he was relieving on what tasks they should train on and equipment they should bring.

Q: With regard to the MP Training, did you observe the unit conduct hands on training of EPW Operations (movement of EPWs, handling of EPWs)?

A: Yes, the Mobilization Assistance Team (MAT) Ops Lane took three days to set up a EPW Camp with holding areas, checkpoints, cells, etc. The lanes team walked them through the tasks, they brought the speed of the tasks up and added other stressors, like family approaching the checkpoints. They had to practice movement of detainees, safety and security of detainees, removal of unruly detainees.

Q: What did the facility look like?

A: There were about six cells and an isolation cell in the basement area, built of either sheet metal grating or chain

INITIALS [redacted]

41

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 80

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA, DATED 15 Oct 2003, CONTINUED:

linked fence. The cells were about 8' x 6' and the cells had 7 to 9' ceilings, and they had drop ceilings with acoustic tiles. The isolation cell was built of concrete with a large steel door, but I never saw it used during the training. Upstairs, they had rooms with tables for processing, collection of property, receipt of items for safekeeping, medical processing.
Q: During the rehearsal, were there scenarios for unruly detainees inside the cell?
A: Yes, they assembled a removal or extraction team. They would overpower them by using a number of MPs, each grabbing a limb, flexi-cuffing them and then remove them. They weren't allowed to use a baton or strike a detainee. In fact they can't even take batons into the facility.
Q: What types of restraint techniques were MPs trained in?
A: Basic self defense techniques, wrist lock, arm bar, the over powering by number. MP Doctrine does not teach chokeholds, as a matter of doctrine, because it's been such a problem.
Q: Were the 377th MP Company ever taught any type of strikes or physical contact blows?
A: No, USD was taught by the unit, using instructors inside the unit.
Q: Were you present when USD was taught to the 377th?
A: I was not, I thought SFC [redacted] was, but he was called away for court for a week or so, at that time, we were only one deep and sometimes, neither of us could be there.
Q: With regard to restraint, how were EPWs restrained?
A: Flexi-cuffs only, hands to the rear. They had to notionalize them, because they had none.
Q: Any other restraint training, leg shackles, belly chains, etc.?
A: No.
Q: Based on your knowledge of MP doctrine, is it acceptable to affix a restrained detainee to a fixed object?
A: No, it's too easy for them to hurt themselves.
Q: Based on your observance of the 377th MOB training, did they obtain any training on restraint to fixed objects at Fort Dix?
A: Absolutely not, the OC's were very rigid about training and did it precisely by the book and according to doctrine.
Q: You have been shown a task, condition standard Program of Instruction document for three MP tasks on EPW handling, dated 21 Oct 2002. Does this document look familiar to you?
A: Yes, the letterhead was different, but a document containing the same tasks conditions and standards was used by the OC Lanes

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA, DATED 15 Oct 2003, CONTINUED:

team at Fort Dix, NJ, to evaluate the unit performance during the Mission Rehearsal Exercise (MRE). Apply Priorities of Force Within a Detainee Camp, Task #191-381-1292 looks the same. Control Detainee Movement Within a Detainee Camp, Task #191-381-1256, there is a reference to a "three piece suit, two pieces suit", I don't recall those references and know they could not have trained to standards on those, because they didn't have any restraints. There are several references in this task I don't recognize from training I observed. Brief Detainee Escorts, Task #191-383-3367 also contains references to "three piece suits" (restraints, which they didn't have) and they trained on this task in the MRE, with the exception of the restraints. Escort Detainees by Motor Vehicles, Task #191-381-1301 was not trained, they never moved detainees from the camp.

Q: Do you recall the unit doing any hip pocket training, regarding restraint to individuals?

A: No I never observed any, but the unit was held over at Fort Dix for sometime and I moved on to MOB another unit.

Q: After reviewing CPT [redacted] AAR, dated 30 Jun 2002, did you have a similar impression of the unit?

A: Poor preparation, yes. They focused more on admin issues for getting deployed than the actual mission. They had issues with SRP, and a ton of security clearance issues.

Q: Was the 377th MP Company prepared to take over an EPW Camp?

A: The whole camp, no. A piece of it, yes, with a lot of oversight from an headquarters elements. If someone was there, telling them how to do it properly, they'd be okay. If they had to run the show themselves, they weren't ready. They had some really good NCO's who were doing their best and were honest about their shortcomings, but they were overwhelmed.

Q: Have you heard the term "compliance blows" either in military law enforcement or correctional settings?

A: No.

Q: Would anything in the MOB training have given the 377th MP Company members the impression that striking a detainee was acceptable?

A: No.

Q: Not even for self-defense?

A: The training calls for the minimum use of force to control the situation, we teach to back off and get help. Use superior numbers to overwhelm a combative person.

STATEMENT OF [redacted], TAKEN AT Fort Lewis, WA, DATED 15 Oct 2003, CONTINUED:

Q: There was training conducted by the USAF Ravens, Security Police Team, to the 342nd MP Co, who were going to GTMO, did this training have any chance to bleed over to the 377th?
A: No, there was at least six months between the two units training. The Ravens were responsible for transporting detainees on aircraft. They taught training for loading prisoners on aircraft, unloading from aircraft, taking to the restroom, etc. They did conduct ASP (extendable baton) training to familiarize MPs from the 342nd MP Company on how they (the Ravens) would use the ASP for prison control if situations got out of control on the aircraft. They also familiarized and taught how to use 9mms on the aircraft, if it ever got to that point. The focus of the Ravens training was to not lose control of any aircraft during the transport of Taliban or Al Quaeda detainees to GTMO.
Q: Was there any training conducted or discussing about the use of hooding?
A: No.
Q: Was there any discussion of or training on sleep modification?
A: No.
Q: Have you ever heard of sleep modification being used in a military detention facility and "how to" accomplish sleep modification?
A: No, absolutely not.
Q: Was there any discussion about the role of and interplay between the military intelligence forces and MP forces?
A: No, just a mention that MI Interrogators would be in the facility talking to prisoners.
Q: Have you ever heard of chaining a prisoner or detainee to the ceiling in a standing position to keep them awake?
A: No, only the horror stories about torture in Saddam Hussein's prisons. If I ever got an order like that I would have a duty to disobey because it would an unlawful order. Those folks are in our custody and we have a duty to protect them.
Q: Are you aware or were you aware of the relationship between the MI and MP personnel at Bagram, even from the conversations the 377th Cdr was having with his counterpart in the 211th?
A: No.
Q: Based on your experience as an MP Officer, is there a possibility for MI to direct the MPs on the handling, treatment, care and escort of detainees?

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 80

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA, DATED 15 Oct 2003, CONTINUED:

A: No that's our mission.
Q: Do you know what a safety position is and have you ever heard of them being applied in an interview setting?
A: I'm not an expert on interviews, but I've only heard of " search positions", the wall or kneeling positions, but they should not be used for interviews, only for safe searching and cuffing techniques.
Q: During the MRE, is there a prevision for the guard force to pass on information about physical contact with a detainee?
A: When we did the MRE, the unit kept a Daily Staff Journal detailing, in processing events, duty change of shift information, any events of note. There are guard mounts at shift change, which contain pass of information of an informal, non-documented nature. I didn't witness the guard mounts at the MRE, but they are always conducted to inspect for unauthorized items.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////////End of Statement//////////////////////////

STATEMENT OF [redacted] TAKEN AT Fort Lewis, WA, DATED 15 Oct 2003, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6[redacted] I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 15th day of October 2003 at Fort Lewis, WA 98433.

[redacted]

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b a, bc, 7c

EXHIBIT 80

SWORN STATEMENT 0137-02-CID369-2353

File Number : 0137-02-CID369-23534
Location : [redacted]
Date : 27 October 2003 **Time:** 1440
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** Civ
Org/Address : [redacted]

I, [redacted] want to make the following statement under oath: I had worked for Titan Systems Corporation as an interpreter in Bagram, Afghanistan. I was deployed to Bagram between the end of November 2002 and March 2003. When I first arrived at Bagram, I worked for several weeks within the Bagram Collection Point (BCP). I was assigned to a mission in the Gardez area of Afghanistan. I deployed to Gardez with a Civil Affairs unit and spent about three weeks deployed. This included the Christmas holiday period. When we had completed the mission in Gardez, I returned to Bagram. My duties at the Bagram Collection Point (BCP) included interpreting and assisting in translations during interrogations. I also was responsible for translating the documents, which were brought to the facility. I speak numerous languages, which include Farsi, Pashtoo, Dari and Urdu. Because I spoke and understood numerous languages, I often times was involved in two or three interrogations per day. I estimate that I was involved in well over 200 interviews and interrogations while I was at the BCP. I worked with may detainees, I recall one who was brought to the facility and was a driver. I think the first time I met him was during a brief interview, which may have been when he was first brought to the facility. I recalled him because he spoke a distinguished dialect of Pashtoo. During the interview, he was concerned and was asking me about where his car was. The next time I had any contact with him, was when he was being held in an Isolation Cell on the second floor of the BCP. One of the Military Police asked me to translate for him, because he would not stop screaming. While working at the facility, we did not use names for any of the detained individuals; we only referred to them as numbers. I do not recall exactly what Mr. DILWAR's number was, just that it was in the 400's. I went with the MP to the Isolation cell and I asked Mr. DILWAR what he wanted and he told me that he wanted to use the bathroom. He also told me that they would not let him sleep. When I went into the Isolation Cell, Mr. DILWAR was restrained with his hands held up above his head so he was unable to sit down. His hands were

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 81

b6, 7C

STATEMENT OF [redacted] TAKEN AT [redacted]
DATED 27 October 2003, CONTINUED:

secured with handcuffs, which were secured to the wall or the ceiling of the Isolation Cell, I cannot recall exactly. I don't recall him wearing any shackles on his feet and he was not wearing a hood when I saw him. Mr. DILWAR asked me to tell the people not to tie him up anymore. One of the MP's said that if Mr. DILWAR were quiet, then they would not tie him up. Mr. DILWAR also told me that he wanted to use the bathroom. I explained to the MP Sergeant that he wanted to be taken to the bathroom and then I stepped out of the Isolation Cell into the hallway. Two MP's removed him from the Isolation Cell and I observed Mr. DILWAR walking towards the bathroom with the MP's. When the MP's were bringing Mr. DILWAR back from the bathroom, he was resisting going up the steps. I recall seeing them by the steps. I believe Mr. DILWAR was resisting going back to the Isolation Cell because the MP's had to carry him and he was not walking along with them. I overheard him saying in Pashtoo that he did not want to go back to the room. I believe Mr. DILWAR had been placed in the Isolation Cell because he was uncooperative. I am not sure of the exact day, however, I believe it may have been the following day or the day after that I was asked while walking by [redacted] who was also a translator/interpreter, if I would talk with Mr. DILWAR. Mr. [redacted] told me that he was having trouble understanding the dialect used by Mr. DILWAR and that he had been trying to tell him to stop screaming. If he stopped screaming for a couple of hours, then he would be allowed to sleep. I told Mr. [redacted] that I had been telling Mr. DILWAR that for several days, but he would not listen. He had constantly been screaming "release me", "I don't want to be here" and things like that. That was the last contact I had with Mr. DILWAR. I don't think that I had any contact or interviews with 412, Mr. ULLAH. Even if I did, I don't have any memory of it. [redacted]

Q. When you first had an opportunity to speak with 421, Mr. DILWAR at the BCP, how would you describe his general physical condition?

A. I think he was a skinny man about 30 years of age. He was not too tall.

Q. Do you recall him having any injuries?

A. Not at all, he never said anything about being injured.

Q. Did Mr. DILWAR ever complain to you about having any pain in his legs?

A. No. His big complaint was not sleeping.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 81

b6, 7C

STATEMENT OF [redacted] TAKEN AT [redacted]
DATED 27 October 2003, CONTINUED:

Q. When you saw Mr. DILWAR walking with the MP's to the bathroom, did he appear to have any difficulty walking?
A. I don't recall. If there was any trouble, he did not show it. I only saw him walking for a brief moment. Coming back, yes, he was dragging himself and was being carried by the MP's. He kept repeating that he did not want to go to the room again.
Q. Using your understanding of the Cultural and Societal norms of the detained individuals, would a detained individual inform yourself or another interpreter if they had been struck or were injured?
A. Most of the detainees were shy from talking with us because we were American or we were working for the American's. They often would not share their true feelings with us. Some would not answer questions, some would not cooperate and others would constantly lie to us. I was told by some of the detainees that the Afghan Militia prior to being release to US forces had beaten them.
Q. While you were speaking with Mr. DILWAR, did he say anything to you about being struck or injured by anyone within the BCP?
A. No.
Q. When you worked as the interpreter during an interrogation, describe who was normally in the room?
A. Normally there would be two military interrogators and one interpreter. Sometimes there were other individuals in the room; it would depend on the situation.
Q. While you were acting as an interpreter during these interrogations, did you observe the military interrogators place their hands on the detainees or strike them?
A. I did not see them strike anyone. They would hold onto people during the interrogation if the individual were not cooperative.
Q. Describe what you mean by "holding onto people"?
A. The most common was when the military interrogators would tell the detainee to kneel on the floor. They would often grab their hands and pull them up above the detainee's head, because the detainee would not understand the instructions. They would be made to kneel on the floor with their hands over their heads for 5-10 minutes or until they started to talk and cooperate. Another method used was for the interrogator to stand behind the detainee and bring their arms up under the detainee's arms. The interrogator would interlock his fingers behind the detainee's head and would hold them in that position until the detainee talked or began to cooperate. A third method I observed was for

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 81

4

b6, 7C

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted] DATED 27 October 2003, CONTINUED:

the interrogator to position the detainee with his back against the wall and to bend down with his knees bent. It was as if they were sitting in a chair without having a chair. They would be held like that until they could no longer hold the position or they began to cooperate. Another method was to have a detainee sweep the floor, not once, but numerous times. This was very demeaning for Afghan men, culturally.

Q. Do you recall specific individuals who used these methods in their interrogations?

A. I would guess that [redacted] would do that. If I had pictures of the Military interrogators, I would be able to identify them. I do not recall the names exactly.

Q. Were the MP's present in the interrogation rooms when you observed the Military interrogators using the techniques you described?

A. No. They would bring the detainee and leave. When the interrogation was complete, the MP's would be called back to return the detainee to his area.

Q. Has anyone spoken to you regarding the death of [redacted], Mr. DILWAR?

A. The interpreters spoke among ourselves, but nothing specific, just that he had passed away. I believe I was on a mission when the investigation was conducted. The CID Office in Bagram spoke with me briefly.

Q. Is there anything you wish to add to the statement?

A. No.

/// END OF STATEMENT /// [redacted]

0134-02-CID369-23533

0137-02-CID369-23534

STATEMENT OF [redacted] TAKEN AT [redacted]
DATED 27 October 2003, CONTINUED:

NOT USED [redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Typed Name of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of October 2003 at [redacted]

[redacted]

(Typed Name of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Title 5, Section 303, USC

(Authority to Administer Oath)

INITIALS _____

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 81 42

SWORN STATEMENT 0137-02-CID369-23534

File Number : 0134-02-CID369-23533
Location : [redacted]
Date : 29 October 2003 **Time**: 1130 EST 29Oct03
Statement of: [redacted]
SSN [redacted] **Grade/Status: LTC/USAR**
Org/Address : 3297 US Army Hospital, Fort Gordon, GA

[redacted], want to make the following statement under oath: I am a member of the US Army Reserve. On 18 Aug 02, I was mobilized with the 339 Combat Support Hospital (-), Pennsylvania. After mobilization training, I arrived in Bagram, Afghanistan on 9 Sep 02. While assigned in Afghanistan I served as the Staff Emergency Medicine Physician. My duties included the evaluation, triage and treatment of emergency medical patients. While working within the emergency room, I would occasionally be requested to examine individuals who were being held within the Bagram Collection Point (BCP). The BCP had their own medical assets, which included medical corpsmen as well as a physician, Dr. [redacted] When individuals within the BCP required medical treatment outside the ability of the medical assets within the facility, they would be brought to the emergency room of the 339 CSH for treatment. We would provide the required examinations and treatments for the individuals. The BCP maintained separate medical files for each individual and I believe they were maintained by their assigned intake, Person Under Control (PUC), numbers. The majority of the PUC individuals, which we examined, were for treatment of injuries they sustained prior to being placed into the BCP. They would also be treated for normal medical conditions such as coughs and skin irritations. When they were brought to the emergency room, they would always be escorted by the Military Police and they would always be wearing either goggles or hoods. The treatment I observed from the MP's towards the PUC's was always very humane and I never observed any treatment I would classify as excessive or hostile towards them.

On 2 Dec 03, I was working on shift within the emergency room of the 339th CSH, when we received a call of either an unconscious or non-responsive individual within the BCP. We dispatched an ambulance to the BCP. The nurse who rode on the ambulance was CPT [redacted] who was organic to the 339th CSH, along with a medic who I cannot recall their exact name. They located the patient to be asystolic, which means that all cardiac activity had ceased. They appropriately classified him as dead. The

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 82 42

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted] DATED 29 Oct 03, CONTINUED:

individual was then transported back to the emergency room so that a physician could pronounce the death. When they arrived at the emergency room, I pronounced the individual dead upon arrival. I do not recall the exact time, because of the importance of documenting the exact time of the death, I would have to refer to the medical records which I completed on 2 Dec 03, which will reflect the time of death accurately. The report will also document the clinical findings of the examination, laboratory and radiological evaluation. Shortly after the arrival at the emergency room, the individual was identified as PUC 412. When the ambulance arrived at the emergency room, I met with CPT [redacted] who I know is a very experienced emergency room nurse. CPT [redacted] informed me that the patient was asystolic. I know from my medical training and experience that this is the very definition of death, in that the heart has completely stopped. There were no resuscitative efforts made based upon my medical evaluation of the patient. There is only a very short period of time to react to a patient in an asystolic condition and it was very obvious that the individual had been in that condition for a period of time, which exceeded the 2-3 minute window of opportunity. After completing my physical assessment of the individual, a rectal core temperature would have been obtained. Without referring to the medical record, I am unable to recall exactly what the core temperature was at the time of the examination. I also directed that blood be drawn, from which we conducted a Complete Blood Count (CBC), electrolyte and renal function test and a Creatine Phosphokinase (CK). We saved blood for toxicology and other tests, which may have been necessary. Without referring to the actual medical record, I am unable to recall any specifics of the results of the test in regard to PUC 412. PUC 412 had impaired renal function, which means that his kidneys were not operating efficiently as normal. I cannot recall the exact results of the CK test, which was conducted. An elevation of this test indicates damage to muscle tissue. In addition to the examinations of the blood, there were attempts to obtain urine for a toxicology screening, however, without the medical records, I cannot recall the results. I also ordered a skeletal survey, which was completed. The x-rays were negative for fractures of the long bones and there were also no pulmonary contusions to the chest of the individual. A pulmonary contusion may have been an indication of blunt force trauma to the chest. I recommended an autopsy to be preformed for tissue

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 82 42

STATEMENT OF [redacted] TAKEN AT [redacted]
DATED 29 Oct 03, CONTINUED:

analysis and determination of cause of death through the chain of command.

Q. Have you previously been deployed within a combat theater of operation?

A. Yes, I was deployed during Desert Storm in support of the 1st Cavalry Division, Al-Quasumah, Saudi Arabia

Q. Did you ever have an opportunity to visit within the BCP?

A. No. I do not even know which building the BCP was within on the camp.

Q. Did you ever observe anyone striking a PUC?

A. No.

Q. While you were stationed at Bagram, Afghanistan, had you ever heard of the term "Compliance Blow" and do you know what it refers to?

A. No. At that time I had no idea what the term referred to. Not until my interview this morning with CID had I ever heard of that term.

Q. While working within your capacity as a civilian emergency room physician, do you have an opportunity to treat prisoners being held by law enforcement agencies?

A. Yes. Frequently.

Q. During your physical examination of PUC 412, do you recall any bruising?

A. Without the medical record I cannot conclusively say that bruising was present.

Q. When you ordered the CK test, is that a standard test, which you would normally order?

A. In that circumstance yes. That circumstance being a death by unknown cause.

Q. Do you know where the medical records are located which documented your examination of PUC 412?

A. I do not.

Q. What was the disposition of the medical records for your examination of PUC 412 when you departed Bagram, Afghanistan?

A. I completed the records and they should have been maintained within the Patient Affairs Division (PAD) of the 339th CSH. Dr. [redacted] may have received a copy as well. I do not know if a copy was provided back to the BCP.

Q. To the best of your knowledge, would the 339th CSH continue to maintain the records of PUC 412?

A. I think I can answer yes to that.

Q. Do you have any personal notes or copies of records related to your treatment of PUC 412?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 82 43

STATEMENT OF [redacted], TAKEN AT [redacted]
[redacted] DATED 29 Oct 03, CONTINUED:

A. No I do not.
Q. When did you depart Bagram, Afghanistan?
A. I redeployed with members of the unit and we departed 7 Dec 02.
Q. While working as a physician at Bagram, Afghanistan, did you have an opportunity to treat any other PUC besides PUC 412, who died while being held within the BCP?
A. No.
Q. Do you know where CPT [redacted] is currently stationed?
A. As far as I know he is still assigned with the 339th CSH, PA.
Q. Has anyone else spoken to you in regard to this investigation?
A. I received an e-mail and spoke on the telephone with SA [redacted] US Army CID to arrange for this interview. No one else has spoken to me besides the interview today.
Q: Is there anything you wish to add to this statement?
A: The medical record generated on the date of PUC 412's death is an essential record of the emergency room treatment and evaluation. I could provide further interpretation if the record were available for my review.
Q. We are now reviewing a partial copy of the SF 600, Chronological Record of Medical Care, which is dated 2 Dec 02, 0300(L), related to your treatment of PUC 412. During the review of the record, what information is provided which can clarify the text of your statement?
A. PUC 412 was found on his side and unresponsive and was last seen 20-30 minutes prior to being found unresponsive. He had been reportedly disruptive and no signs of respiratory distress or chest pain were reported. He was noted to be refusing food for the last 2 days and had an unremarkable intake examination from Dr. [redacted] He had a rectal temperature that was 102.5 degrees and bruising was noted on the left chest, left thigh, left nose and swelling was also noted to the left knee area. His wrists were also noted to be well padded. His skin had no fixed lividity. PUC 412's renal functions showed renal failure and he was anemic. The CK test read high, which means it was markedly elevated. The labs were obtained by post mortem femoral stick. The attempts to catheterize PUC 412 were unsuccessful. The copy of page 2 is partially illegible. The findings of the renal failure were confirmed on two separate machines. I completed a DA Form 3894, Hospital Report of Death, which verifies the time of death as 2014(z) 3 Dec 03. The report flagged the death as a medical examiner case. The cause

b6, 7C

EXHIBIT 82

STATEMENT OF [redacted] TAKEN AT [redacted]
DATED 29 Oct 03, CONTINUED:

of death I listed was cardiorespiratory arrest with autopsy pending. Identified antecedent causes of death as renal failure and hyperkalemia.
Q. Is there anything you wish to add to this statement?
A. A complete copy of the SF600 would allow additional interpretation.
//////////////////////////End of Statement//////////////////////////

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29th day of October 2003 at New Albany, IN

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Title 5, Section 303, USC

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 82

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

PAGE 1 OF 3 PAGES

DETAILS

Between 1200 and 1630 hrs German Standard Time (GST), 16 Nov 2003, SA [redacted] and SA [redacted] interviewed **Mr [redacted] Civ, Interpreter, SOS Interpreting Limited, in Bad Aibling, Germany.** [redacted] authored a sworn statement at the conclusion of his interview, which detailed his observations relative to an interview with DILAWAR. [redacted] recounted assaults upon DILAWAR by SGT [redacted] and SPC [redacted] He also provided a sketch of the interview room annotating the locations of persons in the room at the time. *(See Sworn Statement of [redacted] for additional details).*

At 1600 hrs, 18 Nov 2003, SA [redacted] coordinated with **Dr [redacted] Armed Forces Medical Examiner, Landstuhl Regional Medical Center (LRMC), Germany.** Dr [redacted] discussed concerns and suspicions not voiced in the autopsy report of DILAWAR. She stated her report contains only that which she knew to a "reasonable degree of scientific certainty" (the legal and scientific standard). She stated the remains of DILAWAR were frozen solid and it took three days to thaw him for autopsy. The freezing/thawing (which was the reason the autopsy took from 6 – 8 Dec 2002 to complete), may have effected the appearance of the bruising, but she estimated the bruising was 24-48 hours old and may not have been as pronounced when DILAWAR was in the ER (with COL [redacted] and LTC [redacted] She suspected the practice of standing restraint played a part in DILAWAR's death, as did his reportedly self induced dehydration, but she could not medically substantiate the role those factors played in his death. Therefore, Dr [redacted] did not document her suspicions in the autopsy report. Dr [redacted] also indicated she staged a reenactment with her lab assistants, SSGT (USAF) [redacted] and SPC [redacted] Mortuary Affairs, LRMC, Germany took digital photographs of [redacted] approximating the position and bindings of DILAWAR at the time of his death. *(See Photographic Exhibits for additional details).*

At 1330 hrs Bagram Local Time (BLT), 20 Nov 2003, SA [redacted] coordinated with SA [redacted] Criminal Investigative Task Force (CITF), Bagram Air Base, Afghanistan to determine if any of the detainees in currently in the BDF were present during the time of the deaths of HABIBULLAH and DILAWAR. SA [redacted] searched the CITF database and determined there were no detainees currently in the facility who were present during the time HABIBULLAH and DILAWAR were detained/died. PUC [redacted] the detainee in the facility for the longest period of time (currently), was in processed the BDF on 18 Feb 03.

AGENT'S COMMENT: A decision was made by the investigative team to forego an attempt to interview PUC [redacted] due to his arrival date, which was a full 60 days after the deaths. BCP rules prevent talking of detainees, therefore it is not logical to assume PUC [redacted] ould have heard any rumors about the deaths or treatment of ULLAH or DILAWAR.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
	DATE 20 NOV 03	EXHIBIT 83

[redacted]

1 FEB 77

FOR OFFICIAL USE ONLY

b6, 7C

43

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 1500 hrs (BLT), 20 Nov 2003, SA [redacted] and SA [redacted] interviewed **Mr [redacted] Civ/Interpreter, [redacted] SOS Interpreting Limited, at Bagram Air Base, Afghanistan.** [redacted] authored a sworn statement detailing his observations during two interview sessions with DILAWAR, including the one just prior to DILAWAR's death. [redacted] recalled SPC [redacted] was the primary interrogator, but SGT [redacted] seized control of the interview. He recounted assaults by SGT [redacted] and SPC [redacted] on DILAWAR. He also detailed other conduct by SGT [redacted], SGT [redacted] and an unidentified MP, which he felt were excessive use of force. *(See Sworn Statement of [redacted] for additional details).*

At 1400 hrs (BLT), 21 Nov 2003, SA [redacted] and SA [redacted] interviewed **Mr. [redacted] Civ/Interpreter, [redacted] Titan Services Incorporated, at Bagram Air Base, Afghanistan.** [redacted] authored a sworn statement detailing abuse by SGT [redacted] and SGT [redacted] on PUC [redacted] which included pulling his beard and kicking him in the posterior. *(See Sworn Statement of [redacted] for additional details).*

Between 1900 and 2100hrs (BLT), 21 Nov 2003, SA [redacted] and SA [redacted] coordinated with **LTC [redacted] Commander, 327th Military Police Battalion, Bagram Control Point/Detention Facility, Bagram Air Base, Afghanistan.** [redacted] had read a copy of the AR 15-6 investigation on the deaths (prior to meeting with CID) and he shared a copy of the revised infraction punishments, termed "Escalation and Application of PUC Punishments". [redacted] stated the Monadnock Baton Chart and Pressure Point Control Techniques are still taught to MPs, but he stressed they are only used on detainees with full range of motion and applied during riot control situations. (See Escalation & Application of PUC Punishments for additional details). [redacted] also allowed agents to view a copy of the revised BCP SOP, which he stated was reviewed and approved by SJA (LTC [redacted]). It no longer has any reference to sleep deprivation, standing restraint, nor compliance blows. [redacted] noted the interaction between MI and MPs continue to be a challenge, but the MPs had clear rules of conduct and were not instructed to enforce MI desires. MI is currently responsible for enforcing any techniques or sleep adjustments they desire. [redacted] admitted the weakest portion of his operation was ignorance of the rules of conduct for MI interviews and interrogations, in Field Manual (FM) 34-52.

Subsequent to the command coordination, LTC [redacted] referred SA [redacted] and SA [redacted] to a Subject Matter Expert (SME) in MP Corrections, **SFC [redacted] 327th MP Battalion, Bagram Control Point NCOIC, Bagram, Afghanistan.** [redacted] provided a tour of the facility and a walk through of current operating procedures for in-processing, general population detention and isolation operations. [redacted] was brought in by the 327th MP Battalion to provide expertise in corrections. He was a 31E Correctional Specialist, with ten years of experience working at the US Disciplinary Barracks, Fort Leavenworth, KS. He indicated there is a constant struggle with

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 23 NOV 03	EXHIBIT 83

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

MI and it required knowledgeable and confident person to assert themselves and prevent MI from putting them in a compromising position.

AGENT'S COMMENT: At the conclusion of the coordination with BCP Officials, SA [redacted] and SA [redacted] agreed to attend MP guard mount briefings stressing adherence to the rules and their responsibility for the care, custody and control of detainees entrusted to their care. SA [redacted] and SA [redacted] also agreed to provide the BCP with a copy the MI Interviews and Interrogations Field Manual, so they would know the standards for MI sessions with detainees.

Between 2030 and 2200 hrs (BLT), 21 Nov 2003, SA [redacted] and SA [redacted] briefed **COL [redacted] Task Force Dragon (Base) Commander, and LTC [redacted] CJTF180 Staff Judge Advocate, at Bagram Air Base, Afghanistan.** SA [redacted] discussed the case progress to date, presented lessons learned and explained the investigative plan and future planned investigative actions (in broad terms). LTC [redacted] and COL [redacted] were both of the belief the cases were finalized sometime ago and requested an Interim ROI. SA [redacted] explained the publication of an Interim Report would likely be withheld until a Trial Counsel was assigned and decisions regarding titling of subjects were made.

At 1600 hrs (BLT), 23 Nov 2003, SA [redacted] coordinated with SFC [redacted] who related a search of the BCP Records revealed no records from the 377th MP Company's tour in the BCP. There were no Pass-On Books, Daily Staff Journals, nor medical records on either HABIBULLAH or DILAWAR. He indicated the BCP currently provides copies of detainee records to the Joint Operations Center (JOC).

Between 1900 and 1935 hrs (BLT), 23 Nov 2003, SA [redacted] briefed both shifts (day and night) of 327th MP Battalion soldiers, employed in the BCP, on the lessons learned during the course of this investigation, without discussing case specifics, as requested by LTC [redacted]

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SA [redacted]	DATE: 23 Nov 03 / EXHIBIT: 83

[redacted] FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

h2 b6, 7c

0134-02-CID369-23538
0137-02-CID369-23534

SWORN STATEMENT

File Number : 0137-02-CID369-23534
Location : Romantik Hotel Lindner, Marienplatz 5, Bad Aibling, Germany (Phone #011-49-080-61-90630)
Date : 15 Nov 2003 **Time:** 1555
Statement of: [redacted]
SSN : [redacted] **Grade/Status: Civ**
Org/Address : Titan Services Corporation, 3877 Fairfax Ridge Road, Suite 200, Fairfax, VA 22030

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

I was employed by Titan Services Corporation and worked (as an interpreter) at the Bagram Detention Facility (BDF), Bagram Air Base, Afghanistan from 25 Nov 2002 until 13 Apr 2003. I speak both Pashtun and Dari dialects and I served as the interpreter on one occasion, that I recall, during a session with PUC 421 (whom I have been told by CID was named DILAWAR). The military intelligence interrogators present were [redacted] (SPC [redacted] and [redacted] (SPC [redacted] was of she was about [redacted]. Each morning during the briefing, the interpreters were all assigned to the interrogators. I was assigned to [redacted] and she was the primary interrogator, [redacted] was assigned to assist her. This interview, with DILAWAR, was in the evening, maybe around 7PM local time. It lasted about 45 minutes to one hour.

The way interviews worked is that MI and myself went to an interrogation room, on the floor above the detainee living areas. The facility was located in a hangar and there were cells (general population and isolation type on the base floor). Above that were other isolation cells and interrogation rooms. When people were first brought to BDF, they underwent a quick medical examination/screening. The doctors used interpreters for that also, they asked basic data about name, health and they took hair samples, fingerprints and gave them clothes and assigned them a number.

My first contact with DILAWAR was during this interrogation session. He was brought him into the room in handcuffs (in front of him), by MPs. I think he was brought in by one MP alone, because he was calm and no trouble. I think his legs were also shackled too. The MPs uncuffed him and he sat in a chair. [redacted] offered DILAWAR a cigarette, which he accepted. DILAWAR was a suspect in a rocket attack on Americans. He denied this completely. He was a skinny guy, about 5'7" and

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 84

STATEMENT OF [redacted] TAKEN AT Bad Aibling, Germany, DATED 15 Nov 2003, CONTINUED:

weighed about 110-115 lbs, he was a pretty small guy. He was also a young guy, maybe in his late 20's. [redacted] was [redacted] started questioning him and he denied any involvement in criminal activities or attacks on Americans. DILAWAR was arrested (with two or three other Afghans), in a taxicab, at a roadblock, by the Afghan Police. They sent all the men to Khandhar and then to Bagram. They (MI) believed DILAWAR pressed the detonator or launcher for the missile and he denied it. Sometimes, and in this instance, MI shares their suspicions with the interpreter and gives them background to help in understanding the situation. [redacted] and [redacted] told me the background about the missile attack and what they suspected.

About 10 minutes into the interview, [redacted] had me instruct him to get on his knees. To effect this, he had to get himself out of the chair with his feet and hands cuffed and kneel in front of the chair. She had me tell him to raise his cuffed hands over his head and hold them there. DILAWAR's arms got tired he'd drop them so [redacted] (who was standing behind him) would pull his hands back up from behind or [redacted] would hit his hands as he dropped them forward to get them back in the air. DILAWAR complained that he could not hold his hands up and that he couldn't do it anymore. This went on for five to ten minutes. [redacted] berated him for being weak and questioned him about being a man, which was very insulting because of his heritage and she was trying to goad him into a reaction. He did not get angry, he simply kept complaining about the discomfort. This is the strongest reaction an Afghan man would have to pain, they do not cry and would especially not do this in front of a woman.

After that, maybe twenty minutes into the interview, [redacted] told me to instruct DILAWAR over to the wall. She then told me to have DILWAR sit along the wall, but not on the floor. The position was like sitting along the wall with no chair under you. DILAWAR also told me this hurt him and that he could not do it. Several times he moved, so [redacted] and [redacted] picked him up and shoved him back into the wall. This happened multiple times During this time, he continued to tell me that his legs hurt and that he could not do this. [redacted] and [redacted] grabbed him by his shirt (front), dragged him to his feet and shoved him back against the wall, sliding him back into seated position. DILAWAR slid down the wall and onto the floor and [redacted] picked him up and repeated this for about another ten minutes. Once [redacted] shoved him hard into the wall and [redacted] warned him "Be

STATEMENT OF [redacted] TAKEN AT Bad Aibling, Germany,
DATED 15 Nov 2003, CONTINUED:

careful" and "not hit him too hard". She mentioned he was small and not to be so rough, that it wasn't allowed. This went on for ten or fifteen minutes. He was so tired he couldn't get up. She'd tell him not to talk, but DILAWAR was not that type of guy. He kept complaining and she was yelling at him in English. He didn't understand English and she spoke no Pashtun. At that point, I wasn't doing much, they weren't using me. DILAWAR was trying to talk with me, asking for help. [redacted] was telling him "Don't look at him, he can't help you, he's with us, he won't help you". I translated this and I explained that they were doing this because he was being uncooperative. They stood him up and at one point [redacted] stepped on his barefoot with her boot and grabbed him by his beard and pulled him towards her. At one point, DILAWAR was on his knees, his hands were cuffed and raised in front of his chest and [redacted] grabbed him by the arms and pulled him tightly towards [redacted] chest. Once [redacted] kicked DILAWAR in the groin (private areas) with her right foot. She was standing some distance from him and she stepped back and kicked him. His hands were cuffed, he was standing and she must not have made full contact. He did groan and grab himself, but he did not fall down. In my experience a full contact blow or kick in that area causes you to fall down or to your knees.

Q: At what point is the interview over?

A: About ten minutes after it started, they didn't ask anymore questions. About the first ten minutes (I think) they were actually questioning him, after that it was pushing, shoving, kicking and shouting at him. There was no interrogation going on. They weren't questioning him. They were roughing him up. [redacted] went to get the MPs and when they came in, they picked him up from the floor and put the hood back on him and dragged him out of the door back to his cell. [redacted] told them to put him in a standing position with his hands overhead until the next shift came on. The interview was in the evening, I don't know what time the MP shift change was.

Q: Do recall what date this occurred on?

A: No, I can't recall.

Q: Did you keep any notes about interviews?

A: No, we were not permitted to keep any written record for security reasons. The interrogators prepared a report after the session and the next morning at briefings held by [redacted] CPT [redacted] and all the interrogators and interpreters were there. They would share any information from the previous day, but

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 84

439

STATEMENT OF [redacted] TAKEN AT Bad Aibling, Germany,
DATED 15 Nov 2003, CONTINUED:

nothing was ever mentioned about the degree of physical force applied during the session.
Q: After you talked with [redacted] about your concerns, did [redacted] or CPT [redacted] make any announcements or discuss use of force to the interrogators or interpreters?
A: No.
Q: Do you recall hearing anyone instruct interrogators to have MPs apply force if necessary?
A: No.
Q: Did DILAWAR complain about being hurt by anyone else?
A: As [redacted] and [redacted] were pushing him around, DILAWAR told me that they were "punishing him". He told me to look at his nose, which was cut and he told me the guards were beating him. I took the guard to mean the MPs. He didn't say which MP, nor did I ask.
Q: When detainees were inprocessed BDF what were they told were the rules?
A: There were five rules. We interpreted those for them. No touching of anyone (guards, interrogators, interpreters, other detainees). No spitting, no talking, and I think "no looking around". Then there was "no escape" and they were told they'd be warned first and shot if they tried to escape. They were told they'd be punished for breaking the rules, but not told how they'd be punished.
Q: Do ever recall detainees being told they'd be chained in a standing position as punishment for breaking camp rules?
A: No.
Q: Did [redacted] understand any Pashtun?
A: I'm sure she knew a little, but not enough to be helpful.
Q: Could she tell that DILAWAR was complaining about pain and tiredness?
A: I told her what DILAWAR was saying. Somethings don't need words, the tone of voice and body language tell you that a person is in pain or can't comply anymore. I think they knew what effect their actions were having on him.
Q: When you were hired was the subject of what was acceptable for interrogators to do with detainees discussed?
A: No, we were supposed to support the American Army in Operation Enduring Freedom and do as they asked us to.
Q: Did you believe that the conduct you observed from [redacted] and [redacted] was wrong?
A: Yes, I was in Guantanamo Bay Naval Base (GTMO) with prisoners there prior to my tour in Afghanistan. I felt what

STATEMENT OF [redacted] TAKEN AT Bad Aibling, Germany, DATED 15 Nov 2003, CONTINUED:

[redacted] and [redacted] did was morally wrong. I felt strongly enough that after this session I went to the MI Supervisor [redacted] (SSG [redacted] and told him about it. He told me it was wrong and he would talk to them. But I remember seeing [redacted] passing by the interrogation room and he saw what was going on. My impression was [redacted] knew and tolerated what they were doing. He told me that they had to be tougher at BDF than in GTMO, it was his way of justifying the interrogation tactics.

Q: Did you know CPT [redacted] was the MI Company Commander?

A: Later, after this happened, I heard CPT [redacted] was [redacted] boss, but I never saw her in BDF. She was not involved in interrogations and I never talked to her about my observations about [redacted] and [redacted]

Q: After the conduct in the interrogation of DILAWAR, which you reported to [redacted] did you observe any other physical contact between MI interrogators and detainees, you thought was wrong?

A: Before the deaths, MPs and MI were much rougher with the detainees. The MPs hooded detainees and they pulled them along by the gathered neck area of the hood. The detainees often tripped on the doorjambs, and stumbled. After we were informed of DILAWAR's death, things calmed down. Movements were more careful and deliberate and the interrogator's conduct changed.

Q: Did you work with [redacted] or [redacted] after the interrogation of DILAWAR?

A: Yes, unfortunately. She was totally changed. She was joking "Be careful, don't touch them, they might die." She thought it was funny.

Q: Did [redacted] or [redacted] ever tell you [redacted] talked with them about your concerns?

A: No, but their behavior toward the detainees changed. I only did one other session with [redacted] and that was the one where she joked about DILAWAR dying.

Q: Did [redacted] or [redacted] seem upset that DILAWAR died?

A: No, [redacted] thought it was funny.

Q: Did it surprise you that DILAWAR died?

A: Yes, I knew they were punishing him, but I didn't think he would die.

Q: Punishing how?

A: I saw thm detainees hung by their hands from the ceilings of their cells for hours. I could not tell which detainees these were. This happened because the detainee did not comply and I don't know who decided or directed this to happen. I knew another detainee had died earlier.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 84

44c

STATEMENT OF [redacted] TAKEN AT Bad Aibling, Germany, DATED 15 Nov 2003, CONTINUED:

Q: Were their feet off the ground?
A: No.
Q: How long would they stay like this?
A: I heard, I did not see for myself, hours, sometimes all night long - from the night until the morning.
Q: After the interview with DILAWAR what happened to him?
A: At the end of the interview, [redacted] went and got the MPs to take DILAWAR back. [redacted] was still roughly handling him and she told the MP to put him in the airlock with his hands cuffed and chained to the ceiling. I don't recall how long he was supposed to stay like this. Perhaps she talked with the MPs after, but I don't know.
Q: Being an Afghani, how did it make you feel that two detainees died at BDF?
A: It was shocking. As contract interpreters, we are told to keep our opinions to ourselves, but as an individual you have to make your own judgment about how much you are willing to accept. I did my part to inform MI supervisors about the actions of [redacted] and [redacted] [redacted] talked to them, then DILAWAR died and a lot of things changed, got a little better.
Q: Before you left, did you feel detainees were being handled properly?
A: Yes, the mixed unit who replaced [redacted] unit talked with us more, made efforts to understand and deal with detainees more effectively.
Q: In Apr 2003, when you left did you see anymore physical abuse or chaining to the ceiling?
A: No, after DILAWAR's death, [redacted] unit changed, but the new unit was much better.
Q: Is there anything you wish to add to or delete from this statement at this time?
A: No.
//////////////////////End of Statement//////////////////////
[redacted]

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 84

4C

STATEMENT OF [redacted] TAKEN AT Bad Aibling, Germany,
DATED 15 Nov 2003, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7 [redacted] 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 oaths, this day of 15th November 2003 at Bad Aibling, Germany.

[redacted]
dministering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 84

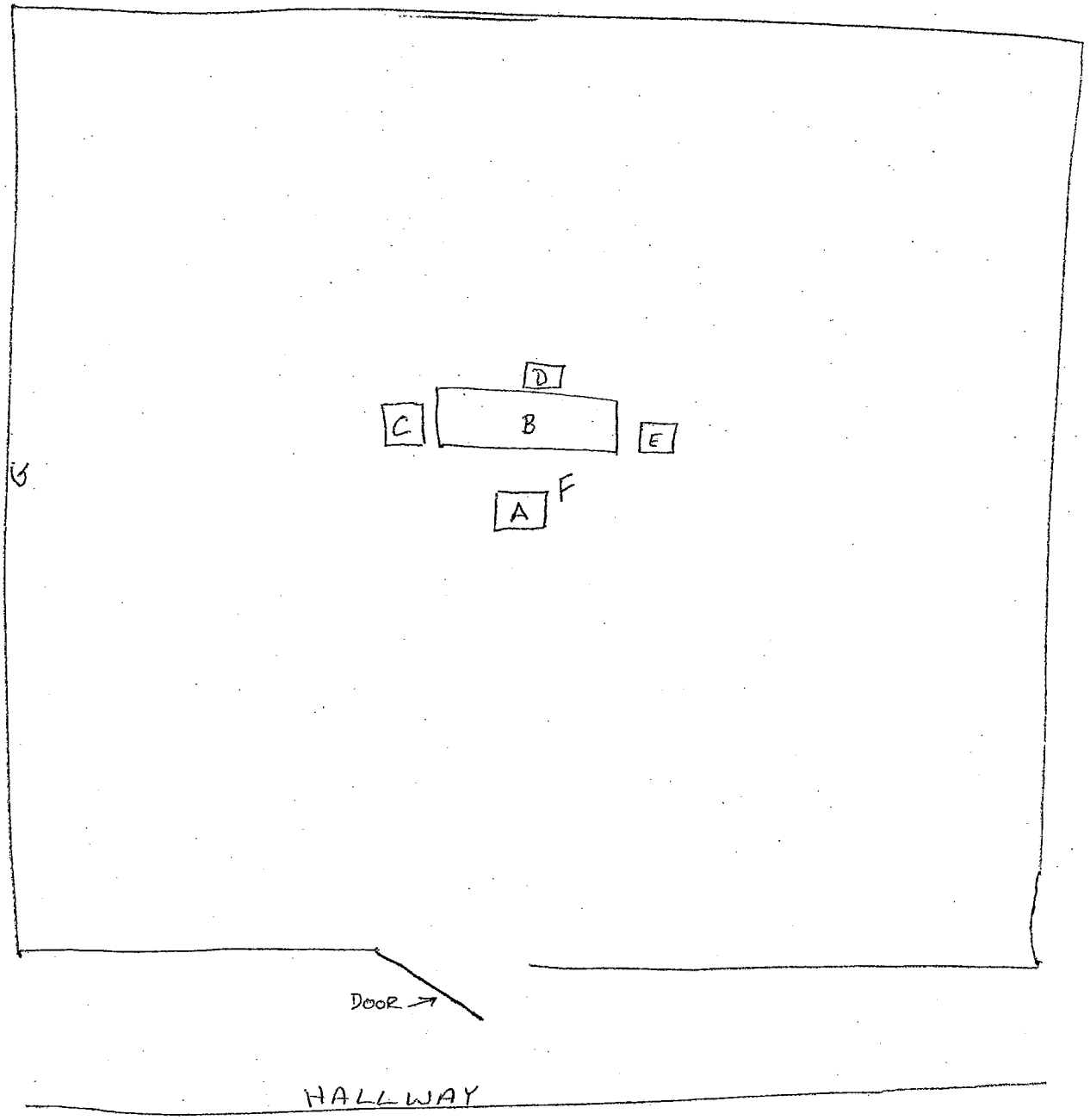
b2, b6, 7C

44

ROUGH SKETCH DEPICTING INTERROGATION ROOM

0137-02-CID369-23534

0134-02-CID369-23533



LEGEND

A- CHAIR FOR DETAINEE

B- TABLE

C- CHAIR FOR INTERPRETER

D- CHAIR FOR LEAD MI INTERROGATOR

E- CHAIR FOR OTHER MI INTERROGATOR

F- LOCATION WHERE PVT 421 (DILAWAR) WAS PLACED ON his KNEES.

G- AREA OF WALL where PVT 421 (DILAWAR) was FORCED onto a wall.

- NOT TO SCALE -

INDEX.

SKETCH Depicting: Interior of INTERROGATION ROOM

LOCATION: BAGRAM DETENTION FACILITY.

DETAIL PROVIDED BY: MAJ [redacted]

DATE: 15 NOV 03, 1415

VER[redacted] BY: S[redacted]

[redacted]

b6, 7C

4

0/1

0137-02-CID369-2353

0134-02-CID369-23533

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Bagram Branch Office (CID), Bagram, Afghanistan
Date : [redacted]0 November 2003 **Time:** 2035 [redacted]
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** CIV
Org/Address : SOS Interpreting LTD, Command Group, CJTF-180, Bagram, Afghanistan

---

[redacted] I, [redacted], want to make the following statement under oath: This statement is intended to clarify certain aspects of my earlier statement made on 18 Dec 2002. During December 2002, I was working at the Bagram Collection Point (BCP), which was the location where anyone who was captured or was brought in for questioning would be held. I was employed there as an interpreter to assist during the interrogations of detainees. I also assisted with translations and interpretations for people working within the facility. I also translated to ask questions or obtain answers from detained individuals, during the in-processing, screening, medical evaluations and interrogations.

I had no contacts that I can recall with the other detainee who died (the one CID has told me was named ULLAH and was designated PUC-412). I did have contact with detainee DILAWAR (PUC 421) on at least two occasions, when I served as the interpreter for his interrogation by MI personnel. The lead interrogator was [redacted] (SPC [redacted] and at least once he was accompanied by [redacted] (SGT [redacted]. I recall this session specifically because of what [redacted] did to DILAWAR. This interview I recall specifically because it happened right before DILAWAR died. The interview began between 0130-0200 hrs Bagram local time, on 9 Dec 2002. It lasted roughly 90 minutes, which meant it ended between 0300-0330 hrs Bagram local time, 9 Dec 2002. I went home and went to sleep. About 0800-0900 hrs, Bagram local time 9 Dec 2002, a friend [redacted] woke me up and told me that my prisoner died. I questioned him, what do you mean? And he told me the man I was questioning the night before was dead.

[redacted] as not happy with the pace of the interrogation, which was supposed to be led by [redacted] [redacted] style was slow and methodical, [redacted] style was fast and quick paced. [redacted] basically took over the interview. At the beginning of this interrogation, [redacted] was going slow and [redacted] was always very aggressive. He always wanted to lead. DILAWAR was in trouble with [redacted] quickly. [redacted] had a rule that the detainee had to look at him, not me. He gave him three chances and then he

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 85

STATEMENT OF [redacted], TAKEN AT Bagram Air Base, Afghanistan, DATED 20 Nov 2003, CONTINUED:

grabbed him by the shirt front and pulled him toward him, across the table, slamming his chest into the table front. This caused DILAWAR to stand up. It only happened once, during this session, because DILAWAR was very weak and compliant but very quiet. With other detainees, [redacted] did this repeatedly.

When DILAWAR first came into the interview, he said he was "too weak and was unable to talk". He also said that his wife had died. Initially, none of us believed DILAWAR's wife died, we all thought it was a clever attempt to avoid interrogation. DILAWAR complained that his hands and feet were numb and he kept asking for water. I observed uncontrollable shaking, bouncing of his legs while he was seated. I believe he also said he was "beaten up", but we didn't pursue that.

[redacted] went and got a small water bottle. I observed him poke a hole in the bottle near the bottom. He gave the bottle to DILAWAR. DILAWAR could not open the bottle top, he was too weak. While DILAWAR tried to open the bottle, water was draining through the hole in the bottom and onto DILAWAR's clothing. [redacted] changed tactics. He turned the bottle over, so the hole was at the top and squeezed water into DILAWAR's. He pressed the bottom of the bottle against DILAWAR's lips. This effectively gagged DILAWAR by forcing a large volume of water into his mouth and nose rapidly. Water spilled out of his mouth down the front of his clothes and he spit it back out. [redacted] squeezed the bottle repeatedly, saying "Come on drink. Drink! You were asking for water." When he removed the water, DILAWAR was finally able to breathe and he spit the water out. [redacted] yelled "What are you spitting at me?" DILAWAR told me he was not spitting at [redacted] it was not intentional, he could not breathe. I told this to [redacted]

At this point DILAWAR was standing up and [redacted] told DILAWAR to get on his knees and DILAWAR said he could not, he said he was "too weak". He would be happy to, but he couldn't he was too weak. [redacted] then told the MP to put DILAWAR on his knees, which the MP did by kneeing DILAWAR either in the back or the back of the leg. When the interview starts, two MPs always brought the detainee into the room. The detainee is handcuffed (in front), his legs are shackled and they are wearing blackened goggles. After the first detainee died, an MP had to be present during the interrogation. I can't recall how many were there at that time, I think it was one. I'm not which MP it was. It was so long ago and I'm not sure I could even pick them out if I was shown pictures. DILAWAR indicated he could not stay on his

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 85

STATEMENT OF [redacted] TAKEN AT Bagram Air Base, [redacted]fghanistan, DATED 20 Nov 2003, CONTINUED:

knees. He pleaded with us, saying his hands and feet were number and he could not kneel anymore. [redacted] and [redacted] put him standing up against the wall. They grabbed him and pulled him to his feet and pushed him against the wall. They had him facing the wall with his hands spaced out on either side of him and his feet away from the wall, so that he leaned on the wall, even his head rested on the wall. It looked to me like DILAWAR was trying to cooperate but he couldn't physically perform the tasks [redacted] and [redacted] were having him do.

In my view, most of the issues termed "non-compliance" of Afghan people arose from the shock of bringing people from rural settings into an urban or city setting. This was different for them and things happened at such a quick pace, they had problems understanding and reacting. The MPs interpreted this as a behavioral issue, when in my view it was simply too much sensory input for them to process. They had never been hooded or googled. When they were told they would have a number instead of a name, one man even cried. They were especially disturbed by the medical procedures, undressing in front of people, rectal examinations. They were resistant to many procedures because they didn't know what was happening. Many come from villages, and have never been subjected to rigid discipline. They didn't react quickly enough for the MPs. I saw many detainee beaten by the MPs

At the end of the interview, DILAWAR was standing along the wall, [redacted] shook him harshly and they told him that if he did not cooperate, he would be moved to an American prison and they were populated with the worst of American people. They explained prison inmates were criminals but very patriotic and they would be very angry with anyone involved with the 9/11 attacks. They also explained that in American prison he would be treated like a woman, by the other men. They explained since he was a Muslim, this would be bad for him and asked him to think about what would happen to his family. [redacted] and [redacted] realized the interview was going no where, so they told him to think about things and sent him back to his cell.

They summoned two MPs to return him to his cell. DILAWAR left under his own power, on his feet, but he was limping. I think MI asked the MPs to keep him standing, not all the times [redacted]
Q: Did anyone relay the information about DILAWAR's leg and hand numbness to medical authorities?
A: No. A complaint I frequently heard from interrogators that things they passed on the MPs did not get attended to.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 85

STATEMENT OF [redacted] TAKEN AT Bagram Air Base, [redacted]ghanistan, DATED 20 Nov 2003, CONTINUED:

Sometimes it was a needed blanket or a medication. [redacted]and [redacted] did not tell the MPs, but they were in the room taking him out, they knew they saw and heard what happened and that he was hurt.

Q: Did you see bruises on DILAWAR, during either interrogation session?

A: Honestly no. I did not. He had a cut on his nose.

Q: Do you remember anything about the first session with DILAWAR?

A: I translated the basic questions about who he was, what he was arrested for and what he did. I don't recall what he said. There was no force used. He was put on his knees once, but there was nothing remarkable about the interview.

Q: Do you recall which interrogators were there for the other interview you did?

A: Not really, I think [redacted] maybe.

Q: Please describe what [redacted] looked like.

A: [redacted]

He has a laidback manner, he always looked sleepy and tired.

[redacted]

Q: Please describe what [redacted] looked like.

A: [redacted]

He was always talking about [redacted] and he had just been [redacted]

Q: Did you witness any other interrogators or MPs physically harming persons in the facility?

A: Yes, [redacted] (SGT [redacted] was a female interrogator. I observed her grab an inmate by the shirt and throw him to the floor. Then she placed her boot on his neck and spoke to them using vulgarities. This happened quite a few times, but not with DILAWAR while I was present. I also heard that she made inmates remove their pants and she made fun of their genitals. I don't recall who told me this.

And [redacted] (SGT [redacted] struck a detainee in the chest with his fist. He told me to look at something, and when I looked away, I heard his fist strike the chest with a big noise. I looked back quickly and [redacted] apologized to me, saying he knew I was Afghan and he didn't want me to see it. I don't remember which detainee this was. He was suspected of carrying rockets for the Taliban. He confessed to doing it for money, but he was transferred to GTMO.

I've seen MPs beat up detainees, by kicking them with their boots in the legs and stomach for non-compliance. The problem

STATEMENT OF [redacted] TAKEN AT Bagram Air Base, [redacted]ghanistan, DATED 20 Nov 2003, CONTINUED:

with this is the detainee can't comply, because they have no idea what the MP is saying. They kick detainees while moving them to their cell. Then when the detainee finally gets to their cell, they lay down and pray to God for relief. They then get in trouble for talking (praying) and the MPs come in the cell and kick them some more for talking, which is against the rules.

Q: Who told you about [redacted] having inmates remove their pants?
A: I don't remember, another interpreter.
Q: To your knowledge, did [redacted] remove the pants of DILAWAR?
A: No.
Q: Did you ever physically manipulate or otherwise harm a detainee, on your own or at the direction of someone else?
A: No. Sometimes detainees would touch me to emphasis a point and the interrogator would warn them not to touch me. I never touched them.
Q: Is there anything you wish to add to this statement?
A: I only wish to say that MPs need interpreters to instruct detainees and translate for them. I think there would be less problems. Also some of the interrogators are uneducated and untrained. They resort to physical tactics when there are better ways. I think the rectal exam should be skipped, it is extremely embarrassing and the only purpose is to find prostate cancer, which they don't treat them for.

//////////////////////////End of Stat[redacted]t//////////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 85

44

STATEMENT OF [redacted] TAKEN AT Bagram Air Base, Afghanistan, DATED 20 Nov 2003, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 20 day of November 2003 at Bagram,

[redacted]

(Typed Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 85

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Bagram BO (CID) Bagram Air Base, Afghanistan
Date : 21 Nov 2003 **Time:** 15:45
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** Civ/Interpreter
Org/Address : Titan Services, Bagram Control Point, Bagram Air Base, Afghanistan

---

I, [redacted] want to make the following statement under oath: This statement is intended to clarify to certain aspects of the earlier statement I made to CID on 18 Dec 2002.

QUESTIONS BELOW ASKED BY SA [redacted] AND ANSWERED BY Mr. [redacted]

Q: When did you start working for Titan and when were you assigned to Bagram?

A: I began working for Titan Services in Feb 2002, I was assigned as a translator for detainee operations at Kandahar Air Base, Afghanistan. I worked there until mid May 2002, when I went to Bagram Air Base. While at Kandahar, I observed detainee living conditions, MP movement and handling of detainees and MI interrogation of detainees on a daily basis. I worked in Bagram BCP for about one month, then I was assigned to Kabul where I worked until early Aug 2002. I went home to the US for 2 ½ months and returned to Afghanistan in Nov 2002. I returned to Bagram BCP in Nov 2002, I only worked in the facility three weeks, before I made a complaint that got me transferred.

Q: How did MI prevent detainees from sleeping at Kandahar?

A: This happened rarely at Kandahar, but when it did, they would awake the detainee in the middle of the night and bring them to a tent in shackles. There they would lay down and were watched by someone, any time they tried to go to sleep, that watcher would shake them or speak to them. The most this happened for was a couple hours at a time, at Kandahar.

Q: When you arrived at Bagram were you briefed on procedures?

A: No, because most of the people at Bagram came from Kandahar and the procedures were the same.

Q: When you worked at Bagram were you assigned with a particular MI interrogator(s)?

A: No, they did a roster each morning and I worked with many interrogators.

Q: Did you have occasion to speak with PUC 421 (whom CID has told me was named DILAWAR)?

A: No, never.

Q: Did you have occasion to speak with PUC 412 (whom CID has told me was named ULLAH)?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 86 45C

STATEMENT OF [redacted] TAKEN AT Bagram Air Base, Afghanistan, DATED 21 Nov 2003, CONTINUED:

[redacted]

A: In my earlier statement, I said I spoke with him once, but I didn't recall anything about the session. Today I recall even less, but if I said I talked with him in my first statement, then I must have known then I did. My memory was fresher then.
Q: What caused you to be dismissed from translating at the BCP?
A: I reported to [redacted] (SSG [redacted] a few incidents of misconduct by his interrogators which I felt were excessive force and improper, based on my previous experience. I think this friction caused me to be moved.
Q: What types of misconduct did you observe?
A: Some things were disrespectful of the culture and the people. One interrogator asked the detainee "Who is taking care of (sexually servicing) your wife, while you are in here?" This is not proper in our culture. I refused to translate it and told the guy, you cannot say that to him. The interrogator insisted and I refused. We went to [redacted] he told me that my job was to translate precisely what was said and nothing else. I thought this was wrong and ignorant, because it is very disrespectful and it does nothing to advance the position of Americans in the eyes of the Afghani people. I came here to help the US, but doing things like this hurt more than help.

The practice of strip searching and shaving of heads and beards is also degrading from a cultural and religious point of view. I'm not sure this could ever be changed because of security, but it should be avoid. The administration of a rectal exam in also very disturbing to Afghanis, none of this done in a sober, respectful and professional way, many times the Americans were laughing, joking and it really upsets Muslim people.

Q: Do you remember who asked the question you mentioned above?
A: No, I don't recall. Once an interrogator at Kandahar said something I thought was improper, but after we talked about it he did not do it any longer. At Bagram BCP, in Nov 2002, [redacted] (SGT [redacted] told me to tell one detainee that MI would bring the detainees' wife in and they would take turns sexually abusing her in front of him.
Q: Did you translate this for him?
A: No, I refused.
Q: Did any of the detainees understand English?
A: No, 95% of them were uneducated and could not read or write. Since I refused to translate, I don't think this man knew what [redacted] said.
Q: Do you recall when this occurred?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 86

STATEMENT OF [redacted] TAKEN AT Bagram Air Base, Afghanistan, DATED 21 Nov 2003, CONTINUED:

[redacted] A: I'm guessing, but I think I recall starting working at BCP on or around 17 Nov and ended on 10 Dec 2002.
Q: In your previous statement, you talked about [redacted] grabbing PUC [redacted], what you can recall about this incident?
A: PUC [redacted] was brought in and sat down, he was asked questions and did not answer to [redacted] and [redacted] SPC [redacted]'s satisfaction. So [redacted] reached out and grabbed PUC [redacted] beard with his right hand (underhanded). He yanked the man's beard back and forth in an up and down motion. [redacted] was sitting on a chair and PUC [redacted] was sitting on the floor. He then pulled the man forward by pulling down on his beard, forcing his mouth open while asking him questions. They then had me tell the man to get on his knees and not sit back on his heels and lift his arms over his head. PUC [redacted] legs and hands were still shackled, so this was very hard for him to do. He was visibly tired and was sweating and shaking from physical exertion. They alternated standing behind him and both (at different time) kicked him in his butt when he sat down on his heels, they stuck their feet between his knees and spread his legs apart as far as they could. That was enough for me, I told them I would not tolerate this any longer and left the room. I went to see [redacted] (SSG [redacted]) and told him about it.
Q: Was there anyone above [redacted] that you talked with about the issues you disagreed with?
A: There was a CPT, but I did not talk with her. [redacted] and I did not get along. The only time I talked with the CPT was to tell her about a billeting issues, over which [redacted] and I had a disagreement and he said some ugly things about me. I talked with the CPT and she talked with [redacted] after which he apologized.
Q: Do you any reason to believe the CPT knew about the interrogators physically abusing the detainees? Did she ever watch or participate in interrogations? Was she in the BCP much?
A: I don't know. I'm not sure how she could not know because she was there everyday for 10-12 hours, writing reports and stuff. She did not participate in interviews, but I am sure [redacted] knew. The CPT was a very nice lady who would always try to fix any problem you brought to her and I know I did not talk with her about these incidents.
Q: When you talked to [redacted] about the treatment of PUC [redacted] by [redacted] and [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 86

45

STATEMENT OF [redacted], TAKEN AT Bagram Air Base, Afghanistan, DATED 21 Nov 2003, CONTINUED:

[redacted]: I left the room and found [redacted] had also left the room and sought [redacted] out. [redacted] was sleeping and one of us woke him up and we told him our concerns. He said I had to go back to the room and translate for them. I told [redacted] that I could not tolerate the abuse and to show me where it said in the policy that abusing them (kicking them and pulling their beard) was allowed. I told him if he'd show this to me that I'd go back and finish. If he could not I would not go back and finish. [redacted] said that sometimes they had to be rough in order to get information. He told [redacted] to wrap the interrogation up, so I went back for a matter of minutes and we sent the detainee back to his cell with a couple MP(s). The MPs were not there for the interview.

Q: Was that the last time you worked in the facility?
A: No, I worked a couple more times.
Q: Were there any other incidents?
A: Yes, one detainee complained about the sleep deprivation. He told me that he hadn't slept in 24 hours and he felt he was going to die. I told [redacted] about this. [redacted] explained that a normal person could go 36 hours without sleep. I explained Afghanis were not normal. They had been at war for 23 years and were malnourished and weighed maybe 100 lbs each. If they kept them awake like they did at Kandahar it might be more by shaking and talking with them it might be survivable. But at BCP, they shackled the detainees hands over their heads to the ceiling, using chains from the ceiling, forcing them to stand up. These men cannot take that.
Q: What would interrogators do about medical complaints from the detainees?
A: It depended on the person, some would write it down and tell the doctor. Others dismissed medical complaints as made up or fake. The doctor did make rounds in the facility every morning.
Q: Did you ever observe the MPs striking any detainee?
A: No I haven't.
Q: Is there anything you wish to add to this statement?
A: No. That's all, that's it.
//////////////////////End of Statement//////////////////////

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 86

STATEMENT OF [redacted] TAKEN AT Bagram Air Base, Afghanistan, DATED 21 Nov 2003, CONTINUED:

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this day 21st of November 2003 at Bagram Air Base, Afghanistan.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 86

45

Exhibit 87

Page(s) 455 withheld

Exemption(s) b2

0137-02-CID369-23534

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533 / 0137-02-CID369-23534

PAGE 1 OF 1 PAGE

DETAILS

About 0808, 5 Nov 03, SA [redacted] coordinated this investigation with **Mr. [redacted] Senior Systems Analyst, Army Human Resources Command Liaison Officer, Defense Data Management Center, Monterey, CA**, to obtain digital photographs of the individuals assigned to the 377th Military Police Company, USAR, Cincinnati, OH, as well as Company A, 519th MI Battalion, Fort Bragg, NC, who worked within the Bagram Collection Point (BCP) during the time frame of the deaths of the two detainees. SA [redacted] provided Mr. [redacted] with a listing of the personnel from the respective units to obtain the digital photographs of the individuals based upon the photographs on file for their Armed Forces Geneva Convention Identification Card.

Between 17 Nov 03 and 1 Dec 03, SA [redacted] received electronic copies of the digital photographic images for the personnel assigned to the 377th MP Company and Company A, 519th MI Battalion. These images were saved onto a Compact Disk for storage. (See CD for details of images)

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
	DATE 1 Dec 2003	EXHIBIT 88

1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

Exhibit 89

Page(s) 457 withheld

Exemption(s) b6, 7C

Photographs

0137-02-CID369-23534

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

PAGE 1 OF 2 PAGE

DETAILS

Between 0900 and 1313 hrs, 11 Dec 03, SA [redacted] and SA [redacted] interviewed **Mr. [redacted], Civilian Contract Interpreter, Titan Services,** who translated for 519th MI Battalion soldiers in the Bagram Collection Point (BCP) during Dec 02. [redacted] did not know the soldiers by name or rank, but was able to identify them from photographs and a record was made of the names he knew the soldiers by. [redacted] also recounted translating for [redacted] (AKA [redacted]) who interrogated HABIBULLAH the day prior to the detainee's death. HABIBULLAH was very sick, spitting up phlegm and the interrogators gave him a spit cup. [redacted] recalled HABIBULLAH could not bend his right leg (at the knee), but was stubborn and gave smart responses to questions. [redacted] wanted to employ the kneeling "safety position", but settled for laying HABIBULLAH on the floor, because of the detainee's swollen knee and foot. [redacted] identified [redacted] as [redacted] as [redacted] and [redacted] as [redacted], based on photographs shown to him of the interrogators at BCP in Dec 02. [redacted] stated DILAWAR was placed on sleep deprivation by order of either [redacted] or CPT [redacted] for many hours. MPs (NFI) asked [redacted] to get DILAWAR to stop yelling/screaming. DILAWAR told [redacted] if he "was left in shackles another hour he (DILAWAR) would die". DILAWAR told [redacted] he needed a "doctor and a shot", which [redacted] passed on to MPs, who dismissed the complaint, after pressing on the detainees nailbed and pronouncing him "fine". The following day [redacted] learned DILAWAR died. *(See Sworn Statement and Photographic Identification Sheets of [redacted] for additional details).*

On 12 Dec 03, SA [redacted] received USACIL Lab Report #2003-CID131-1751, dated 19 Nov 03, which recorded the chemical contents of items found in the personal effects of HABIBULLAH at the time of his incarceration. The theory was, that if MPs had denied HABIBULLAH some type of required medical compound, it may have had an adverse effect on his health. USACIL found nicotine (the active ingredient in snuff and cigarettes), camphor (the active ingredient in analgesic balms) and mefenamic acid in compounds taken from the personal effects of HABIBULLAH. Mefenamic acid was found in the tablets contained in the foil packet collected from HABIBULLAH.

AGENT'S COMMENT: Research into the compound mefenamic acid revealed it was marketed (in the US) under the trade name "Ponstel". It's product description is a pain reliever and anti-inflamatory drug used for relief of headaches, muscle aches, menstral cramps, muscle injuries and dental pain. It's usage appears similar to that of ibuprofen or aspirin.

On 15 Dec 03, SA [redacted] received the result of a Defense Central Index of Investigations (DCII) name check from the US Army Crime Records Center (USACRC) on the following identified subjects of this investigation (to date): [redacted] No record of derogatory information was located on any of the above identified persons.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 15 Dec 2003 / EXHIBIT: 90

1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

Between 15 - 19 Dec 03, seven agents were assembled to augment the Task Force in the completion of interviews of the 377th MP Company in the four state area where the demobilized 377th MP Company soldiers lived and worked. The element was comprised of: SA [redacted] MPFU; SA [redacted] III, Polygraph Division, USACIDC; SA [redacted] 380th MP Det (CID); SA [redacted] Fort Leavenworth RA (CID); SA [redacted] Fort Riley RA (CID); SA [redacted] and SA [redacted], both of the 1149th MP Det (CID). The week was devoted to reviewing both cases, reading each statement, developing and amending the timeline and devising a question list and areas of interest, based on existing evidence. The team was released for the Xmas holiday and was subject to recall at the time best suited to complete interviews of the 377th MP Company in the mid-western US.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 15 Dec 2003 / EXHIBIT: 90

FOR OFFICIAL USE ONLY

b2, b6, 7C

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Baymont Inn, 108th Street, Omaha, NE
Date : 11 Dec 2003 **Time:** 1:13pm
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** Civ/Interpreter
Org/Address : [redacted]

I, [redacted] want to make the following statement under oath: I am making this statement to clarify aspects of a previous statement to CID, which I made on 18 Dec 2002. I have reviewed the 18 Dec 2002 statement, made by me, during the course of this interview to refresh my memory. I began working at Bagram around 25 Nov 2002 and began working in the Bagram Collection Point (BCP) around the end of Nov or first of December 2002. This was the first interpreter job I had, prior to this I was the owner of an Oriental carpet shop and a student.

My first contact with HABIBULLAH (PUC 412) was the day before his death. I served as the interpreter for an interrogation session conducted by an MI Interrogator whom I know as [redacted] (SGT [redacted]) and one other man. I think might have been either SPC [redacted] or SPC [redacted] The reason I recall that it was one of the two of them, was because both of them chewed tobacco. HABIBULLAH was spitting up phlegm and whoever it was gave him their spit cup. They were laughing and making fun of him saying it was gross or nasty. I remember HABIBULLAH because he was called a Mullah and he was in charge of some 500 people near Mazari Sharif. But during Taliban times anyone with power was called a Mullah, they did not necessarily have religious authority, which is truly what a Mullah is. Mullah is a leader of prayers in mosques or teaches at Madrassa.

We were in the interrogation room, on the second floor of the BCP. The MPs brought him in to the room and he could not bend one of his legs. He had trouble sitting down and had to put one leg out to the side because he could not bend his right leg at the knee. He was handcuffed with two sets of cuffs, one short and one long. His legs were shackled and his head was hooded. One of the interrogators took off the hood for the interview. The MPs left the room and the lead interrogator was [redacted] There was another young white man. I looked through the photos shown and I don't see his photo among them. It could have been [redacted] or a kid they called [redacted] I don't know

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 91

STATEMENT OF [redacted] TAKEN AT Baymont Inns, Omaha, NE, DATED 11 Dec 2003, CONTINUED:

[redacted]hy they called him [redacted] I think it was because his name was the same as one of the other interrogators. HABIBULLAH was very sick and they told me to instruct him to not spit on the floor. We had a discussion about giving him a spit cup, because he was not going to stop spitting. HABIBULLAH was very stubborn and gave smart responses. Once they asked him if he wanted to spend the rest of his life in cuffs, his response was "yes, don't they look good on me". He was very sick, clearing his throat and coughing up phlegm constantly. He was a pretty young man. [redacted]nted to put him in the safety position of kneeling for the interrogations. But HABIBULLAH could not kneel. He told me about the pain in his legs and ultimately, he sat on the floor because his right leg would not bend at the knee. His right foot was swollen up too. He limped into the interrogation room. After about 90 minutes to 120 minutes, we got nothing from him and the interview was going nowhere, [redacted] called for the MPs and they came in, put him back on his feet and took him back to his cell. The MPs were so big and strong, I really couldn't tell if he was walking or being carried. There was one MP on each side and they moved him quickly. They took him back to isolation, because of his position that was where he was kept.

Q: What did HABIBULLAH tell you happened to his leg?
A: He never said. He complained it hurt, but did not say why or how. We all thought he was exaggerating his cough, because it would conveniently get worse when we asked serious questions. But he was sick. He was coughing up nasty stuff and spitting it into the cup.
Q: Did the doctors visit detainees in isolation?
A: Yes, they came into the facility everyday. There was [redacted] medical room downstairs and the doctor who was an [redacted] He was a [redacted] maybe in his 40's. He wore a [redacted] and was always smiling. His last name was hard to say, but I can't recall it.
Q: Do you know if HABIBULLAH saw the doctor?
A: I don't know. I only saw him once and the next day I was told he was dead.
Q: Did the doctor see everyone, everyday?
A: No, he had a system to check on people. Everyday he saw patients, but I have no idea how he decided who. They came from general population as well as isolation. So he saw people from isolation but not in their cells.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 91

b6, 7C

STATEMENT OF [redacted] TAKEN AT Baymont Inns, Omaha, NE, DATED 11 Dec 2003, CONTINUED:

[redacted] Q: What was the purpose of putting the detainee in a safety position?
A: They thought it would make them talk. It was painful and it would make them tell what they knew.
Q: Where did the practice of using safety positions for interrogation begin, do you know it's genesis?
A: I'm pretty sure it started at the BCP. After capture and in processing, they would go to screening and that is where I first saw safety positions employed. This started with putting the detainee on his knees and having them hold their hands overhead, which you can't do for very long.
Q: Do you remember what the date was on the day you met with HABIBULLAH?
A: No, I can't recall. It was daytime, I think before noon, the day before he died.
Q: Having been shown photographs of interrogators from the BCP do you recognize any one as the interrogator you know as [redacted]
A: Yes, the photograph of SGT [redacted] is the man I know as [redacted]
Q: When detainees were sick or injured and told this to you, what were the responsibilities of interrogators, once you translated their complaints?
A: If they were happy with the detainees answers, they would say "Okay, I'll see what I can do for you". If they didn't like the answers they got or did not like the detainees behavior they would do nothing and just ignore their complaints.
Q: Did [redacted] tell the MPs about HABIBULLAH's medical complaints (his legs and his cough)?
A: I don't remember.
Q: Was there a standard procedure for placing newly arrived detainees in standing restraint or isolation?
A: No, when they first come in, they get no blankets, they keep them handcuffed for the first 24 hours. They get chained up to the ceiling only in isolation cells, if they break the rules, talk, look around. This did not happened since the two men died. Even after the second group of interrogators arrived from Bravo Company, 519th MI it took awhile to discontinue the use of safety positions. Bravo Company was nowhere near as brutal as Alpha Company. The worst were the MPs from Dec 2002.
Q: After interview of HABIBULLAH, did you observe interrogators instruct MPs to place detainees in standing restraint?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 91

46

STATEMENT OF [redacted] TAKEN AT Baymont Inns, Omaha, NE, DATED 11 Dec 2003, CONTINUED:

[redacted]: I don't remember specifically, but usually the lead interrogator told the MPs what to do with the detainees after the interview.

Q: Did you ever hear interrogators tell the MPs to chain the detainees up?

A: The decision to direct a course of sleep deprivation was reached collectively by the interrogators. Then the head MI guy [redacted] SG [redacted] would tell the MPs to keep the detainee awake. Sleep deprivation was an MI decision. The MPs just did what they were told by MI. I think [redacted] would tell the MP SOG and then the MPs would be responsible for keeping the detainee awake.

Q: How were the MPs were supposed to keep the detainee awake?

A: Sometimes loud music, banging on the cells, and sometimes they would chain them to the ceiling standing up. I have heard that after six days with no sleep anyone will talk. It was considered the best tactic, but that was how the other detainee died.

Q: Was HABIBULLAH (PUC 412) one of those detainees placed in standing restraint after his interviews?

A: No, he was not placed in standing restraint because of his leg problems.

Q: What if any discussion did you have or hear about HABIBULLAH's death?

A: No, we were told not to talk about. [redacted] told us not to discuss it during the morning planning meeting. [redacted] told us not to talk about it with anyone.

Q: In your earlier statement, you indicated you talked with DILAWAR (PUC 421) when he was placed in standing restraint, the day before his death. What did you observe and what communication did you have with him or his guards?

A: DILAWAR was on sleep deprivation. The MPs were ordered by SSG [redacted] and/or CPT [redacted] not to let him sleep and he was chained in a standing position in an isolation cell as part of that. The MI leadership had to approve and direct sleep deprivation. I heard he had been there all night by the time I talked with him, at midday the next day. All day long, the MPs used different interpreters to tell him "only one more hour". If I had known he was standing all that time, I would have protested. When I spoke with him, he barely had the energy to talk. I told him "Look, please if you want to be able to sit down and be released from shackles, you just need to be quiet for one more hour". He told me that if he was in shackles

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 91

b6,7c

STATEMENT OF [redacted] TAKEN AT Baymont Inns, Omaha, NE, DATED 11 Dec 2003, CONTINUED:

[redacted]nother hour he would die. I told him nothing bad would happen to him if he did as he was asked and he agreed to. Of course at the time, I had no idea he had been restrained and kept awake all that time. The next day I heard he had died. He kept telling me he needed to see a doctor and he needed a shot. I told the MP (whom I can't recall or identify) that he was asking for a doctor. The MP walked over to DILAWAR, took DILAWAR's hand and pressed down on the detainees nailbed. He then looked back at me and pronounced the detainees vital signs were fine and that he was just trying to get out of the restraints.

Q: Why was DILAWAR in standing restraint?

A: Sleep deprivation.

Q: Describe as best you can recall DILAWAR's body position while in restraints.

A: His arms were shackled to the ceiling at the wrist. Each arm was out to the side, he was hooded with a black sack and his head and hands hung down. His feet touched the floor completely and were chained together, but the feet were not fastened to anything.

Q: Could he move?

A: Not much, just twist a bit and shuffle his feet and move his head and neck around.

Q: Whom did you translate DILAWAR's medical complaints to?

A: An MP. I can't recall which man. It's been too long.

Q: Having been shown photos of the 377th MP Company, can you now identify the white, male MP (18 Dec 2002 statement) you told of DILAWAR's complaints?

A: No, I'm sorry it's just been too long.

Q: How did you learn of DILAWAR's death?

A: We were told by [redacted] in the morning meeting.

Q: Did you hear any discussion about DILAWAR's death?

A: We were told he had a heart attack and we were instructed not to talk with anyone about it.

Q: Regarding other interviews you assisted with, approximately how many interviews did you interpret for during your time at the Bagram Collection Point (BCP)?

A: At the time of the deaths, I have done just a few interviews, I pretty much was brand new. By now, I have done hundreds, sometimes I do as many as three interviews a day. My observation has been that yelling and screaming is less effective than talking rationally with people. I tried to convince some of the Alpha Company interrogators to try something besides yelling and bullying and as they changed

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 91

STATEMENT OF [redacted] TAKEN AT Baymont Inns, Omaha, NE, DATED 11 Dec 2003, CONTINUED:

[redacted]tactics they got better results. Most of them slowly switched over.

Q: Did you observe any Alpha Company interrogators touch detainees, during interviews?

A: Yes, some provided comforting touching on the shoulder. Some would shove or shake detainees, at that time, everyone touched detainees. Now, I've been told that MI cannot touch detainees. I don't think Alpha Company knew that.

Q: Did you observe anyone exhibit violent physical or abusive conduct toward detainees?

A: Not a whole lot, a bit of shoving and shaking, but an enormous amount of verbal abuse. Of course, they probably didn't understand what was being said, but there was no mistaking the tone. That comes across even if you don't speak the language. It made me terribly uncomfortable to tell those ugly things to the detainees.

Q: [redacted]ere there any threats to detainees or their families that you were asked to translate?

A: Not really, mostly they said ugly things like "who will take care of your family while you are away?" Stuff designed to make them want to go home, but no direct threats.

Q: What other things would you like to share?

A: The first year was designed for AlQuaeda. Now we are picking up people who are suspicious and often get released back. The yelling is counterproductive and frightening. It is unnecessary with the people we are getting now. I think the problems with interrogators have been stopped.

Q: What is your opinion of the current behavior of the MPs?

A: They are doing fine. The pictures I saw today (377th MP Company) were the worst. Once in awhile now, I see frustration, yelling, but not the brutality I saw from the 377th MP Company in Dec 2002.

Q. Besides the kneeling safety position you have described, did you observe any other safety positions being used by the MI interrogators?

A. There was one where they made the detainee slide down the wall in a seated position, with no chair under them and hold their hands out in front of them parallel to their thighs. This is hard to do for long. Also they had them lie on their stomach on the floor and grab their ankles with their hands, but I don't view this as painful.

Q: Do you recall MI having any list of approved or prohibited interrogation techniques during Dec 2002?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 91

STATEMENT OF [redacted], TAKEN AT Baymont Inns, Omaha, NE, DATED 11 Dec 2003, CONTINUED:

[redacted]A: To my knowledge, there were no rules at all.
Q: Did you ever observe the MPs deliver "compliance blows"?
A: No, I don't even know what that is.
Q: Do you know of any other physical assaults on detainees?
A: I saw an MP whom I can't identify, slam a detainee into a concrete wall. They were walking and the detainee was hooded, he tripped over a doorframe and his flailing arms hit the MP in chest. The MP violently slammed the man into the wall, I thought it would really hurt him, but it did not. I also heard that [redacted] (SPC [redacted] punched a detainee in the kidney area of his back, so hard that the man cried for a week over the pain. I don't which detainee it was.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////End of Statement[redacted]//////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

66, 7C

EXHIBIT 91 466

STATEMENT OF [redacted] TAKEN AT Baymont Inns, Omaha, NE, DATED 11 Dec 2003, CONTINUED:

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 [redacted] day of December 2003 at Omaha, NE.

[redacted]

(Typed Name of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 91

b2, b6, 7C

46

0134 02-CID369-23533
0137-02-CID369-23534

[redacted]

Individual whom I recognize and had previously identified as [redacted] within my statement dated 18 Dec 02. This Individual has been identified to me as SGT [redacted] Company A, 319th MI Battalion.

NAME: [redacted] DATE: 11 Dec 03

Signature: [redacted]

WITNESS: [redacted] DATE: 11 Dec 0[redacted]

ORGAN[redacted] Investigative Operations, 6010 6th Street, Fort Belvoir, VA 22060

Sign[redacted]

468

FOUO

b6, 7C

EXHIBIT 91

0134-02-CID369-23533

0137-02-CID369-23534

[redacted]

Individual whom I recognize as [redacted] who was the group leader or Platoon Sergeant for Company A, 319th MI Company. [redacted] was responsible for identifying detainees who were going to be placed in a standing restraint. This individual has been identified to me as SSG [redacted] Company A, 319th MI Battalion.

NAME: [redacted] DATE: 11 Dec 03

Signature: [redacted]

WITNESS: SA [redacted] DATE: 11 Dec 0[redacted]

ORGANI[redacted] HQ, USACIDC, Investigative Operations, 6010 6th Street, Fort Belvoir, VA 22060

Signa[redacted]

FOUO

b6, 7c

469

EXHIBIT 91

0134-02-CID369-23533

0137-02-CID369-23534

Individual whom I recognize as [redacted] who was the individual who struck the detainee in the kidney area with his fist. This individual has been identified to me as SPC [redacted] Company A, 519th MI Battalion.

NAME: [redacted] DATE: 11 Dec 03

Signature: [redacted]

WITNESS: [redacted] DATE: 11 Dec 03

ORGAN[redacted] Investigative Operations, 6010 6th Street, Fort Belvoir, VA 22060

Signature: [redacted]

FOUO

b6, 7c

47c

EXHIBIT 91

0134-02-CID369-23533

DEPARTMENT OF THE ARMY 0137-02-CID369-23534
US ARMY CRIMINAL INVESTIGATION LABORATORY
4553 N 2ND
FOREST PARK GA 30297-5122

REPLY TO ATTENTION OF

CILA-BEP

COPY

19 November 2003

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, BAGRAM RESIDENT AGENCY, THIRD MILITARY POLICE GROUP (FWD), BAGRAM, AFGHANISTAN, APO AE 09354

SUBJECT: Submitter Case Number: 0134-02-CID369-23533
USACIL Referral Number: 2003-CID131-1751
Suspect(s): UNKNOWN

1. Enclosed is the Laboratory Exhibit Listing (Encl 1) and Final Division Report for the following division: Drug Chemistry (Encl 2). No further examinations were conducted at the request of the submitter.

2. Two original reports have been produced. One report is enclosed, as stated, and the other is kept in the official files of this laboratory and maintained IAW AR 25-400-2 and CIDR 195-1.

3. IAW AR 195-2, requests and fund cites for court appearances of Laboratory Examiners will be made at least 10 working days prior to the date of court proceedings.

4. POC is the Laboratory Operations Assistant, DSN 797-7082/7110, CM (404) 362-7082/7110, FAX (404) 362-7112/DSN 797-7112.

[redacted]
Deputy Records Custodian

2 Encls

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

47

FOUO

EXHIBIT 92

0134-02-CID369-23533
0137-02-CID369-23534

15 November 2003

LABORATORY EXHIBIT LISTING

SUBJECT: Submitter Case Number: 0134-02-CID369-23533
USACIL Referral Number: 2003-CID131-1751
Suspect(s): UNKNOWN

Exhibits:

1 - Round metal case with mirror top, containing yellow-green powder (Item 1, Doc 063-02).
2 - Bottle with blue cap containing brown powder (Item 2, Doc 063-02).
3 - Foil packet containing nine large pale-yellow oval tablets marked "PONSTAN FORTE" (Item 3, Doc 063-02).
4 - Cellophane bag containing cotton and small vial with green stopper containing a clear yellow viscous liquid (Item 4, Doc 063-02).

FOUO

472

EXHIBIT 92

0134-02-CID369-23533

0137-02-CID369-23534

UNITED STATES ARMY
CRIMINAL INVESTIGATION LABORATORY
4553 N 2ND
FOREST PARK GA 30297-5122

15 November 2003

DRUG CHEMISTRY DIVISION REPORT

SUBJECT: Submitter Case Number: 0134-02-CID369-23533
USACIL Referral Number: 2003-CID131-1751
Suspect(s): UNKNOWN

Exhibits:

1 - Round metal case with mirror top, containing yellow-green powder (Item 1, Doc 063-02).
2 - Bottle with blue cap containing brown powder (Item 2, Doc 063-02).
3 - Foil packet containing nine large pale-yellow oval tablets marked "PONSTAN FORTE" (Item 3, Doc 063-02).
4 - Cellophane bag containing cotton and small vial with green stopper containing a clear yellow viscous liquid (Item 4, Doc 063-02).

Findings:

Exhibit	Analysis Result	Schedule*1	Amounts			
			Units	Received	Used	Returned
1	Nicotine indicated	NA*2	Grams	2.025	0.102	1.923
2	Camphor indicated	NA*2	Grams	1.420	0.062	1.358
3	Mefenamic acid indicated	NA*2	Tablets	9	1	8

*1 Schedule of the Controlled Substances Act
*2 Not applicable

FOUO

4

EXHIBIT 92

DRUG CHEMISTRY DIVISION REPORT (CONTINUED)

SUBJECT: Submitter Case Number: 0134-02-CID369-23533
USACIL Referral Number: 2003-CID131-1751

Findings (continued):

Exhibit	Analysis Result	Schedule*1	Amounts			
			Units	Received	Used	Returned
4	No drugs indicated	NA*2	Approx. mL*3	1	½	½

*1 Schedule of the Controlled Substances Act
*2 Not applicable
*3 Approximate milliliters

[redacted]
Forensic Chemist

b6, 7C
FOIA

47

EXHIBIT 92

0137-02-CID369-23534

0134-02-CID369-23533

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

PAGE OF PAGE

DETAILS

About 1045, 16 Dec 03, SA [redacted] coordinated this investigation with Mr. [redacted] Deputy Director, Indiana Law Enforcement Academy (ILEA), Plainview, IN, who provided information pertaining to this investigation. Mr. [redacted] explained that his department is responsible for regulating the training of all Indiana law enforcement officers. The ILEA has as one of its courses the Pressure Point Control (PPC). The PPC course was taught by LT [redacted] ILEA, and Dr. [redacted] Ft. Wayne Academy, Ft. Wayne, IN. Mr. [redacted] explained that he is not familiar with the terminology used by the instructors during the instruction of the course, but either LT [redacted] or Dr [redacted] could provide information about the use of the term "compliance blow." Mr [redacted] explained that he would provide this office with a copy of the PPC manual for further examination.

About 0930, 22 Dec 03, SA [redacted] received a copy of the ILEA, Physical Tactics manual, which details the instruction provided to all law enforcement officer within the state of Indiana, concerning pressure point control tactics.

About 1025, 24 Dec 03, SA [redacted] coordinated with SA [redacted] Coordinator, Financial Crime Enforcement Network (FINCEN), Arlington, VA, at which time it was requested that she provide any information concerning the members of 377th Military Police (MP) Co, Cincinnati, OH and the 92nd Military Intelligence (MI) Co, Fort Bragg, NC.

Agent's Comment: SA [redacted] provided addresses, phones numbers and NCIC information on the members of both the 377th MP Co and the 92nd MI Co.

About 1100, 31 Dec 03, SA [redacted] Special Agent-in-Charge, Mid-Atlantic Fraud Field Office, Ft. Belvoir, VA, received evidence from SA [redacted] CID, Bagram Branch Office, via U.S. mail, concerning both 0137-02-CID369-23534 and 0134-02-CID369-23533. The items received were receipted for on Evidence Property Custody Documents, DA Form 4137, Document Numbers 0002-03, 0003-03, 0004-03, 0005-03, 0006-03, and 0011-03. The aforementioned vouchers were processed and placed in the Mid-Atlantic Fraud Field Office, Ft. Belvoir, VA, evidence depository.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 31 Dec 03 ~~31 Jan 03~~	EXHIBIT 93

Exhibit 94

Page(s) 476-578 withheld

Exemption(s) b2

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0137-02-CID369-23534

PAGE 1 OF 1 PAGES

DETAILS

About 1832, 30 Dec 03, SA [redacted] interviewed MAJ [redacted] Physician, Winn Army Community Hospital (WACH), Fort Stewart, GA 31314 (FSGA) who was identified as the doctor who pronounced DILAWAR (PUC 421) dead at 0630 hrs (Bagram local), 10 Dec 02 (0200Z, 10 Dec 02). [redacted] provided a statement documenting his knowledge of the circumstances surrounding the death of DILAWAR. [redacted] pronounced DILAWAR dead after all efforts to resuscitate him failed. [redacted] authenticated the SF600 (Treatment Record) documenting the medical intervention DILAWAR received at the Emergency Room (ER). He verified authoring the SF600 and noted there were documents missing from his record of medical treatment on DILAWAR. The two documents he knew to be missing were the death packet (completed on all deceased individuals) and the Nursing Code Summary Sheets. [redacted] could not identify the signature on DILAWAR's in processing sheet, indicating it was not his. He did not observe any bruising in DILAWAR's extremities, other than what was documented on the SF600. [redacted] admitted there might have been injuries, which went unnoticed at the time he saw DILAWAR. [redacted] did not begin conducting sick call procedures within the Bagram Collection Point (BCP) until approximately 19 Dec 03 (after both deaths). [redacted] stated he did not witness any PUC receive corporal punishment nor witness the administration of "compliance blows". [redacted] did not see any PUC chained in a standing position in the isolation cells. [redacted] denied having any contact with HABIBULLAH (PUC 412), and learned of his death through word of mouth from the team he replaced (NFI). (See Sworn Statement of [redacted], dated 30 Dec 03 for additional details)

AGENT'S COMMENT: [redacted] provided copies of his journal entries documenting his arrival to Bagram, Afghanistan and his ER treatment of DILAWAR. The pertinent entry read *"On the morning of the 10th, I ran my first code and intubated a dead PUC. He had been dead some time, almost stiff, fixed and dilated upon arrival. I ran through 1 round of drugs & no help."* [redacted] also noted in the journal when he began sick call procedures at the BCP. (See copies of [redacted] personal journal entries for additional details).

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, US Army CID, 6010 Sixth Street, Ft Belvoir, VA 22606
SIGN [redacted]	DATE: 30 Dec 03 / EXHIBIT: 95

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

57C

SWORN STATEMENT

FILE NUMBER: 0137-03-CID369-23534
LOCATION: [redacted] Army Community Hospital, Emergency Room, Fort Stewart, GA 31314
DATE / TIME: [redacted] Dec 03 / 1832
STATEMENT OF: [redacted]
SSN: [redacted]
GRADE/STATUS: O4/RA
ORGANIZATION/ADDRESS: Winn Army Community Hospital, Fort Stewart, GA 31314

I [redacted] want to make the following statement under oath:
I was deployed to Afghanistan from Fort Stewart, GA, with the 48th CSH, from Dec 4, 2002 to 7 Jun 2003. We were stationed at Baghram Air Base and had the only medical treatment facility. I recall pronouncing PUC 421 Dead after coding him for a brief time. Based on the note that I wrote on the SF 600 that morning immediately following the code. PUC 421 was an afghan male approximately 35 years old, that was found at the detention facility unresponsive. Upon arrival to the CSH, he had no spontaneous respirations he did not have a pulse and he was asystolic on the monitor or flat lined. From that point I followed ACLS protocol. I attended medical school on an Army scholarship at Medical College of GA and graduated in 1992. I did a general surgery internship at Eisenhower Medical Center, Augusta, GA. Then I was assigned as the 2nd BDE surgeon, 24th ID, Fort Stewart, GA. I deployed to NTC three times and to Bright Star in Egypt once in 1993 or 1994. I became the Emergency Medicine General Medical Officer (GMO) at Winn Army Community Hospital in 1995, and left Fort Stewart for Fort Sam Houston to attend Emergency Medicine Residence program at Brooke Army Medical Center, Fort Sam Houston, TX, in 1996. I completed residency in 1999, became a board certified Emergency Physician in October of 2000. I was the Chief of Emergency Medicine at Bayne Jones Army Community Hospital at Fort Polk, LA. Then came back to Fort Stewart on July of 2001. Currently I am a staff emergency medicine physician at Winn Army Community Hospital. Although, I had no experience in caring for Prisoners of W[redacted] prior to deploying to Afghanistan, it would not change how I would treat a dying patient[redacted]
Q: SA [redacted]
A: MAJ [redacted]
Q: Did you type the above statement yourself?
A: No, I dictated it to Special Agent [redacted] to type.
Q: I've shown you an SF600 pertaining to PUC 421; can you verify who authored the documents to verify their authenticity?
A: I did, on 10 December 2002, immediately after running a code on PUC 421.
Q: Please explain and describe what ACLS protocol is?
A: Advanced Cardiac Life Support is a set of guidelines with algorithms to resuscitate patients who are dying. It's a widely accepted throughout the U.S. and the rest of the World as a standard of care.
Q: Please explain and describe what a Code is?
A: A code is the attempted resuscitation of a dead or dying patient.
Q: When you declared PUC 421 deceased, did you conduct any additional triage of the body?
A: After I declared him dead I rolled him over and looked for signs of major trauma.
Q: Did you find any signs of major trauma? [redacted]

b6, 7C

A: As I indicated in my notes, he had an abrasion on his left flank, and an old abrasion left ankle, which I am assuming, was secondary to his shackles. No contusions, no lacerations, and no penetrating wounds were noted.
Q: Do you recall noting unusual swelling in the extremities of PUC 421?
A: I do not, that doesn't mean that it may not have been there, but I do not remember.
Q: Why didn't you expose any X-rays of the PUC at the time of treatment?
A: Because he was dead, his code had been called and I had confirmed his intubation clinically and it would not have changed his outcome.
Q: Why were no blood workups ordered on PUC 421 at the time of treatment?
A: It was a futile resuscitation and the blood would have provided no information that would have helped the outcome of this patient.
Q: Would you normally obtain or request a blood workup of a deceased patient?
A: Only if I am requested to do so by some authority, like CID or if I think it may help me resuscitate the patient in some way.
Q: Can you please describe the physical condition in which you found PUC 421on the day he was pronounced dead?
A: Upon arrival there were no spontaneous respirations, there was no palpable pulse, he had a flat line on the monitor, and he had motteling of the skin consistent with a dead person.
Q: Please describe what the term motteling of the skin means?
A: After a patient is dead the skin will have splotches, there is a specific medical term for this, and I can't think of the term right now.
Q: Did you take a body or core temperature of PUC 421 after or during your resuscitative efforts?
A: Not that I recall, because I didn't see it documented on the SF600 where I recorded my findings as I treated him. However there should be other documentation by the nursing staff involved. Generally the nurse also writes a code summary.
Q: The additional documentation you mentioned, who would have a record of it?
A: It should have been in his medical record, I know this is not the only thing we had on him, because there is a death packet we write up on all patients that die.
Q: Can you tell me what other medical staff was with you at the time you treated PUC 421?
A: The only thing I have documented is that [redacted] and [redacted] and I think both of them are MAJORS, they were in the room, they helped me get supplies and IVS and all that stuff. The reason I know they were there is because I documented it in my journal. As far as nursing staff that was available I don't recall who was there.
Q: Do you recall noting any unusual bruising or markings on the extremities of PUC 421?
A: Other than the abrasions in my notes, no.
Q: You wrote in your notes that PUC 421 was cold to the touch, was his body in rigor at the time you attempted resuscitative efforts?
A: No I wouldn't say he was in rigor mortis.
Q: Can you describe all of the resuscitative efforts you performed on PUC 421 on the day you pronounced him dead?
A: By looking at my notes, he was intubated to establish an airway; it was clinically confirmed with good breath sounds fog in the tube and color change on the CO2 monitor. HE was bag-valve tube at 18 to 20 breaths per minute. Pulses were nonpalpable; an IV was established to give drugs. On the monitor he had asystole, he was given 1MG of [redacted]nephrine at 3-5 minute intervals which was circulated with chest compressions as well as 3MG of atropine which was [redacted] a total of [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

circulated with compressions; there was no spontaneous return of circulation; there was no electrical activity on the monitor I don't recall if we looked at two leads for asystole but he was fixed and dilated no signs of life so I called his time of death at 0630 and I think that was local Baghram time.

Q: Is there anything you can think of, you would have liked to include in the resuscitative efforts attempted on PUC 421?

A: I wish I had documented a core temperature and asystole in two lead of the monitor.

Q: You stated you initiated an IV on PUC 421, what did you administer?

A: Epinephrine and Atropine, via the IV. I'm sure the IV was normal saline, but I don't have it documented in my notes, but that's what I normally use. I think that there are more documents pertaining tot his patients that are missing.

Q: Why do you think that there is missing documentation on PUC 421?

A: Because, again, there should be nursing notes and I don't recall doing it on this patient, but I know we completed death packets on all individuals.

Q: Where are the Nursing Code Summary sheets now?

A: I don't know. All I would know is to ask out Patient Administration people from the 48th CSH.

Q: Where were the Nursing Code Summary sheets maintained, be as specific as possible?

A: In our Patient Administration Division with the patient's records.

Q: Who would be able to tell us where the Nursing Code Summary sheets are located now?

A: MA[redacted] a reservist with the 48th CSH, Fort Meade, MD, he was in charge of PAD while I was there, and he may know where they are at.

Q: When PUC 421 arrived at your Emergency Room, did you notice any bruising on his body?

A: I did not.

Q: When PUC 421 arrived at your Emergency Room did you notice anything peculiar about his extremities?

A: No, I did not.

Q: When PUC 421 arrived at your Emergency Room, did you notice any smells associated with Diabetic coma or any other signs of a diabetic shock?

A: No.

Q: Do you know if PUC 421 had secondary medical conditions, which would have attributed to his death?

A: I do not; I get no history if they are dead.

Q: Do you recall who escorted PUC 421 from the BCP to the ER?

A: No, I do not recall.

Q: Did you ever conduct medical rounds at the Baghram Collection Point?

A: Yes.

Q: During what time frame did you conduct these rounds and what did you do?

A: Usually I would go down there in the mornings, when Doctor [redacted] was on a off day, and I would pull general population sick call; and see any new PUCS that had arrived. I don't recall starting but I wrote in my journal that my first day for pulling sick call at the BCP was on the 17th of December 2002.

Q: So before PUC 421 died, did you ever go the Bagram Collection Point and visit or assist with the care of the detainees?

A: No, if I saw a PUC it was because they were brought to the hospital, but I don't recall seeing a PUC up to that poi[redacted]

b6, 7C

Q: Explain how you came to run the code for PUC 421 on the 10th of December 2003?
A: According to my journal entries, I was just passing through the ER on my way to breakfast and the ambulance showed up with PUC 421. The family practice doctor [redacted] was [redacted] actually got upset that I had ran the code while she was asleep.
Q: During your visits to the Baghram Collection Point, did you observe any detainee receive any type of corporal punishment?
A: No.
Q: Did you ever go inside of any of the isolation cells to visit with the patient detainees?
A: Only when we had a patient who had an external fixater on his femur, this was probably in April or May 2003.
Q: When you went to visit with the detainee in his Isolation cell, was he shackled?
A: No.
Q: Was the detainee free to roam the confines of the isolation room?
A: He was unable to get up and walk around because of the external fixater, but if he would have been able to I'm sure he would have.
Q: Did you ever observe any of the detainees being forced to do things against their will, such as not sleeping, or stand for elongated periods of time?
A: Not that I recall.
Q: Other than the one time visit in the isolation cell in April or May of 2003, did you ever go and see any of the detainees in their isolation cells?
A: I saw that particular person multiple times in that isolation cell. I actually did go into them on a different occasion, we had three children in the isolation cell, I went down' with [redacted] to determine ages of these children. If I remember correctly the youngest one was 16 and the oldest was about 20 as we aged them by hand x-rays.
Q: Do you recall any other time that you may have had a reason to enter the isolation cells?
A: No.
Q: Did you ever hear any rumors that the detainees were being abused at the Baghram Collection Point, if so, by whom?
A: No.
Q: Do you have anything further to add to your statement?
A: No. ///End of Statement//[redacted]

b6, 7C

AFFIDAVIT

I, [redacted] have read or have had read to me this statement which begins on Page 1 and ends on page [redacted]. I fully understand the contents of the entire statement made by me. The statement is True. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat 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 oaths, this 30th day of December 2003 at Fort Stewart, GA 31314.

[redacted]

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

b6, 7C

4-5 DEC 2002

We arrived at ~ 1100 zulu time to Bagram. In the normal Army fashion we were rushed from the airport area and too the Hospital compound, by LPC, over uneven ground. No injuries we were told Cabin assignments, $\bar{p}$ a briefing that included all the Don't's of Bagram, Mines and such. "Goto your tents and sleep"; "but we don't have our gear"; "Get some sleep, they are heated, you don't need it". I froze. When [redacted] the Oral Surgeon got up he gave me his bag. I slept, the cot was broken at 1 end and the A-10's flew missions all night from about 100 yds behind our tent.

0134-02-CID369-235[illegible]3

FOUO

66,7C

EXHIBIT 97

58

what does the compound look like. A typical CSH lay out, main entrance c̄ TOC and meeting areas up front. OR's, ED, Ortho, Lab, XRay ICU's, ICW's around on the Rt side. It's dusty, my feet hurt from walking on surge rock.

~~Our~~ Tent is fine, wood framed, ply wood walls, ply wood floor c̄ plastic gratings on the floor. I have a lot of fixing up to do.

We did get our bags at about 11 Am local time, but my kit bag with my phone ~~has not~~ is located at a holding yard. Our S4 section + 1st SGT are ate up and have not gotten any one to go get it with a fork lift. After waiting for them all day [redacted] (Ortho) and I walked down. His bag was missing too. We found them but could not break the pallet to get them. We were told by S4 "we'll get it in the morning. I'll call [redacted] Thev. I miss her and the kids dearly

[redacted] would think the destroyed MIG carcasses out side of our tent are cool. I will take pictures and send home.

We stay next door to the ~~Sho~~ old Russian hanger used in the beheading of Soviet soldiers during their

FOUO

b6, 7C

EXHIBIT 97

58

0134-02-CID369-23533

war. It was said that bodies were laying here in piles back when we 1st arrived (of Soviet troops) Some what mummy fied by the desert.

The surrounding mountains are beautiful. I will send home pictures of that as well. I am tired, Haven't had any good sleep since leaving Tuesday Am. Tomorrow is my 1st shift. Pay with a 24 hr on Sat.

The people leaving are very happy, No real Right Side ride as planned of course.

Oh yeah the Showers are nice and the food is much better than I expected. It will be a long 6 months.

6 DEC 2002

I can't sleep in the mornings yet. my Clock says get up at ≈ 0400 here. I went & showered, it was cold again, Frozen pipes in the hospital that are suppose to be fixed/insulated. We officially took over the hospital today, we see a lot of systems problems c̄ No SOP's or guidlines established. So I started c̄ repacking chests and Cleaning, also started Trauma + medical code SOP's, and identifying who is where.

FOUO

EXHIBIT 97
587

0134-02-CID369-23533

loop coming back and there was what we thought may be a mine. We secured it and [redacted] got the MPs then EOD came. It ended up not being a mine but better safe than sorry.

I saw a patient on the 8th early in the AM that had some mild flank pain, I wasn't sure if it was stone or muscular. So I had him return for an US. His CK was 1200 when I saw him and I wanted to repeat it as well. The FMP doc decided he may be in Rhabdo and admitted him. Well his CK had dropped, Doesn't make sense. Also she did not do the US I wanted. Kind of pissed me off, we'll see how it is accepted on Rounds in the AM by everybody. Also if he gets the US.

[redacted] talked to me about going home in 3 months, I told him I wanted to but I don't expect to get too. He stated he would push to get us all sent home, God I hope so. I only want to be back with my babies and family.

10-12 DEC

The patients are coming quite often now, Sick call is getting very busy. Nothing interesting $\bar{x}$ the PUC's. (Persons under custody). They are coming

FOUO

b6, 7C

EXHIBIT 97
588

01[redacted]-02-CID369-23534
0134-02-CID369-23533

over for chest pain frequently. On the morning of the 10th I ran my 1st code and intubated a dead PVC. He had been dead some time, almost stiff, fixed + dilated upon arrival. I ran through 1 round of drugs & no help. Patient The patient didn't have any signs of trauma. The FP doc's got pissed of [redacted] FP) got med b/c she felt I stole the code. She was on duty asleep and I walked in as the ambulance crew was going out. I didn't take her ad [redacted] ad [redacted] od I ran it. [redacted] showed up as he rolled in. The rest of the day was odd. I apologized, she seemed better today, on the 11th and I had her paged when an Afgan natural that got ran over by a tractor came in. She got to run the trauma and I think she felt better. I admitted a girl who had ABD pain last night, I missed a [redacted] even though I did a by manual exam. [redacted] found it, no one has said anything but "hey we all miss things." I agree, still felt bad.

I talked to [redacted] today I miss her so much as well as

0134-02-CID369-23533

EXHIBIT 97
589

the kids. I bought [redacted] and [redacted] an Afgan hat flag, and I have 2 American flags that I am going to get the A10 pilots to fly on a mission over a combat zone. The Christmas tree is up and that kind of hurts, I wish I were home. If I can get out of here then out of the Army I will never leave my family again. This sucks.

I also talked to [redacted] on the ~~night~~ of the 10th, but it was 2 AM, I'm not sure she will remember. I went runny today with the boys and twisted my bad ankle. Hurts like hell, XRays are negative. [redacted] says it'll get better, I know.

I saw an Afgan family plowing their garden today. On ox & wooden plow. I didn't have a camera. I saw in the "you must have your weapon loaded area. It's only 1 mile away. A warlord has a compand just outside a check point, that's where I saw the Afgans.

These people are nasty, dirty, but very greatful for any care we give. They like we love their children and do their best to love for them. We had a Graduation

FOUO

0134-02-CID369-23533

EXHIBIT 97/590

That was severly dehydrated. She got much better fast and her family picked her up yesterday. They said that mothers milk had dried and they will feed the child bread + chi tea. We gave about a month's worth of formula, she'll be lucky to live.

13 DEC 2002

Today sucked. I twisted my ankle thing yesterday and it hurts. Sick call was light. There is a lot of Artillery fire in the hills. We saw a kid who had a mine blast injury back in Aug. He was doing well. Had a colostomy that had prolapsed but there's nothing for us to do. They plan on taking it down in JAN.

I have [redacted] and [redacted] flags and will fly them over the hospital on 14th DEC. Friday is surf and turf night at the Chow hall, we got surf & barnyard pimp. It was good.

[redacted], [redacted], [redacted] and I watched sum of all fear. It was surreal c the Artillery and 60 fire c A-10's and Apache's taking off. I admit I got a little scared.

I missed [redacted] very much.

0134-02-CID369-23533

FX 1110 IT 97
591

when I got to the Hooch [redacted]
we watched 1 episode of
the simpsons. I got to
go to the Battle field Update
and there was so much
Jargon & acronyms I didn't
understand much. I was tired
and went to bed

17 DEC 2002

Groundhog day #13. We have
been fairly busy so far today.
The Afgan national that
came in yest c̄ the blast
injury had an ascaris crawl
out the nose. Cool. Our
foot lockers came today. I
now have my gloves & baseball
CD's, and finally some good
deodorant. The Afgans stink
sort of like rat shit in a
old musky barn. I left

FOUO

b6, 7c

97

[redacted]

OOK

592

and sent [redacted] gifts home today as well as some film. Hit the PX and bought some diet pepsis and an afgan spread & pillow case for my bed. I also completed the MCA application so I can have a job upon arrival home. I have the 24 hr shift today. So getting away was nice. We had many Afgans today. I also got a secret mission today. I will assist Dr. [redacted] care for the Pwc's. The scum that shoots at our soldiers and stashes weapons for the Taliban. I can't wait to start. I ended [redacted] to tell him to get [redacted] + [redacted] to write me letters for MCA. We found a 23-ft boat that sounds good. I'm ready to fish.

I miss [redacted] and [redacted] more and more each day. I will call her tomorrow afternoon. I love [redacted] so much. I hope everything is OK at home. I miss christmas, New years, Hunting, kids wearing real clothes, I love diet pepsis. [redacted] would be happy, no Beer. I love her.

[redacted] told me the hats are called Pakol the small hats are called Kolah just means hats.

The night was uneventful.

0134-02-CID369-23533

18 DEC 2002

Things are heating up. We Recieved 2 LN's from the gate, I'm not sure if it was a Car bomb or if they hit a mine. 2 dead at scene, 1 died in ER c̄ exposed brain, 1 went to OR c̄ (R) arm Amputation and small pneumo, Right now mortars are firing at ≈ gate location. I'm a little worried. I don't know what they are shooting at.

I washed cloths so far ate an MRE and am waiting to call my [redacted] I miss her and love her.

19 DEC 2002

I realized its only 6 days until christmas. Christmas in this Shit hole. I can only thank god I will be that much closer to going home. Today was OK otherwise. I got the tour of Pucland today. Its an old abandoned Soviet Hanger with a good roof. Very large. The detainees stay in 7 Group/population enclosures made out of 3 strands of constantina wire, on the front of each 3 a cage ≈ 5x5 That when a new one is introduced he stays for a number of days until ready. Each enclosure is named

FOUO

b6 7C

EXHIBIT 97
594

0134-02 CID369-23533

after a terrorist event,
The solitary areas are a
little bigger 10x10 plywood
cages, no light with only
a crack for a window.
The interrogation rooms
are open rooms c̄ a table
in the middle and a couple
of chairs, where we
work out of 3 a dirty/
nasty room, c̄ scattered
supplies and 3 cots, we
have a medic. Dr [redacted]
has tried to start records
on each, a smart move.
2 died in 1 wk when
we 1st arrived and the
powers that be tried to
blame the MP's. I think
they killed themselves

with some poison of some
type. That's just me,
Both were from the same
radical group.
There are also [redacted]
They are treated well. My
duties will be to take care
of the sickcall issues as well
as in process the new
detainees. That will be fine.
We had a new one came
to the ED tonight for
"Seizures". He was shaking
and making chicken noises.
NO SZ. He was acting
out. ~~we~~ I had the medics
place a foley. [redacted] is
a thin black kid

0134-02-0137-02-010369-23534

EXHIBIT 97
595

66,7c

from DC area. He was getting ready cleaning the Pvc's pecker and he got a hard on. [redacted] was almost unable to place the foley b/c he was laughing so much. We all laughed, we started calling [redacted] soft hands and midas. He was embarrased and tried to play it down.

I'm tired but all I can think of is [redacted] and [redacted] I love them with all my heart.

20 DEC 2002

Today has been ok. I missed [redacted] I love them. I emailed [redacted]

I saw [redacted] he has been here ≈ 90 days 2nd rotation this yr and is going home soon. I think he is going to stay here for a day or so. He came in with a [redacted] who was firing an RPG that blew up. His face was macerated. Also had a Ⓛ arm amputation. He is currently in the OR getting cleaned out. I took care of a kid from TX who was at an undisclosed location when he was fired on by a hog. I an RPG. It exploded close to him and put scrapnel in his legs and back. O/W he was OK. He is also

64, 7e

EXHIBIT 97
596

going to the OR, [redacted] got promoted to Col ~~this AM~~ yesterday. a happy day for him. I was proud for him, one of the few that probably deserved it, I can't wait to get home, I miss the trees, my farm, even [redacted], I hope I'm home for March, that would be nice, as long as I don't have to turn around + go to Iraq, I go with [redacted] to see the Pucs tomorrow, I heard we are sending some to Gitmo and also will receive some as well.

I think the 2nd guy from Ft Is going to do OK,

21 DEC 2002

Last night was kind of busy up until the trauma went to the OR, then I had a kid come in c RLQ pain, [redacted] took him to the OR and took out a normal appendix. I would have bet he had it.

I got to talk to my [redacted] today, She sounds ok. I hope the kids have a good Christmas. The rest of the day was a bust, [redacted] keeps things lively. He's the radiologist, Always has something going. It's almost movie time, [redacted] is setting up the Table c table cloth, He pops popcorn for everyone, sets out peanuts, M&Ms and other goodies. Then set up about 8 chairs, we all watch a flick, That's the

0134-02-CID369-23533

EXHIBIT 9-594

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 1035 hrs, 6 Jan 04, SA [redacted] advised **SGT [redacted] Alpha Company, 519th Military Intelligence (MI) Battalion, Fort Bragg, NC 28307 (FBNC)** of his legal rights for the offenses of Assault Consummated by a Battery, Cruelty and Maltreatment and Negligent Homicide. [redacted] invoked his legal rights, stating he was represented by legal counsel, whom he identified as CPT [redacted] Trial Defense Services (TDS) Counsel, USA TDS, Region II, Fort Bragg, NC 28310. [redacted] counsel advised him not to speak with CID. (See Non-Waiver Certificate of [redacted] dated 6 Jan 04, for additional details).

AGENT'S COMMENT: At the conclusion of the interview, [redacted] was record fingerprinted, photographed and released to his unit through the Fort Bragg Military Police Station.

At 1116 hrs, 6 Jan 04, SA [redacted] advised **CPT [redacted] Alpha Company, 519th Military Intelligence (MI) Battalion, FBNC** of her legal rights for the offenses of Dereliction of Duty and Misprision of a Serious Offense. [redacted] invoked her legal rights, requesting counsel, at which time the interview was terminated. (See Non-Waiver Certificate of [redacted] dated 6 Jan 04, for additional details).

AGENT'S COMMENT: At the conclusion of the interview, [redacted] was record fingerprinted, and photographed and released on her own recognizance.

At 1350 hrs, 6 Jan 04, SA [redacted] advised **SGT [redacted], Alpha Company, 519th Military Intelligence (MI) Battalion, FBNC** of her legal rights for the offenses of Assault Consummated by a Battery, Cruelty and Maltreatment, Negligent Homicide and False Official Statement. [redacted] invoked her legal rights, requesting counsel, at which time the interview was terminated. (See Non-Waiver Certificate of [redacted] dated 6 Jan 04, for additional details).

AGENT'S COMMENT: At the conclusion of the interview, [redacted] was record fingerprinted, photographed and released to his unit through the Fort Bragg Military Police Station.

Between 1400 and 1430 hrs, 6 Jan 04, SA [redacted] and SA [redacted] conducted a briefing for COL [redacted], Commander, 525th MI Brigade, FBNC and MAJ [redacted], Rear Detachment Commander, 519th MI Battalion, FBNC. Also present were a number of staff personnel, including the Brigade SGM and Battalion 1SG. A basic overview of the case was briefed and specifics regarding the offenses committed by 519th MI soldiers were discussed. It was clearly stated that no judgment had been reached regarding criminal culpability for the deaths and the investigation was actively being pursued.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 6 Jan 2004	EXHIBIT 98

1 FEB 77 [redacted]

b2.b6.7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 1415 hrs, 6 Jan 04, SA [redacted] advised **SGT [redacted] Alpha Company, 519th Military Intelligence (MI) Battalion, FBNC** of his legal rights for the offenses of Assault Consummated by a Battery, Cruelty and Maltreatment, Negligent Homicide and False Official Statement. [redacted] invoked his legal rights and stated legal counsel, whom he identified as CPT [redacted] Trial Defense Counsel, USATDS, FBNC, represented him. [redacted] counsel advised him not to speak with CID. (See Non-Waiver Certificate of [redacted] dated 6 Jan 04, for additional details).

AGENT'S COMMENT: At the conclusion of the interview, [redacted] was record fingerprinted, photographed and released to his unit through the Fort Bragg Military Police Station.

At 1520 hrs, 6 Jan 04, SA [redacted] advised SSG [redacted] Alpha Company, 519th Military Intelligence (MI) Battalion, FBNC of his legal rights for the offenses of Negligent Homicide, Misprision of a Serious Offense and False Official Statement. [redacted] invoked his legal rights and stated legal counsel, whom he identified as Mr. [redacted], Fayetteville, NC, represented him. (See Non-Waiver Certificate of [redacted], dated 6 Jan 04, for additional details).

AGENT'S COMMENT: At the conclusion of the interview, [redacted] was record fingerprinted, photographed and released to his unit through the Fort Bragg Military Police Station.

At 1545 hrs, 6 Jan 04, SA [redacted] advised SGT [redacted] Alpha Company, 519th Military Intelligence (MI) Battalion, Fort Bragg, NC 28307 (FBNC) of her legal rights for the offenses of Assault Consummated by a Battery, Cruelty and Maltreatment. SGT [redacted] invoked her legal rights and stated she did not want to make a statement without talking with legal counsel. (See Non-Waiver Certificate of [redacted] dated 6 Jan 04, for additional details).

AGENT'S COMMENT: At the conclusion of the interview, [redacted] was record fingerprinted, photographed and released to own her own recognizance. [redacted] had recent surgery on her knee and could not reasonably be transported in a police vehicle, without risking re-injuring her.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 6 Jan 2004	EXHIBIT 98

b2, b6, 7C

0137-02-CID369-2

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 0134-02-CID369-23533

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	2. DATE	TIME	4. FILE NUMBER
Bldg #8-1221, Randolph Street, Fort Bragg, NC 28307	06JAN09	1035	

5. Name (Last First MI)	7. GRADE/STATUS	8. ORGANIZATION OR ADDRESS
[redacted]	SGT SPC/E4	Alpha Company, 519th MI Bn, 525th MI Bde, Fort Bragg, NC

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 Consumated by a Battery/Cruelty & Maltreatment/Negligent Homicide/////

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

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

-or-

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

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

5. COMMENTS *(Continue on reverse side)*
Q: Have you been advised of your legal rights within the past thirty days? A: NO
Q: Are you currently represented by legal counsel? A: YES [redacted]

SECTION B. Waiver

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

WITNESSES *(if available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)* [redacted] SA	[redacted]
b. ORGANIZATION AND PHONE HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060	
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060

SECTION C. Non-waiver

1. I do not want [redacted] rights
   ☒ I want a [redacted]
   ☒ [redacted] want to be questioned or say anything
2. SIGN [redacted]

[redacted] (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

600

FOUO b2, b4, 7C

EXHIBIT 99

0137-02-CID369-2

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) 0134-02-CID369-23533
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	2. DATE	3. TIME	FILE NUMBER
Fort Bragg CID, Randolph Street, Fort Bragg, NC	6 Jan 04	11:16	

5. Name (Last First MI)	8. ORGANIZATION OR ADDRESS
[redacted]	Headquarters and Headquarters Suport 519th MI Battalion, 525 MI Bde Fort Bragg, NC 28310
6. SSN: [redacted]	7. GRADE/STATUS: CPT/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: Dereliction of Duty / Misprison of a Serious Offense//[redacted]

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

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

-or-

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

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

5. COMMENTS *(Continue on reverse side)*

SECTION B. Waiver

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

WITNESSES *(if available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)* SA [redacted]	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE HQ, USACIDC, Fort Belvoir, VA 22060	
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC Fort Belvoir, VA 22060

SECTION C. Non-waiver

1. I do no want to give up my rights
   ☑ I want a lawyer [redacted]
   ☑ I do not want to be questioned or say anything [redacted]
2. [redacted]

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

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

601

b2, b6, 7C

FOUO

EXHIBIT 10C

037-02-CID369-23534

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

0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NUMBER
Fort Bragg CID, Randolph Street, Fort Bragg, NC	6 Jan 04	1300	

5. Name (Last First MI)	8. ORGANIZATION OR ADDRESS
[redacted]	Company A 519th MI Battalion, 525 MI Bde Fort Bragg, NC 28310
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~~: Assault Consumate by Battery/Cruelty and Maltreatment/Negligent Homicide/False Official Statement/[redacted]

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

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

-or-

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

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

5. COMMENTS *(Continue on reverse side)*
Have you been advised of your legal rights within the last 30 days? [redacted] NO
Are you presently represented by legal counsel? [redacted] Counsel not been assigned

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 ha[redacted]

1a. NAME (Type or Print)	
SA [redacted]	
b. ORG[redacted]	
HQ, USACIDC, Fort Belvoir, VA 22060	
2a. NAME (Type or Print)	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. OR[redacted]STIGATOR HQ, USACIDC Fort Belvoir, VA 22060

SECTION C. Non-waiver

1. I do [redacted] give up my rights
   ☒ want a lawyer
   ☒ I do not want to be questioned or say anything
2. SIGNATURE OF INTERVI[redacted]

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT [redacted]RM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

b2, b6, 7C FOUO

602
EXHIBIT 101

0107-02-CID369-23534

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

0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NUMBER
Fort Bragg CID, Randolph Street, Fort Bragg, NC	6 Jan 04	1415hrs [redacted]	

5. Name (Last First MI)	7. GRADE	8. ORGANIZATION OR ADDRESS
[redacted]	~~SGT~~ [redacted] ~~SPC/AD~~	Company A 519th MI Battalion, 525 MI Bde Fort Bragg, NC 28310

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 Consumate by Battery/Cruelty and Maltreatment/Negligent Homicide/False Official Statement///

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

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

-or-

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

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

5. COMMENTS *(Continue on reverse side)*
Have you been advised of your legal rights within the last [redacted] days? [redacted]
Are you presently represented by legal counsel? [redacted] CPT [redacted]

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 INTERROGATOR
1a. NAME *(Type or Print)* SA [redacted]	[redacted]
~~SA~~ [redacted]	
b. ORGANIZATION ~~OR ADDRESS~~ AND PHONE HQ, USACIDC, Fort Belvoir, VA 22060	
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INTERROGATOR HQ, USACIDC Fort Belvoir, VA 22060

SECTION C. Non-waiver

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

2. [redacted] WEE

[redacted] TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

b2,b6,7C FOUO

603
EXHIBIT 102

0137-02-CID369-2

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

0134-02-CID369-23533

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	2. DATE	[redacted]
Fort Bragg, USACIDC, Bldg 8-1221, Fort Bragg, NC	6 JAN 04	1520

5. Name (Last First MI)	8. ORGANIZATION OR ADDRESS
[redacted]	Company A, 519th Military Intelligence Battalion, Fort Bragg, NC
6. SSN: [redacted]	7. GRADE/STATUS: SSG ~~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~~: Neglegent Homicide / Misprison of a Serious Offense / False Official Statement [redacted]

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

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

-or-

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

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

5. COMMENTS *(Continue on reverse side)*
Have you been advised of your legal rights within the last 30 days? NO [redacted]
Are you currently represented by legal council? Yes

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)*

1. [redacted]	4. [redacted]
ORGANIZATION OR ADDRESS: 1149th CID Ft. Belvoir, VA 22060	
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR: HQ, USACIDC, Fort Belvoir, VA 22060

SECTION C. Non-waiver

1. I do no want to give up my rights
   ☒ I want a lawyer [redacted]
   ☒ I do not want to be questioned or say anything
2. SIGN [redacted]

[redacted] N STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

604

b2, b6, 7C FOUO EXHIBIT 103

0137-02-CID369-2

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

0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NUMBER
Bldg #8-1221, Randolph Street, Fort Bragg, NC 28307	6JAN02	1545	[redacted]

5. Name (Last First MI)	7. GRADE/STATUS	8. ORGANIZATION OR ADDRESS
[redacted]	SGT SPC/RA	Alpha Company, 519th MI Bn, 525th MI Bde, Fort Bragg, NC

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 Consumated by a Battery/Cruelty & Maltreatment///[redacted]

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

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

-or-

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

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

5. COMMENTS *(Continue on reverse side)*
Q: Have you been advised of your legal rights within the past thirty days? A: NO
Q: Are you currently represented by legal counsel? A: NO

SECTION B. Waiver

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

1a. [redacted]	3. SIGNATURE OF INTERVIEWEE
b. [redacted] HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060	4. SIGNATURE [redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME AND TITLE SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060

SECTION C. Non-waiver

1. I do no want to give up my rights
   - [X] I want a lawyer
   - [X] I do not want to be questioned or say anything

2. [redacted] SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

Between 1045 and 1800 hrs, 15 Jan 04, SA [redacted] and SA [redacted] interviewed **Mr. [redacted] Civ, (formerly SGT, A Company, 519th MI Bn, Fort Bragg, NC 28307),** [redacted] regarding his knowledge in the treatment and subsequent death of HABIBULLAH (PUC 412). [redacted] was identified by many of the interpreters as [redacted] which is his middle name and the one he used during his tour in the Bagram Collection Point (BCP), Bagram, Afghanistan. He authored a sworn statement detailing his observations about the conduct of "day to day" operations within the MI Element in the BCP and admitted SSG [redacted] was "truly in charge". [redacted] also described training received from SSG [redacted] and SSG [redacted] during the transition between units. He indicated "sleep adjustment" was not documented due to the lack of clear guidance on its legality. [redacted] also stated MPs could not impose sleep adjustment on their own, it had to come from SSG [redacted] directives, but they did punish detainees by standing them in the airlock for 2-4 hours. *(See Sworn Statement of [redacted] dated 15 Jan 04, for additional details).*

At 1010 hrs, 15 Jan 04, SA [redacted], advised **SPC [redacted] A Company, 519th MI Battalion, Fort Bragg, NC 28307 (FBNC)** of his legal rights for the offenses of Aggravated Assault, False Official Statement and Negligent Homicide. He invoked his rights, requesting counsel, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 15 Jan 04, for additional details)*

At 1041 hrs, 15 Jan 04, SA [redacted] advised **PFC [redacted] A Company, 519th MI Battalion, FBNC** of his legal rights for the offenses of Aggravated Assault, False Official Statement and Negligent Homicide. He invoked his rights, requesting counsel, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 15 Jan 04, for additional details)*

At 1100 hrs, 15 Jan 04, SA [redacted] advised **SPC [redacted] A Company, 519th MI Battalion, FBNC** of his legal rights for the offenses of Aggravated Assault, False Official Statement and Negligent Homicide. He invoked his rights, requesting counsel, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 15 Jan 04, for additional details)*

AGENT'S COMMENT: At the conclusion of the interviews, [redacted] were record fingerprinted.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 15 Jan 2004	EXHIBIT 105

FOR OFFICIAL USE ONLY

b2, b6, 7C

606

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
Hampton Inn/Pittsburg, PA	[redacted]0 Jan 2004	1355	0134-02-CID369-23533
LAST NAME, FIRST [redacted] NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS Civilian
ORGANIZATION OR ADDRESS [redacted]			

want to make the following statement under oath:

That I was a Captain in the United States Army assigned to the 339th Combat Support Hospital, US Army Reserve from June 1996 until August 2003. I deployed with the unit to Afghanistan arriving there about 22nd of June 2002. I left Afghanistan on approximately 6 December 2002. Upon return to the United States, we were stuck at Fort Dix, NJ until a demobilization order was cut. We then out-processed from Fort Dix, and I was on leave until about the 17th of January 2003. I then resigned my commission due to family and personal reasons. The effective release date was the ~~day after my release from active duty.~~ on or about 8 Aug 03

QUESTIONS ASKED BY BOTH SA [redacted] AND SA [redacted]

Q: Describe your entire military history?

A: I have been with the 339th my entire military career. I joined the 339th in November of 1996. I did not have any prior military experience. I was a second lieutenant at first, and then they gave me credit for my civilian nursing experience and made me a first lieutenant in July of 1997. I made captain in January of 2002. During this time it was weekend drills, and annual training. I hadn't had any deployment experience prior to being mobilized in April of 2002. My unit was sent to Fort Dix for two and half months. We were trained up and ready to go in about two weeks. We then sat there awaiting transportation the remainder of the time. We arrived in Afghanistan about the 22nd of June 2002.

Q: What was your MOS in the Army?

A: I held three MOSs. I was a M5 which is an emergency room nurse, a 8A which is an intensive care nurse, and a 66H which is a medical-surgical nurse.

Q: What is your civilian job?

A: I am an emergency room nurse with University of Pittsburgh Medical Center (PASSAVANT), Pittsburgh, Pennsylvania.

Q: How long have you been a nurse?

A: I have been registered nurse since 1992.

Q: Describe your civilian education, and training as a nurse?

A: I have a bachelor's degree in nursing from the University of Pittsburgh, and another year of graduate work towards a Nurse ~~Practitioner~~ Practitioner License. I am certified in Advanced Cardiac Life Support, Basic Cardiac Life Support, and Pediatric Advanced Life Support.

Q: Have you ever seen a deceased body with rigor mortis?

A: Yes. I have seen rigor at least 25 times per year with my civilian job.

Q: Describe rigor mortis?

A: It is when the body starts to stiffen up, and the blood starts to pool in places that is normally flowing freely. That looks like large bruises. The extremities (hands, arms, legs, face) start to stiffen first. It is called ~~modeling~~ mortis (the blood pooling).

Q: How did you happen to respond to the Bagram Detention Facility?

A: I was on my last duty day in the ER at Bagram Airfield. I was called into the TOC, and told there was an unresponsive prisoner at the detention facility. This was around midnight local time (Bagram). We don't normally respond to the facility. If there is a prisoner, they cuff them, cloak them, and bring them to us.

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

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

DA FORM 2823 (AUTOMATED)]

b6, 7C

FOUO

607

EXHIBIT 106

STATEMENT OF MR [redacted] TAKEN AT THE HAMPTON INN, [redacted] PITTSBURGH, PA DATED 10 JANUARY 2004 CONTINUED:

There was an E7 ([redacted], with the 339th CSH out of Erie or Harrisburg, PA) that was the senior enlisted in the TOC that night. She told me that the detention facility was on the phone asking for medical support to come down and evaluate their prisoner. I told her that they are supposed to transport them to us. I got on the phone and spoke with somebody from the detention facility. He told me that the prisoner was yelling, spitting, and was now silent. I told LTC [redacted] that I was going to go down there to evaluate an unresponsive prisoner. He told me to update him when I got there. I think I took SSG [redacted] with me (as he was a 91W, medic). It was either SSG [redacted] or SGT [redacted] (of a Fort Bragg unit, I am not sure what unit as he was attached to us). We drove to the facility, about a mile and quarter, in a HUMMV ambulance.

Q: What was your assignment (job) with the 339th CSH while in Afghanistan?

A: I was charge nurse of the emergency room. For a short while I was the OIC of the ER.

Q: Describe what you observed when you arrived at the Bagram Detention Facility?

A: We were allowed to drive into the gate. We backed up to the gated entrance, where we were met by a sergeant (I can't remember any features other than he was [redacted]. He led us into the facility. Once inside the facility we [redacted]t through a door. The cells were on the left. We went about twenty feet, and ~~around a corner and~~ the prisoner (who the CID Agents told me was Mr. HabibULLAH, BT# 412) was about twenty or twenty-five feet away. I immediately saw that he was dead. He was laying on his back handcuffed to a stretcher with his mouth open. There were three or four enlisted MPs around [redacted]. One of them said that he couldn't be dead, because he had just taken a ~~pulse~~ blood pressure. I repeated that he was dead. I took my stethoscope and listened for a point of maximal impulse (PMI). There was no pulse, and he was not breathing. That is when they asked me what they were supposed to do. I told that I didn't know, but hoped their notes were up to date and accurate. I told them that the prisoner was dead before they called me. They looked shocked that the Mr. HabibULLAH was dead. They showed disbelief about his death. When they asked me what to do, I called Dr. (LTC) [redacted] and he said to bring the him back to the hospital for a post mortem.

Q: Would you be able to identify any of the MPs around the prisoner again if shown photographs?

A: No.

Q: How did you know that the Mr. Habib ULLAH was dead?

A: My experience told me that even from twenty feet away, this guy was dead. I then checked for a pulse and breath, and found none.

Q: Did you attempt any life saving actions?

A: No. He was too far gone to initiate any life saving actions. Mr. Habib ULLAH was already stiffening.

Q: How long did the trip by ambulance take from the hospital to the Bagram Detention Facility?

A: About four or five minutes. We were under blackout drive conditions drove about fifteen or twenty miles per hour.

Q: Describe Mr. Habib ULLAH?

A: I think he had a beard. I think he was about six foot, slender build about 150 to 180 pounds. The reason I think he was fairly tall, I remember thinking he was fairly tall for an Afghan gentleman when we put him on the gurney at the ER.

INITIALS OF PERSON MAKING STATEMEN [redacted]

608

STATEMENT OF MR. [redacted] TAKEN AT THE HAMPTON INN, PITTSBURGH, PA DATED 10 JANUARY 2004 CONTINUED:

Q: What time and date did you receive the call in the TOC to respond to the Bagram Detention Facility?
A: I don't remember the exact date, but it was my last shift prior to leaving Afghanistan and it was after midnight, local time.
Q: Could Mr. Habib ULLAH been experiencing something other than rigor mortis when you observed him at the detention facility?
A: No.
Q: How was Mr. Habib ULLAH dressed when you arrived at the Bagram Detention Facility?
A: He had on an orange jumpsuit and booties. He didn't have any underwear or a t-shirt on.
Q: After transporting Mr. Habib ULLAH to the emergency room, what happened?
A: Dr. [redacted] came in and said to draw some labs. I drew blue, green, purple, and red top containers of blood for a complete workup. I also attempted catheterize him for a urine draw. That didn't produce any urine. Dr. [redacted] then took a 20cc syringe and attempted to draw directly from the bladder, and there was no urine. We had Mr. Habib ULLAH x-rayed, a complete body x-ray. Before that all happened, I got a rectal body temperature from Mr. Habib ULLAH. It was about 105 or 106 degrees Fahrenheit. Dr. [redacted] and I talked about his elevated temperature. Dr. [redacted] was conducting a full body examination for signs of visible trauma.
Q: Were there any signs of trauma?
A: He had a good-sized bruise on one of his thighs. He had pooling of blood in his legs, and there was an impression of the waist chain around his lower chest or upper abdomen. I remember thinking that Mr. Habib ULLAH was slumped over on his chain for awhile. Knowing that the prisoners were sleep deprived and not allowed to lay down, I have a mental image of Mr. Habib ULLAH slumped over on his waist chain for awhile, which caused the marks I described. There wasn't anything else that stuck out in my mind about his physical condition.
Q: Were you present when Dr [redacted] made the cause of death determination?
A: I am not sure he made an official cause of death determination. We talked about the lab results and surmised that Mr. Habib ULLAH died of acute renal failure.
Q: What happened then?
A: A CID representative took pictures of Mr. Habib ULLAH, then we put him in a body bag and transported him to the Air Force facility where he awaited transportation to Germany.
Q: Had you been inside the Bagram Detention Facility before?
A: Yes.
Q: Could you describe what you saw, and why you were there?
A: COL (Dr. [redacted] (don't remember what unit he was with) was the doctor who would go to the prison. He came up and said that he had a patient who had acute urinary retention problem, and would I go up there and put a foley catheter in so that the MPs wouldn't have to transport him to the ER and back again. That patient was handcuffed to a stretcher, dressed in the orange jumpsuit and black booties, in a treatment room. There were a couple of MPs present. Once done with the foley, they asked if I wanted a tour of the facility. They took me on a tour. I observed two people in two different plywood rooms. One was handcuffed behind his back and to the wall so that he couldn't sit down [redacted] 60°

INITIALS OF PERSON MAKING STATEMENT: [redacted]

[redacted]he other was handcuffed and was sitting, but they were yelling at him so that he wouldn't go asleep. They told me about a prisoner who tried to escape on them. He was one of them that was in the plywood rooms.

Q: Did you see or hear about anyone hitting or striking a prisoner within the Bagram Detention Facility?

A: No.

Q: Did any of the MPs present when you arrived in response to Mr. Habib ULLAH's medical condition say anything about how or why he came to be unresponsive?

A: No.

Q: How long were you at the Bagram Detention Facility prior to taking Mr. Habib ULLAH back to the Bagram emergency room?

A: About ten minutes, tops.

Q: What was the temperature inside the Bagram Detention Facility when you arrived?

A: I really can't say other than normal room temperature. It wasn't excessively hot or cold.

Q: Was the ambulance heated during the ride from the Bagram Detention Facility to the Bagram emergency room?

A: No. It was about twenty degrees outside at that time. The ambulance was not heated in the back.

Q: How long did the drive from the Bagram Detention Facility to the Bagram Emergency Room take?

A: About four minutes because we were traveling under blackout conditions and the road was really beat up.

Q: Did anyone put tape on Mr. Habib ULLAH's head?

A: Not that I know of.

Q: Did anyone accompany you and your 91W in the ambulance back to the emergency room?

A: I can't recall if one of the MP's jumped in the back with us or not.

Q: How do you know that the prisoners within the Bagram Detention Facility were being sleep deprived?

A: While one of the prisoners was at the emergency room for normal treatment, I struck up a conversation with one of the MPs who told me that they sleep deprive them for a period 72 hours, and then interrogate them.

Q: Did this MP tell you what else took place inside the detention facility?

A: No.

Q: Do you know who that MP was?

A: No.

Q: Could you identify the MP if shown several pictures?

A: Probably not due to the time between then and now, and the fact I was talking to him while working on the patient.

Q: You initially told the responding CID Agent that Mr. Habib ULLAH had rigor mortis when you arrived at the Bagram Detention Facility. What led you to believe Mr. Habib ULLAH had rigor mortis?

A: I couldn't close his open mouth at the facility. Once back at the emergency room I noted that his fingers and arms were stiff. I couldn't move his fingers with ease like I [redacted]

[redacted] should have been able to. He didn't have free range of movement in his arms. I had to put some effort into raising his arms. The arms would fall back down normally.
Q: Describe the marks around Mr. Habib ULLAH's upper abdomen or lower chest?
A: I don't remember the marks on his back. I remember thinking that he was slumped on a chain.
Q: How many times did you treat prisoners of the Bagram Detention Facility and for what?
A: I was only to the detention center three times. In a span of a day or two we saw fifteen or so for positive tuberculosis tests. One time was for the foley, once was for Mr. Habib ULLAH, and the other time was for something minor (I can't remember what).
Q: Did you treat pri[redacted]ners of the detention facility for any injuries sustained while at the Bagram Deten[redacted]acility?
A: I only ~~had to~~ suture one prisoner and that was because Dr. [redacted] sent him up to the ER to suture his homemade vasectomy incision which he found on the intake exam.
Q: Did you assist any of the doctors with intake examinations?
A: No.
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT///[redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

FOUO b6, 7C

EXHIBIT 106

0134-02-CID369-23533

[redacted]

AFFIDAVIT

[redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNL[redacted]

[redacted] (Signature of Person Making Statement)

WITNESSES:
[redacted]
SA
HQ USACIDC, Ft. Belvoir.

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 10TH DAY OF JAN, ~~19~~ 2004
AT HAMPTON [redacted]

[redacted] (Signature of Person Administering Oath)

[redacted] (Name of Person Administering Oath)
Article 136(b)(4), UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted]

FOUO

b6, 7c

EXHIBIT 10

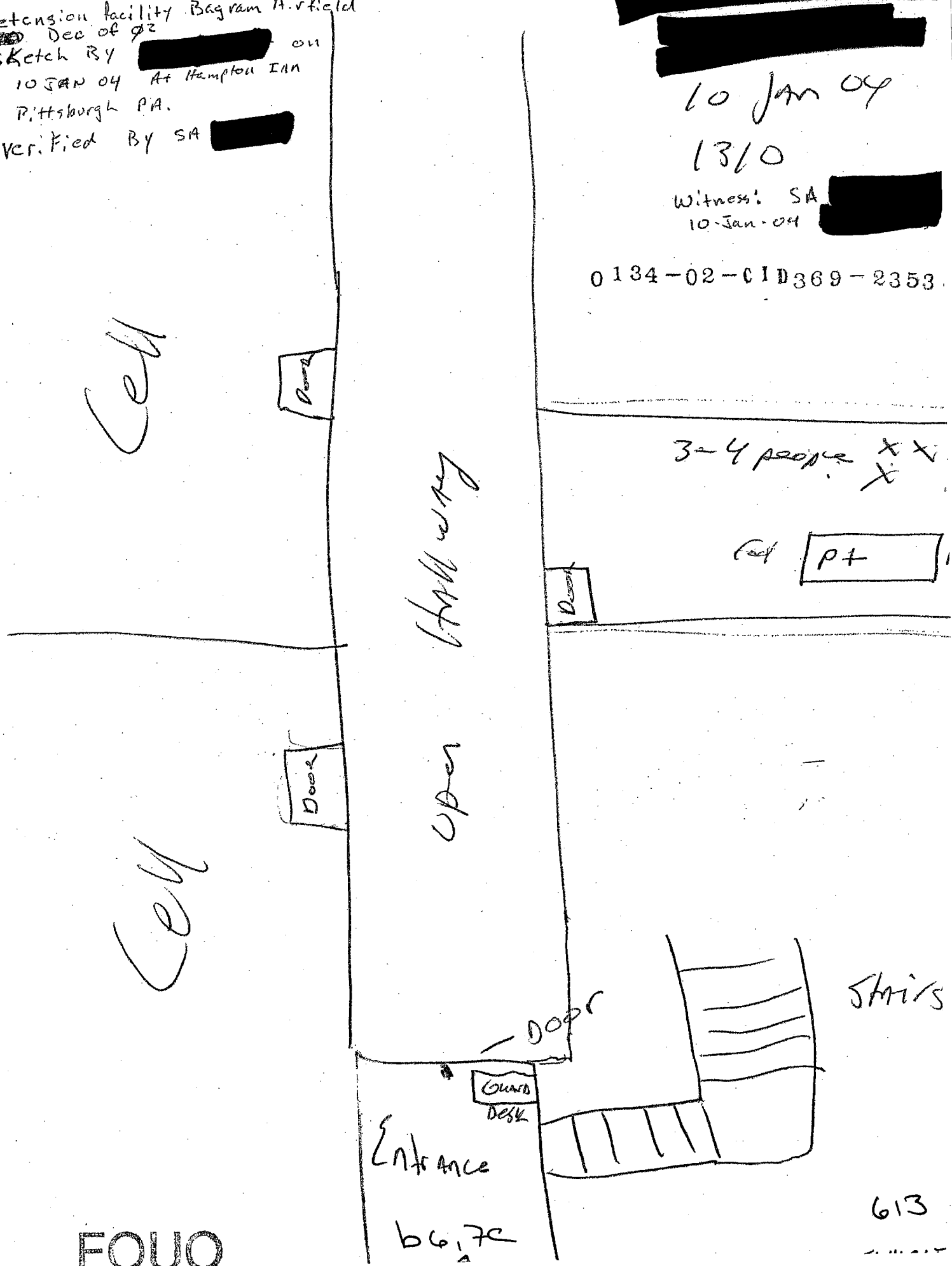
#0134-02-CID369-23533

0137-02-CID369-2[redacted]

Detension facility Bagram Airfield
Dec of #2
Sketch By [redacted] on
10 JAN 04 At Hampton INN
Pittsburgh PA.
Verified By SA [redacted]

10 Jan 04
1310
Witness: SA [redacted]
10-Jan-04

0134-02-CID369-2353



b6,7c

613

FOUO

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
Red Roof Inn, York, PA	13 Jan 2004	2045	0134-02-CID369-23533

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	SSG/USAR

ORGANIZATION OR ADDRESS

[redacted] 339th CSH, Coropalis, PA

I, Rodney D. GLASS want to make the following statement under oath:

That I was mobilized with the 339th Combat Support Hospital, US Army Reserve on 13 August 2002. I joined them in Afghanistan on 13 October 2002. I redeployed separately from the unit through Fort Benning, Georgia. I arrived home on 22 December 2002. While assigned to the 339th CSH in Afghanistan, I worked as the NCOIC of the Emergency Room, Sick Call, and Ambulance Services. That was at the Bagram Air Base.

QUESTIONS ASKED BY BOTH SA [redacted] AND SA [redacted]

Q: Describe your entire military history?

A: I came into the Army Reserves in 1989 as a Utilities Equipment Repairman (52C MOS). I spent three years doing that and then retrained to become a 91A (Field Medic). I graduated 91A school in 1991. In August 1991 I was called up to serve in Desert Shield/Desert Storm. That was with the 316th Station Hospital, Harrisburg, PA. I was in Riyadh, Saudi Arabia. I was placed on the quick response team, and drove a bus for the guard force. I came home in April 1992. All 91A were retrained for one year and I became a 91B (Field Medic). That training was conducted at Fort Belvoir, VA. In 1992 the 316th became the 322nd Hospital Unit Surgical. Then in 1995 I was asked to go to 91C (Licensed Practical Nurse) school. That was through the North Hampton Community College for military credit. While I was in school, the 322nd was disbanded and it became 4205th (filler unit). In late 1996 or early 1997, we became the 339th Combat Support Hospital.

Q: What MOSs do you hold in the Army?

A: 91W (Licensed Practical Nurse), 91A (Field Medic), 91B (Field Medic), 52C (Utilities Equipment Repairman), and 55N (Unit Armorer).

Q: What is your civilian job?

A: I work at the Dauphin County Prison, as a Staff Nurse. I have been there for almost three and a half years. Prior to that I worked for the Harrisburg Hospital as an Intensive Care Nurse (extensive training as open heart technician) (1996-2000). Prior to that time, I worked from 1993 to 1996 in the respiratory intensive care unit, which was at Harrisburg Hospital. Prior to that I worked for DW Transport (trucking company) on their board of directors (1991-1993). From 1989 to 1991 I worked for Bar-Vell, Inc. (equipment operator). Prior to that I was a banker for thirteen years.

Q: How long have you been a nurse?

A: I have been a LPN since 1997. I was licensed as an Emergency Medical Technician (EMT) right after high school (1977 or 1978). I did that for extra money on the side until I was called up for Desert Storm.

Q: Describe your civilian education, and training as a nurse and as an EMT?

A: I received my LPN training and certification from North Hampton Community College, Bethlehem, PA (1995-1997) which resulted in an Associates Degree in Nursing. I received on the job training at Harrisburg Hospital in the following areas: Operating Room Specialist, Emergency Room, Cardiac Catheritzation, Ventilator training, Medication Administration, IV Therapy, Open Heart Nurse, Balloon Pumps, Central Venus Lines, Transplants, Hospice Certified and Pain Management.

Q: Have you ever seen a deceased body with rigor mortis?

A: Yes. Hundreds of times. I have seen rigor since I started working as an EMT.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 5 PAGES
	[redacted]	

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

DA FORM 2823 (AUTOMATED)]

614

FOUO b6, 7C

EXHIBIT 107

STATEMENT OF SSG [redacted] TAKEN AT THE RED ROOF INN, YORK, PA DATED 13 JANUARY 2004 CONTINUED:

[redacted]

Q: Describe rigor mortis?

A: Rigor is the stiffing of the body with discoloration and sometimes you will see pooling of blood, like if they are lying on their back it will be in their back.

Q: How did you happen to respond to the Bagram Detention Facility?

A: We heard over the radio that there was a problem at the facility. We then received a call from the TOC to dispatch an ambulance to the facility. This was rare because they usually brought the prisoners to us.

Q: Who went with you to the facility?

A: I believe it was me CPT [redacted] and Sgt [redacted] I think CPT [redacted] drove. It was nighttime and we used night vision to drive there. We drove about 10 to 15 miles per hour and it took almost 10 minutes for us to get there. I checked our weapons CPT [redacted] went straight in and Sgt [redacted] went next. It took me almost five minutes to get into the facility when we arrived.

Q: Describe what you observed when you arrived at the Bagram Detention Facility?

A: I observed several persons standing around a person who was on the floor wearing an orange suit. I approached the person and grabbed the prisoner's ankle. I asked CPT [redacted] if this person was dead. I observed he was discolored and I thought he felt cold. I know there was a blood pressure cuff on his right arm. CPT [redacted] said, "He is dead". There were five or six people were standing around watching my self and CPT [redacted] and Sgt [redacted] I used a stethoscope to listen for a heart beat and I did not her one. I did not observe rigor, but inmate was cyanotic and cold. His arms were out like a cross, his eyes were open and his mouth was open. He had some drool coming from the corner of his mouth on the left side. His eyes were dilated and fixed. I used my flashlight from my cargo pocket.

SA [redacted] and SA [redacted] identified the gentleman to me as Mr. HABIBULLAH. I did observe marks on Mr. HABIBULLAH, He had cuff marks on his ankles and wrists also he had a 5 x 5 inch bruise on his left side. Once he was loaded onto the stretcher by myself CPT [redacted] and SGT [redacted] and one other person that was there. The four of us then carried him to the ambulance. Once he was loaded we transported him to the Hospital.

Q: Would you be able to identify any of the MPs around the prisoner again if shown photographs?

A: Maybe. I remember one [redacted] f the rank of Specialist. [redacted] as about [redacted] I don't remember if [redacted] had an MP brassard on or not.

Q: How did you know that the Mr. HABIBULLAH was dead?

A: When we walked into the place I observed his pupils were fixed and dilated. He felt cold and he had no pulse. We did are sternum rub and there was no response. He just looked dead. Also I noticed pinning of his ears and drool from his mouth had that had pooled from his mouth. Also there was no capillary refill in his toes.

Q: Did you attempt any life saving actions?

A: No. He was dead. It looked like he had been dead for a while and it looked like nobody cared. He looked like he had been dead for about thirty minutes. He had pinning of the ears, which is one of the first signs of death [redacted]

INITIALS OF PERSON MAKING STATEMENT: [redacted]

615

[redacted]wo there was no reaction in his pupils. His feet had fallen forward. The body was totally relaxed. I have just seen this a lot and that is what is looks like. His lungs were total relaxed and there was no air in his lungs.

Q: Describe Mr. HABIBULLAH?

A: He was wearing the orange jump suit, black booties, and a white t-shirt. He was on his back. He was not on a stretcher. His arms were out to his side like a cross.

Q: What time and date did you receive the call in the TOC to respond to the Bagram Detention Facility?

A: It was the middle of the night. I don't remember the exact time.

Q: Could Mr. HABIBULLAH been experiencing something other than rigor mortis when you observed him at the detention facility?

A: Yes, I don't think rigor had set in. I only felt his ankle and I did not feel rigor.

Q: After transporting Mr. HABIBULLAH to the emergency room, what happened?

A: We took his body into the area the prisoners have to be in and that was cubical 6. There was a guard there. I don't know who he was or how he got there, but I know he was an MP.

Q: Were there any signs of trauma?

A: There was bruising on his chest on his left side and on his ankles and his wrist. I would say the bruise on his chest was around five inches around and he was turning blue. From the time we arrived the facility until we arrived to the Hospital he was showing signs of rigor.

Q: Were you present when Dr. [redacted] made the cause of death determination?

A: No. Once Mr. HABIBULLAH was in the cubical I left the area.

Q: What happened then?

A: I don't know I was out of the area. I went and made a phone call home to the wife because it was just the time when I call her. This was a routine call.

Q: Had you been inside the Bagram Detention Facility before?

A: Yes. I was given a quick tour, but there were no prisoners upstairs, they were always in the big detention area just sitting down.

Q: Could you describe what you saw, and why you were there?

A: I went to the facility to collect the medical waste every two weeks.

Q: Did you see or hear about anyone hitting or striking a prisoner within the Bagram Detention Facility?

A: Only what the interpreter told me from what the prisoners had told him. I remember one day while at the ER, the MPs from the Bagram Detention Facility brought a prisoner in who appeared to have been roughed up. He was messed up. I was told that he tried to escape an upstairs window, shinnied down a drainpipe, and got caught up in the razor wire. He had shoulder pain, which wasn't broken, but we put it in a sling. He also had cuts all over his body that had to be cleaned and dressed. His face was all swollen up and bruised. I believe his number was in the 400s.

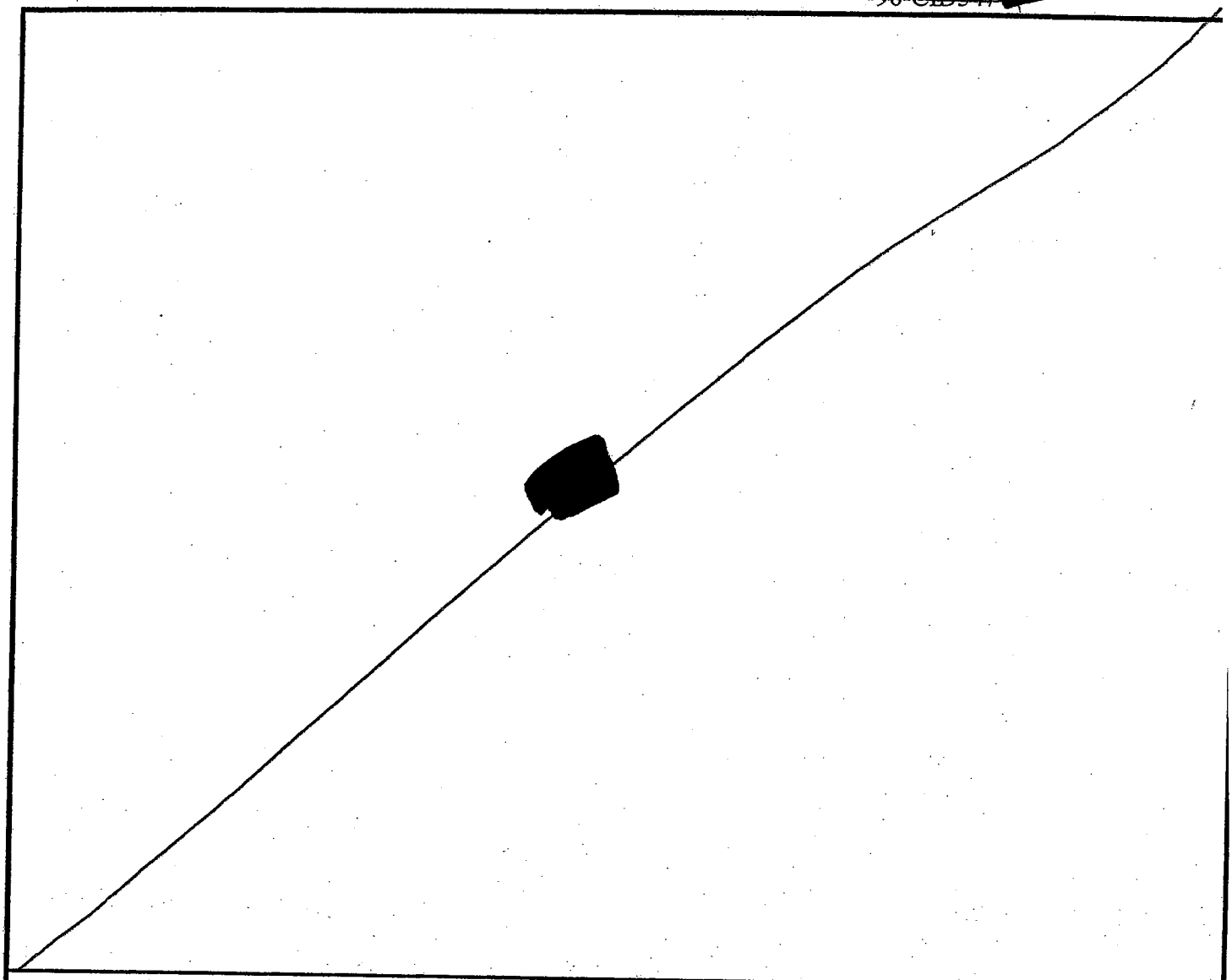
Q: Did any of the MPs present when you arrived in response to Mr. HABIBULLAH's medical condition say anything about how or why he came to be unresponsive?

A: No. I asked how long had he been down and I was told, "I don't know" I don't know who said it. CPT [redacted] was also asking the same question.

Q: How long were you at the Bagram Detention Facility prior to taking Mr. HABIBULLAH back to the Bagram emergency room? [redacted]

A: For almost twenty minutes. Once we packed him we left the area.
Q: What was the temperature inside the Bagram Detention Facility when you arrived?
A: 70's it was normal room temperature. It was damp but not cold.
Q: Was the ambulance heated during the ride from the Bagram Detention Facility to the Bagram emergency room?
A: No the heater was broke.
Q: How long did the drive from the Bagram Detention Facility to the Bagram Emergency Room take?
A: About ten minutes
Q: Did anyone put tape on Mr. HABIBULLAH's head?
A: He had dark green tape on his head I just don't remember where. Some place near the top left of his head.
Q: Did anyone accompany you and Sgt [redacted] back to the emergency room?
A: Other than CPT [redacted] no one else was in the ambulance.
Q: Did you know that the prisoners within the Bagram Detention Facility were being sleep deprived?
A: No
Q: Describe the marks around Mr. HABIBULLAH's upper abdomen or lower chest?
A: It was on his left side and it was about five inches around.
Q: How many times did you treat prisoners of the Bagram Detention Facility and for what?
A: Almost daily they would come in with bruises and cuts. We would see guys come in with smashed fingers and we would sew then up. I asked them how it happened and he kept saying "stick". I don't know what that meant. Also we had several prisons needing IV's for dehydration.
Q: Did you treat prisoners of the detention facility for any injuries sustained while at the Bagram Detention Facility?
A: Sutures, broken bones specifically a broken collarbone.
Q: Did you assist any of the doctors with intake examinations?
A: Yes I drew labs and chest exams. We were not allowed to do this at the facility.
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT//[redacted]

INITIALS OF PERSON MAKING STATEMENT: [redacted]



AFFIDAVIT

I [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNL[redacted]

[redacted]

WITNESSES:

_____

_____

_____

ORGANIZATION OR ADDRESS

_____

_____

_____

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 13TH DAY OF JAN, 19_

AT RED ROOF INN, YORK, PA

[redacted]

(Name of Person Administering Oath)

ARTICLE 136(b)(4), UCMJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted]

618

FOUO

b6, 7C

EXHIBIT 107

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

PAGE 1 OF 1 PAGES

DETAILS

Between 1045 and 1800 hrs, 15 Jan 04, SA [redacted] and SA [redacted] interviewed **Mr. [redacted] Civ, (formerly SGT, A Company, 519th MI Bn, Fort Bragg, NC 28307),** [redacted] regarding his knowledge in the treatment and subsequent death of HABIBULLAH (PUC 412). [redacted] was identified by many of the interpreters as [redacted], which is his middle name and the one he used during his tour in the Bagram Collection Point (BCP), Bagram, Afghanistan. He authored a sworn statement detailing his observations about the conduct of "day to day" operations within the MI Element in the BCP and admitted SSG [redacted] was "truly in charge" [redacted] also described training received from SSG [redacted] and SSG [redacted] during the transition between units. He indicated "sleep adjustment" was not documented due to the lack of clear guidance on its legality. [redacted] also stated MPs could not impose sleep adjustment on their own, it had to come from SSG [redacted] directives, but they did punish detainees by standing them in the airlock for 2-4 hours. *(See Sworn Statement of [redacted] dated 15 Jan 04, for additional details).*

At 1010 hrs, 15 Jan 04, SA [redacted] advised **SPC [redacted] A Company, 519th MI Battalion, Fort Bragg, NC 28307 (FBNC)** of his legal rights for the offenses of Aggravated Assault, False Official Statement and Negligent Homicide. He invoked his rights, requesting counsel, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 15 Jan 04, for additional details)*

At 1041 hrs, 15 Jan 04, SA [redacted] advised **PFC [redacted] A Company, 519th MI Battalion, FBNC** of his legal rights for the offenses of Aggravated Assault, False Official Statement and Negligent Homicide. He invoked his rights, requesting counsel, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 15 Jan 04, for additional details)*

At 1100 hrs, 15 Jan 04, SA [redacted] advised **SPC [redacted] A Company, 519th MI Battalion, FBNC** of his legal rights for the offenses of Aggravated Assault, False Official Statement and Negligent Homicide. He invoked his rights, requesting counsel, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 15 Jan 04, for additional details)*

AGENT'S COMMENT: At the conclusion of the interviews, [redacted] were record fingerprinted.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 15 Jan 2004 / EXHIBIT: 108

FOR OFFICIAL USE ONLY

1 FEB [redacted]

b2, b6, 7C

619

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Ft Huachuca, A[redacted]
Date : 15 Jan 2004
Statement Of: [redacted]
SSN : [redacted]
Org/Address [redacted]

Time: ~~1000~~ 1045-1800

Grade/Status: Civ

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was working in the United Arab Emirates as an Arabic interpreter, when I was called back to Delta Company, 142nd MI Battalion, Utah National Guard. My group included six people who are Arabic speakers: CW2 [redacted] SSG [redacted] SSG [redacted] SGT [redacted] and SPC [redacted] We did some CTT training at Fort Carson, CO and then we were sent to Fort Bragg, NC to meet up with Alpha Company, 519th MI Battalion, Fort Bragg, NC. We deployed to Afghanistan together and once there we were assigned to different jobs. SSG [redacted] was the administrative NCO. CW2 [redacted] was assigned to conduct research which might help us. SSG [redacted] and SPC [redacted] were in charge of [redacted]. SGT [redacted] was assigned as an analyst. Most of the rest of my unit had limited contact with detainees. I was one of the only NG soldiers who got to perform as an interrogator completely. I actually had to lobby for them to get to actually do our mission and was successful in getting them to participate in a couple of interviews. None of them had any contact with HABIBULLAH. The breakdown of the MI command structure in the Bagram Collection Point was that CPT [redacted] reviewed most of our interrogation reports, made corrections and did command stuff, briefing tours. The NCOIC was SSG [redacted] and he was truly in charge of the day to day workings of the interrogators, interpreters and he had two Team Leaders. In late Aug or early Sep 2002, team leaders were myself and SGT [redacted] 519th MI Battalion, Fort Bragg, NC. Later [redacted] was moved to another position and SGT [redacted] became the other team leader. My team originally consisted of: SPC [redacted], SPC [redacted] and SPC [redacted] and possibly a couple others, but it's been so long now I can't recall. Later my team was SPC [redacted] SPC [redacted] SPC [redacted] and SPC [redacted] was removed from the BCP about two months before we left (end of Jan 2003) because of some sort of misconduct surrounding the death of the second detainee. It was about a week after the second death, he was taken out of this interrogation position and removed from the BCP completely. I think SGT [redacted] was also removed from her Team Leader position around the same ti[redacted]d she was replaced by [redacted] and possibly the BCP

After our arrival in Afghanistan, there were some fairly standard in processing actions, getting billets and then for about three weeks, we trained

FOR OFFICIAL USE ONLY b6, 7C

SWORN STATEMENT OF [redacted] TAKEN AT Fort Huachuca, AZ, DATED 15 Jan 2004

alongside some interrogators who were leaving country. The two I recall were SGT [redacted], SGT [redacted] They were both from an active duty MI unit but I don't recall the unit. They were very disciplined and they taught us that the use of "safety positions" were effective. These techniques were calculated moves, not vindictive actions. [redacted] explained to me that he once put a guy in a safety position for 45 minutes while he read a book, because he was being uncooperative. It was not about losing control of an interview and becoming angry and punishing the detainee. [redacted] explained the natural outgrowth for an uncooperative detainee could be placement in a safety position and when this man was uncooperative [redacted] explained calmly to the detainee what the repercussion was and then waited for the action to have an effect. It was an action, reaction dynamic. [redacted] and [redacted] were trying to prepare us for the techniques, which were not in place for them and that they had to struggle to find, when they first began operations. They did not want us to go through the same painful and ineffective learning curve. The most effective safety position I observed was having the detainee kneel with their back straight. Their hands were laced together and placed behind their head. They were not permitted to sit back and rest their buttocks on their heels. This was taught to us and it was not something we were familiar with. The focus was on making the detainee uncomfortable, not on hurting them. We were prone to being cautious and more apt to apply less harsh approaches, but as we gained confidence we became able to use the fear up (harsh) approach under the supervision of [redacted] and [redacted]

What most people don't realize is that there was very little in the form of structure and rules for dealing with this type of detainee. There was the Geneva Convention for Enemy Prisoners of War (EPW), but nothing for terrorists. It was an interesting balancing act. We sometimes developed a rapport with detainees and SSG [redacted] would sit us down and remind us these were evil people and [redacted] talk about 9/11 and they weren't our friends and could not be trusted to tell the truth. Conversely, SSG [redacted] was also the person to put the brakes on when certain approaches got out of hand. At one point, he (SSG [redacted] made it a rule that we had to go through him for approval to use any of the more harsh approaches because of the negative effects it could have on the detainee's psyche. I liken him to keeping the pendulum from swinging too far in either direction. He was a very professional NCO and a savvy soldier. He would never have let us employ any techniques he thought would have placed us in even a questionable position.

Our guidance related to the handling and status of detainees was not clear to us. I don't think the decision was made regarding the status until well after some persons were in US custody. By the time we got to Bagram, the decision was made and the final determination was that they were "detainees" NOT EPWs and therefore not subject to the provisions of the Geneva Convention. If they had been EPWs we would have had a tougher time employing sleep adjustment and

FOR OFFICIAL USE ONLY

b6, 7C

621

[redacted] the safety positions. We could deviate slightly from rules for EPWs. We used safety positions, which might not have been employed in a classic EPW setting, but I can't say that for certain. This was my first experience in any detainee operations. It was the first time for everyone but [redacted] and [redacted]

Our operation started out running one shift only from 0430 –1630 local. Around the middle of Nov 2002, we went to 24 hour operations. One shift worked from 0400 – 1630 and the other from 1600 to 0430, so that we had a half-hour overlap on each change to pass on information. We had a morning meeting at 0430, which [redacted] ran. The meeting lasted ten or fifteen minutes. Then there were two hours of planning and preparation. We researched and read up on the people we were interviewing that day. We assigned interpreters, or picked from the ones available. Some interpreters were better than the others and the teams switched off who had the best interpreter. The night before, SSG [redacted] and the team leaders looked at all the available detainees and we made decisions on who should be interviewed, by whom and with which interpreter. When we first arrived interviews were sometimes conducted with one interrogator and one interpreter, but SSG [redacted] changed this because when disputes between the interrogator and the interpreter arose, he had us move to a partner concept to provide support in the interrogation and to a third view on any disputes. We picked interviews based upon a number of factors, which included the person's newness to the facility, receptiveness to interviewing, our potential to gain critical information from them. The specifics were discussed and we'd agree on a schedule for the interrogators. On HABIBULLAH, he was brought in with a group of people and we had a special planning session on how to get all of them interviewed and what approaches or techniques we would employ. There were also decisions made at our meetings about courses of sleep adjustment, but if it was decided sleep adjustment was appropriate, SSG [redacted] had to approve it and either he or [redacted] would instruct the MPs to complete the sleep adjustment.

When [redacted] and [redacted] trained us, they taught us how to institute a course of sleep adjustment, as it was practiced prior to our arrival. It was not undertaken for a long period of time. The longest course of sleep adjustment I can personally recall being intentionally instituted was two days. The specifics were that the detainee had to stay awake for four hours and then was allowed to rest for thirty minutes. When we say someone is on sleep adjustment, it starts from the end of the interrogation session and runs through the night (or day depending on which shift directs it) until the next interrogation session. That would typically be early the following morning. Sleep adjustment was meted out on a day to day basis. In order for it to continue a second day, there had to be an assessment of its effect on the detainees, his mental condition and cooperativeness. The idea being that if it had no effect it might continue, if it had the desired effect it was stopped.

SWORN STATEMENT OF [redacted] TAKEN AT Fort Huachuca, AZ, DATED 15 Jan 2004

[redacted]

Q: How would a typical sleep adjustment session work?
A: The goal was they would not sleep that night. For example, if I was on day shift and my first interview was at 0700, it lasted two hours (0900) and then the detainee was placed on sleep adjustment. They didn't always know this until normal sleep time. Then the MPs would keep them awake for four hours, rest for 30 minutes until our next interview, which would be 0700-0800. The concept was to keep them awake that night for an early morning interview, but I don't know what the MPs did to achieve that.
Q: How were the MPs supposed to keep the detainees awake?
A: I don't know, we didn't tell them how to do it. I did see them restrained in the airlock in a standing position in general population, but I never saw anyone on sleep adjustment in isolation.
Q: Was there ever any standard policy about sleep adjustment or isolation during the first 24 hours of captivity?
A: I seem to remember that after the isolation cells were built, detainees went there for the first 24 hours. We didn't have isolation cells for a long time, they just built them in the last couple months we were there.
Q: Could the MPs undertake a course of sleep adjustment on their own?
A: I don't think so. The guards punished detainees for talking to each other in general population by placing them in standing restraint in the airlock for 2-4 hours. They pretty much trusted in our appraisal of how a detainee was behaving. If we said the guy was cooperative, they'd just return him to general population.
Q: Was HABIBULLAH placed on any type of sleep adjustment at your direction?
A: I don't remember. If I said so before then I did. I don't think we did because he had just gotten there.
Q: Would you have recorded a directed sleep adjustment anywhere?
A: There was no official record kept of it.
Q: Was there a particular reason that no records were kept regarding sleep adjustment?
A: It was not a desire to omit information, but rather a decision to keep our observations specific to the information the person was relaying and info concerning our approaches and their attitude and cooperation. Due to the lack of clear policy concerning the legality of safety positions and the sleep adjustment schedules we did not keep records of it. I have a vague sense of it being something we just did not do.
Q: When you observed HABIBULLAH being brought to and carried away from interview sessions, was it your opinion he could not walk or would not walk?
A: I'm not sure. The first time, my initial impression was he was being resistant. The second time, with the spitting up green, nasty, phlegm and having to sit on the floor cause he couldn't straighten his leg, I felt more like he could not walk.
Q: What was your opinion about his medical condition?

FOR OFFICIAL USE ONLY

b6, 7C

SWORN STATEMENT OF [redacted] TAKEN AT Fort Huachuca, AZ, DATED 15 Jan 2004

A: He was constantly coughing, clearing his throat and spitting up. I gave him a can to spit in. The interpreter told me that this product (resembling snuff) called "niswa" when discontinued caused the kind of reaction we were seeing (coughing, phlegm). I felt like I was getting an insiders perspective on a cultural thing and that was why it never alarmed me that he had any type of serious medical condition.
Q: If you were not concerned about his medical condition, why do you think he was unable to walk?
A: It would be speculation, but perhaps because he had just come in and I had no gauge of his condition upon capture and that he was suffering the ill effects of coming of the ~~nishwa~~ [redacted].
Q: Did HABIBULLAH tell you through the interpreter that he was hurt or needed medical assistance?
A: I think he said his stomach hurt. By now, I can't recall. I'd refer you to [redacted] earlier statement, I remembered more when I was interviewed the first time than I do now.
Q: In your earlier statement, you indicated you did notify an MP about HABIBULLAH's medical complaint but could not recall which one. Do you recall anything differently now?
A: No, if anything I remember less.
Q: Did you observe anyone strike or mistreat HABIBULLAH?
A: No.
Q: Did you ever see him fall or observe any injuries?
A: I saw the MPs taking him out and they let him stand under his own power for a moment, he just crumpled to the floor and the MPs lifted him up under his armpit and hoisted him back to his feet and escorting him out of the room.
Q: Do you recall who was with you during your interviews with HABIBULLAH?
A: I don't remember. I may have written it in earlier statements.
Q: Did anyone ever get left on sleep adjustment?
A: When we first started out, it happened once. A guy got left on sleep adjustment for what the MPs thought was too long. They came to SSG [redacted] and asked him about it and I think that is when he made the enforcement and approval so strict.
Q: Did you ever have occasion to observe the legs of HABIBULLAH?
A: No.
Q: Did you observe any behaviors from other interrogators that you considered physically abusive or that made you uncomfortable?
A: Not personally, in the booth. Once [redacted] described or reenacted for an instance during which he cradled the detainees head and rubbed his head and beard. It was very personally intimate. It was not sexual for [redacted] but it was disturbing to the detainee and served to unbalance him.
Q: Did any of the interpreters report to you that any other interrogators mistreated any detainees?

FOR OFFICIAL USE ONLY

b6, 7C

SWORN STATEMENT OF [redacted], TAKEN AT Fort Huachuca, AZ, DATED 15 Jan 2004

[redacted] The only comments that I got from interpreters were that they did not like the use of foul language.
Q: Did you have any contact with DILAWAR (421) the other detainee who died?
A. None.
Q: Did you have any discussions with other interrogators or MPs about other "safety positions" used?
A: No.
Q: Did you ever hear of or observe any MPs who struck detainees?
A: I never saw it. I never heard any credible first or second hand accounts of it. It was rumored. I heard it happened, but it was third and fourth hand hearsay.
Q: When the investigation started, were you given any instructions on what to say or not say or directed to modify any existing practices?
A: No, SSG [redacted] did not discourage us to speak honestly about it. He advised us of our rights, but he did ask us not to talk about it outside the facility, meaning with people who have no need to know.
Q; When you attended the CTT training at Fort Carson, CO, what was covered in training and did any members of the 519th MI Bn attend the training with you?
A: It was just the six from the Utah National Guard. It was first aid, basic rifle marksman ship, NBC training, nothing MOS specific.
Q: Did you get any MOS specific training before you deployed from anyone?
A: Brief discussions at Fort Bragg, but no formal training.
Q: Did any of the CTT tasks address handling of detained personnel?
A: No.
Q: What unit were SPC [redacted] and SPC [redacted] assigned to?
A: 519th MI Battalion.
Q: Where there any other safety positions that [redacted] and [redacted] taught to you in Afghanistan?
A: I recall specifically a wall position where the head is against the wall, the legs are extended behind and spread out and hands are behind the back. To increase the discomfort, you had them move their legs further from the wall.
Q: Do you recall a seated position along a wall with nothing under the person?
A: Yes, but I don't recall ever employing it. It was totally ineffective, no one could do it for very long. What strikes me is that Drill Sergeants have trainees do many of the same positions.
Q: What disputes arose between interrogators and interpreters that caused SSG [redacted] to institute a two man concept for conducting the interrogations of detained personnel?
A: That was not the only reason he did it. I'm not sure what specifically triggered it, but I do recall that some interpreters were uncomfortable with yelling, cursing and some of the comments they were expected to translate. The interpreters were disturbed by some of the treatment of their people.
Q: Were you ever present when SSG [redacted] told the MPs to institute a course of sleep adjustment?

SWORN STATEMENT OF [redacted] TAKEN AT Fort Huachuca, AZ, DATED 15 Jan 2011

[redacted]

A: No, I was not there.
Q: Do you know what the MPs were told about how to achieve sleep adjustment? Were they given any specific instructions?
A: I'm not aware of any specific instructions given. Before SSG [redacted] took over the responsibility for directing sleep adjustment, when I spoke with MPs about it, it was simply a request to put them on for a specified period of time. They never inquired about how to achieve this, in part I believe because it was passed on from the preceding group of MI and MP personnel in the BCP. It was standard practice.
Q: Is there anything we haven't asked you about that you think we should know or that you want to add to this statement?
A: I wanted to add that I discovered several of the MI soldiers in Afghanistan drinking alcohol. I went into a tent one night and there was alcohol in al Listerine bottle. I only remember specifically [redacted], but there were others. [redacted] told me that alcohol was readily available for those who knew how to get it.
Q: What bearing does that have on this case?
A: My impression is that the violation of General Order One and their long deployments together might lead to loyalty to each other and a willingness to cover for each other.
A: No. ///END OF STATEMENT// [redacted]

FOR OFFICIAL USE ONLY

b6 b7C

SWORN STATEMENT OF [redacted] TAKEN AT Fort Huachuca, AZ, DATED 15 Jan 2004

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [redacted]. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this [redacted] HUCA, AZ.

[redacted]

([redacted])

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS: [redacted]

SA [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

37-02-CID369-23533

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

0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
CID Office Ft. Bragg NC	18 Jan 04	1010	
5. NAME [redacted]	8. ORGANIZATION OR ADDRESS A Co 519 MI Bn Fort Bragg NC 28310 Building 2-4208 Room 114		
6. SSN [redacted]	7. GRADE/STATUS E4-SPC AC		

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~~: Aggravated Assault; False Official Statement; Negligent Homicide III [redacted]

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

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

- or -

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

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

5. COMMENTS *(Continue on reverse side)*
I do not have legal counsel at this time [redacted]

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME [redacted] SA	
b. ORGANIZATION OR ADDRESS AND PHONE 1149th MP Det (CID) (572) 782-5661	4. [redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 1149th MP Det (CID)

Section C. Non-waiver

1. [redacted] want to give up my rights: [redacted] I do not want to be questioned or say anything.
[redacted] a lawyer.
2. [redacted]

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT *(DA FORM 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED. 628

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO

b6 7C

EXHIBIT 110

0134-02-CID369-23533

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

0137-02-CID369-23534

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	2. DATE	3. TIME	4. FILE NUMBER
CID Office Ft. Bragg NC.	15 Jan 04	1041	

5. Name (Last First MI)	8. ORGANIZATION OR ADDRESS
[redacted]	A Co 519 MIBN Building 2-4208 Ft. Bragg NC 28310
6. SSN: [redacted]	7. GRADE/STATUS: E-3 PFC

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~~: Aggravated Assault; False Official Statement; Negligent Homicide//[redacted]

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

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

-or-

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

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

5. COMMENTS *(Continue on reverse side)*
Have you been advised of your rights in the last 30 days [redacted]
Do you currently have legal counsil? NO [redacted]

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.

1. WITNESSES *(if available)*	3. SIGNATURE OF INTERVIEWEE
[redacted]	4. [redacted]
1149th MP Det (CID) (512) 782-5661	
2a. NAME *(Type or Print)*	
6. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 1149th MP DET (CID)

SECTION C. Non-waiver

1. I do no want to give up my rights [redacted]
☐ I want a lawyer
☒ I do not want to be questioned or say anything
2. SIGNATURE [redacted]

AFFIDAVIT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

629

EQUO
b2, b6, 7C

EXHIBIT 111

0137-02-CID369-23534
0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NUMBER
CID Office Ft. Bragg NC.	15 Jan 04	1100	0134-02-CID369-23533

5. Name *(Last First MI)*	8. ORGANIZATION OR ADDRESS
[redacted]	A Co 519 MIBN Building 2-4208
6. SSN: [redacted]	7. GRADE/STATUS: ~~E-3 PFC~~ SPC
	Ft. Bragg NC 28310

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 [redacted]ng offense(s) of which I am suspected/~~accused~~ [redacted]ggravated Assault; False Official Statement; Negligent Homicide///[redacted]
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

-or-

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

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

5. COMMENTS *(Continue on reverse side)*
Have you been advised of your rights in the last [redacted]ys? Unknown
Do you currently have legal counsel? N/O [redacted]

SECTION B. Waiver

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

WITNESSES *(if available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)* [redacted]	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE: 1149th MP Det (CID) (512) 782-5661	
2a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR: 1149th MP DET (CID)

SECTION C. Non-waiver

1. I d[redacted]ant to give up my rights
☐ [redacted]want a lawyer ☐ [redacted]do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE [redacted]

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

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

b6, 7C

630

FOUO

EXHIBIT 11

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	ROI NUMBER 0134-02-CID369-23533/0137-02-CID369-23534 PAGE 1 OF 1 PAGES

Details:
At 0945 hrs, 21 Jan 04, SA [redacted] and SA [redacted], interviewed **SFC [redacted] 377th MP Company, 2nd Platoon, 1600 Seymour Avenue, Cincinnati, OH 45237.** [redacted] related he was posted outside of the Bagram Collection Point (BCP), during his duty in Afghanistan. He heard only rumors about the deaths. One rumor held DILAWAR (PUC 421) had a boot mark on his leg. He also heard [redacted] and [redacted] ha some involvement in the deaths, but [redacted] knew no details. He had no knowledge of "compliance" strikes, but added Military Intelligence (MI) interrogators instructed MPs to keep the prisoners awake for prescribed periods of time. There was no guidance on how to accomplish the sleep deprivation, so the MPs came up with ways to keep the prisoners awake for the time designatec *(See PUC Questionnaire of [redacted] dated 21 Jan 04, for additional details).*

At 1100 hrs, 21 Jan 04, SA [redacted] nd SA [redacted] nterviewed **SPC [redacted] 377th MP Company, 2nd Platoon, [redacted]** related he worked in the BCP, but did not work there during the time frame the two detainees died. *(See PUC Questionnaire of [redacted], dated 21 Jan 04, for additional details).*

At 1430 hrs, 21 Jan 04, SA [redacted] and SA [redacted] interviewed **SFC [redacted] 377th MP Company, 3rd Platoon, 1600 Seymour Avenue, Cincinnati, OH 45237.** [redacted] related he was the 3rd platoon sergeant (for members of the unit from Bloomington, IN area) during the deployment to Afghanistan. [redacted] elated common peroneal strikes were taught to his MPs and they were administered only to bring a prisoner into compliance. [redacted] stated compliance blows and common peroneal strikes were the same thing. He did not observe any strikes being delivered, but the Sergeants of the Guard (SOG) reported incidents to him. [redacted] stated his specific instructions to his platoon were "once a detainee was in handcuffs, all force stopped". [redacted] stated sleep deprivation caused problems for the MPs because there was no clear instruction given - on how it was to be executed. The 377th picked it up from the 211th MP Company, during the handoff between MP units. He stated MAJ [redacted] SJA (NFI) was consulted based on the 377th's concerns and [redacted] guidance was to ensure the cuffs did not cut off circulation. Compliance blows were also discussed with SJA and the 377th was left with the impression, blows were authorized [redacted] rovided a sketch of the BCP for reference during the interview. *(See PUC Questionnaire, Sworn Statement and a Sketch of [redacted] dated 21 Jan 04, for additional details)*

At 1700 hrs, 21 Jan 04, SA [redacted] interviewed **SGT [redacted] 377th MP Company, 3rd Platoon, 1600 Seymour Avenue, Cincinnati, OH 45237.** [redacted] stated [redacted] told him [redacted] used any small infraction of the rules to use excessive force against detainees. He observed [redacted] use "aggression and anger to enhance his weight lifting". [redacted] stated any MP could use the common peroneal strike without first gaining permission, if a detainee was resistant. [redacted] observed a strike being delivered to a detainee who was escorted to the lower (first) floor isolation cellblock, by an MP [redacted] could not recall. [redacted] heard rumors [redacted] struck DILAWAR (PUC 421) but did not observe any strikes delivered to him. *(See Sworn Statement and PUC Questionnaire of [redacted] dated 21 Jan 04, for additional details).*//////LAST ENTRY//////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, 6010 Sixth Street, Ft Belvoir, VA 22060	
SIGNATURE	DATE 21 Jan 04	EXHIBIT 113

b2, b6, 7C

0134-02-CID369-23534
0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 21 Jan 04
RANK: SFC/AGR **SSN:** [redacted]
UNIT: 377th MP Co

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
31 Aug 02 - 17 Mar 03 PH Sgt - 2nd (gates duty during time period)

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: possible If yes, explain: possible during receipt of personal property

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: Yes
If yes, please explain: rumors after second death was that a boot print showed up on leg of #421. Nothing seen.

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted]
Signature of Interviewee

[redacted]
Signature/Sequence # of Interviewer

635

FOUO b6, 7C

EXHIBIT 114

4b. How do you feel about the deaths of those two detainees?
[redacted] Regrettable and hate to think our guys had something to do with that. It was our job to protect them, and keep them sa

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I don't know personally. Names mentioned are: Sgt [redacted] 556 [redacted], all I remember from rumors
6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: Not of the rumored people. My platoon wouldn't do it, we were on gates.
7. How do you feel about being interviewed concerning this issue?

I understand your job, important to find truth, need it would get resolved soon, blot on unit until then.
8. Do you think that the death of either of those detainees was deliberate?
I don't think so. Can't think of a reason to go out of way to kill a detainee.
9. If someone said that you physically abused either of those two detainees, is that person lying? Absolutely.

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: Somebody working isolation/segregation. At the time 3rd plt was on night shift & 1st platoon was on days.
11. Why do you think someone would do this? If it were the true, the only reason I can think of would be using excessive force in self-defe language was a big barrier.
12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: Yes

13. Why wouldn't you do something like this? A: I'm not going to risk UCMJ action, job to protect not hurt them, not morally right. I'm not going to risk jail for these guys.
14. What do you think should happen to a person who mistreated or caused the death of a detainee? Probably go to jail for it.

[redacted] [redacted]
Signature of Interviewee Signature/Sequence # of Interviewer

FOUO b2 b6 7C

63

114

a. Please explain: If they go unpunished, it sets a precedent that it is OK to beat a detainee.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: No. If yes, explain (See sworn statement) Nothing about compliance blows. MI would tell us to sleep deprive them. 2 hrs up, 1 hr down. They didn't tell us how.

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
Can't think of any reason. There were other ways. goggles, not letting their food, stand in daily post.

17. How do you think the results of the investigation will come out on you?
I don't know. Nothing should come out on me I wasn't there.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: No
Please explain:
If they did it once they will do it again.

19. Did you tell your family about this investigation? A: Yes. I told my wife there were two deaths & CID was investigating.

20a. Did you tell your family you were being interviewed regarding this investigation? A: Yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: No.

20c. Have you talked with anyone other than CID about this investigation? A: No If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No.

[redacted] [redacted]

Signature of Interviewee Signature/Sequence # of Interviewer

63

b2, b6, b7C

EXHIBIT 114

0137-02-CID369-23534
0134-02-CID369-23533

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No reason.

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Sure. Yes.

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: I don't know a percentage. I only heard of 2 guys. The experience level of most of the unit they should be
25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: I would, I'm not a good liar, I have a conscience.
26. Do you think the FBI should get called in to help out on this investigation? A: No.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: I can't think of anything

SOP - COMBINATION OF 211TH MP CO. SOP (Previous Unit at Bagram AB) and input from SFC [redacted] and SSG [redacted]

[redacted]
Signature of Interviewee

[redacted]
Signature/Sequence # of Interviewer

635

FOUO 6, K

EXHIBIT 114

0137-02-CID369-23534
0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 21 Jan 04
RANK: SPC/E-4 **SSN:** [redacted]
UNIT: 377th MP Company

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
Aug 02 - May 03. Corrections Specialist and Gate guard

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain: —

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain: —

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] [redacted]
Signature of Interviewee Signature/Sequence # of Interviewer

636

b2, b6, 7C

EXHIBIT 115

4b. How do you feel about the deaths of those two detainees?

In different, to be honest

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: No idea

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: Myself, 2nd platoon

7. How do you feel about being interviewed concerning this issue?

It's a waste of time for me and you.

8. Do you think that the death of either of those detainees was deliberate?

No, I haven't seen anyone that would do this.

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: 1st and 3rd platoons

11. Why do you think someone would do this? I have no idea

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: No reason to.

14. What do you think should happen to a person who mistreated or caused the death of a detainee?

[redacted] [redacted] 637

Signature of Interviewee

FOUO

Signature/Sequence # of Interviewer

b2. b6. 7C

Exhibit - 115

a. Please explain: Some type of punishment ie Jail.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: No If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

If an inmate would attack me or a fell correction officer.

17. How do you think the results of the investigation will come out on you?

Fine, negative

18. Do you think the person who did this would deserve a second chance under any circumstances? A: No
Please explain: Not if there is negligence

19. Did you tell your family about this investigation? A: Yes

20a. Did you tell your family you were being interviewed regarding this investigation? A: Yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: No, I told them it had nothing to do with me.

20c. Have you talked with anyone other than CID about this investigation? A: Yes If yes, who? Grandparents, SFC [redacted] my TEAM, SFC [redacted]

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted] [redacted] 638

Signature of Interviewee FOUO Signature/Sequence # of Interviewer

b2, b6, 7C

EXHIBIT 115

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: Not sure

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: I guess so, yes

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No.

[redacted] [redacted] 63c

Signature of Interviewee FOUO b2,b6,7C Signature/Sequence # of Interviewer

115

0134-02-CID369-2353

0137-02-CID369-23534

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 21 Jan 04
RANK: SFC **SSN:** [redacted]
UNIT: 377th MP Co

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes 3rd Plt Sgt.

1. If yes, what dates and what were your duties?
NCOIC of facility at that time. We were transitioning from the inside to the SSGs were SOGs, I was doing PR + scheduling admin stuff

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A:_____ If yes explain (see sworn statement)

stopped, s
statement

2c. Did you interact in any way with either detainee? A:_____ If yes, explain:_____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A:_____
If yes, please explain:_____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: _____ If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A:_____ If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A:_____ If yes, explain (see sworn statement)

[redacted]

640

Signature of Interviewee

FOUO

Signature/Sequence # of Interviewer

b2, b6, 7C

EXHIBIT 116

4b. How do you feel about the deaths of those two detainees?

_____

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A:_____

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A:_____

7. How do you feel about being interviewed concerning this issue?

_____

8. Do you think that the death of either of those detainees was deliberate?

_____

9. If someone said that you physically abused either of those two detainees, is that person lying? _____

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: _____

11. Why do you think someone would do this? _____

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A:_____

13. Why wouldn't you do something like this? A:_____

14. What do you think should happen to a person who mistreated or caused the death of a detainee?

_____ FOUO [redacted] 64

Signature of Interviewee Signature/Sequence # of Interviewer

b2 b6.7C

EXHIBIT 116

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A:_____ If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

17. How do you think the results of the investigation will come out on you?

18. Do you think the person who did this would deserve a second chance under any circumstances? A:_____
Please explain:

19. Did you tell your family about this investigation? A:_____

20a. Did you tell your family you were being interviewed regarding this investigation? A:_____

20b. Did your family ask you if you were guilty? If so, what was your response? A:_____

20c. Have you talked with anyone other than CID about this investigation? A:_____ If yes, who?_____

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A:_____

_____
Signature of Interviewee

FOUG [redacted] Signature/Sequence # of Interviewer

b2, b6, 7C

64

EXHIBIT 116

22. Can you think of any reason why someone would name you as a suspect in this investigation? A:_____

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A:_____

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A:_____

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A:_____

26. Do you think the FBI should get called in to help out on this investigation? A:_____

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A:_____

0137-02-CID369-2353

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
377th MP Co, Cincinnati, OH	21 Jan 04 [redacted]	14:30 [redacted]	0134-02-CDI369-23533
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		SFC/RC

ORGANIZATION OR ADDRESS
377th MP Co, 1600 Seymour, OH 45237

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

That I was mobilized with the 377th MP Co, Cincinnati, Ohio on 16 June 2002. We reported to the unit, and prepared to deploy for about two weeks. We went to Fort Dix, New Jersey about two weeks after our mobilization. When we arrived there, we went through the entire qualification process. After about 14 days we were validated. The platoon sergeants had to get together. We sat at Fort Dix for about three months awaiting transportation to theater. We came up with basic MP training. Everything from land navigation to basic escort techniques were covered. We then deployed to run the Bagram Detention Facility at the Bagram Airfield in Afghanistan on about the last day of August 2002.

QUESTIONS ASKED BY SA [redacted] AND SA [redacted]

Q: What was your job once mobilized?

A: I was the third platoon sergeant. Once we were over in theater, and my platoon had the duty inside the Bagram Detention Facility, I was the NCOIC for that time until we rotated outside to the gates, where I would become the NCOIC of entry control points.

Q: Who was assigned to your platoon, and what was their job/position while you were deployed to Afghanistan?

A: I had twenty-seven guys. SGT [redacted] SPC [redacted] SPC [redacted] (transferred to 1st platoon early on in the deployment), SPC [redacted], PFC [redacted] 2LT [redacted] (OIC of the facility, under the Commander, 3rd Platoon Leader), SSG [redacted] (Sergeant of the Guard (SOG), 1st/day shift), SGT [redacted], SSG [redacted] SOG), SGT [redacted], SPC [redacted] SGT [redacted] SPC [redacted] SGT [redacted] SGT [redacted] SPC [redacted] SPC [redacted] SSG [redacted] SPC [redacted] SPC [redacted] SSG [redacted] (SOG, she replaced [redacted] when he had to go home for personal reasons, which could have been before or after the deaths, I'm not sure), SGT [redacted] SPC [redacted] SPC [redacted] SPC [redacted] PFC [redacted] and then I ended up with a transfer from 2nd platoon, SPC [redacted] That was all of them. Including myself, there were 28 of us.

Q: Describe in detail what type of training was provided to the unit or by the unit to enable them to do their job once they arrived in theater?

A: The training that was given at the mob station was NBC, weapons quals. We had a mock facility where we set up escort teams, NCOIC, and role players that participated. One platoon was inside, one platoon was outside on the gates, and one platoon was a quick reaction team. The role players staged protests, and stuff like that. That was inadequate training for what we were going to be doing. It was suited to a place like Bosnia, not Afghanistan. The other training was pretty much CTT stuff to fill the time gap while we were sitting there waiting. We covered handcuffing techniques, searches of persons and vehicles.

Q: Was any training given on "compliance blows or corporal punishment"?

A: Corporal punishment, no. As far as compliance blows, the only thing what was discussed was the "common perronial strike" and joint manipulation techniques.

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

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

DA FORM 2823 (AUTOMATED)]

644

FOLIO 66 70

EXHIBIT 1

STATEMENT OF SFC [redacted] TAKEN AT 377TH MP CO, 1600 SEYMOUR AVE, CINCINNATI, OH DATED 21 JAN 2004 CONTINUED.

Q: What is a "common perronial strike"?
A: Where you take a knee or your hand and tap the outside of a thigh. It is the same nerve that gives you a charley horse.
Q: What was the common perronial strike used for, and who could deliver it?
A: Any of my guys could deliver it. It was used if a detainee was resisting and for gaining compliance from a detainee.
Q: What were the instructions to your guys about administering a "common perronial strike", and who gave those instructions?
A: Everything went through the SOG (sergeant of the guard). The rules of engagement card that was issued over there is what was used to determine if a strike could be delivered or not. This was the standard rules of engagement given out to everyone by the 18th Airborne Corps, DA, or somebody like that. We didn't have any special rules of engagement for the facility. It was more like a SOP than rules of engagement. I gave them specific instructions that once handcuffs were on a prisoner then everything stopped at that time.
Q: Was a SOP published governing the running of the Bagram Detention Facility?
A: We posted an SOP on the SIPERNET. We ended up creating an SOP because what we received from the unit we replaced (211th MP CO) was inadequate to what we were doing and was adjusted to meet the constant changing of the facility while we were there.
Q: Did you have to give any member of your platoon counseling about excessive use of the "common perronial strike" or any other excessive use of force?
A: Never.
Q: Was a case of excessive use of force ever brought to your attention?
A: No. The only thing that was brought to my attention was after the second detainee death; the 1SG [redacted] said that there were some questions about the deaths of the prisoners. She didn't say anything about excessive use of force or anything like that.
Q: Did you guard any of the detainees?
A: Not personally. I functioned as the platoon sergeant and was busy doing PR work (touring Generals, and other dignitaries, other MPs, etc), scheduling, supplies, chow, and that was pretty much it in the facility. My SOGs were responsible for the day to day running of the facility. They came to me when they thought a decision was beyond their pay grade, or had a question. I took those decisions to the LT or JAG.
Q: What type of questions or decisions came up?
A: Mainly administrative stuff, the way we fed the prisoners. There were questions from JAG once the Red Cross had come in. MI would suggest that we have the detainees doing something, as that would be something to keep them awake. The prisoners could burn the shit barrels. It was told to us by JAG that unless it benefited the whole group of detainees that we couldn't have them do that. In other words, we couldn't have a detainee do something that was degrading.
Q: Did the Military Intelligence personnel provide any directions about how the detainees were to be treated or handled?
A: They suggested we give the detainees work that would keep them awake. They would say to keep someone busy. There were some of the prisoners that would receive preferential treatment (extra blanket, Playboy magazine) due to what MI told us. They didn't give specific instructions about what they wanted them doing. A lot of that was touchy-feely and JAG had to make a determination on. There were two or three JAGs; a

[redacted]

FOUO 7C

64

STATEMENT OF SFC [redacted] TAKEN AT 377TH MP CO, 1600 SEYMOUR AVE, CINCINNATI, OH DATED 21 JAN 2004 CONTINUED.

MAJ [redacted] s the only one that I can remember. He would talk with the Red Cross and act as the mediator, and then tell us what we needed to do to accommodate or the changes to make.

Q: What did MI mean "keep them awake"?

A: Sleep deprivation.

Q: Explain sleep deprivation, and who told you to do that?

A: Sleep deprivation is keeping someone awake so many hours of the day. I don't know the purpose of that was, but it caused problems for us. They would tell my MPs that such and such a prisoner was on sleep deprivation.

Q: What happened then?

A: The prisoners would then be put in an isolation cell. They were handcuffed sometimes, sometimes they weren't. The MP would go by every ten or fifteen minutes and make sure he wasn't sleeping.

Q: Were prisoners ever handcuffed to the ceilings of the isolation cells?

A: Yes, but the ceilings weren't that tall. Their hands were handcuffed above their heads, while they were standing.

Q: Why was that practice done, and who instituted it?

A: That was instituted by the unit before us. They were doing it, and showed us how to do it while we were training next to them before the handoff. The LT [redacted] asked JAG about that, and was told that we had to make sure the handcuffs were not cutting off the circulation, making sure we could put two fingers inside the closed cuff.

Q: Did you interact with any of the detainees?

A: No.

Q: Who within your unit rewrote the SOP concerning the running of the Bagram Detention Facility?

A: That would have been the platoon sergeants, platoon leaders, and the commander. We created pretty much the only SOP. The record keeping of the 211th MP Co was not good. We used the 95C manual for a basis while creating our SOP.

Q: Who has a copy of the SOP your unit created now?

A: It was put on the SIPERNET. We passed off the SIPERNET, computers, logbooks, chain of evidence/property documents, detainee packets; everything was passed off to the 293rd MP Co (regular Army MP unit from Fort Stewart, I think). What they have done with them, I don't know.

Q: Did anyone keep a physical copy of the SOP your unit created for training back at home station once the deployment was over?

A: No. Not that I am aware of. We were told anything pertaining to the facility was classified and we were not authorized to take any of it out of theater.

Q: Describe the in processing of a detainee from the beginning of their time at the Bagram Detention Facility?

A: When a prisoner came in, he was placed in a holding cell. However the capturing unit had them, was how they were placed in the holding cell. We took them out of the holding cell one at a time, with an MP on either side of them to escort them to the in processing room. They were then told there were four rules of the facility. First, they couldn't touch anyone. Second, no spitting. Third, there was no talking. Fourth, there was no attempt to escape. Those were the four rules. They were told that if they violated the rules, they would be dealt with. We took the phrase the 211th had in their spiel. That

[redacted]

FOUO7C

EXHIBIT 1.

was that they would receive medical attention after the incident. We took that out as JAG perceived that as a threat to their person. It was explained to them where they were, and what was going to happen to them. They were told that they would have to put their clothing and belongings in a box, and wear the clothes issued to them. They were told that they would see a doctor who would do a medical examination of them. The doctor checked their mouth, and bodies. He annotated any bruising, cuts, etc. He would ask a personal medical history. After that was done, the prisoner was fingerprinted. The CI guys would take the prints and took a cotton swab of their mouths for DNA. They would take tweezers and pull some hair. They would then take his photograph and put all of that in a packet. Once all that was done, he was given his uniform to put on. He was given his shoes, and once it got cold he was given boot liners, a blanket, and was then placed in the initial airlocks. When MI got a chance to interview him, they would talk to him. Once they released him back to us, he was placed in general population. That completed the processing.

Q: Did you hear or see anything pertaining to the treatment of either of the detainees that died, that you felt uncomfortable with?

A: No. I didn't know about it. I was off on the days that both of them died. The first one died while my platoon was on duty inside, but we were outside on the gates when the second one died. I was told by my SOG (I can't remember which one) that the first prisoner that died, that he resisted and fought from the time he came into the facility until the time he died.

Q: Did you participate in any type of corporal punishment or any compliance blows to either detainee?

A: Never.

Q: Under what conditions would a compliance blow or corporal punishment be administered?

A: Corporal punishment was not delivered. If we were escorting a prisoner and he fought us, he would be dealt with to contain the situation, but nothing more than that.

Q: Were compliance blows or common perronial strikes used to deal with unruly prisoners?

A: On occasion.

Q: How do you know that compliance blows or common perronial strikes were given?

A: Compliance blows and common perronial strikes are the same thing, no other type of strikes were taught or used. I never witnessed them, but went from the reports of my SOGs.

Q: How often were common perronial strikes given to the first prisoner that died?

A: I don't know. I was only told about one time from a report my SOG gave me. I recall the prisoner was trying to prevent from being handcuffed, and perronial strikes were used to bring him into compliance and get him handcuffed.

Q: Who was present when the above incident was taking place?

A: I don't know.

Q: Who would know?

A: I can't tell you, as I wasn't in the facility at the time. The SOG told me after the fact, that the altercation took place.

Q: Who was authorized to deliver compliance blows?

A: Any of my MPs.

[redacted]

STATEMENT OF SFC [redacted] TAKEN AT 377TH MP CO, 1600 SEYMOUR AVE, CINCINNATI, OH DATED 21 JAN 2004 CONTINUED.

Q: Did your MPs have to ask permission prior to administering compliance blows?
A: They would check with the SOG or the floor sergeant, and he would make the call one way or the other. If a prisoner was fighting, no prior permission was needed to contain the situation.
Q: Were compliance blows administered to prisoners while they were handcuffed?
A: No. Not to my knowledge.
Q: Were compliance blows administered to prisoners after they were brought back into compliance?
A: No. Once they were handcuffed all use of force stopped.
Q: Why then did your MPs have to ask permission prior to administering compliance blows as you related three questions ago?
A: If a prisoner who had repeatedly given them problems (combative, resistant) they would ask the SOG for guidance for dealing with the prisoner. They wouldn't have to ask for permission, but would ask for clarification on any issues they had. They could meet force with equal force. They would ask to clear any doubts in their minds about what to do or how to do it better the next time. All use of force stopped when they were handcuffed and shackled.
Q: What was the chain of command for an MP working with prisoners?
A: Depending on where he was. On the floor, he would go through the floor sergeant then the SOG. They would bring it to either LT [redacted] or myself, depending on who was there at the time. If we had a problem with it, we would bring it to CPT [redacted] and JAG or both. Most times it was both CPT [redacted] and JAG. He was always kept aware of what was going on inside facility by daily morning meetings, and if any significant issues were raised, he was made aware of them in the meetings. He pretty much had a daily hand in what was going on.
Q: How were your MPs stationed inside the Bagram Detention Facility?
A: We had one on the catwalk behind the main cells. We had another on a balcony that had vision of the whole place, except the isolation cells directly underneath him. Anywhere from three to four on the floor, four on the "crash team" for escorts. Another two on administrative duties preparing meals, water for showers and heating it, burning of the shit cans. And we had one on the isolation cells on the first floor. At the outset the isolation cells were on the second floor, once the isolation cells were built on the first floor we then had two MPs, one up and one down.
Q: Do you know who caused the deaths of the two detainees?
A: No.
Q: Did JAG know that common perronial strikes were being given?
A: Yes. LT [redacted] and I sat down with MAJ [redacted] and his replacement as far as what could and couldn't be said to the prisoners during in processing, and we told them that about the common perronial strikes to bring a prisoner back into compliance. MAJ [redacted] told us that we could meet whatever force was presented us with an equal force.
Q: Did CPT [redacted] know that common perronial strikes were being given?
A: Yes on occasion. During the morning meetings it was put out about a perronial strike being given to an unruly prisoner. Those things were passed on to the next shift at those meetings.
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT/[redacted]

649

FOUO [redacted] bc, JC

EXHIBIT 117

0137-02-CID369-2

0134-02-CID369-2353

~~96-CID547~~

Not Used [redacted]

[redacted] AFFIDAVIT

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 [redacted] OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE [redacted]

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 21ST DAY OF JAN, ~~190~~ 2004 AT 1600 SEYMOUR AVE, CINCINNATI, OH

[redacted]

(Signature of Person Administering Oath)

[redacted], SA [redacted]

(Name of Person Administering Oath)

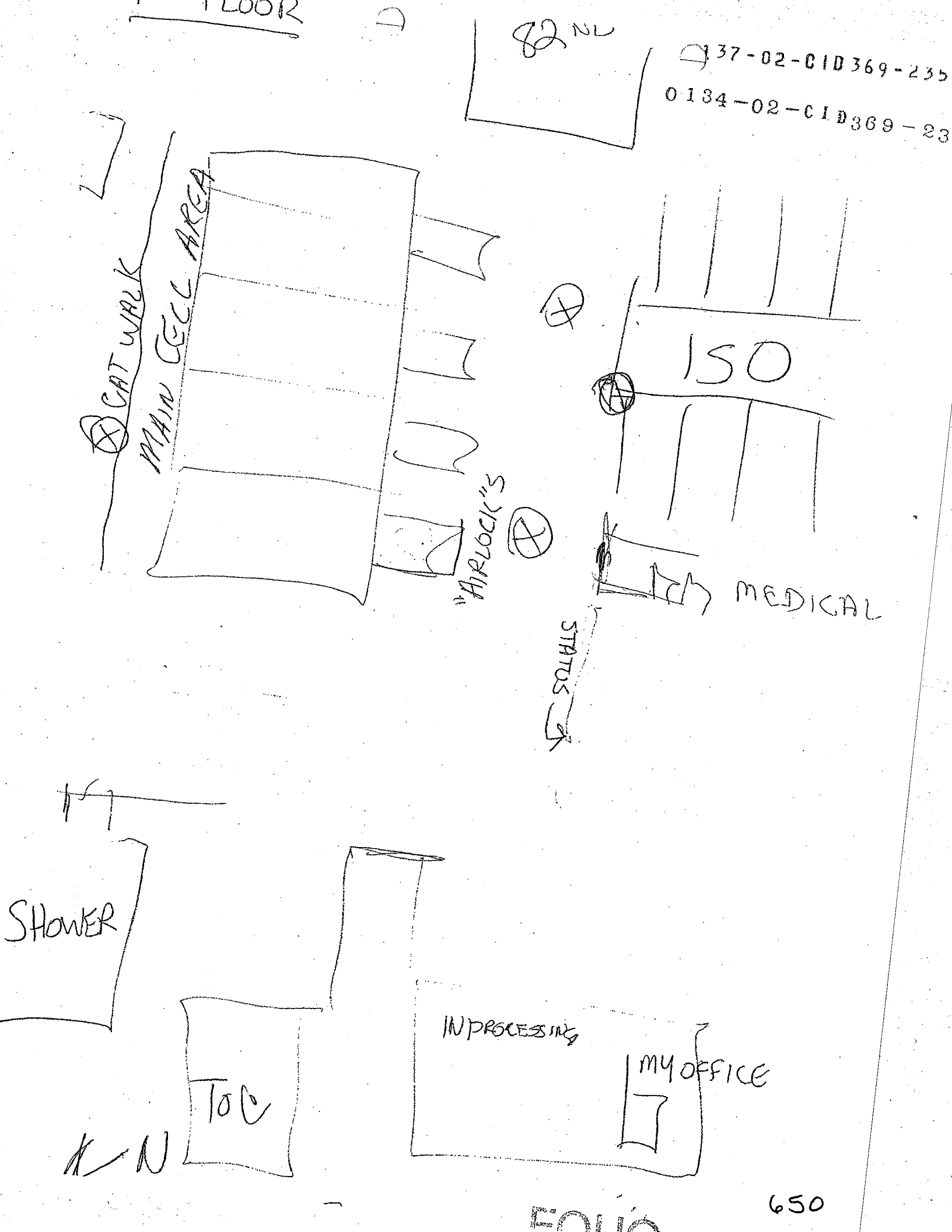
ARTICLE 136 (B)(4), UMCJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEME[redacted] b2,b6,7C Page 6 of 6 pages

649

FOUO


1ST FLOOR
82 NL
137-02-CID369-235
0134-02-CID369-23
CAT WALK
MAIN CELL AREA
AIRLOCK'S
ISO
MEDICAL
STATUS
SHOWER
TOC
IN PROCESSING
MY OFFICE
N
650

PUC QUESTIONAIRE

NAME: [redacted]
RANK: SGT **SSN:** [redacted] **DATE:** 21 Jan 04
UNIT: 377th MP Co

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
31 Aug 02 - 17 Mar 03 MP & team leader, 3rd plt

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain:

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: ~~Yes~~ NO (misunderstood)
If yes, please explain:

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted]
Signature of Interviewee

FOUO

[redacted]
Signature/Sequence # of Interviewer

651

b2, b6, 7C

4b. How do you feel about the deaths of those two detainees? If they were terrorists, I have no regrets. If they were innocent men, I think it is tragic.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: Sgt [redacted] based upon rumor any small infraction he abused & used excessive force. He heard it from SP [redacted]

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: No

7. How do you feel about being interviewed concerning this issue? I feel I should have been interviewed earlier at the start of the investigation.

8. Do you think that the death of either of those detainees was deliberate? No

9. If someone said that you physically abused either of those two detainees, is that person lying? yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: whoever worked the first floor isolation cells.

11. Why do you think someone would do this? By MI direction

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: yes

13. Why wouldn't you do something like this? A: because it wasn't my job.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Intentional or unintentional they should be punished accord

[redacted] [redacted]

Signature of Interviewee FBI/DOD Signature/Sequence # of Interviewer

b2, b6, b7C

0137-02-CID369
0134-02-CID369-2353

a. Please explain: If it was intentional it was wrong. Unintentional they need to know what caused this & so people don't know their own strength.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: Yes If yes, explain (See sworn statement) If detainee was agressive towards a guard or resis transport. Either SFC [redacted] told us that. in transport was give

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? grabbing, kicking, attempting to bite, anything aggressive towards a guard. [redacted]

17. How do you think the results of the investigation will come out on you? Not concerned, I didn't come into contact with either individual.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: I don't know. Please explain: Depends on their explanation of why it happened.

19. Did you tell your family about this investigation? A: My wife, yes.

20a. Did you tell your family you were being interviewed regarding this investigation? A: yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: No

20c. Have you talked with anyone other than CID about this investigation? A: No If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted]
Signature of Interviewee

[redacted]
Signature/Sequence # of Interviewer

65

b2, b6, 7C

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: 20%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes

26. Do you think the FBI should get called in to help out on this investigation? A: No

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: I don't think any one person caused their deaths. There were a handful of individuals who came into contact with those two individuals.

[redacted]
Signature of Interviewee

FBI
b2, b6, 7C

[redacted]
Signature/Sequence # of Interviewer

654

0134-02-CID369-23534

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
377th MP Co, Cincinnati, OH	[redacted] 21 Jan 04	1700 HRS	0134-02-CDI369-23533
LAST NAME, FIRST NAME, MIDDLE NAME	**SOCIAL SECURITY NUMBER**		**GRADE/STATUS**
[redacted]	[redacted]		SGT/RC
ORGANIZATION OR ADDRESS			
377th MP Co, 1600 Seymour, OH 45237			

[redacted]

want to make the following statement under oath:

That I was mobilized with the 377th MP Co, Cincinnati, Ohio on 16 June 2002. We reported to the unit, and prepared to deploy for about two weeks here in Cincinnati. We then went to Fort Dix, New Jersey for an additional two weeks. When we arrived there, we went through the entire qualification process. After about 14 days we were validated. We then sat at Fort Dix for about two more months awaiting transportation to theater. We participated in basic MP training. Everything from land navigation to basic prisoner escort techniques were trained. We then deployed to run the Bagram Detention Facility at the Bagram Airfield in Afghanistan on the 31st of August 2002. We started working at the facility on either 3 or 4 September 2002. We did a right seat ride with the 211th MP Company for about a week, and then they pulled out and we had the mission of securing the detainees inside the Bagram Detention Facility.

QUESTIONS ASKED BY SA [redacted]

Q: What was your job once mobilized?

A: I was a Military Police Officer/Corrections Officer at the Bagram Detention Facility from either 3 or 4 September 2002, until about the 1st of December 2002. I was assigned to the third platoon. When we worked inside the facility my job was to protect and secure the prisoners. Depending on how the rotation fell, I was the admin NCO getting the meals ready for the detainees, burning the detainees waste barrels, and filling in any capacity as needed inside the facility.

Q: Describe in detail what type of training was provided to the unit or by the unit to enable them to do their job once they arrived in theater?

A: We were trained on how to handle a detainee when they were being transported. We were shown what areas not to strike on the body should an act of aggression by a detainee. We were instructed in what protective measures to take when transporting a detainee (gloves and a dust mask). That was pretty much it.

Q: Was any training given on "compliance blows or corporal punishment"?

A: Yes. The common peronial pressure point, the jugular notch, the brachial stun, the mandible lift, and the under the nose pressure point. This training was given by SPC [redacted] at the detachment in Bloomington, IN. The training was not related to theater operations. It was hip pocket training before we knew we were going to deploy and what we would be doing over there.

Q: Did you see anything that made you feel good about being deployed to the Bagram Detention Facility or some of your fellow MPs?

A: SPC [redacted] performed CPR in an attempt to save the life of the second detainee that ultimately died.

Q: What happened that lead up to SPC [redacted] performing CPR on that detainee?

A: I don't remember what the detainee's number was. SPC [redacted] told me at the hospital on my day off that he had just performed CPR in an attempt to save a detainee's life, and that he was now there to get a TB test done. My purpose at the hospital was to check on a malnourished baby that came through a gate that I was working at the day before.

Q: When asked who do you think did this, meaning who killed the two detainees, you provided the name of SGT [redacted] Why?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 5 OF 5 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT _DATED _CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF ___PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.
DA FORM 2823 (AUTOMATED)]

FOUO

655

EXHIBIT 119

STATEMENT OF SGT [redacted] TAKEN AT 377TH MP CO, 1600 SEYMOUR AVE, CINCINNATI, OH DATED 21 JAN 2004 CONTINUED.

A: [redacted] was the only name that was mentioned to me that had physical contact with both detainees. I heard through SPC [redacted] that SGT [redacted] used any small infraction of the rules to use excessive force to abuse those two prisoners. That was the only complaint against SGT [redacted] that I am aware of.

Q: Was anyone present when SPC [redacted] told you about SGT [redacted]

A: No.

Q: Did SPC [redacted] statement about SGT [redacted] surprise you?

A: Minutely it surprised me a little bit. After I thought about it, it didn't really surprise me anymore because SGT [redacted] and I lift weights together. I have observed him use his anger and aggression to enhance his weight lifting.

Q: Did SGT [redacted] use any language or talk about any detainees when he was using "his anger and aggression to enhance his weight lifting"?

A: No.

Q: What is a "common peronial strike"?

A: It is a strike used with the enforcer's knee against the subject's outer thigh between his knee and the buttocks. Basically where the cargo pocket on the BDU pants is outlines the strike zone.

Q: What was the common peronial strike used for, and who could deliver it?

A: The common peronial strike was used in the instance that a detainee became resistant or aggressive in order to maintain control. Any MP could use it without first seeking persmission. I sought permission from the Sergeant of the Guard (SOG), or my squad leader, SSG [redacted] before I used it.

Q: On who would you use the common peronial strike, and under what conditions?

A: We would use the common peronial strike who was known to be a problem causer, and it was only to be used if that individual was resistant.

Q: Did you use the common peronial strike on either of the detainees that died?

A: No.

Q: Was an SOP published governing the running of the Bagram Detention Facility?

A: Just the blue book that we received before we mobilized to Fort Dix, NJ.

Q: Are you aware of another SOP, updated or more recent than that contained in the "blue book"?

A: No.

Q: Was a case of excessive use of force ever brought to your attention?

A: No.

Q: Did the Military Intelligence personnel provide any directions about how the detainees were to be treated or handled?

A: Yes. It was a regular occurrence that the lead MI interrogator would tell us to shackle the detainee to the ceiling of their isolation cell. The cell itself was about seven feet high, with a "Hesco fence" across the top.

Q: Who told you to do that?

A: [redacted] told me a couple of times to shackle a detainee to the ceiling to maintain sleep deprivation. That way they couldn't lay down.

Q: Do you know if it was permissible to shackle a detainee to the ceiling to maintain sleep deprivation?

A: I didn't check with anyone about that. It was common for a detainee in an isolation cell to undergo that type of treatment. [redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

STATEMENT OF SGT [redacted] TAKEN AT 377TH MP CO, 1600 SEYMOUR AVE, CINCINNATI, OH DATED 21 JAN 2004 CONTINUED.

Q: Explain sleep deprivation?
A: Sleep deprivation was when a detainee was brought in he was only allowed to sleep anywhere from a half hour to two hours at one time. It varied depending on how an interview went. If the interview went well, they were allotted more sleep time, if not, then their sleep time decreased again to an hour until they were interviewed again.
Q: What was the time period between interviews of the detainees?
A: Initial interview period was twice in a 24 hour period. After that it was pretty spacious, maybe two days later, maybe two weeks later.
Q: Were the detainees shackled to the ceilings for this whole time?
A: No. They were let down after 12 to 24 hours up, until they committed an infraction and then they were shackled up again.
Q: Do you know if the two detainees that died were shackled to the ceiling of their cells?
A: They weren't shackled to the ceilings because the carpenters didn't put the "Hesco fence" on the ceilings of those cells. They weren't shackled to their ceilings while I was there. I do know their hands and feet were shackled while they were in their cells to limit their mobility, but not to anything.
Q: Why was that practice done, and who instituted it?
A: The practice was done to punish a detainee for lying or sitting down when they weren't supposed to. It was instituted by the 211th MP Company before we got there.
Q: Did you hear or see anything pertaining to the treatment of either of the detainees that died, that you felt uncomfortable with?
A: No.
Q: Did you participate in any type of corporal punishment or any compliance blows to either detainee?
A: No.
Q: How often were common peronial strikes given to the first prisoner that died?
A: Once that I am aware of. I was working in the upstairs isolation cell when I heard the two transport MPs tell him to keep moving. I went to the rail that overlooks the whole downstairs. He was given one compliance blow and placed in his isolation cell downstairs.
Q: Who was present when the above incident was taking place?
A: I can't recall.
Q: Were compliance blows administered to prisoners while they were handcuffed?
A: Yes.
Q: Who administered the compliance blows to a handcuffed detainee?
A: Whoever the transporting MP was. That was about the only time they were administered, during transport.
Q: Were compliance blows administered to prisoners after they were brought back into compliance?
A: No.
Q: How often were common peronial strikes given to the second prisoner that died?
A: Maybe twice that I am aware of.
Q: How are you aware of those two strikes?
A: By word of mouth from SPC [redacted] and SPC [redacted] They each told me of a separate incident. One strike was on the second day the detainee was there was because he refused to go into his cell, that strike was administered by SGT [redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

FOUO b6, 7c

STATEMENT OF SGT [redacted] TAKEN AT 377TH MP CO, 1600 SEYMOUR AVE, CINCINNATI, OH DATED 21 JAN 2004 CONTINUED.

The second strike was made by SGT [redacted] on the third or fourth day because he had grabbed SGT [redacted] hand while being transported. That was the only time SGT [redacted] used a compliance blow on anyone. It was known that it took quite a bit to get him mad.

Q: Do you know who caused the deaths of the two detainees?
A: No.
Q: Do you know if any MI personnel administered compliance blows?
A: No.
Q: Do you have anything to add to this statement?
A: It came out about the second month we were working inside the facility that if MI wanted us to do something to the detainees it had to go through the SOG. When transporting a prisoner we had to travel in groups of two or more MPs.//~~END OF STATEMENT//~~ [redacted] IN REGARDS TO THE SECTION OF THIS STATEMENT PERTAINING TO "SLEEP DEPRIVATION," IF THERE WAS A CHANGE IN THAT "SLEEP DEPRIVATION" TACTICS WOULD HINDER THE HEALTH AND WELLBEING OF A DETAINEE, ANOTHER PUNISHMENT WAS SOUGHT IN ORDER TO KEEP A DETAINEE FROM PHYSICAL HARM WHILE IN OUR CUSTODY.

/// END OF STATEMENT /// [redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

FOUO b6, 7C

65

EXHIBIT 119

0137-[redacted]-CID369-23534

0134-02-CID369-23533

~~96-CID547~~ [redacted]

Not Used [redacted]

[redacted] I, SGT [redacted]

AFFIDAVIT

STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

HAVE READ OR HAVE HAD READ TO ME THIS

WITNESSES:

[redacted]

(Signature of Person Making Statement)

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 21ST DAY OF JAN, ~~19~~ 2004 AT 1600 SEYMOUR AVE, CINCINNATI, OH

[redacted]

ORGANIZATION OR ADDRESS

[redacted]

(Signature of Person Administering Oath)

[redacted] SA [redacted]

(Name of Person Administering Oath)

ARTICLE 136 (B)(4), UMCJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted]

FOUO b2,b6,7C EXHIBIT 119

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-2353

DETAILS

At 0915 hrs, 22 Jan 04, SA [redacted] interviewed **SPC [redacted], 377th Military Police (MP) Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was assigned to 2nd platoon, working within the Bagram Collection Point (BCP), during the deployment. [redacted] was relieved from duties at the BCP in mid Oct 02 (due to personal misconduct with a consenting female member of the unit). He did not have knowledge of the details of HABIBULLAH or DILAWAR's incarceration and subsequent death. *(See PUC Questionnaire of [redacted] 2 Jan 04, for additional details)*

At 0930 hrs, 22 Jan 04, SA [redacted] interviewed **SSG [redacted], Squad Leader, 2nd Platoon, 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237.** [redacted] related he received platoon level training on common peroneal strikes, while at Ft. Dix, NJ. [redacted] provided an example for illustration, when a detainee was being escorted and pulled away, they were told to deliver common peroneal strikes. On the use of force continuum, delivering strikes to thigh was a higher degree of force than pressure points. [redacted] explained if a detainee pulled away, he believed he was authorized to deliver thigh strikes. [redacted] made it clear, however, from the training he received, he did not believe detainees who were "hung-up" (shackled standing) ever deserved to receive thigh strikes *(See PUC Questionnaire of [redacted] dated 22 Jan 04, for additional for details).*

At 0945 hrs, 22 Jan 04, SA [redacted] interviewed **SPC [redacted], 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was assigned to 2nd platoon, working within the BCP, during the deployment. [redacted] stated she was working the gates and was not inside the BCP, from Thanksgiving through Christmas 2002. *(See PUC Questionnaire of [redacted] dated 22 Jan 04, for additional for details).*

At 1010 hrs, 22 Jan 04, SA [redacted] interviewed **SGT [redacted], 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was assigned to 1st platoon, working within the BCP, during the deployment. [redacted] related he worked in the BCP as the Floor Sergeant, during the time frame of the deaths. Training provided guidance explaining they (MPs) could deliver "compliance blows", based upon individual discretion. [redacted] related he heard rumors some of the MPs struck detainees after they were "hung-up" (shackled standing). *(See PUC Questionnaire of [redacted] 2 Jan 04, for additional details).*

At 1025 hrs, 22 Jan 04, SA [redacted] interviewed **SPC [redacted], 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237** who was assigned to 2nd platoon, working within the BCP, during the deployment. [redacted] was working the gates from Thanksgiving thru just before Christmas 2002. He felt MI would have the best opportunity to physically abuse detainees

TYPED AGENT'S NAME AND SEQUENCE NUMBER
SA [redacted]

ORGANIZATION
HQ, USACIDC
Fort Belvoir, VA 22060

SIGN [redacted]

DATE
22 Jan 04

EXHIBIT
120

1 FEB 77

b2, b6, 7C

660

because they were behind closed doors, and it is easier to keep three people quiet versus a whole company of MPs. *(See PUC Questionnaire of [redacted] 22 Jan 04, for additional details).*

At 1100 hrs, 22 Jan 04, SA [redacted] interviewed **SGT [redacted] 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237** who was assigned to 2nd platoon, workin within the BCP, during the deployment. [redacted] did not even know there was more than one detainee who died in the BCP. [redacted] explained she received training on strikes and pressure points, but they were to be used only for protection in the event of attack. [redacted] explained [redacted] told her he was involved in a situation where a detainee refused to comply after being provided a direct order to accomplish a task. After the detainee did not comply, knee strikes were delivered. [redacted] did not elaborate further on the situation. *(See PUC Questionnaire of [redacted] dated 22 Jan 04, for additional details).*

At 1245 hrs, 22 Jan 04, SA [redacted] interviewed **SSG [redacted] 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237** who was the headquarters platoon sergeant and mechanic with the 377th during their deployment to Afghanistan. He did not have any involvement with the detainees. He was in the facility to run electrical wiring, but did not see any corporal punishment/knee strikes. *(See PUC Questionnaire of [redacted] 22 Jan 04, for additional details).*

At 1605 hrs, 22 Jan 04, SA [redacted] concluded an interview with **CPT [redacted] Commander, 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237** which began on 21 Jan 04. The results of the interview were reduced to writing, as the interview session was conducted over two eight hour blocks on 21& 22 Jan 04. [redacted] reviewed his written statement, prior to completion of the interview. [redacted] was a trained MI officer and had only completed correspondence courses in MP operations, prior to volunteering to command the deploying 377th MP Company, in May 02. [redacted] had numerous discussions via SIPRNET with the Commander, 211th MP Company, the unit the 377th would relieved in Sep 02. The discussions encompassed mission specific guidance. Based upon guidance and the 211th MP Company SOP for the BCP [redacted] published a Tactical SOP for the 377th (commonly referred to by soldiers as the "blue book"). [redacted] had 100 copies of the "blue book" produced at Fort Dix, NJ and it was distributed to all 95 members of the 377th MP Company. Page A-27 of the Detention Facility Rules of Engagement (Annex to the Tactical SOP) states "abuse or mistreatment of detainees is a crime."

[redacted] stated airflow problems from Fort Dix, NJ to Afghanistan, after validation prevented the 377th from moving into theater, until late Aug 02. During downtime [redacted] instructed unit NCOs to conduct training to occupy soldiers' time. [redacted] did not attend nor routinely monitor that training. He denied knowledge 377th MPs were engaged in unnecessary use of force and mistreatment/abuse

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-2353

DETAILS

of detainees. [*See Sworn Statement of* [redacted] *dated 22 Jan 04, and the 377th MP Company (Guard) Tactical Standing Operating Procedure (SOP) for Enduring Freedom 2002, for additional details*].

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted]

SIGNATURE

[redacted]

ORGANIZATION
HQ, USACIDC
Fort Belvoir, VA 22060

DATE
22 Jan 04

EXHIBIT
120

b2, b6, 7C

662

037-02-CID369-23534

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 28 Jan 04

RANK: SPC/RC SSN: [redacted]

UNIT: 377th MP Co.

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
25 Sep 02 - Mar 03 MP in facility, then PMO (mid Oct 02 - Jan 03) got to do (Jan - Ma.

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain:

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain:

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] PUC [redacted] 66

Signature/Sequence # of Interviewer

b2, b6, 7C

EXHIBIT 121

0137-02-CID369-23534
0134-02-CID369-23533

4b. How do you feel about the deaths of those two detainees?
Didn't bother me.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: No clue.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: No

7. How do you feel about being interviewed concerning this issue?
Doesn't bother me.

8. Do you think that the death of either of those detainees was deliberate?
No.

9. If someone said that you physically abused either of those two detainees, is that person lying? yes.

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: Don't know.

11. Why do you think someone would do this? Maybe rationalized as justice in their own mind.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: yes

13. Why wouldn't you do something like this? A: not morally right.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Punished under UCMJ, whatever sentence received by a trial.

[redacted]

FOUO

b2. b6. 7C

[redacted]

Signature/Sequence # of Interviewer

66

121

0137-02-CID369-23534

0134-02-CID369-2353

a. Please explain: The whole due process of the law. Everyone is due that under law.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: Not that I recall If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
If they struck one of our people, escape, etc.

17. How do you think the results of the investigation will come out on you?
Clear.

18. Do you think the person who did this would deserve a second chance under any circumstances? A:_____
Please explain:
If found to be unintentional & depending on the circumstances like a wrongful death, ~~then~~ a second chance is warranted.

19. Did you tell your family about this investigation? A: yes

20a. Did you tell your family you were being interviewed regarding this investigation? A: yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: No

20c. Have you talked with anyone other than CID about this investigation? A: my wife If yes, who? with [redacted] (former member of unit in A discharged & out of country of beginn

20. Is there any reas[redacted]d say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted]

[redacted]

Interviewee

Signature/Sequence # of Interviewer

b2, b6, 7c

FOUO

66

EXHIBIT 121

0137-02-CID369-2353

0134-02-CID369-2353 3

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: no clue

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes

26. Do you think the FBI should get called in to help out on this investigation? A: if needed

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted]

[redacted]

FOUO

b2, D6, 7C

Signature/Sequence # of Interviewer

66

EXHIBIT 121

0134-02-CID369-23534

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 22Jan04
RANK: SSG **SSN:** [redacted]
UNIT: 337th MP Co

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
July 02 - Mar 03 / Squad leader - SOG and check points

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain: —

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No If yes, please explain: —

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted]

b2, b6, 7C Signature/Sequence # of Interviewer

667

EXHIBIT 126

0137-02-CID369-23534

0134-0[illegible]-CID[illegible]69-23533

4b. How do you feel about the deaths of those two detainees?

No feelings.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I thought they did from health co

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: No

7. How do you feel about being interviewed concerning this issue?

I don't understand why I am being interviewed, I was at 1. checks during this time frame

8. Do you think that the death of either of those detainees was deliberate?

No

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: Any body that was working in the facility the time

11. Why do you think someone would do this? I don't know, maybe retaliat for 9/11

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: No need for it.

14. What do you think should happen to a person who mistreated or caused the [redacted] Article 15 or whatever the Army's policy [redacted] deems [redacted]

[redacted] 66[illegible]

0137-02-CID369-23534

a. Please explain: 0134-02-CID369-23533

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: Yes If yes, explain (See sworn statement) While training with 1st Platoon at Ft. Dix we received platoon training on when to give strikes. Examples when detain are being escorted and pull away the MPs can deliver common pecond strikes. I would s. strikes are a higher degree of force than pressure point.

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? If they pull away while being escorted immediate, or when being stroked. I don't think detainees that are hung up deserve to be stroked.

17. How do you think the results of the investigation will come out on you? I am perfectly clear.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes
Please explain: Because I don't think it happen intrical.

19. Did you tell your family about this investigation? A: No

20a. Did you tell your family you were being interviewed regarding this investigation? A: No

20b. Did your family ask you if you were guilty? If so, what was your response? A: N/A

20c. Have you talked with anyone other than CID about this investigation? A: Yes If yes, who? [redacted]

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted]

64

Signature/Sequence # of Interviewer Exhibit 1

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: Maybe 5%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: No.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted]

Signature/Sequence # of Interviewer Exhibit 1

0137-02-CID369-23534

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 22 Jan 04
RANK: SPC/RC SSN: [redacted]
UNIT: 377th MP Co.

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
30 Aug 02-18 Mar 03 MP inside facility (2nd plt) nights

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: I may have

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain: outside on gates from Thanksgiving thru Christmas

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain:

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)
1st & 3rd plt were inside then

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] [redacted]
Signature of Interviewee b2, b6, 7C Signature/Sequence # of Interviewer

67

EXHIBIT 12

4b. How do you feel about the deaths of those two detainees? I heard it was a heart thing on one and only that the other died. I was curious.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I don't think anyone did it.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: I don't think anyone would have done it.

7. How do you feel about being interviewed concerning this issue? Waste of time since I wasn't there.

8. Do you think that the death of either of those detainees was deliberate? No.

9. If someone said that you physically abused either of those two detainees, is that person lying? yes.

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: person working us.

11. Why do you think someone would do this? I guess late, and assumed they were terrorists.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: It's wrong & I wouldn't want it done to me.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Jail like any normal place.

[redacted] UO - [redacted]072

Signature of Interviewee Signature/Sequence # of Interviewer

h2 hc 7C

EXHIBIT 123

0137-02-CID369-23534
0134-02-CID369-23533

a. Please explain: If it was purposely done they should be prosecuted fast because it happened in Afghanistan shouldn't make a difference.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: No If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

never

not following rules or disobeying us or an assault on one of us.

17. How do you think the results of the investigation will come out on you?

Nothing to do with it.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: No
Please explain:

I guess everyone has their reasons, but procedures need to be followed.

19. Did you tell your family about this investigation? A: No

20a. Did you tell your family you were being interviewed regarding this investigation? A: No

20b. Did your family ask you if you were guilty? If so, what was your response? A: No

20c. Have you talked with anyone other than CID about this investigation? A: yes If yes, who? boyfriend SPC [redacted] (former 377th member w/ 2d pH. deployed.) same hn #

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted] 673

Signature/Sequence # of Interviewer

b2, b6, FC

EXHIBIT 123

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: 2%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes

26. Do you think the FBI should get called in to help out on this investigation? A: No

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted]

Signature of Interviewee

[redacted] 674

Signature/Sequence # of Interviewer

b2, b6, 7C

EXHIBIT 123

0137-02-CID369-23534
0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted]
RANK: SGT/E5 **SSN:** [redacted] **DATE:** 22 Jan 04
UNIT: 377th MPCo, Cincinnati, OH

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
Aug 02 - Nov 02 gatechek points / Nov 02 - Mar 03 Entered facility Sergeant of the floor.

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain: —

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: Yes
If yes, please explain: Nothing specific, but someone knew one of detainees.

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted]
Signature of Interviewee

FOUO
b2, b6, 7C

[redacted]
Signature/Sequence # of Interviewer

675

EXHIBIT - 124
EXHIBIT

4b. How do you feel about the deaths of those two detainees?

Tragic, death is always bad.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: No reason to suspect anybody

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: Myself and 95% of the other people I unit.

7. How do you feel about being interviewed concerning this issue?

Doesn't both me.

8. Do you think that the death of either of those detainees was deliberate?

No

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: Anybody assigned to 2nd Floor ISOs, MI & Special

11. Why do you think someone would do this? Failure to control situation, forget levels of force.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: Against the law, Military Code

14. What do you think should happen to a person who mistreated or caused the death of a detainee? UCMJ, whatever is called for.

[redacted]
Signature of Interviewee

FOUO
b2, b6, 7C

[redacted]
Signature/Sequence # of Interviewer

676

EXHIBIT 124

0137-02-CID369-23534
0134-02-CID369-23533

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: Yes If yes, explain (See sworn statement) when situation arose to warrant blows. I don't know who provide the training.

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
Hostile Acts, I heard people were providing compliance blows after hanging them up.

17. How do you think the results of the investigation will come out on you?
That I had no involvement.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes
Please explain:
The environment being as harsh as they were, plus all of the other factors involved!

19. Did you tell your family about this investigation? A: Yes

20a. Did you tell your family you were being interviewed regarding this investigation? A: Yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: They asked if I was nervous, I said yes I had never been interviewed before.

20c. Have you talked with anyone other than CID about this investigation? A: Yes If yes, who? [redacted]

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted]
Signature of Interviewee

FOUO

[redacted]
Signature/Sequence # of Interviewer

67

b2, b6, 7C EXHIBIT 124

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: less than 5%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: If necessary

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted]
Signature of Interviewee

FOUO

b2, b6, 7C

[redacted]
Signature/Sequence # of Interviewer

678

EXHIBIT 124

0137-02-CID369-23534

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 22 Jan 04
RANK: SPC/RC SSN: [redacted]
UNIT: 377th MP Co

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties? Thanksgiving
31 Aug 02 - Mar 03 MP (2nd plt) gates & inside rotating event inside mid Oct to Dec.

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: not that I'm aware of.

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: ~~Not that~~ No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: _____ If yes, explain: not that I'm aware of.

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] FOU[redacted] 679
Signature of Interviewee Signature/Sequence # of Interviewer

b2, b6, 7C

EXHIBIT 12

4b. How do you feel about the deaths of those two detainees?
no opinion, didn't know them, sad to see anyone die.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: no idea

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: whole unit

7. How do you feel about being interviewed concerning this issue?
I'm fine with it, I have nothing to hide

8. Do you think that the death of either of those detainees was deliberate?
No

9. If someone said that you physically abused either of those two detainees, is that person lying? yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: MI behind closed doors w/ detainee causes to convince 3 people to remain quiet, not a whole company. Anyone could have walk
11. Why do you think someone would do this? not intentional, no reason. + seen MP the

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: other means of discipline to call them + get them to comply.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? If knowingly did it they should be reprimanded & punished then that is what it was

[redacted] UO - [redacted] 68C
Signature of Interviewee Signature/Sequence # of Interviewer

b3, b6, 7C

Exhibit 125

a. Please explain: intentional need to be held responsible.
if unintentional it doesn't need to be dealt w/ other than a learning s

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A:_____ If yes, explain (See sworn statement) if very unruly or combative.

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
if fight, bite, spit, run, hurt themselves, jump down steps, hurt MP or another detainee.

17. How do you think the results of the investigation will come out on you?
nothing to find

18. Do you think the person who did this would deserve a second chance under any circumstances? A: No
Please explain:
if intentional then no second chance.

19. Did you tell your family about this investigation? A: yes

20a. Did you tell your family you were being interviewed regarding this investigation? A: yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: No

20c. Have you talked with anyone other than CID about this investigation? A: yes If yes, who? wife

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No just connection of being over there.

[redacted]
Signature of Interviewee

FOUO
b2, b6, 7C

[redacted]
Signature/Sequence # of Interviewer

681

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: yes, sure

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: less than 10% of everyone but MI, heard chairs banging around but you never really know

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes

26. Do you think the FBI should get called in to help out on this investigation? A: if needed, I don't see it.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted]

Signature of Interviewee

[redacted]

Signature/Sequence # of Interviewer

682

FOUO

b2 b6 b7c

EXHIBIT 12

0137-02-CID369-23534

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 22 Jan 04
RANK: SGT **SSN:** [redacted]
UNIT: 377th MP Co, Cincinnati, OH

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
Aug 02 - Mar 03 / Team leader, My squad rotated in around I use to rotate around to all the static post!

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: Yes

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: Yes If yes, explain: To tell to eat, brush teeth, basic hygiene and survival.

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain: —

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] [redacted] 68:

Signature of Interviewee FOUO B2 b6 7C [redacted]/Sequence # of Interviewer

EXHIBIT 126

4b. How do you feel about the deaths of those two detainees?
I am sorry it happened, I didn't know them from anyother defense.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I don't know

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: I don't think anybody would do i

7. How do you feel about being interviewed concerning this issue?
I'm different

8. Do you think that the death of either of those detainees was deliberate?
No

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: Anybody working with them

11. Why do you think someone would do this? I don't think anybody would

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: Because it is wrong, I mean c

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Prison

[redacted] FOU [redacted] 68C

Signature of Interviewee

b2.b6.7c

Signature/Sequence # of Interviewer

EXHIBIT 126

a. Please explain: Because you can't do something like that & not have some consequences

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: Yes If yes, explain (See sworn statement) Protect yourself you could use pressure points. I don't remember Anyone telling us we could use compliance blows for any reason. I do remember we were told to use compliance blows when being attacked.

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? Attack me. I could see a guard delivering knee strikes for a detainee who did not do what was requested but that would be out of the scope that was provided to us.

17. How do you think the results of the investigation will come out on you? Good, I hope. I wasn't involved and don't remember much.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes
Please explain: If he had a good argument other than he initially did it.

19. Did you tell your family about this investigation? A: No

20a. Did you tell your family you were being interviewed regarding this investigation? A: No

20b. Did your family ask you if you were guilty? If so, what was your response? A: N/A

20c. Have you talked with anyone other than CID about this investigation? A: Yes If yes, who? Other people in the unit

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted] FOUO [redacted] 68C

Signature of Interviewee b2, b6, 7C Signature/Sequence # of Interviewer

EXHIBIT 126

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: 0%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: I guess, sure

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted] FOR [redacted] 686

Signature of Interviewee b2. b6. 7C Signature/Sequence # of Interviewer 16

0134-02-CID369-23534
0134-02-CID369-23533

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME [redacted] **DATE:** 22 Jan 04
RANK: 88G / AGR **SSN:** [redacted]
UNIT: 377th MP Co.

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
1-35ep02 - 24Mar03 Motor sgt; NCO plt sgt, comms sgt, electrician

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain:

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No If yes, please explain:

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] FOR [redacted]
Signature of [redacted] Signature/Sequence # of Interviewer
b2, b6, 7C

687

EXHIBIT 12

4b. How do you feel about the deaths of those two detainees?
act of war, things happen.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: no idea

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: hard to tell

7. How do you feel about being interviewed concerning this issue?
doesn't bother me.

8. Do you think that the death of either of those detainees was deliberate?
don't know

9. If someone said that you physically abused either of those two detainees, is that person lying? yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: whomever was on duty

11. Why do you think someone would do this? guessing, for information

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: didn't deal w/ detainees

14. What do you think should happen to a person who mistreated or caused the death of a detainee? don't know situation, can't answer.

[redacted] UO [redacted] 688

Signature of Interviewer Signature/Sequence # of Interviewer

b2, b6, 7C

127

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
running away from the guard, escape

17. How do you think the results of the investigation will come out on you?
fine

18. Do you think the person who did this would deserve a second chance under any circumstances? A: yes
Please explain:
need to know circumstances

19. Did you tell your family about this investigation? A: NO

20a. Did you tell your family you were being interviewed regarding this investigation? A: NO

20b. Did your family ask you if you were guilty? If so, what was your response? A: NO

20c. Have you talked with anyone other than CID about this investigation? A: yes If yes, who? people from the list I called to put on the one day S

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO

[redacted] 689

[redacted] Signature/Sequence # of Interviewer

b7.b6.7C

127

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: no idea

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: YES

26. Do you think the FBI should get called in to help out on this investigation? A: if necessary

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted] DUO [redacted] 690

Signature of Interviewee b2. b6. 7C Signature/Sequence # of Interviewer

Page 12

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : [redacted] Suites Hotel, Cincinnati, OH
Date : [redacted] 2004 **Time:** 1605
Statement of: [redacted]
SSN : [redacted]
Org/Address : [redacted] **Grade/Status:** CPT/USAR

I, [redacted] want to make the following statement under oath: This statement is intended to clarify certain aspects of my earlier statements to both CID and the AR 15-6 Investigating Officer. It is a compilation of items discussed over a two day period which started around 1000 hrs, 21 Jan 2004 and was continued/concluded on 22 Jan 2004. During the course of the interview, I answered several specific questions, as reflected below in the Question (Q) and Answer (A) annotations.

I started my military career with the US Navy as an enlisted soldier in 1985. I was a gunner's mate on a destroyer. I served for four years until 1989, when I left the Navy and joined the National Guard in the Air Defense Artillery (ADA). I was attending Wright State University, in Dayton, OH and got a three year ROTC scholarship. I graduated in 1994 and was commissioned as a MI branch officer. I went to Fort Huachuca, AZ for the MI Officer Basic Course. I did a one year tour in Korea as an S2 officer. I then went to the 101st Abn Division, Fort Campbell, KY where I was an Special Security Officer (SSO) for a year and the Executive Officer for the Analysts and Control Element (ACE), until the fall of 1998 when I left active duty. I joined the Army Reserve and was assigned to an MI unit in Columbus, OH for about two years. Later I transferred to a position of Commander, HHC, 384th MP Battalion and began to complete correspondence courses to learn the MP mission. In May 2002, I volunteered to command the 377th MP Company, which was deploying. The 377th was subordinate to the 384th MP Bn, and we've been on joint exercises before. After I got there, I got my branch transfer to MP Branch.

The 377th got activated in mid June 2002 (I think it was around 11 Jun 2002). I was asked for and provided my Post Mobilization Training and Support Requirement (PTSR) to the Fort Dix Mobilization (MOB) Assistance Team personnel and I asked for some MP specific training (riot control, SINGARS and NBC training). My unit is split, most of us are based in Cincinnati, OH but a platoon is in Bloomington, IN. For the first couple days, we were split up, but to complete the

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 128

69

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH,
DATED 22 Jan 2004, CONTINUED:

[redacted] mobilization everyone came to Cincinnati to Soldier Readiness Processing (SRP). I set up a PT program and at some point got contacted by the CPT [redacted] Commander of the 211th MP Company (North Carolina National Guard). He was at Khandhar, Afghanistan. He told me that my unit would be replacing his. Since I have Secure Internet Protocol Router (SIPR) net access through my civilian (GS) job, we began talking about what I should bring, what I should not and what my unit's mission would be. We arrived at Fort Dix, NJ around 20 Jun 2002 and trained there awaiting deployment. Between 25 Aug and early Sep 2002, most of my unit flowed into theater. By 2 Sep 2002, 90% of my unit was in Afghanistan. Our unit's full strength is 124 personnel, we had only 92 persons deployable and after a lot of asking I got five more from cross leveling (transferring another MOS qualified person from another unit for duration of the tour). I think when I we arrived in country we had around 95 people. CENTCOM's desired deployable manning level was 110. But we are lucky, lots of 377th soldiers are (or have been) civilian cops or jailors, they bring with them all kinds of specialized training from their experience outside the military. Some of it is not exactly what the Army's doctrine holds, but it is pretty close. Some of my soldiers conducted training classes for us on baton strikes and self-defense measures while we were in between official training events at Fort Dix, NJ.

The talk with the 211th Cdr was invaluable. If I hadn't talked to him I would have had absolutely no information about our mission. Prior to deployment our battalion's mission was redesigned post Gulf War based on the Enemy Prisoner of War (EPW) mission. For this deployment, we did not send a battalion, just my company. One company was supposed to run the administrative tasks in an EPW operation, feeding prisoners, paperwork, etc. One company was an escort unit for the detainees and my company, the 377th, was a guard company, whose job it was to run the perimeter of the camp and we weren't used to caring for detainees. We were supposed to be part of a team, but we ended up doing all three missions. The mission was not large enough to require three companies. One did everything.

At Fort Dix, NJ we were met up with our two unit assistors SFC [redacted] and CPT [redacted] but CPT [redacted] as not there as much as the SFC. The MOB Training folks gave me a schedule that was pretty firm for the first few days and then got softer as the weeks wore on. There was a two day exercise at a mock prison facility where the MOB team drilled us on prisoner

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 128

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH,
DATED 22 Jan 2004, CONTINUED:

[redacted]xercises. The first day, they threw tons of stuff at us too fast and we failed miserably. I told them that the pace of the events they were throwing at us was unrealistic and we regrouped and did much better the second day. They had mortar attacks going on while a group of citizens approached the gate and prisoner extractions. I thought it was unfair to pile all those things that close together with no other units supporting. They had us notionalize a lot of equipment. That is basically pretending that you have equipment like batons, shields, etc.

At Fort Dix, NJ, they had us in a barracks, but we moved four times and that had a negative effect on morale. We also finished MOB-ing and were validated in middle to late Jul 2002. From what I understand, we were day to day for airflow and I started letting my guys go on pass/leave and then loaning them to the Fort Dix folks to run ranges or perform as role players for other units training up. Our constant movement was a source of discussion for some of my soldiers, they felt slighted in favor of the Keystone folks (PA National Guard) deploying to Europe. I continued to correspond with the 211th MP Cdr and ordered supplies for our mission and dealt with other logistical issues (mops, buckets, cleaning equipment, etc.)

When we arrived in country, we had a four day overlap with the 211th. The Relief in Place (RIP) plan was designed for five days. Because of the chalk's staggered arrival, it's hard to really say when Day One starts. Day One is devoted to leadership briefings and basic in processing. Day Two is marrying up platoons with their counterparts in the other unit and cross train with each other. It didn't work out as designed. I would have been more comfortable with just training each platoon for one mission, but what ended up happening was they rotated around to the gates, inside the collection point and then the 211th MP Company's flight arrived early. I wanted more time to train up, but I also didn't want to whine and keep guys who were already there a long time, there any longer.

Q: Did you discuss your concerns about the abbreviated RIP with your chain of command or the 211th?

A: No, my chain of command was ill defined and I was concerned, but I didn't make a big deal out of it.

The 211th MP Company was based in a building that was going to be refurbished, so I had to find another location for my company headquarters. I set it up inside the Bagram Collection Point (BCP) and got all the phones, SIPR lines, etc. switched over. Based on the company headquarters location within the BCP, I

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 128

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH,
DATED 22 Jan 2004, CONTINUED:

[redacted] could observe most of what went on during the dayshift, while I was working there. There was a lot to do in a shortened RIP timeline. When we arrived, we fell in on 211th MP Company vehicles, tentage and other equipment (shackles, shields, batons, chemical spray, rubber bullets, etc.) There were rubber bullets for the shotguns and sand bags/rubber bullets for the M203. The pepper spray or mace was two to five years old (based on the shelf life label). We never had occasion to use the chemical irritants. There were still things we needed and did not have. We experienced some frustration with the really combative detainees and ordered strait jackets and backboards because it seemed the best way to safely restrain them. We had limited courses of actions for non-compliant detainees. Of course, the strait jackets didn't arrive until around the time we left, but there is not much you can do with a detainee who fights all the time, fails to follow instructions and is combative with the guard force. We never did have to use a strait jacket on a detainee. But we did have to strap one guy to a litter to transport him for release. Some detainees beat their heads against the wall in isolation and one threw himself into the concertina wire. It was hard to decide what to do with a guy who was trying to harm himself.

After our RIP, the unit was broken up (by platoon) based on our three missions: perimeter (or gates), dayshift in the BCP and night shift in the BCP. They rotated the missions after two months, so that each platoon did each job for two months at a time. The way I recall it breaking out was this:

1st Platoon (2LT [redacted]
Dayshift: Sep & Oct 2002
Nightshift: Nov & Dec 2002
Gates: Jan & Feb 2003

2nd Platoon (2LT [redacted]
Nightshift: Sep & Oct 2002
Gates: Nov & Dec 2002
Dayshift: Jan & Feb 2003

3rd Platoon (1LT [redacted]
Gates: Sep & Oct 2002
Dayshift: Nov & Dec 2002
Nightshift: Jan & Feb 2003

There was some overlap during transition periods and if I recall correctly, both deaths occurred in Dec 2002. Based on the above schedule the transition would have been completed and only those platoons (1st and 3rd) were working in the BCP at that time. Whatever duty rosters we had at that time, are long since gone.

INITIALS [redacted]

b6, 7C

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 128

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH,
DATED 22 Jan 2004, CONTINUED:

[redacted]

Basically, each day we had a sheet of paper with various positions listed on it, the platoon leader just filled in names each day. A couple of days later we had no use for those anymore and they were burned. We did not keep a DA-6 for duty schedules with the BCP. Maybe by talking with the soldiers who worked the day and night shift we could reconstruct who worked with whom.

While I was at Fort Dix, I got the MOB staff to publish a Tactical SOP (small bound book with a blue cover), probably about a 100 copies, which contained information on some of the most important tasks we'd be called upon to perform. It includes an Annex to our SOP, which is specific to running the BCP. I got the guts of what is titled Annex A to the 377th MP Company SOP from the 211th MP Company Commander and incorporated it into my smart book, the small blue book, which I gave a copy of to CID today. That was where the practice of chaining detainees in a standing position for punishment came from. I have no idea where the 211th MP Company got the SOP from. We were also trained on this practice by 211th MP personnel, during the RIP. They told and showed us how to hood and shackle the detainee for punishment. There was also a policy that detainees were hooded, shackled and isolated for at least the first 24 hours, sometimes 72 hours of captivity. Both hooding and shackling to the ceiling were discontinued after the deaths and in my opinion it negatively effected our ability to control the detainees. Both were very effective methods and I worried that mass disobedience would occur and my response to loosing control was that taking those tools (shackling and hooding) was a mistake. A lot of other facility's punishments are set up on a denial of privileges basis, like taking away exercise or recreation. We didn't have the ability to do that because there were no privileges to take away from them.

Q: How was hooding accomplished?

A: There was a black cloth bag that had straps on the side so it could be tightened, that was put over the head. Our hoods had straps that didn't tighten. It was about a 1 1/2 foot square. It served a double purpose, it kept them from seeing the BCP operation and secondly, it kept them from spitting on us, which was a popular action against MPs. Hooding was not referenced in the SOP, but it was a standard practice.

Q: Was standing restraint only used for punishment?

A: No. It was also part of the in processing. When we in process detainees, MI was there. They would assess detainees

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 128

69

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH,
DATED 22 Jan 2004, CONTINUED:

[redacted] and direct who got which treatment. They'd asked us and we'd do our best to accommodate them based on the logistics. We had to move detainees around sometimes to accommodate their requests.
Q: When MI wanted a detainee to receive a certain treatment, how did they communicate this?
A: Ideally, we wanted MI to approach the SOG and ask for actions, and then the SOG would direct MPs to complete the requested action. What happened in practice was the MI would go direct to an MP. Sometimes the MP would comply, other times the MP would direct the MI person to his/her supervisor. This created some conflict, so we ended up having a once a month meeting to reinforce the rules and procedures and talk over issues. With regard to standing restraint, it was also used to complete a course of sleep deprivation (as directed by MI). The MI folks had non-standard appearances, wore sterile uniforms, and my soldiers really didn't know who was what rank and who worked for which intelligence organization (military and civilian). When we first started out, we did all the work of keeping the detainees awake on sleep deprivation, later as my unit experienced personnel losses I could no longer support this so I told MI they had to do it themselves.
Q: Who attend the periodic meetings between MI and MP?
A: 1LT (then CPT) [redacted] the MI NCOIC (SSG [redacted] and maybe one other MI NCO and my two Platoon Leaders or Platoon Sergeant (working in the BCP) and myself.
Q: Based on your previous MI experience were you familiar with the MI Interview and Interrogations standards for conduct?
A: No, I was a tactical MI person. I did not do interviews or interrogations.
Q: What was the relationship between MI and MP personnel?
A: It was strained for several reasons. We knew that MI's mission was to get intelligence, save lives on the battlefield and prevent attacks. The view was we (MPs) were just there to feed and guard the detainees, so we got a lot less respect. There were conflicts, but nothing that we could not resolve. There was no clear dividing line and delineation of responsibility. No one there was very organized, right down to who rated whom and who worked for whom. I had two bosses, MAJ [redacted] the Bagram Base Operations person who had responsibility for MP Missions and Force Protection. My perimeter portion of the mission fell under him. Conversely, we reported to MAJ [redacted] who was the Corps/Theater person in charge of all detainee operations. More of my job fell under [redacted] but

INITIALS [redacted]

691

FOR OFFICIAL USE ONLY

EXHIBIT 128

b6, 7C

STATEMENT OF [redacted] 0134-02-CID369-23533
DATED 22 Jan 2004, CONTINUED: TAKEN AT Cincinnati, OH,

[redacted]ended up rating me, I never did get counseled on what my job was. I use this not to complain but to illustrate the lack of hierarchical structure and confusion about roles.

Q: Can you talk through the actions when a detainee was brought into the BCP?

A: They came in one of three ways: by helo from the field (in which case we went down and retrieved them from the airfield). They were usually restrained with flexi-cuffs (generally behind their back). Their feet were secured using three flexi-cuffs or tie straps, so they could walk in small steps. They were hooded with whatever was field expedient - burlap sack or sand bag, sometimes taped to their head. They came in with all their property in a big sack, often co-mingled. They were never tagged either. They had field paperwork for MI. It was capture information and sometimes was in the property bag and therefore was part of our inventory. This sometimes caused conflict, because MI wanted the paperwork right away, but we needed to inventory and account for it. We only in processed one detainee at a time, no matter how many came in. The rest were made to wait, face down in a holding room, guarded by an MP. One by one, they would be lifted to their feet and brought into the main room, with a yellow square on the floor, where they stood. There were two guards, one on either side. Another guard was in front of them who removed the hood and yelled the rules at them. The interpreter would repeat the rules in Pashtun, Dari, or Farsi (whichever they spoke). There were a bunch of people present, a doctor, a Criminal Investigative Task Force (CITF) Agent, an MI Interrogator, among others. The doctor did a physical exam. The CITF Agent took fingerprints, collected DNA samples and photographs. It took about 10-15 minutes for each. They got their clothes after the medical. Their clothes consisted of orange outfit (top and bottom), booties, socks and orange watch caps. Their number was stenciled on their shirt (front and back). They were advised of their PUC number and made to repeat it back - in English. Then they were shackled, usually hands in front and their legs were chained, but no connecting device was around the waist. Then two guards escorted them to the location MI had asked they be assigned. When MI didn't designate a location, we put them wherever space was available. Once in a while they would come in on a plane from Khandhar and the MPs from Khandhar would bring them to the facility. If there were just a few, we'd go the airfield and get them. Lastly, occasionally, Special Forces would just show

INITIALS [redacted]

69

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 128

STATEMENT OF [redacted] 0134-02-CID369-23533 TAKEN AT Cincinnati, OH,
DATED 22 Jan 2004, CONTINUED:

[redacted], knock on the door and deliver a prisoner. They would never give a name, just a team number and we would take them in pretty much no questions asked. It was rare and only one or two prisoners at a time. Sometimes the detainee would come in beat up and the doctor noted their condition on the forms. If that happened, we tried to take digital pictures, but this really didn't become a priority until after the deaths. We ordered a digital camera, but it took three months to arrive, so we borrowed MI's camera.

Q: Why did documentation of injuries only become a priority after the deaths?

A: Prior to the deaths, we only took facial pictures, but after the scrutiny and investigation of the deaths, we began documenting their physical condition on arrival. International Committee of the Red Cross (ICRC) brought complaints about abuse to us and they were general "a soldier beat me". ICRC couldn't tell us if it was a US soldier or Afghani and they couldn't tell us if it was at the BCP or before they got there. So we kept better records to protect us against these complaints.

Q: Did either deceased detainees arrive beaten up?

A: No both of them looked okay.

Q: What typically would happen in the next 24-48 hours to a detainee?

A: They were kept in an isolated condition, sometimes in an isolation cell, sometimes in an airlock, for almost three days usually. There were several reasons to segregate them; MI wanted to assess them for resistance to interrogation and see if they would be a behavioral issue; MI wanted to see what types of information the detainee had and keep them from talking to other detainees; and sometimes the detainee had tribal conflicts with other inmates. They were hooded and shackled during this 72 hours, but not always standing. In the first 24 hours, MI wanted to interview them in an interrogation room. The first guy would go directly into interrogation, but MI would talk about 30 minutes and we processed at a rate of one every 10-15 minutes, so MI fell behind our pace, if there were multiple detainees. All detainees where usually seen in the first three hours of in processing. We kept them shackled up to the ceiling until MI could get to them, and afterwards they went on whatever course of treatment MI directed. Some went on sleep deprivation, sometimes sleep deprivation was accomplished by knocking on the walls, talking to them and having them walk around, other times when they would not stay awake any other way, you might have to

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 128

shackle them up. During this time, they are fed and allowed to pray and be escorted go to the bathroom when they asked to go.
Q: Who established the policy of hooding and shackling for the first 72 hours?
A: I do not know. It existed prior to our arrival as a standard practice.
Q: Describe what "shackled up" means.
A: Usually, the hands were short cuffed together and leg chain is used to affix them to the Hesco (wire mesh) ceiling in isolation cells. In the airlocks, the chaining was a bit different, there were bars across the ceiling, not Hesco. Usually their hands are above their head, with six inches or so of flexibility. They could flex their legs but enough not sit down.
Q: Is a short cuff what one would normally call handcuffs?
A: Yes, and a long cuff is a set of leg shackles.
Q: Who could make the decision to shackle someone up? What was the approval process, if any?
A: It was the Sergeant of the Guard (SOG) responsibility. There was a status board (dry eraser) to track the number of detainees in each cells, infraction, punishments and the time the punishment was started. There were also "green cloth" pass on books, in which all the important events were recorded.
Q: Explain the difference between an isolation cell and an airlock.
A: The isolation cell was a 6' by 8' plywood private room and the airlock was a 3' by 3' steel cage with doors on either end used to gain entrance to general population areas.
Q: When a detainee was hooded or shackled for punishment, was it explained to them what was happening?
A: Yes, a percentage of English speaking detainees were used to translate what rule the detainee broke and what the ramification/punishment was going to be.
Q: What happened to the "pass on books" when you left?
A: We left them with the unit who relieved us. We had historical records and all that was left with the 293rd MP Company, Fort Stewart, GA. During our RIP with the 293rd, they began changing things and cleaning. They just threw things out and I sent a detail back to help clean up and they found documents in the trash from our tour that either should have been retained or disposed of properly.
Q: Did you retain copies of anything for unit historical records? Or take any records from the BCP home?

INITIALS [redacted]

A: Our SOP (the blue book), a few exterior photos, but no records, everything was sensitive or classified.
Q: What was the procedure of the MI interrogation of detainees?
A: MI would tell the Platoon Leader or the SOG each morning which detainees were being interviewed that day. The SOG would instruct MPs to escort the detainee to an interview room. Depending on the violence potential of the detainee, we used one or two MPs. They dropped the detainee off and waited outside the room. On rare occasions, maybe 10% of the time, the MI folks asked the MP to stay in the room with them as a protective measure. I sat in on one interrogation and it lasted thirty minutes and they asked questions through an interpreter, gave the guy a cigarette and that was it. I heard interrogations that sounded tougher, but never observed them personally. You could hear yelling and banging going on. It sounded like they were hitting the wall with a 2x4 (wooden block) or but I never observed any MI personnel strike detainees.
Q: Did you ever hear from your personnel that they were uncomfortable with MI behavior in interrogations?
A: There were some concern about the things they were hearing and the way detainees came out of interviews, stressed and shaken. Some MPs didn't care at all, but others were uncomfortable with the yelling, banging and other things they heard. No one ever made an official complaint, it was more grumbling and general conversation. We didn't know what happened behind those doors, but we didn't want to get blamed for anything they did. I'm sure it gets rough in there, but I know they aren't supposed to torture the detainees. And as far as I know, no MP ever reported a detainee coming out of an interrogation as physically beat up.
Q: Are you familiar with the use of MI "safety positions"?
A: The term sounds vaguely familiar but I don't know about it in an MI context.
Q: Did your MPs receive CPR training in train up or validation?
A: We got combat lifesaver training during training, but not actual CPR certification. We had some medics and some folks with EMT experience in the unit. We had been told not to revive detainees who died. Earlier in the year, during hunger strikes by detainees, I talked with MAJ [redacted] (who was MAJ [redacted] predecessor) about how far we should go to get food and water into detainees who refused to eat. I asked about IV fluids, and maybe strapping them down to do this, get fluids into them. The question was how far to go was to sustain a guy's life. His

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH,
DATED 22 Jan 2004, CONTINUED:

response was that if they refused to eat, we were not going to force them. We gave them the tools with which to stay alive and healthy, but we weren't going to force them to stay alive, it must be their choice. That changed after the deaths. We had to report it up, if they refused food for 24 hours and a couple guys got sent to the hospital to be rehydrated.

Q: Was there any directive given to MPs about whether or not to engage in any type of CPR measures or life saving measures on detainees who stopped breathing?

A: It was an individual choice. A lot of Afghanis carry tuberculosis (TB) and that's why they wore the blue surgical masks until we determined if they had TB. If they had TB, they were supposed to keep wearing the mask, but most didn't. They also had full beards, so we could not even employ the safety barrier masks because they wouldn't seal on their face. This TB issue was huge, it effected how we billeted people, whether or not they got medicine and what to do with their course of treatment after they were released. It was also stressful for my MPs taking them back and forth to the hospital and working 12 hours a day in a TB positive environment. We wore white face masks and rubber gloves when we had close contact with any new prisoners and the TB positive prisoners.

Q: After in processing (during the medical check when detainees were stripped naked) did the MPs ever have occasion or opportunity to observe any injuries to their legs?

A: Not the guys who died. They were not in the BCP long enough to get a shower, which only happened about once a week based on water and energy availability. And when they were escorted to the latrine, in Nov 2002, we put up a curtain which afforded them some privacy. The lack of privacy for the latrine had been a complaint during the 211th's tour there. So the MPs had no real chance to see either detainee's bare legs and observe any injuries to lower extremities.

Q: Have you ever received any formal MP training from the US Army MP School or any Army professional development training from the MP Branch?

A: No, Just the correspondence courses and on the job training.

Q: What type of MP specific training did you ask for from the MOB team, prior to deploying?

A: I asked for riot control training, but never got any training on it except during the Mission Rehearsal Exercise, but no real riot control situation with the formations and equipment. I just had a chance to look at the PTSR I submitted

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

701

EXHIBIT 128

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH,
DATED 22 Jan 2004, CONTINUED:

and it's the one I sent to the MOB Team at Fort Dix, NJ. I asked for all the EPW type tasks we could find.
Q: What type of MP specific training did you receive?
A: All the EPW stuff was only taught at the Mission Rehearsal Exercise (MRE), they may have had it trained in classroom setting, but I was not present for that. Vehicle searches, personnel searches, checkpoint operations and the crowd control situation where we had to make decisions about when to stop talking, close the gate and escalations of force.
Q: How did you arrive at the tasks you requested?
A: In consultation with my NCOs, I looked at the PTSR, evaluated our strengths and weaknesses and looked at what we thought our mission was going to be in theater.
Q: What was the response of the Fort Dix personnel to your request for specific training?
A: When we sent the request in (our PTSR). They agreed to look into it. I didn't get a negative or positive feedback, just that they would consider it and try to accommodate us.
Q: Did your MPs get other training from other sources at Fort Dix, NJ?
A: Yes, after we validated, we were stuck at Fort Dix for a long time. I told the Platoons to develop training that we could conduct with our available resources and equipment. I took my senior folks on a leaders recon of a perimeter operation for an EPW camp and the platoons did training amongst themselves. The plan was each platoon was supposed to train themselves and then train the other platoons, but I wasn't there all the time and we had lots of folks going in different directions, so it's hard to say who was present for which types of training. We were also making up mandatory training, for folks who had missed it.
Q: How did the MOB team train your unit to secure unruly or combative detainees?
A: They stressed positive control, more MPs and holding their arms and moving them to where you wanted them to go. If a detainee was unruly in a cell, they taught either using mace and/or a cell extraction. The cell extraction was accomplished by using superior numbers.
Q: At any time, did the MOB team teach anything about delivering strikes or blows?
A: Not that I recall.
Q: Were you provided any record of validation? What precisely does that mean?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 128

A: I don't recall, it means you are prepared to deploy and conduct the mission you were tasked to perform. There were still logistical issues. It meant you were cleared for airflow and you could complete the mission once on the ground.
Q: What type of civilian police training did your unit get during downtime at Fort Dix, NJ?
A: Hand to hand combat, baton strikes, self-defense training, I think we also did handcuffing techniques, use of force training. There was a lot of use of force training. That question would best be answered by the individual Platoon Sergeants. It only happened for a few days before we began sending our soldiers to support the ranges and act as role players at Fort Dix.
Q: Did the 377th keep any records of this training or sign in rosters which show who attended which types of training?
A: I believe we did. You'd have to ask the NCOs. I just don't know. I rely on my NCOs to maintain training records.
Q: Where and when did you first hear the term compliance blow?
A: Probably at Fort Dix, from one of my NCOs or officers. I'm not sure it was compliance blow, it was a knee blow to the thigh or a chop to the shoulder.
Q: Were you present for training on knee strikes or compliance blows?
A: No, they occurred I think alongside the self-defense block in the sand pit. I checked in on them but did not stay for the training. LT [redacted] went over the areas where baton strikes should not be delivered
Q: Who taught the training?
A: I can't tell you for sure. There are a number of soldiers who are certified to teach those techniques.
Q: Who attended the training?
A: It varied, based on who might be available at that time, which was probably 80% of the platoon at any given time.
Q: Whose idea was it to train soldiers on civilian police tactics?
A: When I found out how long we were going to be stuck there, I called all the Platoon Leaders, Platoon Sergeants together and asked them to come up with a plan to keep our soldiers employed and out of trouble. We had them in PT sessions and came up with training things we could train and resource internally.
Q: Were you present for the compliance blow training?
A: No. Most of my time was spent coordinating the logistics of our equipment movement and airflow of my unit.
Q: Did you participate in training?

INITIALS [redacted]

703

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 128

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH,
DATED 22 Jan 2004, CONTINUED:

A: No. I think LT [redacted] went over the baton chart with me and reviewed it with me separately.
Q: Were any of the Fort Dix MOB personnel present at the platoon conducted training?
A: No, after the unit was validated we had no further contact with MOB team.
Q: How and under what circumstances were your soldiers instructed it was permitted to deliver compliance blows?
A: Soldiers were constantly instructed that they should use the minimum force necessary. Those were our rules of engagement. Under what circumstances would best be answered by their first line supervisors who oversaw those individuals in training classes and on duty.
Q: Who best might be able to answer that question?
A: LT [redacted], SFC [redacted] and maybe LT [redacted] Each scenario is slightly different, but their training was minimum force necessary.
Q: Based on your knowledge of the training conducted, would it be permissible for a 377th soldier to strike a restrained or shackled detainee with a compliance blow?
A: Yes.
Q: Under what circumstances?
A: When the detainee put the soldier at risk. If the detainee attacked them or assaulted the soldier. To prevent escape and if a detainee was putting another detainee at risk.
Q: Were you aware this occurred?
A: Maybe four or five times, I was made aware of times where a knee strike was delivered to a detainee. I never witnessed a detainee that looked beat up. The levels of force were very clear about when soldiers could apply force.
Q: Subsequent to any blow delivered to a detainee, by an MP, was medical treatment sought or was there any requirement to get the detainee checked out for injury?
A: No.
Q: What were your orders to your MPs about using force on detainees?
A: There was no hard and fast directive, but I think my platoon leaders and platoon sergeants knew that anything serious would be elevated to me. I would hope that the seriousness of the incident would equate to the level of the chain to which it was reported. I had no rule requiring every use of force required notification to me.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 128

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH,
DATED 22 Jan 2004, CONTINUED:

Q: Did you review the pass on books or make any entries related to events recorded in them, particularly with regard to incidents where force was used?
A: I checked them almost everyday, but not with regard to specific types of entries, just for general knowledge and to get a feel for the atmosphere of the facility and make sure the soldiers were using the logs.
Q: There was an incident where a group of MPs struggled with and subdued a detainee who later died in the airlock and blows were delivered. Do you recall seeing any reference to that incident?
A: I don't recall an entry like that. It could have been, but the first CID agents reviewed the log books looking for that type of stuff and they can tell you if those entries were in the books.
Q: If you became aware that 377th MP struck a restrained or shackled detainee because he was failing to comply with verbal instructions like taking his hood off or talking, would you view this as illegal use of force?
A: Yes.
Q: Did you ever hear of that occurring prior to your interview with CID today?
A: No.
Q: What were the guidelines put in place for reporting an incident where a detainee was struck legally?
A: I wasn't told of each and every time a detainee was struck. But it was definitely informal, we had those pass on books and whatever behavior was taken, hanging, striking, etc. It was recorded. Discipline was logged in the log book.
Q: Were there specific incidents related to the deceased that you were aware of which indicated they were behavioral problems?
A: From the time of in processing, they were combative. They would not walk on their own, they wrestled, spit at a MPs and attempted to bite soldiers. Most of the times I saw them being moved they were passive resistant, refusing to walk. It was very early in their confinement. They were refusing to walk, they could physically walk when they wanted to. The vast majority of detainees were very docile and would do whatever you asked. About 10% just would not comply, of the almost 300 detainees who came through the BCP while I was there, these two were the among the most combative we ever saw.
Q: Did you MI training contain anything specific to HUMINT?
A: No, a couple hours in OBC of orientation type of stuff.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 128

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH,
DATED 22 Jan 2004, CONTINUED:

Q: What is your civilian occupation currently?
A: I'm an Electrical Engineer for the US Air Force, I working at the National Air and Space Intelligence Center.
Q: Based on your manning level of 95 and the optimum level of 110, did you feel adequately staffed to complete the mission?
A: Hard to answer. My MPs worked 12 hour shifts, 6 days a week. We did more with less, but we did make some sacrifices, things could have been done better and the quality of life for the soldiers would have been better with a greater number of personnel. I don't think manning levels contributed to the deaths.
Q: Did you receive any other training from other sources regarding detainee handling, control or movement, prior to deploying to Afghanistan?
A: Yes. We coordinated with the US Air Force Ravens; a (AT Ft Dix) Security Forces elite team who escorted the detainees from Afghanistan to Guantanamo Bay Naval Base (GTMO) via aircraft. We asked them to give us some training. They taught us how to shackle prisoners in a daisy chain for movement, how to put them on planes and practice positive control.
Q: Did the training with the Ravens contain any references to strikes or blows?
A: No, I don't think so. SFC [redacted]d I coordinated the training. I was present for the slide presentation and review of Air Force rules. I did not actually attend and practice the techniques the Ravens taught. I was present for one demonstration and the let us borrow some of their equipment (black boxes, cuffs, etc.) and we did "train the trainer", which means those folks who the Ravens taught, then taught their peers and passed on the techniques. If I'm not mistaken, the USAF people gave us a little training certificate. SFC [redacted] 377th Training NCO, may have kept records of it, but I'm not sure. About 50% of my unit got the training with the Ravens, it ended up helping us because we were able to properly prepare and shackle prisoners for GTMO transfers.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////End of Statement//////////[redacted]////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 128

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH,
DATED 22 Jan 2004, CONTINUED:

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _17_. 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 oaths, this **22nd** day of **January 2004**, at **Cincinnati, OH.**

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY
b2, b6, 7c

EXHIBIT 128

Exhibit 129

Page(s) 708 - 750 withheld

Exemption(s) b2

0137-02-CID369-23534

0134-02-CID369-23533

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-2353

DETAILS

At 0905 hrs, 22 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th MP Company, Detachment 1, Bloomington, IN 47408**, who was a member of 3rd platoon working in the Bagram Control Point (BCP) at the time of the deaths. [redacted] denied participation in or knowledge of any detainee receiving any type of corporal punishment or "compliance blows". *(See PUC Questionnaire of [redacted] dated 22 Jan 04, for additional detai*

At 0910 hrs, 22 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th MP Company, Detachment 1, Bloomington, IN 47408** who was a member of 3rd platoon working in the Bagram Control Point (BCP) at the time of the deaths. [redacted] was the assistant instructor for PPCT training conducted within his platoon. He admittedly he struck a PUC self-defense, but maintained it was not HABIBULLAH (PUC 412) or DILAWAR (PUC 421).

AGENT'S COMMENT: The interview was terminated at approximately 1045, 22 Jan 04, when [redacted] refused to cooperate further and declined to complete his written statement. *(See Statement of [redacted] dated 22 Jan 04, for additional details)*

At 1051 hrs, 22 Jan 04, SA [redacted], interviewed **SPC [redacted] 377th MP Company, Detachment 1, Bloomington, IN 47408** who was a member of 3rd platoon working in the Bagram Control Point (BCP) at the time of the deaths. [redacted] provided a statement describing his interaction with one of the PUCs that died. He could not remember which detainee he had contact with [redacted] denied using pressure point control techniques (PPCT) on any of the detainees. [redacted] admitted pulling one of the PUC's (who later died) handcuffed hand above his head to prevent the detainee from striking another MP. *(See Sworn Statement of [redacted] dated 22 Jan 04, for additional details)*

At 1145 hrs, 22 Jan 04, SA [redacted] vised **SPC [redacted] 377th MP Company, Detachment 1, Bloomington, IN 47408,** of his rights for the offenses of Assault, Cruelty/Maltreatment and Negligent Homicide. [redacted] was a member of 3rd platoon working in th Bagram Control Point (BCP) at the time of the deaths. He waived and rendered a sworn statement wherein he admitted delivering common peroneal strikes to HABIBULLAH (PUC 412) [redacted] admitted he struck HABIBULLAH two to three times, on the day he died. [redacted] urther stated SPC [redacted] and SPC [redacted], both of assigned to the 377th MP Detachment Bloomington, IN 47408 came into the isolation cell to assist him in restraining HABIBULLAH, who was being uncooperative. [redacted] did not recall striking HABIBULLAH on any other occasion.

[redacted] further recounted that upon arrival to Afghanistan the 377th MP did not have a standard operating procedures (SOP) directive to deal with noncompliant detainees and resorted to adopting

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Ft Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 22 Jan 04 / EXHIBIT: 130

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-2353

DETAILS

NICHOLS further recounted that upon arrival to Afghanistan the 377th MP did not have a standard operating procedures (SOP) directive to deal with noncompliant detainees and resorted to adopting the SOP of the 211th MP Company, National Guard, North Carolina. *(See Waiver Certificate and Sworn Statement of [redacted], dated 22 Jan 04, for additional details).*

AGENT'S COMMENT: At the conclusion of his interview [redacted]' record prints were collected.

About 1328, 22 Jan 04, SA [redacted], advised **SSG [redacted], 377th MP Company, Detachment 1, Bloomington, IN 47408**, of his rights for the offenses of Assault, Cruelty/Maltreatment and Negligent Homicide. [redacted] was a Squad Leader in 3rd platoon, working the Bagram Control Point (BCP) at the time of the deaths. He invoked his rights requesting counsel where upon the interview was terminated. *(See Non-Waiver Certificate of [redacted], dated 22 Jan 0 for additional details)*

AGENT'S COMMENT: At the conclusion of his interview, [redacted] record prints were collected.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Ft Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 22 Jan 04 / EXHIBIT: 130

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7c

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 22JAN04
RANK: E4/SPC SSN: [redacted]
UNIT: 377th MP Co

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
02Sept02 – 19MAR03; Guarding detainees and escorting them; guarding the perimeter gates

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: I don't remember for sure If I remember correctly both individuals were in separate rooms, which held 8–10 detainees at a time. I did guard both rooms, but do not remember the both individ person

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: Possibly If yes, explain: the only interaction I had with the detainees in those rooms was to give them their meals, to address their request to use the b a or to escort or unlock their door for interviews, to which were e

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain:

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] FOUO [redacted] 753
Signature of Interviewee b2, b6, 7c Signature/Sequence # of Interviewer SA

4b. How do you feel about the deaths of those two detainees?

Surprised, but understand that death can happen in any setting.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I have no idea.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: Not really, no.

7. How do you feel about being interviewed concerning this issue?

Fine, though I remember very little about the situation

8. Do you think that the death of either of those detainees was deliberate? Not at all.

9. If someone said that you physically abused either of those two detainees, is that person lying? Completely

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: I don't know.

11. Why do you think someone would do this? I don't think anyone did this dont know.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: [redacted] ~~I didn't have any~~ Unnecessary I have no reason to.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? They should be held accountable if it was intent

[redacted] Signature of Interviewee FOUO [redacted] Signature/Sequence # of Interviewer

a. Please explain: I don't know what actually caused the two deaths, but I know that when I was present in the facility I never saw anyone mistreat or try to cause the death of any of the detainees.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
Any non-compliant detainee ~~with~~ should NOT receive corporal punishment or compliance blows. However, if they are non-compliant, they may ~~have~~ receive a mild pressure point tact to achieve compliance. Nothing of the level of corporal punishment

17. How do you think the results of the investigation will come out on you? a comp
Fine. I was not interacting with the two detainees (one whom I don't remember) enough to cause suspicion.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes
Please explain:
If someone actually intended to cause death to the two detainees, there may ~~have been~~ be more involved. How I don't see why anyone would have intentionally killed with if it accident

19. Did you tell your family about this investigation? A: NO

20a. Did you tell your family you were being interviewed regarding this investigation? A: NO

20b. Did your family ask you if you were guilty? If so, what was your response? A: NO

20c. Have you talked with anyone other than CID about this investigation? A: NO If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO

[redacted]
Signature of Interviewee

FOUO
b2, b6, 7C

[redacted]
Signature/Sequence # of Interviewer

75
54
Exhibit 13

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: 15 %

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes, if I were involved.

26. Do you think the FBI should get called in to help out on this investigation? A: I don't know

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted]
Signature of Interviewee

[redacted]
Signature/Sequence # of Interviewer

b2, b6, 7C

0134-02-CID369-2353
137-02-CID369-23

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
Hampton Inn, Bloomington IN.	22 Jan 2004	0910[redacted]	
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		E-4

ORGANIZATION OR ADDRESS
377 th MpCompany Det 1. south Woodcrest Bloomington , IN.

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

I have been in the 377 MP Company since March of 2000. After completing Basic and AIT I returned to t unit. I was deployed for about a month to Egypt. I returned from the tour and was on in the unit for about months before we deployed to Bagram Airfield. During my drill time I was asked to instruct PPCT to the unit. Pressure Point Control Tactics that I instructed to the unit were the ones I learned when I attended the Indianapolis State Police Academy. SFC [redacted] and LT [redacted] ked me to instruct this class during drill like hip pocket training. I only taught this one time and it was only for two hours. There was no formal roster for the class and I don't remember how many people were there. It was only people from the detachment. SPC [redacted] was the primary instructor for this. I was only the assistant. What we taught to the detachment was what I have learned in the police academy and the MP school at Ft. Leonard wood. The PP that we instructed was pressure point control such as the common perennial strike. SPC [redacted] had a manual that we used to instruct the class. I am not sure where he got this manual from. During the class I believe w instructed 12 different forms of PPCT. I think we might have done some handcuff techniques. When we w at Ft. Dix the whole company did some training in a sandpit but I did not instruct. That was the only time I remember doing the training. Once we arrived at Bagram Airfield I am not aware of anyone practicing any the PPCT classes we had received.

Q: What shift were you on when the detainees died.
A: I was on day shift. I believe this was a 7am to 7pm shift.
Q: Where you there when the detainees were brought in.
A: I don't remember.
Q: Where you present during any of the times the PUC 412 or PUC 421 were moved.
A: To the best of my knowledge no.
Q: Where you aware of any medical issues with these two prisoners.
A: No
Q: Where PUC's allowed to see a doctor if they asked.
A: Yes, the doctor was there twice a day.
Q: Did you have any contact with PUC 412 or 421.
A: Not to my knowledge.
Q: Did you ever here of anyone striking a prisoner.
A: Yes.
Q: Did you ever strike any of the prisoners
A: Yes.
Q: For what reason.
A: Self defense, I only hit one prisoners because he jumped on me. He was handcuffed in the front. After the other guards got this prisoner off of me I left the area. I think I went outside and smoked. I don't remember ever having any more problems with this prisone[redacted]// —— Interview terminated by [redacted]//////-Nothing follows//// ——

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	
		PAGE 1 OF PAGES 2

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF __PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.
DA FORM 2823 (AUTOMATED)]

b6,7c

FOUO

757

EXHIBIT 132

BLANK [redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT I TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 22 DAY OF MAY 2009 AT 1050

[redacted]

(Name of Person Administering Oath)

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted]

FOUO

b6, 7c

PAGES 2 OF PAGES 2

458

FVU 10 - 732

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Hampton Inn, Bloomington, IN 47404
Date : 22 Jan 04 Time: 10:51am
Statement Of:
SSN :
Grade/Status: E-4
Org/Address : 377th Military Police Company, Bloomington, IN 47404

I, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes, I was assigned to Bagram Airbase from Aug 31, 2002 until Feb 20, 2003. I was assigned to the detention facility the entire time except for two weeks in September 2002 when I worked gate duty.

Q: Did you guard either detainee during the period of time between October and December 2002?

A: Yes.

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: No.

Q: Did you interact in any way with either detainee?

A: Yes, one PUC became combatant in the Constantine wire and I assisted other MP's with getting him under control. I do not remember which PUC it was. I came from the front desk once I was made aware of a fight. When I came into the general population area, the PUC and two to three MP's were wrestling with him on the floor. I assisted by grabbing the PUC's schackles that were attached to his hands and subduing his hands. The PUC was transported upstairs and detained in the isolation area.

Q: Do you remember which MP's were wrestling with the PUC?

A: SGT and I believe There might have been someone else, but I'm not sure who it was.

Q: Did the PUC strike or in any way harm or attempt to harm the MP's before or during this altercation?

A: When I arrived, the MP's and the PUC were wrestling together as the MP's attempted to gain control of the PUC. The PUC had ankle shackles on his hands, which I grabbed and pulled away from his head to elongate his body. The PUC's had to wear the leg shackles on their wrists and leg shackles on their ankles for the fir

Exhibit: 133 INITIALS PAGE 1 OF 6

STATEMENT OF SPC [redacted] TAKEN AT Hampton Inn, Bloomington, IN 47404 ; DATED 22 Jan 04; CONTINUED:
twenty four hours after they arrived to the facility. [redacted]
Q: Did any of the MP's strike the PUC?
A: Not that I saw, no. [redacted]
Q: Do you have any idea what part of December 2002 this incident occurred?
A: I have no clue. I do remember it was during night shift. I don't recall how far along the shift was when this incident occurred. [redacted]
Q: Why did the PUC become combative?
A: I think he grabbed SGT [redacted] through the airlock, but I don't remember for sure. [redacted]
Q: Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with?
A: No. [redacted]
Q: Did you participate in any type of corporal punishment or any compliance blows to either detainee?
A: While working in the downstairs isolation block, one of the two PUC's, I'm not sure which one, kept reaching through the cell opening and would not quit and grabbed me by the arm. SSG [redacted] was there with me and we both agreed to make entry. When the door opened, the PUC came toward the door at me, and I took him to the back wall, did a leg sweep and took him to the ground. I gained control of his arms and placed him in handcuff restraints behind his back. I picked him up, placed shackles on him, took off the handcuffs and raised his hands to the ceiling for punishment. I believe SSG [redacted] went and got a translator to tell the PUC what he did wrong and not to do it again, and then we left the PUC. I believe he was hung up for no longer than a half hour. [redacted]
Q: Did you have to administer any types of blows to the PUC during this altercation? [redacted]
A: He hit the back wall, not softly, but not the point that his chest was going to cave in, just hard enough to gain compliance for officer safety. When I did the leg sweep, my legs stopped his legs from moving and I pushed his upper body toward the ground. My legs prevented his legs from stepping, which made him fall. This occurred during a night shift in December, but I don't know exactly when. [redacted]
Q: Do you know who had anything to do with the eventual death of either detainee?
A: No. [redacted]
Q: Did anyone tell you who might have had anything to do with the

STATEMENT OF SPC [redacted] TAKEN AT Hampton Inn, Bloomington, IN 47404 ; DATED 22 Jan 04; CONTINUED:

death of either detainee?
A: No.[redacted]
Q: How do you feel about the deaths of those two detainees?
A: I don't.[redacted]
Q: Who do you think is responsible for the PUC's deaths?
A: Nobody, I don't think anyone was responsible for their deaths
Q: Is there anyone you know well enough that you feel is above suspicion and would not do something like this?
A: I don't believe anyone in my unit would do anything to cause the death of the detainees.[redacted]
Q: How do you feel about being interviewed concerning this issue?
A: It's a little different.[redacted] It doesn't matter to me because I didn't do anything wrong.[redacted]
Q: Do you think that the death of either of those detainees was deliberate?
A: No.[redacted]
Q: If someone said that you physically abused either of those two detainees, is that person lying?
A: Yes.[redacted]
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: Anybody could have. Everybody worked every post.[redacted]
Q: Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it?
A: No, my definition of corporal punishment is hitting someone just to hit them or abusing someone, I guess. If I was engaged in unarmed self defense, I would use appropriate levels of force which may include any one of the pressure point control tactics.[redacted]
Q: What level of force or measures would you apply if a detainee refused to follow directions?
A: There is no level of force for that. It depends on what kind of refusal it is, what kind of action he is taking. If the detainee is just standing there and refusing to do what I say, I might escort him to an isolation cell or move him somewhere. If he refuses to move, a compliance technique may be necessary, which may involve grabbing him by his arms, picking them up and moving them or walking with them. No strikes or blows unless he does something to endanger me or someone else[redacted]
Q: Did you ever have to administer any types of strikes or blows to detainees?
A: The only time I did anything that resembled a strike is when I[redacted]

b6, 7C

761

0134-02-CID369-2353

STATEMENT OF SPC [redacted] TAKEN AT Hampton Inn, Bloomington, IN 47404 ; DATED 22 Jan 04; CONTINUED:
pushed the guy up against the wall forcefully as I explained above. [redacted]
Q: Why wouldn't you use corporal punishment on a detainee?
A: It's not right [redacted]
Q: What do you think should happen to someone who mistreated or caused the death of a detainee?
A: It's not up to me. [redacted]
Q: Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows?
A: Corporal punishment was never allowed. I don't believe anything was ever said about when a detainee could be struck. I don't recall anything. Common sense and military levels of force taught to me at MP school in Fort Leonard Wood, MO, were what I used. When we got to Bagram and the place was handed over to us, the unit we were replacing told us the procedures they were using. If a PUC does wrong, they would put a hood or blackened out goggles on the PUC so they can't see. They were then shackled or cuffed through the Airlock hole. Not attached to it, but hands through it for fifteen to thirty minutes for the first violation and the second violation was thirty minutes. We were told different rules about the place as far as what they had the PUC's doing and what they didn't have the PUC's doing. I don't recall them ever mentioning applying any type of strike to the PUC's. I believe our guys learned what the rules were and then applied their own training on levels of force to enforce those rules [redacted]
Q: What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows or strikes?
A: Corporal punishment should never be administered. If a PUC becomes combatant, I may use a form of pressure point control tactics to gain control of the PUC or to stop the PUC from doing something that would endanger another person. [redacted]
Q: How do you think the results of this investigation will come out on you?
A: I did nothing wrong so it should be okay. [redacted]
Q: Do you think a person who applied corporal punishment would deserve a second chance under any circumstances?
A: Yes, depending on the situation. [redacted]
Q: Did you tell your family about this investigation?
A: No. [redacted]
Q: Did you tell your family you were being interviewed regarding

STATEMENT OF SPC [redacted] TAKEN AT Hampton Inn, Bloomington, IN 47404 ; DATED 22 Jan 04; CONTINUED:

this investigation?

A: No. [redacted]

Q: Have you talked with anyone other than CID about this investigation?

A: My family a little bit. They asked about what it was like over there and I told them about the deaths. I just told them two had died in custody

Q: Is there any reason why someone would say that you were involved in the deaths of those two detainees?

A: No. [redacted]

Q: Can you think of any reason why someone would name you as a suspect of this investigation?

A: No. [redacted]

Q: What percentage of MP's, guards, correction officers or interrogators do you think engage in corporal punishment?

A: I have no clue. [redacted]

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

A: No. /// ADDITIONAL PAGES OF STATEMENT ///

Exhibit: 133 INITIALS [redacted] PAGE 5 OF 6

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF SPC [redacted] TAKEN AT Hampton Inn, Bloomington, IN 47404; DATED 22 Jan 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 22nd day of January, 2004 at Bloomington, IN 47404

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 133 INITIALS [redacted] PAGE 6 OF 6

FOR OFFICIAL USE ONLY

b6, 7c

0134-02-CID369-23533

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

0137-02-CID369-23534

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	2. DATE	3. TIME	4. FILE NUMBER
Hampton Inn, Bloomington, IN. Room 310	22 Jan 2004	1145 SSN	

5. Name (Last First MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377 MP Company Det 1. Bloomington, IN.
6. SSN: [redacted]	7. GRADE/STATUS: SPC/RES

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 Consumated by a Battery/Cruelty & Maltreatment/Negligent Homicide/False Official Statemend////

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

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer deta 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 a want one, a lawyer will be appointed for me before any questioning begins.

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

5. COMMENTS *(Continue on reverse side)*
Q: Have you been advised of your legal rights within the past thirty days? A: No
Q: Are you currently represented by legal counsel? A: No

SECTION B. Waiver

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

WITNESSES *(if available)*	3. SIGNATURE OF INTERVIEWEE
[redacted]	[redacted]
HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060	
2a. NAME *(Type or Print)*	3a. TYPED NAME OF INVESTIGATOR: [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	3b. ORGANIZATION OF INVESTIGATOR: HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060

SECTION C. Non-waiver

1. I do no want to give up my rights
   - ☐ I want a lawyer
   - ☐ I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE: [redacted]

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

hc.7c

EXHIBIT 13

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

0137-02-CID369-23

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of
   a. Your official position.
   b. Nature of the offense(s)
   c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must under your rights."
   a. "You do not have to answer my questions or say anything."

   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government c military lawyer detailed for you at no expense to you , or both."

   -or-

   (For civilians not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to ha lawyer present with you during questioning. This lawyer can be on arrange for at your own expense, or if you cannot afford a lawyer ar want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a rig to stop answering questions at any time, or speak privately w a lawyer before answering further, even it you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer that 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes." stop the questioning until he/she l lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:
1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do no obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS *(Continued)*

REVERSE OF DA FORM 3881

FOUO

766

EXHIBIT 13

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
Hampton Inn, Bloomington IN.	22 Jan 04	1456	
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		E-4
ORGANIZATION OR ADDRESS			
377 MP Company Det 1 Bloomington In.			

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

I have been in the unit since 25 August 2000. I went to basic training and Advanced Individual Training (AI at Ft. Leonard Wood from 4 October 2000 until 23 February 2001. I then made regular drills with the unit prior to the activation in June of 2002. I was an E-4 when we were activated. We trained during our drills to perform as perimeter security and convoy security. On one or two times prior to deployment we received training in Pressure Point Control Techniques (PPCT). I believe it was SPC [redacted] and SPC [redacted] who provided the training. I only know that they were both police officers and I think SPC [redacted] was an instruct for his department in PPCT. When we arrived at Ft. Dix we started receiving detention facility training and some more PPCT by SPC [redacted] and [redacted] I don't remember how many times. Once we departed Ft. D we went to Germany and then to Bagram, Afghanistan. I don't remember for sure but I think we had about three days to train with the other unit that was leaving. We did not know what our jobs were going to be unt we arrived in Bagram. I was in third Platoon and we started on day shift in the facility. We learned what the previous unit did and used it as an example. There was a lot of confusion about what the guidelines were. I never saw an SOP we did our job based on what we were told to do from MI, our Squad leaders or our SGTs We were taught PPCT and we tried to communicate with the prisoners verbally and visually (body language) before we would use any PPCT. I was present for in-processing of one of the Person's Under Control (PUC) The PUC was brought into a room, with a hood already on his head and the unit who brought them into the facility would place the prisoner on their stomach in the room. At that point, the Military Intelligence (MI) o Other Governmental Agency (OGA) employees would play loud music to disorient the PUCs. Then the PUC was moved into a room where he was given the rules and received a physical by a doctor. Then the PUC was moved to an isolation cell (ISO) and kept there until MI personnel determined whether they should be placed into general population or kept in ISO. [redacted]

Q: SA [redacted]
Q: SA [redacted]
Q: SA [redacted]
A: SPC [redacted]
Q: Did you know any thing abut PUC 412 or 421?
A: No. I never saw PUC 421. [redacted]
Q: Did you have any interaction with PUC 412, who was identified to me as Habib Ulla by SA [redacted] and S/ [redacted]
A: Yes, I was in the ISO area with him. [redacted]
Q: Did you ever strike PUC Habib Ulla?
A: Yes, I gave him common Perennial strikes. [redacted]
Q: Who decided whether you as a guard could strike a PUC?
A: SSG [redacted] because he was the SOG on that shift. The policy of striking the PUC's did not come from him, but he gave case by case permission. The unit before us told us PPCT were acceptable [redacted]
Q: Did SSG [redacted] observe the strikes that you gave to PUC Habib Ulla?
A: Yes he did [redacted]

EXHIBIT 134	INITIALS OF PERSON MAKING STATEMENT [redacted]	1 of 6 PAGE OF PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT _DATED _CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE_OF _PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.
DA FORM 2823 (AUTOMATED)]

FOUO
b6, 7C

Statement of SPC [redacted] taken at Bloomington, IN, dated 22 Jan 03, continued:

Q: How many strikes did you give Mr. Habib Ulla?
A: I don't exactly remember, but two to three. [redacted]
Q: Describe Mr. Habib Ulla being non-compliant?
A: Mr. Habib Ulla talked continuously after being instructed not to talk, then SSG [redacted] and I went to move Mr. Habib Ulla from one cell to another and he refused to walk, then when I went to release him from the standing restraint position, so that he could sit down for a period, he attempted to walk out the door, then when I attempted to re-secure him in the standing restraint position, he refused to cooperate, which caused me to get the assistance of SPC [redacted] and SPC [redacted] to restrain him once again, then when I attempted to release him from the standing restraint position, so that he could eat, he attempted to grab my right hand with one of his hands. [redacted]
Q: When did these occurrences of non-compliance by Habib Ulla occur?
A: They occurred during the day shift that I worked, and it was the last shift that I had worked with him prior to his death. Habib Ulla died during the night shift that relieved me. [redacted]
Q: Did you ever administer perennial strikes to Mr. Habib Ulla during these times of non-compliance?
A: Yes, I administered around two to three perennial strikes during the shift and only when Habib Ulla was non-compliant. Due to not having a Standing Operation Procedure (SOP) detailing how the facility should be operated, including how to deal with PUCs that were non-compliant, we implemented the perennial strikes, which were used by the Military Police unit (211th from North Carolina) prior to our arrival. [redacted]
Q: Did you use any other weaponless strikes or holds to gain compliance from Habib Ulla?
A: Yes, a wristlock, but I can't remember the circumstances. [redacted]
Q: What determined whether you would use a wristlock or a perennial strike on a PUC?
A: Whenever, we needed Habib Ulla to stand or walk, we would use a wristlock, however, when we wanted to gain compliance, we would use the perennial strike. The perennial strike was counterproductive in regard to movement with Habib Ulla. It seemed that of all the pressure point compliance techniques, the perennial strike was the easiest, safest and most effective. [redacted]
Q: Why did you believe the perennial strike was the easiest, safest and most effective?
A: The perennial strike was the easiest because it was to the middle of thigh and some people are not affected by the wrist lock, it was the safest because it wasn't near a vital organ or joint, and it was the most effective because it was easiest place to hit and very few people are not affected by it. [redacted]
Q: When you went to move Habib Ulla from his cell, did you ever believe that he was incapable of moving due to any medical conditions, such as being previously struck with the perennial strike?
A: No, because Habib Ulla previously had been moving and standing and after moving him from one cell to another, an interpreter was asked if Habib Ulla had any problems and why was he being non-compliant and the interpreter responded that Habib Ulla was alright and that Habib Ulla was just talking. Additionally, I knew the Pashto language for [redacted]

Statement of SPC [redacted] taken at Bloomington, IN, dated 22 Jan 03, continued:
pain, which was "Dat", and the PUCs would use a hand signal if they were in any pain. The hand signal was a flicking of the fingers from a closed fist position. I am not sure if this was the first or last day when we moved him and he was noncompliant. [redacted]
Q: Did Habib Ulla ever demonstrate the hand signal for pain during your encounters with him?
A: No. [redacted]
Q: Were you ever informed that Habib Ulla had any previous known medical conditions?
A: No, he, like all other PUCs was given physical by a doctor upon his arrival at the Bagram Collection Point, and there was never any mention of any existing medical problems. [redacted]
Q: What was your understanding of the definition of compliance?
A: Abiding by the rules that were told to the PUCs during in-processing [redacted]
Q: Were you present in the facility when PUC Habib Ulla died?
A: No, he died approximately 5-6 hours after the end of my shift and I was already back at my tent. [redacted]
Q: Did you ever see any of the MI persons strike any of the PUC's during an interrogation?
A: No, I was never in the room and I never heard any of them say anything about striking a PUC. [redacted]
Q: Did you ever hear Habib Ulla use the word "stick"?
A: No. [redacted]
Q: Did you ever enter the ISO cell by yourself?
A: Yes. [redacted]
Q: Did you have a policy that you were not to enter by yourself?
A: No. [redacted]
Q: Did Habib Ulla ever show any signs of being in pain or did he ever point to or rub on any part of his body?
A: No. [redacted]
Q: You said you struck Habib Ulla on the day that he died, how hard did you strike him?
A: We were instructed to use light common perennial strikes by SSG [redacted] and so I applied two to three light strikes that day. [redacted]
Q: What was Habib Ulla's physical reaction to your strikes?
A: He complied for awhile, but then he went back to yelling. I think he grimaced a little from the pain after I struck him. He was able to stand, though, after the strike. He may have had to use his restraints to support himself for assistance or favored the other leg. [redacted]
Q: When you struck him, where his hands? [redacted]
A: They were at about face level, restrained to the ceiling. [redacted]
Q: When he continued to yell, what did you do?
A: When it got to the point that it appeared he may be communicating with the general population, we would enter the cell and apply another common perennial strike. [redacted]
Q: How many times did you strike Habib Ulla that day?
A: Two or three times. [redacted]
Q: Did anyone else strike Habib Ulla that day?
A: Yes, [redacted] struck him twice, too. [redacted]

Statement of SPC [redacted] taken at Bloomington, IN, dated 22 Jan 03, continued:
Q: How hard do you think [redacted] struck him?
A: It appeared very light. [redacted]
Q: What was Habib Ulla's physical reaction to [redacted] strikes?
A: He would grimace, then he would be come compliant for awhile. [redacted]
Q: Did you apply all strikes to the same leg?
A: I think I did two strikes to his left leg and one on his right. [redacted]
Q: Was there any reason you switched legs?
A: Just because you don't want them to get used to being struck because it's not as effective. [redacted]
Q: Which legs did [redacted] strike?
A: I think one in each, but I'm not sure. I know that he hit the left at least once because of the way Habib Ulla was facing us. [redacted]
Q: Did Habib Ulla's refusal to be quiet make you angry?
A: No. [redacted]
Q: Did it make [redacted] angry?
A: No. [redacted]
Q: Are you confident that no one but you and [redacted] struck Habib Ulla that day?
A: I can't remember. If I relieved someone in the middle of the day, I don't know what they did in the morning. I came in on the middle of the shift on one day, but I don't remember which day that was. [redacted]
Q: When Habib Ulla was yelling, did you have any idea what he was saying?
A: No. [redacted]
Q: How long was Habib Ulla in standing restraints that day?
A: Pretty much the whole time. [redacted]
Q: Who ordered Habib Ulla to be in standing restraints that day?
A: It was on the status board. Usually MI wrote what will be done to the detainees on the board. [redacted]
Q: Do you recall if Habib Ulla was let down at any specific time during your shift?
A: I let him down to eat for about thirty to forty-five minutes. I would let his arms down about three or four times to drink water. I don't remember if he was let down any other times. Nobody else let him down while I was on shift. [redacted]
Q: Did anyone else besides you check on Habib Ulla during your shift?
A: I think [redacted] or [redacted] and [redacted] and SSG [redacted] checked on him. [redacted]
Q: Did you ever observe Habib Ulla's legs at any time?
A: No. [redacted]
Q: What was Habib Ulla's physical condition when you left your shift that day?
A: I thought he was in pretty good shape. We were all pretty impressed that despite his altered sleep schedule for the last five days and our perennial strikes, he was still being defiant. [redacted]
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT/// [redacted]

[redacted]

4 of 5
EXHIBIT 134

FOUO

b6, 7c

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 22nd day of January, 2004 at Bloomington, IN 47404

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

[redacted]

Exhibit: 134 INITIALS [redacted] PAGE 5 OF 5

FOR OFFICIAL USE ONLY

FOUO b6, 7C

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0137-02-CID369-23

DATA REQUIRED BY THE PRIVACY ACT

0134-02-CID369-2353

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 identifi
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrie
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	3. TIME	4. FILE NO.
Hampton Inn, Bloomington, IN	22 Jan 04	1328	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
	377th Military Police Company
6. SSN / 7. GRADE/STATUS: SSG	Bloomington, IN

PART 1 - 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: Aggravated Assault, Negligent Homicide, Cruelty & Maltreatment of a Prisoner, False Official Statement

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

1. I do not have to answer any questions or say anything
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with m 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 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 r 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 wil appointed for me before any questioning begins.

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

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 a without having a lawyer present with me.

WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE
1a.	
b.	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	SA
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR Ft. Leavenworth Resident Agency (CID) Ft. Leavenworth, KS 66027

Section C. Non-Waiver

1. I do not want to give up my rights:

want a lawyer.

☒ I do not want to be questioned or say anything

2. SIGN

ATT TEMENT *(DA form 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

b6, 7c

EXHIBIT 12

PART II - RIGHTS WARNING PROCEDURE

THE WARNING 0134-02-CID369-23533

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a n lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately lawyer before, during, and after questioning and to have a lawyer present you during questioning. This lawyer can be one you arrange for at you ov expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answerin questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following questi

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of t first statement, the accused must be so advised. The office of the seni Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

773
EXHIBIT 1.

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23

DETAILS

AGENT'S COMMENT: [redacted] interview was interrupted by a previous appointment and continued on a supplementary statement at 2125 hrs, 23 Jan 04. She indicated SFC [redacted] 377th MP Company, collected the logbooks each day and consolidated the recorded information in a computer record. *(See Sworn Statement and PUC Questionnaire of [redacted] dated 23 Jan 04, for additional details)*

At 1202 hrs, 23 Jan 04, SA [redacted] advised **SGT [redacted] 377th MP Company, Cincinnati, OH 45237** of his legal rights for the offenses of Aggravated Assault, Negligent Homicide and False Official Statement. [redacted] waived his legal rights and provided a statement detailing his observations of [redacted] offering HABIBULLAH food and subsequently striking him in the thigh in response to what [redacted] believed was HABIBULLAH trying to spit on [redacted] detailed his observations and actions when he realized HABIBULLAH was deceased with the isolation cell. [redacted] also detailed an assault using a water bottle, upon DILAWAR after and interrogation. [redacted] identified SPC [redacted] A Co, 519th MI Battalion, Fort Bragg, NC 28307 and the individual he observed assault DILAWAR. *(See Waiver Certificate, Sworn Statement and Photographic Identification Sheet of [redacted] dated 23 Jan 04 for additional details).*

AGENT'S COMMENT: At the conclusion of his interview, [redacted] was record fingerprinted.

At 1005 hrs, 23 Jan 04, SA [redacted] interviewed **SSG [redacted], 377th M Company, Cincinnati, OH 45237**, who was a member of 1st Platoon, working within the Bagram Collection Point (BCP) at the time of the detainee deaths. [redacted] was advised of his rights for the offenses of Aggravated Assault, False Official Statement and Negligent Homicide. [redacted] invoked his rights requesting not to be questioned, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 23 Jan 04, for additional details)*

AGENT'S COMMENT: At the conclusion of his interview, [redacted] was record fingerprinted.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 23 JAN 04 / EXHIBIT: 136

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER: 0134-02-CID369-23533/0137-02-CID369-23

DETAILS

At 0815 hrs, 23 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th MP Company, Cincinnati, OH 45237**, who was a member of 1st platoon, working within the Provost Marshal Office (PMO) conducting base security and convoy missions from Nov until about two before Christmas. He had no knowledge about the death of either detainee, howev stated about 50% of MPs would administer compliance blows (knee strikes) or apply control techniques (wrist locks) to control a detainee that was resisting. [redacted] elt all MPs were authorized to administer knee strikes to control detainees. *(See PUC Questionnaire of [redacted] dated 23 Jan 04, for additional details)*

At 0900 hrs, 23 Jan 04, SA [redacted] interviewed **SGT [redacted] 377th MP Company, Cincinnati, OH 45237**, who was a member of 1st platoon worki within the Bagram Collection Point (BCP), Afghanistan at the time of the deaths. [redacted] indicated he was not working in the BCP at the time of the deaths and he had no contact with eithe deceased detainee. *(See PUC Questionnaire for [redacted] dated 23 Jan 04, for additional details).*

AGENT'S COMMENT: [redacted] was identified during subsequent interviews as a suspect fo assaults upon HABIBULLAH (PUC 412). Follow-up interviews with him are documented in subsequent AIR(s).

At 1005 hrs, 23 Jan 04, SA [redacted] and SA [redacted] interviewed **SPC [redacted] 377th MP Company, Cincinnati, OH 45237**, who was a member of 1st Platoon, working within the Bagram Collection Point (BCP) at the time of the detainee deaths. [redacted] was advised of his rights for the offenses of Assault/Battery, Cruelty/Maltreatment, Fals Official Statement and Negligent Homicide. [redacted] waived his rights and provided a statemen admitting he struck HABIBULLAH (PUC 412) twice on the night he died. [redacted] stated he believed HABIBULLAH spit on him and he became angry and retaliated. (See Waiver Certificate a Sworn Statement of [redacted] dated 23 Jan 04, for additional details)

AGENT'S COMMENT: At the conclusion of his interview, [redacted] was record fingerprinted.

At 1112 hrs, 23 Jan 04, SA [redacted] and SA [redacted] interviewed **SPC [redacted] 377th MP Company, Cincinnati, OH 45237**, who was a member of 1st Platoon, working within the Bagram Collection Point (BCP) at the time of the detainee deaths. [redacted] provided a statement detailing her observations relevant to an assault on HABIBULLAH, by SPC [redacted] and SPC [redacted] both of 37 MP Company Guard force working within the BCP. (See Sworn Statement of [redacted], dated 23 Jan 04, for additional details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 23 JAN 04 / EXHIBIT: 136

b2, b6, 7C

775

0137-02-CID369-23534

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 23 Jan 04
RANK: SPC/RC SSN: [redacted]
UNIT: 377th MP Co, 1st plt.

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
15Sep02-31Jan03 MP, 1st plt + PMO (Nov + 2wks after incident)

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain:

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain:

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted]
Signature of Interviewee

FOUO [redacted] 776
b2, b6, 7
Signature/Sequence # of Interviewer

EXHIBIT 13

4b. How do you feel about the deaths of those two detainees?
Not happy about it, but they were our enemies.

---

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I don't know

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: nobody in company would do this

7. How do you feel about being interviewed concerning this issue?
uncomfortable, due to first time being interviewed

8. Do you think that the death of either of those detainees was ~~deliberate~~?
don't know

9. If someone said that you physically abused either of those two detainees, is that person lying? yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: day or night shift who worked w/ detainees

11. Why do you think someone would do this? hostility, I guess

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: more to lose for to get in trouble over something like that. They will get their punishment in the end.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? tried in court.

[redacted] FOUO [redacted] 7;

Signature of Interviewee

b2, b6, 7C

Signature/Sequence # of Interviewer

12

a. Please explain: notice of our laws.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: yes If yes, explain (See sworn statement) ~~up~~ non-compliant of resisting ~~to control~~ situation

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
fighting or resisting

17. How do you think the results of the investigation will come out on you?
I wasn't there, so I didn't have anything to do with either individ

18. Do you think the person who did this would deserve a second chance under any circumstances? A: _____
Please explain: would have to know facts to answer question

19. Did you tell your family about this investigation? A: No

20a. Did you tell your family you were being interviewed regarding this investigation? A: yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: No

20c. Have you talked with anyone other than CID about this investigation? A: yes If yes, who? people in unit.

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: 50% of MPs gave blows or restrained someone with force to end physical resistance

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes

26. Do you think the FBI should get called in to help out on this investigation? A: depends if CID can handle this or not.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted] FOUO [redacted] 779

Signature of Interviewee b2. b6. 7c Signature/Sequence # of Interviewer 13

EXHIBIT

0137-02-CID369-23534

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 23 Jan 04

RANK: SGT/E-4 SSN: [redacted]

UNIT: 377th MP Co, 1st Platoon

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties? Aug 02 - Mar 03 / Patrol outside confinement facility. Assigned to PMC

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain: N/A

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No If yes, please explain: ———

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] [redacted] 78C

Signature of Interviewee

FOUO

b2, b6, 7C

Signature/Sequence # of Interviewer

4b. How do you feel about the deaths of those two detainees?
I wish it didn't happen, but I don't feel alot of remorse.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I have no idea

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: 1st Platoon

7. How do you feel about being interviewed concerning this issue?
I don't feel negative

8. Do you think that the death of either of those detainees was deliberate?
No

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: 3rd Plt daytime & 1st Plt at night

11. Why do you think someone would do this? I don't know

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: Wouldn't want it done to me.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Face the music

[redacted] FOUO 78
Signature of Interviewee b2, b6, 7C Signature/Sequence # of Interviewer

EXHIBIT 1

0137-02-CID369-23534
0134-02-CID369-23533

a. Please explain: If you beated someone to death that is wrong.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: Yes If yes, explain (~~See sworn statement~~) If they were being non-compliant or combatant. At Ft. Dix we received training PPC Pressure Point Control. The guidance provided was to del pressure points for non-compliant detainee or combative but knee strikes were for combative or selfdefense ~~[illegible]~~ situations.

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

Combative or self defense situations

17. How do you think the results of the investigation will come out on you?

Not worried about it at all.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes
Please explain: Because the training that was thrown at us and not enough supervision maybe someone got the wa idea about mission. The training at Dix did not prepare us for our mission

19. Did you tell your family about this investigation? A: Yes

20a. Did you tell your family you were being interviewed regarding this investigation? A: Yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: No, my wife knew I wasn't involved.

20c. Have you talked with anyone other than CID about this investigation? A: Yes If yes, who? 1st Platoon members

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

FOUO [redacted]

[redacted]
Signature of Interviewee

b2, b6, 7C

[redacted]
Signature/Sequence # of Interviewer

78
13

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: 20%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: No

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted] b2, b6, 7C [redacted] 138

Signature of Interviewee Signature/Sequence # of Interviewer

137-02-CID369-23

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	2. DATE	3. TIME	4. FILE NUMBER
1600 Seymour Avenue, Cincinnati, OH	23 JAN 04	1005	0134-02-CID369-2

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	277th MP Company Cincinnati, OH 45237
6. SSN: [redacted]	7. GRADE/STATUS: SPC/E4

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 Consumated By a Battery, Cruelty/Mattreatment, False Official Statement, Negligent Hom

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

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer deta 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 a lawyer will be appointed for me before any questioning begins.

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

5. COMMENTS *(Continue on reverse side)*
Q: Have you ever requested an attorney after having been advised of your rights?
A: NO

SECTION B. Waiver

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

1. NAME (Type or Print)	3. SIGNATURE OF INTERVIEWEE
[redacted]	[redacted]
HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA (703) 806-0299	
2a. NAME (Type or Print)	4. SIGNATURE OF INTERVIEWER
b. ORGANIZATION OR ADDRESS AND PHONE	c. ORGANIZATION OF INVESTIGATOR HQ, US Army CID 6010 Sixth Street Fort Belvoir, VA 22060

SECTION C. Non-waiver

1. I do no want to give up my rights
   ☐ I want a lawyer
   ☐ I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

FOUO b6, 7C

784

EXHIBIT 12

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Cincinnati, OH
Date : 23 Jan 200[redacted] **Time:** 1734
Statement of: [redacted]
SSN : [redacted]
Org/Address : 377th MP Company, Cincinnati, OH 45237 **Grade/Status:** SPC/USAR

[redacted] want to make the following statement under oath: I've been advised of my rights and elected to make this statement voluntarily to clarify aspects of earlier statements about the situations and deaths at Bagram Air Base, Afghanistan in December 2002.

I began my military career in the spring of 1995. I joined the 377th MP Company as a Combat Medic. I went to Basic Training at Fort Leonard Wood, MO and then Medic Advanced Individual Training at Fort Sam Houston, TX. I went to Panama in 1996 and worked in the hospital as a medic for a couple of weeks. The 377th MP Company was downsized in 1998 and they lost their medic personnel slots, so I had to become an MP. When I had to become an MP, I trained every weekend for about six or seven months (Phase 1) with another unit who came to Cincinnati, OH and then went to a two week AT session (Phase 2) at Camp Ripley, MN. In 1999, I deployed on a three-week mission to Guatemala. It was a humanitarian mission; we did convoy escorts for folks rebuilding the country after a natural disaster. In 2001, I deployed to Egypt for the Bright Star Mission for about one month. In Egypt, we just worked the gates of military compound where soldiers lived. In June 2002, the 377th was called up for Afghanistan. I went with the unit to Fort Dix, NJ for training in the middle of June and we stayed there pretty much from then on until we the time we shipped out at the end of August 2002. I did have one week of leave during our stay at Fort Dix, NJ because we were held over there so long waiting on aircraft transport to Afghanistan.

Our training at Fort Dix was conducted by non-MPs and they did not teach us very much. They tried, but they didn't know what to teach us. They were also reservists who got called up and were non-deployable and they got tasked with teaching us a job they didn't know. We went through basic classes, first aid, NBC, basic rifle marksmanship, Common Task Testing (CTT). When we first got called up we thought we would be going to Guantanamo Bay Naval Base (GTMO), but after we got to Dix, they told us we were not going to GTMO and told us to expect

INITIAL: [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 139
78c

STATEMENT OF SPC [redacted] TAKEN AT Cincinnati, OH,
DATED 23 Jan 2004, CONTINUED:

somewhere [redacted] Since Afghanistan was the only sandy spot in 2002, we figured we were going there, but no one would tell us for sure. We certainly had no clue that we'd be running a detention facility.

When we landed in Afghanistan, they didn't give us an appropriate number of tents to live in. There were landmines right outside our doors. Things went downhill from there, the commander told us to be happy to have a roof over our head and they split the platoons up by job and assigned us to either dayshift or nightshift in the Bagram Control Point (BCP) or on the gates outside. We switched off jobs every couple of months.

Q: Did you get any type of MP training from the Fort Dix personnel?
A: Just the one day. We went to a mock facility like a jail. It was down in the basement of some building. They had a couple cages set up. Each cell had a bed, a toilet. They brought us role players and had us search them and put them in the cells. The instructors would walk by a cell and no matter what the role player was really doing they would say they were committing some sort of misconduct (breaking light bulbs, burning their beds, etc.) We were supposed to react to something that was not really happening and no matter what we did, it was not right. However, the trainers could not tell us what the right thing to do was. At one point, one of our soldiers (a female) asked the trainers, if there was really any reason for us to be doing any training like this, where we were going. The instructor laughed and said we had better pay attention. Still no one told us our mission would be handling prisoners. By then we were starting to assume it, but we had not been officially told.
Q: What was your impression of the quality of the training to prepare you for the job you ultimately ended up doing?
A: Fort Dix's training was very poor. But our unit did it's own training and that helped us prepare much better.
Q: What types of training did the unit do on it's own?
A: Before we left, we still thought we were going to GTMO. Before we went to Dix, we concentrated on prisoner escorts, movement, positive control, cuffing techniques anything we might need at GTMO. After we thought we weren't going to GTMO, we did a lot of training on searches (vehicle, personnel), running gates and checkpoints, and convoy escorts. Then after we figured out we were going to Afghanistan, we didn't have anything to [redacted]n, so we trained on anything we could think of.

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 139

786

STATEMENT OF SPC [redacted] TAKEN AT Cincinnati, OH,
DATED 23 Jan 2004, CONTINUED:

After we had already validated and got all the training Fort Dix was going to give us, three or so weeks after we got there, we found out our mission would be running the detention facility.
Q: After you found out your mission was detainee operations, what types of training did you do?
A: The Cdr had a meeting with the leaders and then the platoons did their own training concentrating on prisoner handling, safely moving them up and down stairs and cuffing techniques.
Q: What did handcuffing training consist of?
A: Use of the handcuffs, placing people into and removing them from handcuffs, leg irons, and belly chains, walking them around without losing control of or injuring them.
Q: Who decided what training you got?
A: I don't know. It's above me, that's a platoon leader decision.
Q: What platoon were you in? Who did your platoon consist of?
A: 1st Platoon. My platoon was 1LT [redacted] Platoon Leader; SFC [redacted], Platoon Sgt; SSG [redacted] Squad Leader; SSG [redacted] Squad Leader; SSG [redacted] Squad Leader; SGT [redacted] SPC [redacted] PVT [redacted] SGT [redacted] SPC [redacted] SPC [redacted] SGT [redacted] PVT [redacted] PVT [redacted], SPC [redacted] SPC [redacted] (recently married and her name is now [redacted] SPC [redacted] SPC [redacted] SGT [redacted] SGT [redacted] SPC [redacted] and myself.
Q: What training was conducted by platoon at Fort Dix, NJ?
A: Land Navigation, searching procedures, handcuffing and escorting prisoners, self-defense, pressure point control techniques (PPCT).
Q: When you got the training, who was present?
A: Just our platoon.
Q: Who was present for the training from leadership?
A: Commander (CPT [redacted] would walk around and see that we were training and then skip out, he never stayed for or participated in the training. The 1SG (1SG [redacted] I don't know what she was doing. Mostly it was just my platoon, our leadership SSG [redacted] SSG [redacted] SGT [redacted]
Q: Please discuss the self-defense and PPCT training.
A: We got the training three or four times, about two to three hour sessions each time. We usually had a demonstration with the instructor and an assistant. Then they would have us walk

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 139

787

[redacted] STATEMENT OF SPC [redacted] TAKEN AT Cincinnati, OH,
DATED 23 Jan 2004, CONTINUED:

through the techniques and practice on each other, so we all knew what it felt like.
Q: Did anyone ever get hurt during training sessions?
A: No.
Q: How much force does it take to make a person feel the technique?
A: Not much.
Q: How did you feel at the end of your training session each day?
A: Pretty worn out.
Q: Did anyone ever get bruised or injured to your knowledge?
A: Not to my knowledge, I didn't.
Q: Who were the PPCT instructors?
A: SSG [redacted] SGT [redacted] and SGT [redacted] and I think SGT [redacted] was in on it as well.
Q: What were the rules for application of this sort of force?
A: It was only to be used for aggression or non-compliance. We were told we had to go through the levels of force, from verbal instruction, to visual show of force, to use of pressure points to gain control and then if they wanted to wrestle we could use the moves to only gain positive control of the situation.
Q: What is non-compliance?
A: It can be anything from not listening, to not doing as directed. It can be something they are doing they should not as well as some rule they are violating.
Q: Based on your training, can pressure point control techniques be applied to a person who is refusing to do as directed?
A: Depending on the situation, we were provided different situations when to apply pressure point tactics and when not to apply them.
Q: What did Fort Dix teach you to do to handle non-compliant detainees?
A: Of what they taught us or what we actually did? We were told to have them stand up, then call in a larger group of MPs and show them our superior numbers; if necessary we would go in a get them.
Q: When a prisoner in general population was breaking the rules what did you do?
A: The first step was to make them stand up, more embarrassing than punishing, if it continued then we'd have them hold their arms out to the side for a period of time. If they just refused to do anything then we'd threaten to take them to isolation.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 139

788

[redacted] STATEMENT OF SPC [redacted] TAKEN AT Cincinnati, OH,
DATED 23 Jan 2004, CONTINUED:

We then would tell the other detainees to move to the back of the isolation cell, so we could approach the detainee refusing to cooperate. We would surround the detainee, cuff him, and then escort him to the isolation cell.

Q: Were you taught that there is a difference between knee strikes and pressure points?

A: Yes, a pressure point is grabbing and applying pressure to a certain area, while a knee strike is giving a blow to a certain area.

Q: Was there different situations when you could administer these tactics?

A: Yes, a knee strike would be more of an aggressive act, while a pressure point would be used when the MP would have the detainee gets up from the group. In others words, the pressure points would be used in acts of defiance rather than in acts of aggression.

Q: Was there any situation that you were involved in at Bagram, where the training you were provided did not give you the tools to handle it?

A: The training from Fort Dix gave us no skills, it left more people confused than trained. The only things they ever told us was "that's not what you should do", "that's not the way to handle that" but no instruction on what TO actually do. The training we got within the unit prepared us to handle things well.

Q: What was your contact with HABIBULLAH (PUC 412)?

A: At 1930 hrs Bagram local, 3 Dec 2002, (the night HABIBULLAH died) I took over on nightshift from SPC [redacted] as the first floor Isolation Cell Guard. I was responsible for six detainees in the cells, one cell was empty. It was the slightly larger cell, which was left empty. [redacted] passed on information from his shift. [redacted] told me he had refused food all day. I was told it was important to get him to eat. He told me that he could not get HABIBULLAH to stop spitting. He said HABIBULLAH claimed he had a sinus infection and that was why he was spitting. [redacted] said the medic (I don't know which one) checked him out and said he was fine. [redacted] gave him a bowl to spit in. When I came on shift, HABIBULLAH was shackled with leg irons on his legs and handcuffed in front of him at the waist and affixed to the belly chain. There was a chain that went from the belly chain to the ceiling. That chain was a belly chain stretched out. [redacted] told me he chained up for kicking to do[redacted]out HABIBULLAH still managed to swing on the

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 139

DC, 7C

78C

chain and kicked the door. [redacted] explained to me that they were in the cell several times on his shift trying to get HABIBULLAH chained in a configuration where he would stop kicking the door. [redacted] told me that he had been quiet for the last hour, but given time to rest he (HABIBULLAH) would be back at it. It is standard procedure to visually check on each detainee at the beginning of shift. I saw HABIBULLAH standing under his own power, near the back of the cell. He was hooded, but the hood was upright like he was awake and listening to me approach the cell. I remember seeing his spit bowl on the floor. [redacted] told me he had lifted HABIBULLAHS hood up over his nose a couple times, but he kept struggling and it slipped down, so he just left the hood down. The hood was wet from spit and him gnawing on it. I heard him spit a couple of times during my walk up and down to check the isolation cells at the beginning of my shift. After I sat down I heard him spit again and I hollered at him a couple times.

We do chow at the start of the nightshift. I entered HABIBULLAH's cell with someone else (possibly [redacted] and [redacted] to try and feed him. One of us pulled his hood up to his forehead, I removed his belly chain and uncuffed the handcuffs from the belly chain and had him stand at the back of the cell. He took two steps on his own to the corner of the cell. Then we walked out, locked the door and put the food through the door slot, but he wouldn't touch it. He just stared at us from the back of the cell. We waited from 3 to 5 minutes and we tried to convince him to eat, repeating phrases in Pashtun from a list we had. We kept telling him "ooba", which means water, trying to get him to drink. We offered him fruit and Afghani bread, which the prisoners liked better than our food. He would not budge. So we went back into the cell and chained him back up and left.

I don't remember when, but sometime during the shift, I heard him scuffling around, I heard his chains rattling. I told him to "stop it" in English and Pashtun. He responded more to the tone, than the language spoken. I yelled it once or twice and he would settle down.

About 90 to 120 minutes after my shift started (between 2100 - 2130 hours Bagram local), either SFC [redacted] or SSG [redacted] came up with the idea to move HABIBULLAH to the larger cell, where it would be harder for him to reach the door with his feet. We took a bunch of folks, maybe five people, in the cell to move him as a precaution. But we only used about three. When we took him down, he slumped to the floor and we had to

STATEMENT OF SPC [redacted] TAKEN AT Cincinnati, OH,
DATED 23 Jan 2004, CONTINUED:

each grab under his armpits and carry him into Cell 7. I told them that [redacted] warned me HABIBULLAH was swinging on the belly chain, so we used two belly chains affixed at 45 degree angles to his front and back. This effectively kept him from lifting his legs and using the chain to swing into the door. His hands were still cuffed in front of him and attached to the belly chain; he also still had on leg irons. We left the cell and I can't recall if he was doing anything after we left.

The Sergeant of the Guard (I think it was SSG [redacted] told me to give him another try at chow, because he was the only one who did not eat. SGT [redacted] and SPC [redacted] went back in with me to try to get HABIBULLAH to eat. One of us took his hood off and [redacted] was holding the fruit up in front of him and he had no reaction. He remained leg cuffed and the belly chain was still holding him in place (by the chains affixed to the ceiling front and rear). I tore off a piece of bread and stuck it toward his mouth; I put it on his tongue, which was slightly protruding. I said "I'm not putting my finger any closer so you can bite it". I wasn't really talking to him as much as saying something out loud. I was not getting any kind of reaction at all. His eyes were almost completely open; he was kind of staring off. His head was tilted so that he was looking in my direction and I took it as a taunt. One of the other NCOs put an apple in his hand, he wouldn't even hold onto it. Finally, I looked at [redacted] and [redacted] and made the comment out of frustration that "this guy's fuckin' idiot". When I turned back toward him, spit hit me right in the chest, I looked down and I was in shock. I honestly thought he spit, but I'm not sure if he spit at me. I was pissed. Later, [redacted] told me that I kneed him, but I honestly don't recall doing it. I just snapped, I was so angry and I literally saw red. [redacted] grabbed him by the shirt, pulled him forward and yelled at him. I remember backing away from him and I said something like "Don't ever spit on me again". I then delivered a common pronial strike with my knee, maybe a couple of them. I guess I hit him pretty hard with my right knee in his right thigh. [redacted] eyes were wide and he and [redacted] were both shocked. I am known as the calmest and easiest of the guards. The other guys often kidded me about being to easy on the detainees; they thought I was soft, maybe even weak. I probably hit him harder than I should have. SGT [redacted] told me to calm down. I took off my DCU top and [redacted] and [redacted] cuffed him back up. I came out of the cell and threw my shirt on the floor. I was still mad.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 139

791

[redacted] STATEMENT OF SPC [redacted] TAKEN AT Cincinnati, OH,
DATED 23 Jan 2004, CONTINUED:

I called the SOG on the walkie-talkie and reported it, logged the event in the pass on book and then I grabbed a tissue and started cleaning off the spit. I never told the SOG or logged in the book that I kneed HABIBULLAH. The more I thought about it the more I realized something was not right physically with HABIBULLAH and I became concerned he was ill. I was not sure because [redacted] had told me about him faking, but I was concerned. Something wasn't quite right with him.

A few minutes (maybe ten minutes) later the SOG, SSG [redacted] came in with an apple and an orange. He wanted to discuss the incident with me and try to get the detainee to eat. I told him we were trying to get the detainee to eat and he spit on me, but I didn't tell him about my "common pronial" strikes. He told me "we have to get him to eat". We tried to get HABIBULLAH's attention from the door, while waiting for a 3rd person, by banging on the door. I've got a gut feeling that something was wrong with him medically, but told SSG [redacted] he was probably was faking. We got no response from him. He was slumped forward, pretty much dead weight. We took his hood off and undid the chains from the ceiling and eased him to the ground. We talked about what to do and nudged at his foot with our boots (me and SSG [redacted] checking for a response. I reached down and felt for a pulse and I got nothing. [redacted] ran around the corner to the medical room and got a blood pressure cuff and stethoscope. A couple times, I thought maybe I felt a weak pulse, but there was nothing. SSG [redacted] said, "don't even joke with me". We sent for the medic and [redacted] went for the stethoscope and BP cuff at about the same time. The medic refused to get out of bed; we sent the runner back a second time and the medic said "if he's unconscious it's beyond me you better call the hospital". By now it's been probably thirty minutes since we first walked in the cell and he had no pulse.

When [redacted] arrived, I tried to take a BP and I'm not going to lie to you, I wanted him to be alive. I did hear something, but it's a very strong possibility that I heard my own heart racing, I was scared shitless. The second time I got nothing. After the medic refused to come the second time, then someone called for an ambulance. We (SFC [redacted] SSG [redacted] and myself) put him on a litter and took him to the front of the BCP to wait for the ambulance, which took a long time to arrive. By the time the ambulance got there, at least an hour had passed. I told the ambulance crew what had happened and told them I had [redacted]tals when really I hadn't. They didn't listen

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 139 79

STATEMENT OF SPC [redacted], TAKEN AT Cincinnati, OH,
DATED 23 Jan 2004, CONTINUED:

to me anyway and one of the men took a stethoscope to HABIBULLAH's chest and announced, "this guy is dead". They rolled him onto their gurney and rolled him out of the facility, they never even tried to do CPR.

Q: The blood pressure readings you cited in earlier statements where did they come from?

A: The first one I thought I heard. Looking back now, I was in denial that the detainee was dead. I probably heard my own heart racing. The second set of BP readings, I made up something close to what I got the first time. When the MP who rode with the ambulance to the hospital (SPC [redacted] came back he told us the nurse said HABIBULLAH had been dead awhile, so I talked to [redacted] and asked him "did you really hear something?" I told him 'I thought I heard something". [redacted] said he heard something too. [redacted] said, "I heard something and I'm sticking with that". He also says "it might have been a mouse crawling across the floor, but I heard something". SPC [redacted] just wouldn't let it go. He continued to hassle me about it the whole deployment and when we left he gave out awards and mine was the "I heard a pulse on a dead guy award". I carry around a huge amount of guilt about him dying on my watch, I was constantly ribbed about it and I was so afraid that I killed that guy, because he died on my watch.

Q: Did you and [redacted] make a conscious decision or talk over what to tell anyone about your medical observations in earlier statements?

A: No, just the conversation that we had when [redacted] came back.

Q: Do you know anyone who delivered blows to HABIBULLAH besides knee blows you gave him?

A: Yes. After the deployment was pretty much over and everyone else went home, I went with a small group of soldiers (SPC [redacted] SPC [redacted] SPC [redacted] and myself) to Qatar. We were supposed to be putting our equipment and vehicles on the boat to come home. One night we were sitting around playing cards and it comes up again the deaths. I walked away; I just can't talk about it. But [redacted] made the comment, "it was really weird, cause when you relieved me that day, we had a lot of problems with him and had to adjust his cuffs a bunch, I must have given him (the detainee - HABIBULLAH) at least 50 common pronial (thigh) strikes that day and he deserved every one of them". I just shook my head and we didn't talk about it more. Everyone knew it was a touchy subject with me.

Q: How did [redacted] make you feel?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 139

79

STATEMENT OF SPC [redacted] TAKEN AT Cincinnati, OH,
DATED 23 Jan 2004, CONTINUED:

A: I thought to myself that I told CID that I didn't know anything about anyone hitting detainees and then I find out [redacted] beat him and I know that the damage to the detainee's leg was what killed him I feel bad for sticking up for him.
Q: Did you deliberately mislead investigators in earlier statements?
A: Only about the blows I delivered. The part about [redacted] behavior I didn't know until Qatar so I didn't lie to them I just didn't know it then.
Q: Did you have any contact with the second detainee (DILAWAR, PUC 421) that died in the facility?
A: Yes, I was working on the floor of the general population about a week or so after the death of the first detainee (HABIBULLAH). Two MP's walked right past the static post that I was stationed at with DILAWAR. They were escorting him to the bathroom and on the their way back I heard someone yell. I looked over to see DILAWAR and the two MP's trying to control his combative behavior. I ran over to their position, while they placed him on his back. I grabbed one leg, another MP grabbed the other leg, and the MP's that were escorting him grabbed him under his arms. We took DILAWAR to the top of the stairs, in order to place him back in his isolation cell. While at the top of the stairs, we ran into an interpreter. The interpreter asked for a second so he could speak with DILAWAR. The two of them spoke in their language, but his hood was still over the top of his head. Someone asked the interpreter to ask DILAWAR why he was fighting with the MP's. The interpreter spoke with DILAWAR for several seconds, but an answer was never provided about why he was fighting. The interpreter told us that he and MI would come get DILAWAR in a shortly to talk with him, at which time the matter would be discussed. We placed him back in his isolation cell and took off the leg shackles. The cuffs were still in place on his hands at the time we exited the cell. About a half an hour later, I heard screaming and SSG [redacted] popped his head over the second floor rail and told me to get my ass up to the second floor. When I showed up I was expecting to see DILAWAR in another wrestling match with the MP's, but instead I saw SPC [redacted] on the floor feeling DILAWAR'S neck. SPC [redacted] was checking for a pulse. SPC [redacted] looked up at me and shook his head. At that time I thought to myself "not again". I yelled for someone to retrieve the CPR mask. I then approach DILAWAR and began chest compressions while SPC [redacted] started mouth-to-mouth. Once

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 139

794

[redacted]STATEMENT OF SPC [redacted] TAKEN AT Cincinnati, OH,
DATED 23 Jan 2004, CONTINUED:

someone brought up the CPR mask, SPC [redacted] ttempted to provide breaths, but was unsuccessful. He tossed the CPR mask to the side and continued breathing for DILAWAR. Someone brought the litter to the isolation cell, at which time we placed DILAWAR on the stretcher. SSG [redacted] told me to climb on top of DILAWAR and continue to give chest compressions. The others in the cell attempted to lift the litter, but could not stabilize the load. I then climbed off of the litter and DILAWAR was escorted downstairs. We then took him to the same room on the first floor, as we did HABIBULLAH, and waited for the ambulance. When we reached the room, we placed DILAWAR on the floor and began CPR again. When checking for pulse or signs of life, we were unable to find any vital signs. The ambulance arrived and took DILAWAR away from the scene.

Q: Do you remember which MPs were taking DILAWAR to the latrine?

A: I can't recall.

Q: Did you ever have the opportunity to observe any injuries or bruising to DILAWAR's legs?

A: No.

Q: Is there anything else that you remember about DILWAR or about HABIBULLAH?

A: No, not that I recall.

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

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

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 139

79

STATEMENT OF SPC [redacted] TAKEN AT Cincinnati, OH,
DATED 23 Jan 2004, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 12. 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.

SPC [redacted]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23rd day of January 2004, in Cincinnati, OH.

[redacted]
(Signatu[redacted]nistering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

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

INITIA[redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 139

79

0137-02-CID369-23534

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 03 Jan 04

RANK: SPC/RC SSN: [redacted]

UNIT: 377th MP Co, 1st plt.

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
31Aug02-19Mar03 MP, 1st plt gates & inside facility

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: yes

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: yes If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: yes If yes, explain: guarded both of them occasionally, gave them water, called for escort for trip

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A:_____
If yes, please explain:_____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: _____ If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A:_____ If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A:_____ If yes, explain (see sworn statement)

FOUO

Signature of Interviewee

b6, 7C

Signature/Sequence # of Interviewer

797

EXHIBIT

4b. How do you feel about the deaths of those two detainees?

_____

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A:_____

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A:_____

7. How do you feel about being interviewed concerning this issue?

_____

8. Do you think that the death of either of those detainees was deliberate?

_____

9. If someone said that you physically abused either of those two detainees, is that person lying? _____

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: _____

11. Why do you think someone would do this? _____

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A:_____

13. Why wouldn't you do something like this? A:_____

14. What do you think should happen to a person who mistreated or caused the death of a detainee?

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A:_____ If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

17. How do you think the results of the investigation will come out on you?

18. Do you think the person who did this would deserve a second chance under any circumstances? A:_____
Please explain:

19. Did you tell your family about this investigation? A:_____

20a. Did you tell your family you were being interviewed regarding this investigation? A:_____

20b. Did your family ask you if you were guilty? If so, what was your response? A:_____

20c. Have you talked with anyone other than CID about this investigation? A:_____ If yes, who?_____

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A:_____

Signature of Interviewee

Signature/Sequence # of Interviewer Exhibit

22. Can you think of any reason why someone would name you as a suspect in this investigation? A:_____

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A:_____

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A:_____

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A:_____

26. Do you think the FBI should get called in to help out on this investigation? A:_____

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A:_____

FOUO

SOC

Signature of Interviewee

Signature/Sequence # of Interviewer Exhibit

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
377th MP Co, Cincinnati, OH	23 Jan 04 [redacted]	11:12 [redacted]	0134-02-CID369-2353
LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	SOCIAL SECURITY NUMBER [redacted]		GRADE/STATUS SPC/RC
ORGANIZATION OR ADDRESS [redacted] 377th MP Co, 1600 Seymour, OH 45237			

I want to make the following statement under oath:

That I was mobilized with the 377th MP Co, Cincinnati, Ohio on 13 June 2002. I reported to the unit, and prepared to deploy for about two weeks here in Cincinnati. We then went to Fort Dix, New Jersey from eitl the 19th or 20th of June 2002 until we arrived in Afghanistan on 31 August 2002.

QUESTIONS ASKED BY SA [redacted]

Q: What was your job once mobilized?

A: I worked at the gates and in the prison as an MP. When I worked at the gates, I issued badges and check Ids. I also searched vehicles, and sat in the tower and in the turret of a HUMMV with a squad automatic weapon. I searched persons coming onto post. When I worked inside the facility or IDF (Interment Detentic Facility on Bagram Air Base, Bagram, Afghanistan), I would guard the PUCs (Persons Under Control). I worked in-processing most of the time, but I also worked every position inside the IDF as well.

Q: Describe in detail what type of training was provided to the unit or by the unit to enable you to do your jc once you arrived in theater?

A: Before we mobilized on how to handcuff prisoners, how to move prisoners on and off of planes, and ther at Fort Dix, we were given "Raven training". Also there we trained on how to search vehicles, search a person, react to being fired upon and how to return fire. That was pretty much it at Fort Dix. When we took over from the other MP Company, we worked them for about two and a half days. They showed us just day-to-day operations at the gates. We had our own SOP; we didn't take or use their SOP. We did our own thing as the base changed while we were there. I didn't get any training from the MP Company that was leaving or what to do inside the IDF. When our platoon rotated inside, our 3rd platoon showed us how to conduct operations. I can't remember who showed me how to do what, as there were a number of different trainers from third platoon.

Q: Was any training given on "compliance blows or corporal punishment"?

A: Not when we were in country. That was stuff we were taught before we went. We were taught that the common peronial. That is when you use your knee to strike someone on the outside of their thigh. It causes someone, no matter how big or small, to fall where they are.

Q: Who conducted the training on the common peronial?

A: I don't remember who from our unit taught us that, but someone from the Army at Fort Dix taught us that as well. Just about everything we used over there, the Army taught us. It was usually conducted outside at Fort Dix.

Q: Did the "Army" teach you the same techniques that you were taught at the unit prior to going to Fort Dix?

A: The police officers from our unit taught us more "upbeat ways" or easier ways to taking someone down, which differed somewhat from what the Army taught us. Like the common peronial, that was taught to us by the unit, but wasn't taught at the MP School.

Q: Did you guard either of the detainees that died?

A: Yes. I guarded both of them at one point.

Questions pertaining to PUC BT#412 (Mr.HABIBULLAH, whose name was made known to me by SA [redacted] follow

EXHIBIT 141	INITIALS OF [redacted] AKING STATEMENT	PAGE 1 OF 5 PAGES

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

DA FORM 2823 (AUTOMATED)]

FOUO

STATEMENT OF SPC [redacted] TAKEN AT 377TH MP CO, 1600 SEYMOUR AVE, CINCINNATI, OH DATED 23 JAN 2004 CONTINUED.

Q: How do you remember who Mr. HABIBULLAH was?
A: I didn't know any of the PUCs names, they just had numbers. I remember that Mr. HABIBULLAH was short, and fat, and his number was 412.
Q: Did you use the common peronial strike on Mr. HABIBULLAH?
A: I didn't use the common peronial strike on anyone; I let the guys take care of that.
Q: Did you witness anyone using a common peronial strike on Mr. HABIBULLAH?
A: He was punished for spitting on the MPs while they were bringing him back from an MI interrogation. I logged that in the logbook.
Q: Who were the MPs involved with escorting Mr. HABIBULLAH back from the interview?
A: There were three MPs; I remember SPC [redacted], and SPC [redacted] I don't remember the third MP. Something happened when they were bringing him down the steps, he refused to do something. They had to half walking and half being drug along. His feet were being drug along. I opened the cell door, and they brought him into the cell, the third door on the right on the first floor. His legs were shackled and arms were shackled while in transport and inside the cell. He was then chained to the ceiling inside the cell. He hands were chained above his head. He was standing on his own inside the cell. Once he was chained up, Mr. HABIBULLAH stopped resisting. After they had him chained up, common peronial blows were given by SPC [redacted] were given on the left outer thigh. He gave him more than two common peronial blows. Mr. HABIBULLAH was yelling "Allah". We were all telling him "no" in his own language. The other MPs were telling him to listen and do what he was told, in Pashtu. While SPC [redacted] was giving him common peronial blows, SPC [redacted] told me to stand back. I didn't know what he was going to do. SPC [redacted] then side-kicked him in the chest or abdominal region, at least once. Mr. HABIBULLAH was being lifted off his feet by the force of the common peronial blows. Mr. HABIBULLAH was somewhat standing on his own, and somewhat being supported by the chains. He was not hooded at that time. After that they closed the door. I locked and went and sat back down at the desk and recorded everything that happened in the logbook. I recorded that he was reprimanded for being bad, I remember recording the common peronial strikes, but not the kick. I don't know why I didn't record the kick.
Q: Was kicking a PUC common place?
A: No. That was the only time I saw that happen. I heard a lot of things about third platoon, I can't remember what exactly, but they were rougher with the PUCs. They are known for being bigger and heavier than the rest of the company. The "cornbread platoon" is what we called them. I only remember hearing that they did things differently, and that they had more problems with the PUCs than anyone else did.
Q: Was this incident reported to anyone?
A: No. The SOG wasn't even called.
Q: Why wasn't the SOG called and told about this incident?
A: I don't know. I just recorded what happened and left it at that.
Q: Were you concerned about the kick administered by SPC [redacted]
A: Yes. That was the only thing I saw that bothered me, as that is not the way we did things.
Q: Was the information you recorded in the logbook passed on to anyone? [redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

A: It was always picked up by someone from the front office, who would always pick up the logbook and type what happened into the computer.
Q: How long after that incident with SPC [redacted] and SPC [redacted] did Mr. HABIBULLAH die?
A: I never guarded him again, as he died before I could guard him again. It was awhile after that, several days passed before he died.
Q: Were there any other incidents with Mr. HABIBULLAH where he was given punishment or common peronial strikes?
A: No.
The following questions pertain to Mr. DILAWAR (PUC #421), and are asked by SA [redacted] and SA [redacted]
Q: What contact did you have with Mr. DILAWAR?
A: I don't remember having any contact with him other than guarding him while he was in an isolation booth. The only other thing that I remember about him was that I was working RTO (radio telephone operator) desk inside the facility, which is located just inside the front door. I heard a call over the radio calling for an SOG (Sergeant of the Guard). I can't remember who was working the ISO booth, but they called for the SOG. It was nighttime when the call came over the radio. They said that they needed the SOG in ISO, no reason was given. After that, about an hour, someone in the office (don't remember who) came out and said to call for the ambulance and get them there right away, no reason was given. I called the hospital, and asked for an ambulance to sent down right away. They responded fast, it was about five minutes. When they arrived, the medical people came in with a stretcher. They went behind the curtain, about a half an hour after that they walked past me with Mr. DILAWAR on the stretcher covered up to his chest. I could see his eyes, they were closed. I could tell he was not breathing, as I couldn't see him move or his chest rise or fall. He was more purple colored than a normal person. I knew he was dead. When they walked by my desk (2 feet away) one of the medics told me he was dead. I don't know what happened when they left the facility, as I couldn't see outside.
Q: Did you see Mr. DILAWAR before he was carried out on the stretcher?
A: No.
Q: Do you now when he was brought out of the isolation booth?
A: No.
Q: Did you have any contact with Mr. DILAWAR?
A: No.
Q: Did hear of anyone using any compliance blows or pressure point techniques with Mr. DILAWAR?
A: No.
Q: Who was the SOG that day?
A: It was either SSG [redacted] or SSG [redacted] they were the only two working at that time.
Q: Did the Military Intelligence personnel provide any directions about how the detainees were to be treated or handled?
A: Yes. They dictated everything we did with the PUCs, unless we felt that something else needed to be done. The sleep deprivation, the no eating, and handcuffing in the cells was told to us by MI. If the PUCs did something to us, we took care of that stuff. [redacted]

STATEMENT OF SPC [redacted] TAKEN AT 377TH MP CO, 1600 SEYMOUR AVE, CINCINNATI, OH DATED 23 JAN 2004 CONTINUED.

Q: Why was the practice of chaining PUCs to the ceiling of their cells done, and who instituted it?
A: MI and our SOP dictated it, and it was a punishment. Their arms were chained which positioned their hands above the level of their head.
Q: Do you know who caused the deaths of the two detainees?
A: No.
Q: Do you know if any MI personnel administered compliance blows?
A: No.
Q: Do you have anything to add to this statement? [redacted]
A: No.///END OF STATEMENT///.

INITIALS OF PERSON MAKING STATEMENT [redacted]

FOUO b6, 7c

EXHIBIT 14

Not Used

[redacted] I, SPC [redacted] AFFIDAVIT

WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT

[redacted]
(Signature of Person Making Statement)

WITNESSES:
SA [redacted]
HQ, USACIDC
FORT BELVOIR, VA 22060
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 23rd DAY OF JAN, 1990 AT 1600 SEYMOUR AVE, CINCINNATI, OH

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Name of Person Administering Oath)
ARTICLE 136 (B)(4), UMCJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted]

FOUO [redacted]

b2.b6.7e

805

EXHIBIT 1

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
377th MP Co, Cincinnati, OH	23 Jan 04	21.25	0134-02-CID369-23533
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
			SPC/RC

ORGANIZATION OR ADDRESS
377th MP Co, 1600 Seymour Ave, Cininnti, OH 45237

I want to make the following statement under oath:

This statement is provided to clarify any questions that may have arised after the statement provided at 1112, 23 Jan 04.

Q: What is Raven training?
A: Raving trainig is the training that consisted of transporting of detainees. This training was provided at Ft. Dix, NJ. During the training we learned to work in groups shackling the detainees, escorting the detainees to aircraft so they could be transported to Cuba, Guantanimo Bay.
Q: Did your unit SOP authorize the use of force to detainees?
A: If it was necessary, yes. The guidance that was provided was that if the individual soldier felt it to be necessary they could deliver knee strikes to the thigh. The knee strike to the thigh was one of the most common type sof force used to have a detainee comply to direct orders.
Q: Did you ever deliver a knee strike to the thigh of any detainees?
A: I don't remember, I usually leave that up to the guys.
Q: Did you ever strike Mr. DELAWAR or Mr. HABIBULLAH while in the correction facility?
A: I don't remember, ANY OTHER DETAINEES. but I know for a fact I did not strike either Mr. DELAWAR or Mr. HABIBULLAH.
Q: What made you think that giving the knee strike to detainees was authorized?
A: Because I saw others doing it. At least 50% or more of the members of my platoon, 1st Platoon. SFC was the platoon sergeant. Breed
Q: Why was the 3rd Platoon called the "Corn ~~Breed~~ Platoon."
A: Because they were fom Indiana and they were buff, tuff and ruff. They called themselves the ruff necks, because they thought themselves to be ruff and tuff.
Q: Who would pick-up the log books in the detention facilty that were maintained by the MP's on shift?
A: SFC would pick-up the log books for the detention facility, where we would notated the happenings of the detainees from the facility. The information from the log books would then be placed in a computer that was located in SOG office on the first floor, near the RTO desk. There were only two computers in that office that the SOG's could do reports on. I don't know what the computer looked like nor do I know who owns the computer.
Q: If a detainee had a medical need or consideration what protocal would be done?
A: At all times there is a medic that is on duty, who would be responsible for responding to any incidents.
Q: Is there anything else that you would like to add to this statement?
A: No//END OF STATEMENT//

EXHIBIT 142	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES

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

DA FORM 2823 (AUTOMATED)]

FOUO, FC

EXHIBIT 1
806

0197-02-CID369-23534

0134-02-CID369-23533

~~96-CID547~~

Not Used

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Name of Person Making Statement)

WITNESS:
[redacted]

ORGANIZATION OR ADDRESS
HQ USACIDC
Ft. Belvoir, VA

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 22 DAY OF Jan, 2001
AT CID [redacted] Cincinnati, OH

[redacted]
(Name of Person Administering Oath)

Art. 136 (b)(4), UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted] FOUO

PAGES 2 OF 2 PAGES

b6, 7C

EXHIBIT 142 8C

0137-02-CID369-23534

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. 0134-02-CID369-23533
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	2. DATE	3. TIME	4. FILE NUMBER
US Army Reserve Center, 1600 Seymour Ave	23 Jan 2004	1202	[redacted]

5. Name (Last First MI): [redacted]

6. SSN: [redacted]

7. GRADE/STATUS: SGT/USAR

8. ORGANIZATION OR ADDRESS: 377th Military Police Company, US Army Reserve, 1600 Seymour Avenue, Cincinnati, Ohio 45237

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: Aggravated Assault/Negligent Homicide/False Official Statement [redacted]

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

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

-or-

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

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

5. COMMENTS *(Continue on reverse side)*
Have you been advised of your legal rights within the last 30 days? NO
Are you currently represented by legal counsel? NO [redacted]

SECTION B. Waiver

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

WITNESSES *(if available)*

1a. NAME (Type or Print): [redacted]

b. 1149th MP Det (CID), PO Box 5518, Austin, TX 78763-5518 (512) 782-5661

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWER: [redacted]

[redacted] OF INVESTIGATOR

SA [redacted]

6. [redacted] OF INVESTIGATOR

Headquarters, US Army Criminal Investigation Command
6010 - 6th Street
Fort Belvoir, VA 22060

SECTION C. Non-waiver

1. I do no want to give up my rights
   ☐ I want a lawyer
   ☐ I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

FOUO
b2, b6, 7C

EXHIBIT 14
808

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237
Date : 23 Jan 2004 **Time:** 2125
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** SGT/USAR
Org/Address : 377th MP Company, US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237

[redacted] ..., want to make the following statement under oath: I am providing this statement to provide clarification of information which I have previously provided to CID related to the investigations of two detained persons who died while being held within the Bagram Collection Point (BCP), Bagram, Afghanistan.

I entered the US Army Reserves in 1993. I attended my basic and advanced initial training (AIT) at Fort McClellan, AL, where I was trained as a Military Policeman. I was then assigned to the 377th Military Police Company, US Army Reserve, Cincinnati, OH. I left the reserves in 1996 and went into the Individual Ready Reserves until 1996 when I re-entered the US Army Reserves and was a member of the 611th Light Engineer Company. I remained with the unit until about 1998 when I returned to IRR status with the reserves. I received orders, which directed that I complete my obligation for my eight (8) year enlistment and I returned to the 377th MP Company in 1999. I am currently assigned as a Team Leader for Third Squad, 1st Platoon. Since my return to the 377th MP Company I attended Overseas Deployment Training (ODT) at Fort Riley, KS, which was in preparation for a scheduled training deployment to Operation Bright Star 2001. I deployed with the unit for Operation Bright Star 2001 during Oct 2001 and we remained in Egypt until the end of Oct 2001. We redeployed to the United States about 28 Oct 2001. During January 2002, the 377th MP Company received notification that we were going to deploy as a unit in support of Operation Enduring Freedom. I believe the unit was informed we would be deploying to Guantanamo Bay Naval Base, Cuba (GTMO). While the unit was packing equipment preparing for the movement, we received orders, which stopped the deployment. During June 2002, the unit was called up in support of Operation Enduring Freedom. I believe the unit was informed we would be deploying to Afghanistan. The unit deployed to Fort Dix, NJ for pre-deployment training between June 2002 through August 2002. When we arrived at Fort Dix, NJ, there was a scheduled two-week

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 143

809

STATEMENT OF [redacted]r., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004 CONTINUED:

[redacted]

"Lanes" training to prepare us for the deployment. The "Lanes" training consisted of weapons qualification, standard operating tasks, medical aid, and radio procedures. We went through specialized training related to MP tasks, which included car searches, personnel searches, gate guard operations and EPW (Enemy Prisoner of War) training. After the two weeks of training was completed, we initiated platoon training because transportation was not available for the unit to deploy to Afghanistan. The Platoon Training consisted of classroom and practical exercises, which we set up at a company level. The training was based on our EPW deployment mission and included tasks such as handcuffing and movement techniques for prisoners. After the formal portion of the classroom training in which the MP doctrine was taught, we informally gathered into a group. There are many members of our unit, which are civilian police Officers. I cannot recall exactly who, but they showed us additional techniques which they said were used by police agencies for people who would not comply with what they were told or were resistant. One of these techniques was a common pronial strike. That is when you use your knee and strike the outside thigh of an individual. The blow is designed to strike a nerve in the leg, which causes the leg to collapse, giving you the opportunity to subdue the individual. I knew when the instruction was given that it was not what I was taught at the MP School in 1993. During the discussions it was even brought up that this was not what MP's were taught. The use of the strike was not ordered by anyone within the company, but was provided so that we would have more options if our formal training did not work for some reason. One of my team members, SPC [redacted] was a member of my team and was employed as a civilian police officer. He told me that he would not use the pronial strike, as it would "tear up" the legs of the individual you struck. When I thought about the training, I decided that I was not going to use the pronial strikes because it was not what I was taught by the Army at MP School and also because of what SPC [redacted] had told me. During August 2002, the unit was transported from Fort Dix, NJ to Bagram, Afghanistan. When we arrived in Afghanistan, my platoon was assigned to work the external security of the access gates to the Bagram Air Base. We rotated platoons within the company to give people an opportunity to work a different mission. The company was divided with platoons responsible for working the gate security,

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 143

810

STATEMENT OF [redacted]., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

[redacted] and two platoons assigned to facility operations. My platoon rotated to work within the facility about half way through October 2002. Within the facility I worked various duties, but worked much of my time on the main floor dealing with the detainees within the main confinement cells. I also worked on details, which were responsible for the movement of detainees to interviews as well as handling the detainees within the isolation cells. I can only recall having contact with BT-412, which CID has told me was named Mr. HABIBULLAH, on one occasion, which was on the same day that he died. I was assigned to escort duty on that day. SPC [redacted] was assigned to Isolation Cell Duty for the downstairs Isolation Cells. Mr. HABIBULLAH was being held within the Isolation cells, I think it was the 5th cell, but I cannot be sure. SPC [redacted] called me on the radio and requested assistance because he was going to try to feed Mr. HABIBULLAH. When I arrived at the cell area we entered the cell and I observed Mr. HABIBULLAH restrained within the cell. The only time people were restrained was when they were being combative or aggressive. Mr. HABIBULLA had leg shackles, a belly chain to which a pair of short handcuffs were fastened, which kept his hands at waist level, so he could not raise them. There were also belly chains, which had been fastened to the front and rear of the chain around Mr. HABIBULLAH's waist. These belly chains were fastened to the ceiling of the isolation cell, which kept him in a standing position, without being able to sit down. He was also wearing a hood over his head. When we initially went into the cell, I observed Mr. HABIBULLAH with his hands at his waist, his head was down and he was slumped forward. There was tension on the chain, which indicated to me he was not standing on his own. When I entered the cell, SPC [redacted] was carrying a clear plastic bag, which had food items inside. SPC [redacted] was also with us, as he was working with me as part of the escort team. I took a position on the left side of Mr. HABIBULLAH towards the rear. SPC [redacted] stood to the right front of Mr. HABIBULLAH and SPC [redacted] stayed behind SPC [redacted] near the door of the cell. SPC [redacted] removed the hood from Mr. HABIBULLAH by grabbing the top of the hood and pulling it upward. SPC [redacted] later told me that he had been told that Mr. HABIBULLAH was known to be aggressive and combative. When the hood was removed, Mr. HABIBULLAH's head did not move. SPC [redacted] bent over and showed the bag of food to Mr. HABIBULLAH, at which time Mr. HABIBULLAH's head moved

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 143

811

STATEMENT OF [redacted], TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004 CONTINUED:

[redacted]

towards the right side and SPC [redacted] said, "Oh, spit". I never saw Mr. HABIBULLAH spit at SPC [redacted] and I never heard him make any spitting type of sounds. He did not make any sounds at all. SPC [redacted] then administered a common pronial strike with his knee to the right thigh. Mr. HABIBULLAH swayed in the chains towards me and I put my hands onto the shoulder and arm of Mr. HABIBULLAH to keep him from swaying. SPC [redacted] made a statement to the effect of, "Hell with him, I'll feed him later", and we proceeded to leave the cell. We did not place the hood back onto Mr. HABIBULLAH. I went out into the hallway of the isolation cells and walked part way down the hallway. That is when I saw SSG [redacted] who was the Sergeant of the Guard (SOG) coming to the area carrying an orange I his hand. He told me that he had been able to get Mr. HABIBUALLA to eat some fruit the night before and he would try again. I returned to the cell with SSG [redacted] and we entered the cell. I walked to the previous position I was standing, which was to the left rear of Mr. HABIBULLAH. I noted that Mr. HABIBULLAH was in the same position as he had been in when SPC [redacted] tried to get him to eat. I told SSG [redacted] that I believed there was a problem, because by looking at the side of Mr. HABIBULLAH's head, there was no movement at all. There was not even an acknowledgement that SSG [redacted] was standing in front of him. I placed the fingers of my right hand to the side of Mr. HABIBULLAH's neck and I could not feel a pulse. I am not very good at finding a pulse like that in the neck. I know when SPC [redacted] and SPC [redacted] came into the cell, they tried to find and pulse also and they could not. SFC [redacted] who was the NCOIC of the facility came to the isolation cell. When he arrived he instructed Mr. HABIBULLAH to be taken out of the chains and laid onto the floor of the isolation cell. I was instructed to go to the front of the facility and await the ambulance. I went to the front desk area of the facility and the MP's on duty knew there was a medical problem with Mr. HABIBULLAH from hearing the radio traffic. There was a request to move a detainee from an interview room back to his cell, and I told the MP's at the front desk that the medics were on the way from the hospital. I went and escorted the other detainee from the interview room back to his cell. I cannot recall who helped me move the detainee and I cannot recall exactly where SPC [redacted] was at that time. I believe at this time the medical personnel had

INITIALS [redacted]

b6, 7c

EXHIBIT 143

81c

STATEMENT OF [redacted] TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004 CONTINUED:

[redacted]

arrived and Mr. HABIBULLAH was moved from the facility to the installation hospital.

Q. As a Team Leader and Non-Commissioned Officer, do you believe you are responsible for the actions of the soldiers who are assigned under you?

A. Yes.

Q. During your deployment in Operation Bright Star 2001, were any of your assigned duties or training tailored to handling or care of detained individuals or EPW's?

A. No.

Q. When you used the term "Lanes" training, what does that mean?

A. It's training tailored to you mission that is done in stations arranged in a progression.

Q. During your training at Fort Dix, NJ, were you trained on the handling and care of detained individuals?

A. Yes, but the training Fort Dix provided was inadequate for our mission.

Q. Did the unit provide any additional training, preparing you to handle and care for detainees?

A. Yes, the company divided up into smaller groups and did training on first aid, calling for medivac, cuffing procedures, self-defense. After the self-defense class was over, several civilian police officers in the unit started discussing other techniques they used and that is when we learned common pronial strikes and pressure point control techniques.

Q. While at Fort Dix, NJ, or during your deployment in Afghanistan, were you provided a copy of a book with a blue cover which the 377th MP Company Chain of Command had compiled related to your mission and execution of that mission?

A. Yes.

Q. Did you read the manual?

A. Yes, I may have skimmed some pages, but I did read it.

Q. What did the manual dictate related to using force with detained individuals?

A. I can't remember what was in the book

Q. Based on the rules of engagement and use of force policy effective at the time of your deployment to the BCP, when could you use force?

A. If your life was threatened, I can't remember other times, but there were other instances where it was authorized. There was a briefing by JAG that told us what was and was not allowed,

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 143

b6, 7C

81

STATEMENT OF [redacted]., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004 CONTINUED:

[redacted]

once we were in Afghanistan. And I think use of force was in the blue leader's book.

Q. When you gathered into informal groups after classroom training to discuss the training presented, was this done at the direction of the Chain of Command?

A. No, it wasn't. It was downtime after or between classes.

Q. If you were not comfortable with the training and instruction related to administering pronial strikes, did you inform your chain of command of your concerns?

A. Yes, during the discussion it was brought up that the Army didn't teach this and it was agreed the practice would be checked on. I don't remember whom I told or who said they would check. It was someone within the company. When we did this training, no Fort Dix instructors were there

Q. Were there any other techniques demonstrated or discussed during the training, which you believe may not have been approved by Army doctrine?

A. The pressure points, other strikes besides the common pronial, like bringing your arm across by their neck to incapacitate the person.

Q. Where any members of the Fort Dix Mobilization Training Staff present when the training and discussions related to pronial strikes was given?

A. Negative.

Q. Did you practice administering a pronial strike during the training?

A. No, I did not.

Q. Have you ever received a pronial strike?

A. Jokingly, once or twice, really light, but it hurt.

Q. What is your civilian occupation?

A. Motor repair, mechanic

Q. Had you heard of a pronial strike prior to your deployment training at Fort Dix, NJ?

A. No.

Q. Were there any other terms used for the administering of a pronial strike?

A. No, a knee to the side, maybe.

Q. Have you ever heard of a compliance blow?

A. No.

Q. Besides what you have documented within the statement, did you administer a pronial strike or in any other way strike any

STATEMENT OF [redacted] TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004 CONTINUED:

[redacted] individuals under US control, while assigned as an MP to the BCP?
A. No.
Q. Besides what you have documented within the statement, do you have any knowledge of anyone else administering a pronial strike or in any other way striking any individuals under US control, while assigned as an MP to the BCP?
A. No.
Q. What did SPC [redacted] tell you pronial strikes would do to an individual's leg?
A. Tear up their legs, bruise them and if you hit them hard enough, [redacted] said a guy he worked with broke a suspect's leg
Q. When you transitioned from gates to the working within the BCP, was there any training provided?
A. Just OJT within the facility.
Q. What were you briefed upon your platoon assuming the mission within the BCP related to the handling of Persons Under Control (PUC)?
A. It was a briefing by JAG; basically they gave us rules of engagement, talked about showers, feeding and medical attention.
Q. What were the rules of engagement, when was force authorized?
A. You could use force to defend yourself and you could use force to carry detainees from cell to cell, but you could not physically strike them.
Q. What was the policy related to the medical care for the PUCs?
A. There was a medic in the facility. The medical condition was noted on the status board and it was easy to read which detainee had medical problems. If the detainee asked to see a doctor, we had the medic come to him. And in emergencies you took them to the medic room inside the BCP. That's what we were supposed to do, but one platoon didn't do what the other did. They each had their own way of doing things.
Q. Did either of the men who died have medical conditions noted on the status board?
A. I don't remember, but I don't think they did.
Q. Did either of the men who died ask to see a doctor?
A. They didn't ask me.
Q. Were you told by anyone that either detainee who died asked to see a doctor?
A. No.
Q. Did HABIBULLAH respond in anyway, when you entered his cell?
A. No.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 143

STATEMENT OF [redacted], TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

[redacted]

Q. Did HABIBULLAH respond in any way when the hood was removed from his head?
A. No.
Q. Describe the facial expression of HABIBULLAH when the hood was removed.
A. I could only see his left side; I saw no facial movements or anything.
Q. During the shift you worked on the night of HABIBULLAH's death, did you enter the cell or have knowledge of anyone entering the cell, prior to when you entered with [redacted] to offer him food?
A. No. [redacted] is supposed to check on them and note it in the logbook, but I never checked to see if [redacted] did it.
Q. Was it normal for detainees within the Isolations Cells to slump in their restraints?
A. Not many of them were chained. This was the first time I ever saw anything like this. I've never seen anyone else chained like HABIBULLAH was chained up. I've never seen anyone hanging from their chains, like HABIBULLAH was.
Q. When HABIBULLAH's head turned to the right, towards [redacted] did you observe any other muscle movement?
A. No.
Q. Did HABIBULLAH lift his head to look at you or anyone else within the room?
A. No.
Q. Did [redacted] ask permission of anyone prior to striking HABIBULLAH?
A. No.
Q. Based on the circumstances you have described, was [redacted] justified in administering pronial strikes to HABIBULLAH?
A. No. He spit at him, he didn't throw a punch, and it doesn't justify what he did.
Q. How many times and where on his body did [redacted] strike HABIBULLAH?
A. I remember once, in the right thigh with [redacted] left leg or knee.
Q. Did HABIBULLAH react any other way, besides swinging in his chains when [redacted] struck him?
A. No. At the time, I thought I heard him grunt.
Q. Did you strike HABIBULLAH in any way?
A. No.
Q. Did you strike any other PUC in any way?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 143

816

STATEMENT OF [redacted] TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004 CONTINUED:

[redacted]

A. No.

Q. Why didn't you replace HABIBULLAH's hood, as is standard practice, after the incident when [redacted] struck him?

A. I don't know, I didn't really have time to think about it. The detainee swung back at me and I stuck my hands out to stop him. [redacted] said "to hell with it, I'll feed him later" and we left. It was totally out of character for [redacted] and I was pretty shocked by it. It disturbed me then and it still does.

Q. How much time elapsed between the event you witnessed with [redacted] and when you re-entered with SSG [redacted]

A. About twenty minutes.

Q. Did you inform SSG [redacted] that HABIBULLAH was administered pronial strikes by [redacted]

A. No, I told SSG [redacted] my squad leader, but not [redacted] and I'm not even sure why not.

Q. Why were you concerned about HABIBULLAH's welfare during the second visit to his cell, when you stated there was no change in his physical condition from your earlier visit to his cell with [redacted]

A. Because the first time, I thought he spit, the second time SSG [redacted] was right in front of him and there was absolutely no response.

Q. When did you suspect/know HABIBULLAH was dead?

A. The second time I entered the cell, when I entered with SSG [redacted] I watched SSG [redacted] show him the orange and remembered how he spit at [redacted] There was no movement and I thought "there's something wrong here".

Q. Why did you leave HABIBULLAH restrained in chains, when he had no pulse?

A. I'm not a medic, nor the ranking person in the room. It wasn't my call. I felt kind of dumb founded. I don't know why we didn't take him down.

Q. How long did it take SFC [redacted] to arrive at the cell and directed HABIBULLAH be removed from restraints, from the time you and SSG [redacted] entered together and found him?

A. I don't remember.

Q. Why did you withhold the details of the incident from CID when they questioned you on 21 Dec 2002?

A. I didn't realize I had. I thought I told them everything they wanted to know. I don't know why there is such a difference in my first statement to CID.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 143

81

STATEMENT OF [redacted] TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

[redacted]

Q. Did you tell CID on 21 Dec 2002, during your interview, that [redacted] need HABIBULLAH?
A. No.
Q. Did you intentionally provide information within your original statement, which you knew to be false?
A. I have no excuse for it. I don't remember what I said before. There are whole parts of the deployment I can't even remember.
Q. Did you discuss with anyone what you would or would not say when questioned about the deaths?
A. No.
Q. Do you know who caused the death of HABIBULLAH?
A. No, I do not.
Q. Did you cause the death of HABIBULLAH?
A. No, I did not.
Q. Did you have any contact with the second detainee who died (DILAWAR - PUC 421)?
A. SGT [redacted] and myself went to the upstairs Isolation Cell to take DILAWAR to the latrine. He was chained in a standing position with his arms chained separately to the ceiling far enough apart so he could not pull his hood off. I don't remember who took him down from restraints, but SGT [redacted] who was the Isolation Guard, would have waited till he had at least two people to go into the cell. He did not resist at all. I asked him "tashnob" which means bathroom and he responded "tashnob" which I took as a yes, he needed to go. We escorted him downstairs to the latrine, one of us positively controlling him and making sure he didn't fall, because he was cuffed. He was walking under his own power, he was in leg shackles so his gait was not normal, but he walked okay. When we got down there, we took the short cuffs (handcuffs) and left the long cuffs (leg irons) on - so could wipe himself. The latrine was a can with a seat and there was a curtain (an Army wool blanket on a piece of rope). He had limited privacy but I don't think he even pulled his pants down or closed the curtain; he just sat down and rubbed his legs. I kept asking him "tashnob" and he waived his left hand and said "nay, nay" as if to indicate that he needed a minute, this went on for about a few minutes. He was rubbing his legs. Finally I indicated he either went to the bathroom or I was taking him back upstairs. I motioned with my thumb over my shoulder, upstairs and he understood what I meant. I think he sat on the toilet for 5 to 10 minutes. My impression was his

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 143

81

STATEMENT OF [redacted] Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

[redacted]

legs were sore from standing so I let him have a couple minutes to get the movement back in his legs. After standing for that long, I wasn't sure he could go until he got the feeling back in his legs. After between 5 and 10 minutes I suspected he failed to use the latrine, so we took him back upstairs. He was still sitting down, he got him up and put the handcuffs and hood back on and started walking him back upstairs. He got to the first step and he refused to walk and or take a step and just went limp. I thought he didn't want to go back upstairs, because he'd be made to stand. [redacted] and I grabbed him by the legs and arms and carried him at least part of the way, maybe all of the way back to the cell. It's kind of hard to remember now, but the next thing I recall was we had taken off the short (hand) cuffs to put him back up with his arms apart affixed to the ceiling. I was on the right side and [redacted] is on the left. [redacted] had the left wrist up and so I had the right wrist at his waist. I didn't see what happened, but I heard [redacted] say, "get off my hand" and [redacted] struck the detainees left knuckles with his to get him to release his [redacted] hand. I then put my hand (DILAWAR's right) back into the cuff and there was no further incident. We exited the cell and told SGT [redacted], the Isolation Guard, to log the event. Logbooks were a priority based on the earlier death and things being omitted from them over the course of the deployment.

Q. Were the logbooks handwritten?

A. Yes.

Q. To your knowledge, was there another place the information was recorded from the logbooks?

A. In the TOC, in the BCP, SFC [redacted] was supposed to put the information from the logbooks into a computer.

Q. Based on how DILAWAR was walking, did you suspect his legs were injured?

A. No, some of the older guys took 45 minutes to get up and down the stairs, he seemed all right.

Q. Did you have any other contact with DILAWAR (PUC 421)?

A. After reviewing my statement from 21 Dec 2002, I do recall another time I had contact with him. If MI wants a detainee brought to interrogation, they tell the Isolation Guard, bring detainee number whatever to room number whatever. Isolation Guard calls on the walkie-talkie to control or relief to come up and get the detainee. We take them down and take him to the interrogation I just don't recall the specifics of this trip.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 143

810

STATEMENT OF [redacted] TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004 CONTINUED:

[redacted] stayed for the interview and I can't recall why, but when it was over [redacted] radioed me and I went back. I waited outside the room; we weren't supposed to go unless they opened the door. MI could still be interviewing and did not like to be interrupted. What I do recall was walking into the room, everyone was standing, [redacted] the detainee, everyone. I was supposed to receive information about what they wanted done with the detainee after the interview, standing restraint, how compliant he had been, sleep deprivation, etc. [redacted] (SPC [redacted] whom I identified by a photograph) said he was "being an ass" and I observed [redacted] force-feeding DILAWAR water. He took a small (1/2 liter) bottle of water and shoved it in the detainee's mouth and squeezed water into his mouth, whatever water didn't squirt out, the detainee spit back out. I don't recall much else, we took him back and I think he still had his long and short cuffs on. I don't remember cuffing him again. I remember walking him, not having to carry him. We usually give the Isolation Guard the number of the returning PUC and he goes back into the same cell. After reviewing my earlier statement, I recall that [redacted] said to "leave him up" meaning put him back in standing restraint. We re-shackled his arms to the ceiling and he gave us no trouble. It was my impression he was glad to be out of the interview. SGT [redacted] would have relocked the door and logged the event in the logbook and I went back to my control duties.

Q. What does the control guard position mean?
A. Escorts detainees to and from interviews, latrines, showers. There were two control and two relief guys per shift.
Q. Did you have any other contact with DILAWAR?
A. I wasn't in the room, I remember the radio call, I remember going up there and seeing [redacted] with him on the floor. DILAWAR was on his back and he was doing CPR, but he wasn't [redacted] the room. There was just a flurry of activity, [redacted] [redacted] [redacted] come to mind, but a lot of people were there.
Q. When you heard the radio call what did you believe happened?
A. I thought immediately of the earlier death.
Q. Did you ever see anyone strike DILAWAR?
A. Just [redacted] rap his knuckles, like I described earlier.
Q. Were you told by anyone that someone struck detainees?
A. The rumor was the guys in 3rd platoon (on dayshift) were abusing the prisoners. It was all the prisoners, not just the two who died.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 143

820

STATEMENT OF [redacted] TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004 CONTINUED:

Q. Was there anything else in the facility that made you uncomfortable?
A. Hanging people up from chains, I think is borderline torture and you can't expect to treat people like that and then get information.
Q. Is there anything you wish to add to or delete from this statement at this time?
A. No.
//////////////////////////End of Statement//////////////////////////

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 143

STATEMENT OF [redacted], TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

[redacted]

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 14. 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 [redacted]ster oaths, this 23rd day of January 2004 at Cincinnati,

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

[redacted]

SA [redacted]
HQ, USACIDC, Fort Belvoir, VA 22060

INITIALS [redacted]

FOR OFFICIAL USE ONLY

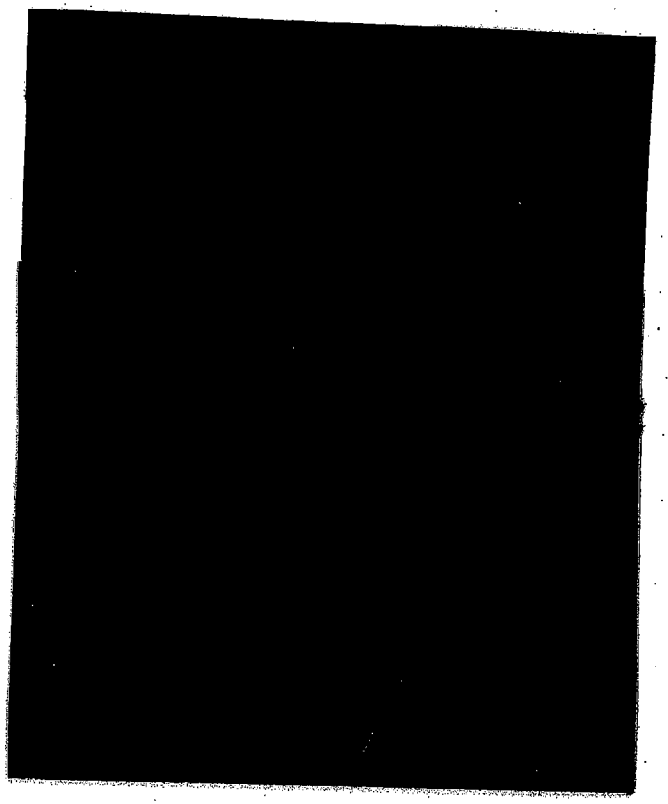
b2, b6, 7C

EXHIBIT 143

822

0137-02-CID369-23534

0134-02-CID369-23533



FOUO b6, 7c EXHIBIT 14

The photo above of the individual whom I recognize and had previously identified as [redacted] within my statement dated 21 Dec 02 and within the statement I provided to CID on 23 Jan 04.

NAME: SGT [redacted] DATE: 23 Jan 04

Signature: [redacted]

WITNESS [redacted] DATE: 23 Jan 04

ORG [redacted] Investigative Operations, 6010 6th Street, Fort Belvoir, VA 22060

Signature: [redacted]

0134-02-CID369-23534

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. [redacted] 377th MP Co, Cincinnati, OH	2. DATE 23 J[redacted]	3. TIME 1803[redacted]	4. FILE NUMBER 0134-02-CID369-[redacted]533
5. Name (Last First MI) [redacted]	8. O[redacted] OR ADDRESS 377th MP Co 1600 Seymour Ave. Cincinnati, OH		
[redacted]	7. GRADE/STATUS SSG/RC		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator [redacted]e 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 [redacted]se(s) of which I am suspecte[redacted]. Aggravated Assault/False Official Statements/// Negligent Homicide [redacted]
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detail 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 an want one, a lawyer will be appointed for me before any questioning begins.

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

5. COMMENTS *(Continue on reverse side)*
Have you been advised of your rights within the last 30 days? [redacted]
Have you retained legal counsel pertaining to this investigation? [redacted]

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	
1a. NAME *(Type or Print)* [redacted]	3. SIGNATURE OF INTERVIEWEE
b. O[redacted] HQ, USACIDC, Ft. Belvoir, VA 22060	4. [redacted]OR [redacted]
2a. NAME *(Type or Print)*	5. TYPE NAME OF INVES[redacted] [redacted]ECIAL AGENT
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVES[redacted]OR 1149TH MP DET (CID) HQ, USACIDC, Ft. Belvoir, VA

SECTION C. Non-waiver

1. I do no want to give up my rights
   ☐ I want a lawyer
2. SIGNATU[redacted] ☒ I do not want to be questioned or say anything

ATTACH THIS W[redacted]ORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

b6, 7C FOUO

EXHIBIT 14

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 0935, 23 Jan 04, SA [redacted] interviewed **SGT [redacted] 377th Military Police (Detachment 1), Bloomington, IN 47408**, who was a member of 3rd platoon working in the Bagram Collection Point (BCP) at the time of the deaths. [redacted] denied knowledge of or participation in either deceased detainee receiving any type of corporal punishment or "compliance blows". *(See PUC Questionnaire of [redacted] dated 23 Jan 04 for additional details)*

AGENT'S COMMENT: At 1455 hrs, 23 Jan 04, SA [redacted] and SA [redacted] re-interviewed [redacted] who provided a sworn statement detailing the training in Pressure Point Control Techniques (PPCT) he provided to 377th MP Company soldiers, as a primary instructor. [redacted] related he specifically instructed the soldiers of the names and locations of pressure points of the body; the specific names and locations of touch pressure; quick penetration; striking techniques; and the proper amount of force to be used. [redacted] further related he instructed the soldiers to stop all restraint actions once they had gained compliance. [redacted] related he was told to conduct PPCT training and he assumed the order was given by his chain of command. [redacted] related the entire unit was provided with a Standard Operating Procedure (SOP) prior to their deployment while at Fort Dix, NJ. However, upon arriving Afghanistan the unit adopted the SOP for the facility from the departing unit. The 377th eventually developed and implemented their own SOP. [redacted] repeatedly requested to see the SOPs on various occasions and was told he could not see the SOP because changes were being made to it and it was being updated. [redacted] related he asked CPT [redacted], 1LT [redacted], SFC [redacted], SFC [redacted] and 1LT [redacted] for the document, but never had a chance to review it. [redacted] further related he never instructed any soldier to use their feet when striking a noncompliant detainee, however he assumed that the military intelligence soldiers were physically punishing the detainees. [redacted] provided the PPCT Defensive Tactics Manual he used while instructing the soldiers of the 377th MP DET 1. *(See Sworn Statement of [redacted] dated 23 Jan 04 and PPCT Defensive Tactics Instructor Manual for additional details)*

At 0940, 23 Jan 04, SA [redacted] interviewed **SGT [redacted] 377th Military Police (Detachment 1), Bloomington, IN 47408**, who was a member of 3rd platoon working in the Bagram Collection Point (BCP) at the time of the deaths. [redacted] denied knowledge of or participation in corporal punishment or any compliance blows to either detainee. *(See PUC Questionnaire of [redacted] dated 23 Jan 04 for additional details)*

At 0948, 23 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th Military Police (Detachment 1), Bloomington, IN 47408,** who was a member of 3rd platoon working in the Bagram Collection Point (BCP) at the time of the deaths. [redacted] was advised of his legal rights for the offenses of Assault/Battery, Cruelty/Maltreatment and Negligent Homicide. [redacted] invoked his rights, requesting counsel, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 23 Jan 04 for additional details)*

AGENT'S COMMENT: At the conclusion of his interview, [redacted] record prints were collected.

At 1007, 23 Jan 04, SA [redacted] interviewed **SGT [redacted] 377th Military Police (Detachment 1), Bloomington, IN 47408,** who was a member of 3rd platoon working in the

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, 6010 Sixth Street, Ft Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 23 Jan 04	EXHIBIT 145

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

Bagram Collection Point (BCP) at the time of the deaths. [redacted] was advised of his legal rights fo the offenses of Assault/Battery, Cruelty/Maltreatment and Negligent Homicide. He invoked his right requesting counsel, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 23 Jan 04 for additional details).*

AGENT'S COMMENT: At the conclusion of his interview, [redacted] record prints were collected.

At 1020, 23 Jan 04, SA [redacted] interviewed **SGT [redacted] 377th Militar Police (Detachment 1), Bloomington, IN 47408,** who was a member of 3rd platoon working in the Bagram Collection Point (BCP) at the time of the deaths. [redacted] denied knowledge of or participation in corporal punishment or "compliance blows" to either deceased detainee. *(See PUC Questionnaire of [redacted] dated 23 Jan 04 for additional details).*

AGENT'S COMMENT: At 1430 hrs, 23 Jan 04, SA [redacted] advise [redacted] of his legal rights which he waived and provided a sworn statement wherein he denied having ever utilized common peronial strikes on any of the PUCs that died. He admitted using peronial strikes on other detainees [redacted] stated he believed [redacted] might have punched one of the PUCs that died in the stomach while in the presence of [redacted] and [redacted] *(See Waiver Certificate and Sworn Statement of [redacted] dated 23 Jan 04, for additional details)*

At 1022, 23 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th Military Police (Detachment 1), Bloomington, IN 47408,** who was a member of 3rd platoon working in the Bagram Collection Point (BCP) at the time of the deaths. [redacted] denied witnessing either detainee receiving any type of corporal punishment and further denied participating in any type of compliance blows to either detainee. *(See PUC Questionnaire of [redacted] dated 23 Jan 04 for additional details)*

At 1027 hrs, 23 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th Military Police (Detachment 1), Bloomington, IN 47408,** who was a member of 3rd platoon workin in the Bagram Collection Point (BCP) at the time of the deaths. [redacted] was advised of his legal rights for the offenses of Assault/Battery, Cruelty/Maltreatment and Negligent Homicide. [redacted] waived his rights and provided a statement detailing his involvement with HABIBULLAH (PUC 412) prior to his death. [redacted] recalled on the day HABIBULLAH died, he was in standing restraints for most of dayshift because he was yelling. [redacted] admitted he administered a common peroni strike to HABIBULLAH, but he could not recall specifically having done so nor how many times he di so. *(See Waiver Certificate/Sworn Statement of [redacted] dated 23 Jan 04, for additional details)*

At 1055 hrs, 23 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th Military Police (Detachment 1), Bloomington, IN 47408,** who was a member of 3rd platoon workin in the Bagram Collection Point (BCP) at the time of the deaths. [redacted] denied knowledge of or participation in corporal punishment or compliance blows to either deceased detainee. *(See PUC Questionnaire of [redacted] dated 23 Jan 04 for additional details)*

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, 6010 Sixth Street, Ft Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 23 Jan 04	EXHIBIT 145

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 1058 hrs, 23 Jan 04, SA [redacted] interviewed **PV2** [redacted] **377th Military Police (Detachment 1), Bloomington, IN 47408**, who was a member of 3rd platoon workin in the Bagram Collection Point (BCP) at the time of the deaths. [redacted] denied knowledge of or participation in corporal punishment or compliance blows to either deceased detainee. *(See PUC Questionnaire of [redacted], dated 23 Jan 04, for additional details)*

At 1130 hrs, 23 Jan 04, SA [redacted] interviewed **SGT** [redacted] **377th MP Co (Detachment 1), Bloomington, IN 47408**, using a PUC Questionnaire Sheet. [redacted] related witnessing one of the PUCs receiving corporal punishment. The PUC was later identified as DILAWAR (PUC 421). [redacted] denied participating in any type of corporal punishment or any compliance blows to either detainee. [redacted] further stated he was told a detainee could be given corporal punishment or given compliance blows. *(See PUC Questionnaire of [redacted] dated 23 Jan 04, for additional details)*

AGENT'S COMMENT: At 1657 hrs, 23 Jan 04, SA [redacted] re-interviewed **SGT** [redacted] who provided a sworn statement detailing his training on PPCT and his interactions with the PUCs. [redacted] provided his definition of corporal punishment and compliance blows. [redacted] related he witnessed [redacted] SPC [redacted] SPC [redacted] (all of the 377th MP Company); and SPC [redacted] and SPC [redacted] (both assigned to the 428th MP Company and deployed with the 377th MP Company) administering corporal punishment to DILAWAR (PUC 421). [redacted] also admitted participating in the administration of corporal punishment to DILAWAR, severa times on one day. *(See Sworn Statement of [redacted] dated 23 Jan 04, for additional details)*

At 1600 hrs, 23 Jan 04, SA [redacted] advised **SPC** [redacted] of his legal rights which he waived and rendered a sworn statement wherein he adamantly denied having been in the room assisting SPC [redacted] to subdue PUC 412. SA [redacted] completed the interview of SPC [redacted] using a PUC Questionnaire sheet. *(See Waiver Certificate, Sworn Statement and PUC Questionnaire of [redacted] dated 23 Jan 04, for additional details)*

AGENT'S COMMENT: At the conclusion of his interview, [redacted] record prints were collected.

At 1620 hrs, 23 Jan 04, SA [redacted] interviewed **SGT** [redacted] **377th M Co (Detachment 1), Bloomington, IN 47408**, using a PUC Questionnaire Sheet. [redacted] denie witnessing either detainee receiving any type of corporal punishment and further denied participatin in any type of corporal punishment or any compliance blows to either detainee. *(See PUC Questionnaire of [redacted] dated 23 Jan 04, for additional details)*

AGENT'S COMMENT: At 2030 hrs, 23 Jan 04, SA [redacted] was contacted by [redacted] who state he mistakenly indicated [redacted] assisted him in detaining HABIBULLAH. [redacted] corrected himself, stating it was actually [redacted], who helped him with the detainee movements he referred in his sworn statement (dated 22 Jan 04) occurring on the day of HABIBULLAH (PUC 412)'s death.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, 6010 Sixth Street, Ft Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 23 Jan 04	EXHIBIT 145

0137-02-CID369-2353

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 01-23-04
RANK: E4 **SSN:** [redacted]
UNIT: 377th MP

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES

1. If yes, what dates and what were your duties?
August 2002 - March 2003 Military Police Operations

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: I don't remember

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No, I don't believe I If yes, explain:

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain:

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] Signature/Sequence # of Interviewer

[redacted] Signature/Sequence # of Interviewer

828

b2.b6.7C

EXHIBIT 14

4b. How do you feel about the deaths of those two detainees?

I have No opinion

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I was on a schedule day of f
both occassions I believe.
6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: Members 377th MP Det 1.

7. How do you feel about being interviewed concerning this issue?

I feel this is a waste of time for me,

8. Do you think that the death of either of those detainees was deliberate?

NO

9. If someone said that you physically abused either of those two detainees, is that person lying? YES

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: Probably people working that day.

11. Why do you think someone would do this? I have No idea.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO

13. Why wouldn't you do something like this? A: Civilian Police Officer
Prior training & Knowledge outside the US ARMY.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Prosecute

[redacted] FOUO [redacted]

re of Interviewee Signature/Sequence # of Interviewer

82

EXHIBIT 14

a. Please explain: Right vs. Wrong

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: YES If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
Physical Resist to Cause Harm

17. How do you think the results of the investigation will come out on you?
I have No Worries.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Depends
Please explain:
Prosecute, Jury will decide that.

19. Did you tell your family about this investigation? A: No

20a. Did you tell your family you were being interviewed regarding this investigation? A: No

20b. Did your family ask you if you were guilty? If so, what was your response? A: Doesn't Apply

20c. Have you talked with anyone other than CID about this investigation? A: Yes If yes, who? ~~ED~~ PMO in Minnesota

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted] FOUO [redacted] 83
Signature/Sequence # of Interviewer
b2, b6, 7C
EXHIBIT 14

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes to polygraph - No hypnosis

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: I can't answer.

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: YES

26. Do you think the FBI should get called in to help out on this investigation? A: YES

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: Yes

I was a trainer for PPCT on numerous occassions under the command of SFC. [redacted], Lt. [redacted] and [redacted]

Due to the lapse time period of this investigation my memory may not assist and due to not being given any info or a statement to reread to jog memory of incidents I have answered to the best of my knowledge

[redacted] FOUO [redacted] 831

[redacted]ture of Interviewee Signature/Sequence # of Interviewer

b2, b6, 7C

EXHIBIT 146

SWORN STATEMENT

FILE NUMBER: 0134-02-CID369-23533
LOCATION: Reserves Center, Bloomington, IN
DATE / TIME: 23 Jan 04 [redacted] 1455 [redacted]
STATEMENT OF: [redacted]
SSN: [redacted]
GRADE/STATUS: SPC/ E-4 AR
ORGANIZATION/ADDRESS: 377th Military Police Detachment 1, Bloomington, IN

I, [redacted] want to make the following statement under oath:
We were activated in June of 2002; we arrived in Bagram Afghanistan in August of 2002. We ran the containment facility for Bagram Air base, and we also did military police operational security for the gates. My job while I was over there I was an MP and basically we were conducting correctional officer (31C) duties. I supervised PUC security safety, transports, releases, and high-risk movements. I have an associate's degree in criminal justice. I have four years of experience in juvenile corrections. I have six years of experience in adult corrections. Of those six years I have three years of supervisor experience in corrections settings. I have various certifications and training in defensive tactics, non-lethal ammunitions, lethal ammunitions, and I have attended different academies in juvenile and adult corrections. While in basic training with Alpha company 795th I received additional PPCT instead of hand to hand combat as art of the new military police training and it was the first time that the instructors gave the training. Prior to deployment the 377th MP DET 1 received pressure point control tactics training from the enclosed booklet, which I have provided to CID. The course we did here is approximately eight hours. I instructed it verbatim from that manual. While at Fort Dix, New Jersey, the detachment received additional time in training of approximately twenty hours with hands on pressure point control tactics, which I also instructed verbatim from that same manual. I was told to conduct these classes by the order of Lieutenant [redacted] and my platoon sergeant, SFC [redacted] This was the first overseas deployment in this type of field setting on the corrections side. I went to Egypt in 2001 but we conducted area security during that particular deployment [redacted]
Q: SA [redacted]
A: SPC [redacted]
Q: How long have you been assigned to the 377th MP DET?
A: I was assigned on the day I enlisted right before I attended basic training from January to June of 2001 to 377th MP DET 1, Bloomington, IN.
Q: When you instructed the soldiers of the 377th MP DET 1 in Pressure point control tactics, what did you specifically cover?
A: I covered the pressure points of the body, names and locations. The specific names and locations of touch pressure; quick penetration; striking techniques; and the proper amount of force to be used. Further I instructed them to stop all restraint actions when you've gained compliance.
Q: You stated in an earlier interview that you were told that a detainee could be given corporal punishment or compliance blows, please elaborate?
A: To clarify the question, I was instructed to use the pressure point control tactics to gain control of a noncompliant detainee. I guess it was a set verbal statement from my command from our standard operating procedures.
Q: Please give me your definition of corporal punishment?

b6, 7C

STATEMENT OF [redacted] TAKEN AT Reserves Center, Bloomington, IN, DATED 23 Jan 04, CONTINUED.

A: I would say corporal punishment is an unlawful act that could harm or demand compliance from any individual without proper just cause. For example hanging someone by their toes, beating them half to death or playing Russian roulette just to get information that they may have that I don't.

Q: In your own words, is it your opinion that corporal punishment is never a justified act?

A: Yes, due to my civilian education and time in correction work its pretty much set in stone where if you have an act there is a specific reaction and you cannot give a reaction unless there is an act. So in other words I cannot just walk up to you and strike you without any form of hostile act towards me.

Q: Therefore in a situation where a detainee for example is being hostile or noncooperative, what would you call the actions taken by the authorized personnel to ensure compliance?

A: Justified, pending the proper [redacted]force used to control the situation.

Q: You stated that you received [redacted]anding orders verbatim from your command, please be specific as to who gave you the orders?

A: I would say that it came down from my commander to my Sergeant because that's the reason I was told to give the training as it was going to be used in this setting due to them being unlawful combatants.

Q: Did you ever physically see your units' Standard Operating Procedures?

A: We received as a unit, a small booklet containing various operating procedures for the Afghanistan theatre. Upon arrival to Afghanistan, we as a company adopted the operating procedures for the containment facility from the unit we were relieving. As our deployment went on my command initiated or developed its own SOP for each point in the facility.

Q: Did you ever physically see the SOP that was left behind by the unit you relieved, and did you ever see your unit's updated SOP?

A: No to all of the above, even though I personally asked to see it numerous times.

Q: Who did you ask to see the SOP, and what were the responses you received pertaining to your requests?

A: I asked my commander, CPT [redacted]sked LT [redacted] asked SFC [redacted] I asked SFC [redacted] and LT [redacted] Each time I requested to see the SOP , I was told that it was either in the TOC or still being made, but was never given the SOP into my hands.

Q: What was the reason you received for not being able to look at the SOP that was left behind by the unit you relieved?

A: Because changes were being made and it was going to be updated, or something to that effect.

Q: When you instructed the pressure point control tactics to the soldiers of the 377th MP DET 1, what were your specific guidelines concerning the amount of force used to deliver a noncompliance blow?

A: The minimal amount of force was to be used to gain compliance. Once you had the slightest bit of compliance, you were supposed to cease the action.

Q: When you were instructing the soldiers, what was your guidance to them pertaining to the areas of the body to strike, and what if any areas were off limits?

A: Depending on the type of strike used, the main contact points are the arms and legs. The only area that questionable is your brachial plexus because it's right on the neck. The brachial plexus strike is used delivered using the backside of open hand. The areas of the body that contain vital organs or joints are not to be stuck in any form or fashion. [redacted]

FOR OFFICIAL USE ONLY
b6, 7C

Q: Did you instruct any soldier to use their feet to deliver a strike on a noncompliant PUC?
A: No this isn't freaking Hollywood, during the course, every soldier experienced first hand what each of the pressure points and strikes felt like when being applied.
Q: Did you ever see any soldier from your unit or any other unit deliver strikes that were nonstandard for the pressure point tactics training you instructed?
A: Not that I can remember.
Q: Did you ever see anyone form any other unit deliver strikes to the PUCS using their feet?
A: What MI did was all behind closed doors.
Q: So if it was behind closed doors, how do you know what MI was actually doing in the interview rooms?
A: I don't, however, there was lots of yelling and commotion coming from different interview rooms, and therefore I assume that something else might have happened.
Q: Did you at any time tell any of the soldiers that it was acceptable for them to strike a PUC repeatedly in the same surface area once compliance was achieved?
A: Once you have compliance you are to stop all actions that have anything to do with gaining compliance because you've already achieved it.
Q: Please define what a distraction technique is?
A: pressure point control tactics is often used as a distraction technique that sends a shock wave to a nerve motor point so that you can use other forms of tactics to subdue the subject.
Q: Who authorized them to be used as compliance techniques?
A: I don't know.
Q: How was your training recorded, and who would have a copy of it?
A: we signed a training roster for each day and time, SFC [redacted] would be the training NCO for the 377th company, and he's in Ohio.
Q: Do you have anything further to add to your statement?
A: Due to the time gap and my lack of memory in not being able to see or view anything I provided in Afghanistan, I've answered everything to the best of my abilities.
Q: Do you have anything else you wish to add to your statement?
A: No. ///End of Statement/[redacted]

AFFIDAVIT

I [redacted] ave read or have had read to me this statement which begins on Page 1 and ends on page 4 [redacted] lly 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 oaths, this 23rd day of January 2004 at Army Reserves Center, Bloomington, IN.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

WITNESS:

[redacted] SA [redacted]

EXHIBIT 147 INITIALS [redacted] PAGE 4 OF 4 PAGES

FOR OFFICIAL USE ONLY

b2, b6, 7C

Exhibit 148

Page(s) 836-856 withheld

b2

01[illegible]-02-CID369-23534

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 23 JAN 04
RANK: E-5 **SSN:** [redacted]
UNIT: 377TH MP CO

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES

1. If yes, what dates and what were your duties?
30AUG02 - 15MAR03 DETENTION FACILITY & BASE SECU

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: YES

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: NO If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: ~~YES~~ NO [redacted] yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] FOUO [redacted] 85

Signature of Interviewee Signature/Sequence # of Interviewer

[redacted], SA

b2.b6.7e EXHIBIT

4b. How do you feel about the deaths of those two detainees?

I DON'T KNOW. I TRY NOT TO THINK IT.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I DON'T KNOW THE FULL OUTCOME OF THE SITUATION.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: NO

7. How do you feel about being interviewed concerning this issue?

I FEEL THAT THERE MIGHT BE TO MANY INTERVIEWS SPREAD OUT THROUGH OUT THE INVESTIGATION

8. Do you think that the death of either of those detainees was deliberate?

NO

9. If someone said that you physically abused either of those two detainees, is that person lying? YES

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: NO ONE

11. Why do you think someone would do this? I DON'T KNOW.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO

13. Why wouldn't you do something like this? A: IT'S IN THE GENEVA CONVENTION AND PART OF MY ORDERS NOT TO DO CORPORAL PUNISHMENT

14. What do you think should happen to a person who mistreated or caused the death of a detainee? I DON'T KNOW.

[redacted] FOUO [redacted] 8

Signature of Interviewee

b2, b6, 7C

Signature/Sequence # of Interviewer SA

EXHIBIT 1

a. Please explain: I'M NOT FLUIDAINT IN LAW & PUNISHMENT AND SENTENCEING.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

IF A RETAINEE IS EXCAPING OF ATTACKING A US SOLDIER THAT IS WHEN A COMPLIANCE BLOW SHOULD BE GIVEN TO STOP THE SITUATION.

17. How do you think the results of the investigation will come out on you?

I DON'T KNOW ANYTHING OF THE INVESTIGATION AND WHERE IT IS GOING.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: YES

Please explain: UNDER COMBAT SITUATION STRESS AND A PERSON THINKING MIGHT BE CLOUDED DURING SITUATION.

19. Did you tell your family about this investigation? A: NO

20a. Did you tell your family you were being interviewed regarding this investigation? A: YES I TOLD THEM I WAS BEING INTERVIEWED WITH CID.

20b. Did your family ask you if you were guilty? If so, what was your response? A: I DIDIT TELL MY FAMILY ABOUT THE INVESTIGATION.

20c. Have you talked with anyone other than CID about this investigation? A: NO If yes, who? _____

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: YES

I WAS PART OF THE UNIT AND WAS WORKING IN THE FACILITY AT THE TIME.

[redacted] FOUO [redacted] 85

Signature of Interviewee

b2, b6, 7C

Signature/Sequence # of Interviewer

[redacted] SA

EXHIBIT 1

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: YES SAME AS ANSWER ON QUESTION 21.

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: YES

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: NONE

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: I AM TELLING YOU AND WROTE A SWORN STATEMENT OF WHAT I KNOW OF INVESTIGATION.

26. Do you think the FBI should get called in to help out on this investigation? A: NO, BUT IT'S NOT UP TO ME TO DECIDE WHO GET'S INVOLVED INTO THE INVESTIGATION.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO.

[redacted]
Signature of Interviewee

FOUO

[redacted]
Signature/Sequence # of Interviewer

b2, b6, 7C [redacted]

86

EXHIBIT 14

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:	Title 10, United States Code, Section 3012(g) 0134-02-CID369-23533
PRINCIPAL PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identifi
ROUTINE USES:	Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retriev
DISCLOSURE:	Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	3. TIME	4. FILE NO.
377th Military Police Company, Bloomington, IN 47408	23 Jan 2004	0948	

5. NAME *(Last, First, MI)*	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN: [redacted] / 7. GRADE/STATUS: SPC	Bloomington, IN 47408

PART 1 - 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: Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner, False Official Statement

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:

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF [redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR: SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR: Ft. Leavenworth Resident Agency (CID), Ft. Leavenworth, KS 66027

Section C. Non-Waiver

1. I do not want to give up my rights:

☒ [redacted] want a lawyer.

☒ [redacted] I do not want to be questioned or say anything.

2. SIGNATURE OF [redacted]

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO

06.7c

86

EXHIBIT 150

0134-02-CID369-23534

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) 0134-02-CID369-23533
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identifi
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retriev
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	3. TIME	4. FILE NO.
377th Military Police Company, Bloomington, IN 47408	23 Jan 200[redacted]	10:0[redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN [redacted] / 7. GRADE/STATUS SGT	Bloomington, IN 47408

PART 1 - 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: Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner, False Official Statement

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

[redacted] do not have to answer any questions or say anything.

[redacted] nything 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 m 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 t 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 d[redacted]ng 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 w[redacted]nted for me before any questioning begins.

[redacted] 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 s 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 without having a lawyer present with me.

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF [redacted]
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR Ft. Leavenworth Resident Agency (CID) Ft. Leavenworth, KS 66027

Section C. Non-Waiver

1. I do not want to give up my rights:

[redacted] want a lawyer. [redacted]

☐ I do not want to be questioned or say anything.

2. SIGNATURE [redacted]

A[redacted]O ANY SWORN STATEMENT *(DA form 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO

862

Dx. 7C

EXHIBIT 15

0137-02-CID369-23534

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 23 JAN 2004
RANK: SGT SSN: [redacted]
UNIT: 377th MP CO. DET 1

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
Sept 1 2002 – March 2003

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: Yes

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: Yes If yes, explain: Feeding, daily duties of solitary confinement don't remember which # he was. I believe he was the first radio he complained of stomach pain often

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain:

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] FOUO [redacted] 81

Signature of Interviewee Signature/Sequence # of Interviewer

b2. b6. 7c [redacted] A Exhibit

4b. How do you feel about the deaths of those two detainees?

unfortunate and disturbed it happen.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: Don't have any suspicions

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: NO

7. How do you feel about being interviewed concerning this issue?

does not bother me.

8. Do you think that the death of either of those detainees was deliberate?

NO

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: NO IDEA

11. Why do you think someone would do this? anger

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: Yes

13. Why wouldn't you do something like this? A: UN moral, not my plac

14. What do you think should happen to a person who mistreated or caused the death of a detainee? I belive they should be punished.

[redacted] 86

Signature of Interviewee FOUO b3. b6. 7C Signature/Sequence # of Interviewer [redacted] Exhib.

a. Please explain: It's not right th no matter what these people have done. It's not our place to judge or punish these people. We are not above anybody.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: yes If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
being non-compliant, whether it be fighting or unru.

17. How do you think the results of the investigation will come out on you?
NO INVOLVEMENT

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes
Please explain:
If someone was involved with the death of either priso
I don't believe it was intentional, they should be pu
but they may not have realized what they were doing w
causing damage enough to cause death. I don't believe they should be put into a
19. Did you tell your family about this investigation? A: NO involving priso again.

20a. Did you tell your family you were being interviewed regarding this investigation? A: NO

20b. Did your family ask you if you were guilty? If so, what was your response? A: NO

20c. Have you talked with anyone other than CID about this investigation? A: NO If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO

[redacted] FOUO [redacted] 86

Signature of Interviewee Signature/Sequence # of Interviewer

62.66 SA

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: 80%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: NO

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO

[redacted] FOU [redacted]

Signature of Interviewee

Signature/Sequence # of Interviewer

b2, b6, 7C [redacted]

0207-02-CID369-23534

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

0134-02-CID369-235

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 iden
ROUTINE USES:	Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retr
DISCLOSURE:	Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	3. TIME	4. FILE NO
377th Military Police Company, Bloomington, IN	25 JAN 04	1430	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN [redacted] / 7. GRADE/STATUS: SGT	Bloomington, IN 47408

PART 1 - 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: Aggravated Assault Negligent Homicide Cruelty & Maltreatment of A Prisoner

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

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with 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 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 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 appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or 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 without having a lawyer present with me.

WITNESSES *(If available)*	3. SIGNATURE [redacted]
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE [redacted]
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR Ft Leavenworth Resident Agency (CID) Ft. Leavenworth, KS 66027

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO

b6, 7C

867

EXHIBIT 15

SWORN STATEMENT 0134-02-CID369-23

File Number :
Location : 377th Military Police Company, Bloomington, IN 47404
Date : 23 Jan 04 Time: 1550
Statement Of:
SSN : Grade/Status: E-5
Org/Address : 377th Military Police Company, Bloomington, IN 47404

I, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes.

Q: Did you guard either detainee during the period of time between October and December 2002?

A: Yes, I guarded one of them, but I don't remember which one he was or his number. He was the one complaining of stomach pain all the time.

Q: What exactly did he complain of?

A: He told us through a translator that his stomach was hurting. I am pretty sure that I only worked one day that the detainee was there. I was working the day shift and when a medic came through to check on the detainees, the PUC complained of stomach pain.

Q: Do you know if the PUC received any medical attention for the stomach pain?

A: One of the doctors, I think his name was COL came to the PUC's cell and checked him out. I think he decided there was nothing really wrong with the PUC, and left.

Q: Do you know what caused the PUC's stomach pain? Did he receive any injuries that you are aware of?

A: No, none that I am aware of.

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: No.

Q: Did you witness either detainee receiving any type of corporal punishment?

A: No.

Q: Define corporal punishment.

A: I can't say for sure. Standing restraints is an example of corporal punishment.

Exhibit: 153 INITIALS PAGE 1 OF 6

STATEMENT OF SGT [redacted] TAKEN AT 377th Military Police Company, Bloomington, IN 47404; DATED 23 Jan 04; CONTINUED:
Q: Did the PUC cause any trouble during the shift that you worked?
A: No. [redacted]
Q: Did he yell at all?
A: Not while I was there. They were actually letting him sleep and stuff as I recall. [redacted]
Q: Were either detainees placed into standing restraints while you were on shift?
A: No. [redacted]
Q: Did other MP's complain that the PUC that was there when you were was a troublemaker?
A: Yes, they said he would do a lot of yelling and stuff like that. [redacted]
Q: Did they tell you what they did to make him stop yelling?
A: No. [redacted]
Q: Are you aware of anything done to the PUC to try and make him stop causing problems?
A: The only thing that I heard was that he was placed into standing restraints and blindfolded. [redacted]
Q: Have you been trained on common perennial strikes and pressure point control tactics?
A: Yes, SPC [redacted] and [redacted] gave our unit training and then I learned some stuff in Basic Training. [redacted]
Q: Did you ever utilize those tactics on a PUC?
A: Yes, I applied a common perennial strike on a PUC who was resisting [redacted] hand was getting twisted up and I felt I needed to apply the strike to protect [redacted] I think that is the only time I ever used either of those tactics. [redacted]
Q: Did you apply either of those tactics on either of the detainees that died?
A: No. [redacted]
Q: Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with?
A: I had heard that [redacted] had gone into one of the PUC's cells that died and had punched him in the stomach and that it had got out of hand. I know [redacted] and [redacted] and a couple others were present when it happened. There was only one incident that I heard of. I can't remember who I heard it from and I don't have any other details about it. That is the only thing that I didn't feel comfortable about. I know other people had seen it, but I don't know who witnessed it or who else was involved. It bothered me, too, that it seemed like [redacted] was really bothered by the [redacted]

STATEMENT OF SGT [redacted] TAKEN AT 377th Military Police Company, Bloomington, IN 47404; DATED 23 Jan 04; CONTINUED:

PUC's death and I suspect he felt like he may have felt responsible for the PUC's death in some way because he soon started to seek out religion like he had a guilty conscience or something. That made me think maybe he knew he may have overstepped the bounds that might have led to the PUC's death to some extent. It really sickens me to think someone might have had something to do with his death. [redacted]
Q: When did you hear this?
A: I can't remember if it was after the PUC died or not. I think it might have been. [redacted]
Q: Did you report this to anyone?
A: No, it was already under investigation at the time because of the death. I witnessed nothing, so there nothing factual that I could actually say. [redacted]
Q: Do you know who had anything to do with the eventual death of either detainee?
A: No. [redacted]
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: No. [redacted]
Q: How do you feel about the deaths of those two detainees?
A: It bothered me. As a human, it bothered me to know that an individual died that I had seen. [redacted]
Q: Who do you think caused the death of the detainees?
A: I don't know. [redacted]
Q: Is there anyone that you know well enough that you feel is above suspicion and would not have caused their deaths?
A: No. [redacted]
Q: Do you suspect anyone caused the detainees death?
A: The only thing that bothered me is the fact that those individuals that went into his cell that I mentioned above. It sounded like they went beyond trying to get the guy to comply. [redacted]
Q: Do you think that the death of either of those detainees was deliberate?
A: No. [redacted]
Q: If someone said that you physically abused either of those detainees is that person lying?
A: Yes. [redacted]
Q: Who do you think would have had the best opportunity to have physically abused either detainee?

STATEMENT OF SGT [redacted] TAKEN AT 377th Military Police Company, Bloomington, IN 47404; DATED 23 Jan 04; CONTINUED:
A: I can't say beyond that one incident I already described. [redacted]
Q: Why do you think someone would abuse a detainee?
A: The only thing I can figure is that being an American, somebody may want to abuse a detainee to take out some anger for what happened on September 11, 2001. [redacted]
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: Yes, just because of September 11th, but it's just not right. The person is going to be standing trial on his own, it's not my place to serve out some type of punishment. I'm not above anybody. [redacted]
Q: Why wouldn't you abuse a detainee?
A: It's just beyond my moral thinking. It's not right [redacted]
Q: What do you think should happen to a person who mistreated or caused the death of a detainee? [redacted]
A: They should be punished.
Q: Have you ever heard of a compliance blow? [redacted]
A: No.
Q: Under what circumstances were you given direction that a common perennial strike or pressure point control tactic could be applied?
A: Whenever you feel like you are in a situation where some harm may come to you or an individual that is with you. Whenever someone is being non compliant, pressure points are a very effective means as well as a common perennial strike. [redacted]
Q: Were there any other circumstances in which you could or would apply either tactic?
A: Not that I can say for sure, no. [redacted]
Q: Where did you learn what was and was not acceptable treatment of the detainees?
A: I think we had some sort of in brief meeting and they might have talked about it then. Sometimes we would get new rules as to what could or could not be done during a guardmount. [redacted]
Q: Did you know your commander had a SOP for the facility?
A: I know they were working on one, but I never saw it. There was a little book at each station such as isolation, that was like an SOP for that station. [redacted]
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common perennial strikes? [redacted]
A: I don't know.
Q: What was the maximum degree of force that could be used on a PUC? [redacted]

Exhibit: 153 INITIALS [redacted] PAGE 4 OF 6

b6, 7C

871

STATEMENT OF SGT [redacted] TAKEN AT 377th Military Police Company, Bloomington, IN 47404; DATED 23 Jan 04; CONTINUED:

A: A common perennial strike was the maximum that I can think of.

Q: What did you believe caused the death of the first detainee when you came to work the day after his death?

A: I had no idea. I assumed it was something natural. When we got the prisoners, many of them were already in pretty bad shape.

Q: What do you now believe caused the death of either detainee?

A: I still don't know. What was told to us was that several blows to his legs from common perennial strikes may have caused his death. I don't remember where I heard that.

Q: What was your professional training and background outside of the military before deploying?

A: Nothing to do with law enforcement, corrections or medical training other than the military. I had 2 to 3 years of college.

Q: Did you ever see the PUC's legs underneath his clothing?

A: No.

Q: Did you ever observe any bruises or injuries on the PUC?

A: No.

Q: Did the PUC ever appear ill to you?

A: No.

Q: Did you ever observe the PUC in pain?

A: When he complained of his stomach hurting that I mentioned before.

Q: Do you have any idea what type of emergency medical treatment either PUC received on the day they died?

A: No.

Q: Did you observe the PUC eat or drink anything during your shift?

A: I don't recall.

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

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

FOR OFFICIAL USE ONLY

b6, 7C

0137-02-CID369-23534
0134-02-CID369-23533

STATEMENT OF SGT [redacted] TAKEN AT 377th Military Police Company, Bloomington, IN 47404; DATED 23 Jan 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 23rd day of January, 2004 at Bloomington, IN 47404

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 153 INITIALS [redacted] PAGE 6 OF 6

FOR OFFICIAL USE ONLY

b6, 7C

0137-02-CID369-23534

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 23 Jan 04
RANK: SPC **SSN:** [redacted]
UNIT: 377 MP CO Det 1

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
Aug 30 2002 - March 2003 Aug - Dec ~~Corec~~ Detainment Facility
Dec - March - ECP's

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: do not know, was in the facility at the same time but do not remember guarding either of the two.

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: Do not think so. If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] FOUO [redacted] 874
Signature of Interviewee Signature/Sequence # of Interviewer

b6, 7C

EXHIBIT 1

0137-02-CID369-23534

0134-02-CID369-2353

4b. How do you feel about the deaths of those two detainees?

I have no opinion.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: God.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: 1st Squad 3rd PLT.

7. How do you feel about being interviewed concerning this issue?

I feel that it is a waist of my time and DOD Resources.

8. Do you think that the death of either of those detainees was deliberate?
NO

9. If someone said that you physically abused either of those two detainees, is that person lying? yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: I do not Know.

11. Why do you think someone would do this? I don't think someone would do this.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: ~~Sure~~ yes

13. Why wouldn't you do something like this? A: I don't believe in hurting someone just for kicks.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Nothing if they were following S.O.P.'s

[redacted] FOUO [redacted] 875

Signature of Interviewee

b6, 7C

Signature/Sequence # of Interviewer

EXHIBIT 154

a. Please explain: If a soldier was using tactics taught by th Army and approved by the Standard Operating Procedures, then they a just doing their job,

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? resisting escort, ~~or~~ spitting -

17. How do you think the results of the investigation will come out on you? will not effect me.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: yes
Please explain: I dont belelve a soldier did anything wrong wit intent of killing a detainee.

19. Did you tell your family about this investigation? A: NO

20a. Did you tell your family you were being interviewed regarding this investigation? A: yes but not what it is pertaining to.

20b. Did your family ask you if you were guilty? If so, what was your response? A: NO

20c. Have you talked with anyone other than CID about this investigation? A: yes If yes, who? other soldiers in the Unit.

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO

[redacted] FOU[redacted] 876

Signature of Interviewee

b6, 7C

Signature/Sequence # of Interviewer

EXHIBIT 154

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Sure

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: majority @ 75%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes

26. Do you think the FBI should get called in to help out on this investigation? A: NO

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO

[redacted] FOUO [redacted] 87

Signature of Interviewee Signature/Sequence # of Interviewer

b6, 7C

EXHIBIT 15

0037-02-CID369-2353

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

0134-02-CID369-23

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 identifie
ROUTINE USES:	Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieva
DISCLOSURE:	Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	3. TIME	4. FILE NO.
377th Military Police Company, Bloomington, IN 47408	23 Jan 2004	1027	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN: [redacted] / 7. GRADE/STATUS: SPC	Bloomington, IN 47408

PART 1 - 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: Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner, ~~False Official Statement~~.

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:

[redacted]

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

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

c. *(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 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 n 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 appointed for me before any questioning begins.

[redacted]

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 sp 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 a without having a lawyer present with me.

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	4. [redacted]
2a. NAME *(Type or Print)*	[redacted] FOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR Ft. Leavenworth Resident Agency (CID) Ft. Leavenworth, KS 66027

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 82 IS OBSOLETE

b6, 7C

EXHIBIT 15
878

0137-02-CID369-2353

SWORN STATEMENT 0134-02-CID369-23

File Number :
Location : 377th Military Police Company, Bloomington, IN 47404
Date : 23 Jan 04 Time: 1235
Statement Of: [redacted]
SSN : [redacted] Grade/Status: E-4
Org/Address : 377th Military Police Company, Bloomington, IN 47404

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes.[redacted]

Q: Did you guard either detainee during the period of time between October and December 2002?

A: I guarded the first one that died for one day. I don't think I guarded the second PUC that died because I went to work the gates in the first or second week of December 2002 as part of a platoon rotation[redacted]

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: No.[redacted]

Q: Did you witness either detainee receiving any type of corporal punishment?

A: Yes, the day shift that I worked when the first PUC was in the facility, he stayed in standing restraints, cuffed to the ceiling, for most of the shift except for to use the bathroom and to eat. I can remember times during that day shift that he was not restrained. He would be placed back into the restraints after being let down to eat or go the bathroom, only if he caused trouble again. Since there was no SOP for the facility, there was no set time that a person should or should not be left in the restraints. If it was possible, we would call the OIC or SOG to determine if a PUC should be placed in restraints, but if they were busy or we could not get a hold of them the decision was made by the individual guarding the PUC[redacted]

Q: Did the PUC cause trouble frequently during the shift that you worked?

A: Yes, if you let him down or even when he was hanging up he[redacted]

Exhibit: 155 INITIALS[redacted] PAGE 1 OF 2

FOR OFFICIAL USE ONLY

b6, 7C

879

STATEMENT OF SPC [redacted] TAKEN AT 377th Military Police Company, Bloomington, IN 47404; DATED 23 Jan 04; CONTINUED:

would be yelling or kick the walls or try and kick the door.
Q: Do you have any idea what he was yelling?
A: No [redacted]
Q: Would you have understood if he was describing pain or requesting medical attention?
A: Yes. There was a medic in there once or twice a day and a doctor came by once a day and if a person was complaining of pain, we would have he doctor look at them. [redacted]
Q: When he was yelling when he was causing problems, would you have been able to understand if he was asking for medical attention or describing pain?
A: No. [redacted]
Q: Did you or anyone else have a translator ask the PUC what he was yelling about?
A: No, but I think he was being taken to be interviewed that day and would have had an opportunity to talk to a translator then. We knew what their word for "translator" was and if they asked for one, we would get one. On the day I worked, the PUC did not ask for a translator. [redacted]
Q: Because the PUC was causing trouble, what percentage of your shift, do you estimate the PUC was in standing restraints?
A: I don't think I could make an estimation. There was so many in and out of there, I can't say and be sure that I would be even close to right. [redacted]
Q: Was anything else done to the PUC to try and make him stop causing problems?
A: Not that I can recall. I can remember one time that day when we let him down to go to the restroom or to be interrogated and he tried to fight us. This type of guy was the type of the guy that if you uncuffed one hand you better have someone there to grab his hand because he was going to try and swing at you. I think SPC [redacted] was with me when we tried to escort the PUC to either the restroom or an interrogation. As soon as we uncuffed him, he started wrestling and being uncooperative with us. I can't remember exactly what we did that day, but it would have been like any other prisoner. We would have utilized wrist locks, pressure points or a common perennial strike to restrain him and gain control of the situation. [redacted]
Q: Do you recall if either you or SPC [redacted] used any of those techniques with that PUC?
A: I can't be certain, but it seems very possible with as [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

880

STATEMENT OF SPC [redacted] TAKEN AT 377th Military Police Company, Bloomington, IN 47404; DATED 23 Jan 04; CONTINUED:

uncompliant as he was.
Q: Did you interact in any other way that already described above with either detainee?
A: Not that I can remember. [redacted]
Q: Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with?
A: No. [redacted]
Q: Did you participate in any type of corporal punishment or apply a common perennial strike to either detainee?
A: I can't recall for sure, but since he was so uncompliant, it's possible [redacted]
Q: Do you know who had anything to do with the eventual death of either detainee?
A: No [redacted]
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: No [redacted]
Q: How do you feel about the deaths of those two detainees?
A: I don't feel good about the death of anyone. [redacted]
Q: Who do you think caused the death of the detainees?
A: I don't know. I don't know that anyone caused their deaths [redacted]
Q: Is there anyone that you know well enough that you feel is above suspicion and would not have caused their deaths?
A: I wouldn't feel that anyone in my platoon would do something like that. [redacted]
Q: Do you think that the death of either of those detainees was deliberate?
A: I don't think so, no. [redacted]
Q: If someone said that you physically abused either of those detainees is that person lying?
A: Yes. [redacted]
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: No one. I don't see how anybody could have abused a detainee without other people knowing about it [redacted]
Q: Why do you think someone would abuse a detainee?
A: I don't know. I don't think anybody would. [redacted]
Q: Define corporal punishment.
A: Restraining, hoods, using hand or leg restraints, sleep deprivation. If they get out of control, then pressure point control tactics [redacted]

STATEMENT OF SPC [redacted] TAKEN AT 377th Military Police Company, Bloomington, IN 47404; DATED 23 Jan 04; CONTINUED:

Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: No.[redacted]
Q: Why wouldn't you abuse a detainee?
A: Because it's wrong and it would be illegal also;[redacted]
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: They should be dealt with in court.[redacted]
Q: Have you ever heard of a compliance blow?
A: No.[redacted]
Q: Under what circumstances were you given direction that a common perennial strike or pressure point control tactic could be applied?
A: If a situation arised that was unsafe for myself or any of the other guards.[redacted]
Q: Were there any other circumstances in which you could or would apply either tactic?
A: No, I can't think of any other reason.[redacted]
Q: Describe an unsafe situation in which these tactics that could be applied.
A: A situation in which a prisoner was being violent or possibly physically trying to hurt you. For example, biting, spitting, punching or kicking.[redacted]
Q: If a PUC refused to follow your directions, such as making attempts to remove a hood or refusing to keep quiet, were either of those tactics authorized?
A: I can't say whether it was or wasn't authorized since there was no SOP to dictate those kind of situations so in those situations you would call your SOG or OIC. If they were not available, you would wait until they were available.
Q: Did you or anyone else utilize PPCT or common perennial[redacted] strikes on a PUC because they refused to keep quiet or keep the hood on?
A: I would not use those techniques for those reasons, and I never heard of or saw any other guards apply those techniques for those reasons. I know those techniques were applied by other guards, but I don't know for what reasons.[redacted]
Q: Is there any reason why someone would say you abused or caused the death of either of the two detainees?
A: No[redacted]
Q: Were did you learn what was and was not acceptable treatment

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF SPC [redacted] TAKEN AT 377th Military Police Company, Bloomington, IN 47404; DATED 23 Jan 04; CONTINUED:

of the detainees?
A: There should have been an SOP there when we got there or if there was not one, one should have been created. I relied on my knowledge from MP school and the training we received at Fort Dix. They went over different situations during the training at Fort Dix, but nobody knew what that specific place was going to be like, so you couldn't so the training was very generalized. [redacted]
Q: Did you know your commander had a SOP for the facility?
A: No, I never saw it and we asked for one and never received it. Everyone should have seen it and it should have been accessible to everyone and it was not. That would have changed so many things there because nothing would have been questionable, either you are right or you are wrong. [redacted]
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common perennial strikes?
A: I don't know. Our training period with the other unit was much too short. [redacted]
Q: What was the maximum degree of force that could be used on a PUC?
A: Deadly force if someone was escaping. Even in a riot [redacted] situation, deadly force would probably not be used.
Q: What did you believe caused the death of the first detainee when you came to work day after his death?
A: I thought it was some type of natural cause such as a heart attack or something of that nature. [redacted]
Q: What do you now believe caused the death of either detainee?
A: Other than you telling me someone caused the death, I have no reason to believe that someone did. [redacted]
Q: What was your professional training and background outside of the military before deploying?
A: Two years of college toward a criminology degree. I did odd jobs here and there, but nothing that would apply to the military, law enforcement, medical training or corrections. [redacted]
Q: Did you ever see the PUC's legs underneath his clothing?
A: No. [redacted]
Q: Did you ever observe any bruises or injuries on the PUC?
A: Nothing that was substantial enough for me to remember [redacted]
Q: Did the PUC request medical treatment at any time that you know of?
A: Not that I know of. [redacted]

STATEMENT OF SPC [redacted] TAKEN AT 377th Military Police Company, Bloomington, IN 47404; DATED 23 Jan 04; CONTINUED:

Q: Did the PUC ever appear ill to you?
A: No.[redacted]
Q: Did you ever observe the PUC in pain?
A: No, other than maybe his wrist hurting or something from being cuffed.[redacted]
Q: Do you have any idea what type of emergency medical treatment either PUC received on the day they died?
A: No.[redacted]
Q: What is your definition of non-compliance?
A: Anything that he would do other than what was asked of him in the detention facility[redacted]
Q: Did you observe the PUC eat or drink anything during your shift?
A: I don't remember, but I would assume I would remember if he did not eat or drink.[redacted]
Q: What kinds of training or information was passed on during a typical guardmount?
A: What happened the night before if there were certain prisoners that had been violent and then if there was anything out of the ordinary that was going to happen on that shift. Also, who was working what positions[redacted]
Q: Do you recall who was working with you on the shift that you worked when the PUC that died was there?
A: SPC [redacted], for sure. It would have been everyone in the platoon except [redacted], [redacted], [redacted], and [redacted] because they got moved from our platoon before we left and worked with a different platoon. There would have been two or three people off that day, but I don't remember who they were[redacted]
Q: Where did you learn pressure point control tactics and common perennial strikes?
A: In MP school and it has been reviewed by our unit a couple of times. I think [redacted] and [redacted] taught it. I think that stuff used to be on our training schedule, but I don't know for sure[redacted]
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT///[redacted]

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF SPC [redacted], TAKEN AT 377th Military Police Company, Bloomington, IN 47404; DATED 23 Jan 04; CONTINUED:

AFFIDAVIT

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

[redacted]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23rd day of January, 2004 at Bloomington, IN 47404.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

WITNESS:

Exhibit: 155 INITIALS [redacted] PAGE 7 OF 7

FOR OFFICIAL USE ONLY

b6, 7C

885

0137-02-CID369-2353

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 01-23-04
RANK: E-4/SPC SSN: [redacted]
UNIT: 377th MP Co 3rd BPT

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
1 Sept 02 - 2 Mar 02 Detainee operations and Gate operat at Bagram
2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: Yes

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] FOUO [redacted]
Signature of Interviewee b2, b6, 7C Signature/Sequence # of Interviewer S4

886
EXHIBIT

4b. How do you feel about the deaths of those two detainees?

I do not Know, I never thought about.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: No one; Medical problems

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: Yes, everyone their.

7. How do you feel about being interviewed concerning this issue?

I doesn't really bother me.

8. Do you think that the death of either of those detainees was deliberate?

No

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: I don't think anyone would have even if given the opportunity.

11. Why do you think someone would do this? I don't think someone would do any of this.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: Because theres no point.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Its not for me to decide.

[redacted] FOUO

Signature of Interviewee

b2, b6, 7e

Signature/Sequence # of Interviewer [redacted] SA

88

EXHIBIT

a. Please explain:
I have no athority over any of it
So I will not try to pass judgement on anyone or thing.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: No If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
I don't know what compliance blows are, and haven't been trained on any of it. If I had then the SOP would dictate the use of any and all force.

17. How do you think the results of the investigation will come out on you?
I don't Know

18. Do you think the person who did this would deserve a second chance under any circumstances? A: It is not for me to decide.
Please explain:
I don't have any authority, therefore I will Not try to pass judgement.

19. Did you tell your family about this investigation? A: No

20a. Did you tell your family you were being interviewed regarding this investigation? A: No

20b. Did your family ask you if you were guilty? If so, what was your response? A: No

20c. Have you talked with anyone other than CID about this investigation? A: No If yes, who? _____

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted]
Signature of Interviewee

FOUO

b2, b6, 7C

[redacted]
Signature/Sequence # of Interv...

889

SA

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: No

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: None

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: If you want, I don't Know.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted]
Signature of Interviewee

[redacted]
Signature/Sequence # of Interviewer

b2 b6.7e

0137-02-CID369-2353
0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 23 Jan 04
RANK: PV2 SSN: [redacted]
UNIT: 377th MP Co Det 2

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES

1. If yes, what dates and what were your duties?
Aug 31, 2002 - Mar 2003 gate gaurd worked in detainee facility

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: Don't Remember

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: NO If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] 890
Signature of Interviewee FOUO Signature/Sequence # of Interviewer

EXHIBIT 15

4b. How do you feel about the deaths of those two detainees?

I don't care

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I don't know

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: no

7. How do you feel about being interviewed concerning this issue?

~~crazy~~ waste of my - not in bidding either time

8. Do you think that the death of either of those detainees was deliberate?

no

9. If someone said that you physically abused either of those two detainees, is that person lying? yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: I don't know

11. Why do you think someone would do this? I don't know

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: no

13. Why wouldn't you do something like this? A: not me put in that situation

14. What do you think should happen to a person who mistreated or caused the death of a detainee? I don't know

[redacted] Signature of Interviewee

FOUO

[redacted] Signature/Sequence # of Interviewer

891

EXHIBIT 15

a. Please explain: I am not the person to judge that

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: I don't remember If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? try to escape or attack fellow soldier

17. How do you think the results of the investigation will come out on you? no involvement

18. Do you think the person who did this would deserve a second chance under any circumstances? A: yes
Please explain:
they were probably doing their job

19. Did you tell your family about this investigation? A: no

20a. Did you tell your family you were being interviewed regarding this investigation? A: Something that happened while I was gone

20b. Did your family ask you if you were guilty? If so, what was your response? A: no

20c. Have you talked with anyone other than CID about this investigation? A: no If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: no

[redacted]
Signature of Interviewee

[redacted] 89
Signature/Sequence # of Interviewer

FOUO 6.7C

EXHIBIT 15

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: no-hypnosis polygraph-yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: I don't know

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: I don't know

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO

[redacted] - [redacted] 89

Signature of Interviewee FOUO Signature/Sequence # of Interviewer

b2 b6 7C

EXHIBIT 15

0137-02-CID369-23534

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 23 Jan 04
RANK: SGT SSN: [redacted]
UNIT: 377th MP Co. Det. 1

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
2Sept02 - 5mar03 MP Team Leader, Security for the Control point fo the detainees and worked ECP's of the Base

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: YES

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: YES If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: YES If yes, explain: As the 2nd plt switched from the gate to the BCP the 2nd detainee arrived at the facility. I worked the floor area were he was first held.

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

FOUO

[redacted]
Signature of Interviewee

[redacted]

89

b2, b6, 7c

SA Exhibit 1

4b. How do you feel about the deaths of those two detainees?
It was a sad thing but sometimes things like that could happen anywere

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: no one

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: everybody in the Company

7. How do you feel about being interviewed concerning this issue?
It's just part of an investigation that must be done

8. Do you think that the death of either of those detainees was deliberate?
NO

9. If someone said that you physically abused either of those two detainees, is that person lying? yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: the ones who fist captured them

11. Why do you think someone would do this? If ill it was just an accident

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO

13. Why wouldn't you do something like this? A: Killing a detainee is a serious Thing and is not the reason we went over there.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? They should get the punishment that goes with the law that is broken

[redacted] FOUO [redacted]

Signature of Interviewee

Signature/Sequence # of Interviewer

b2 b6.7c [redacted] S4

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: yes If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
Corporal punishment-would befor not following comands, fuching the wire fences, talking To other detainees.
Compliance Blows would befor reseting the officer while in moven from one location to another, fighting with the office

17. How do you think the results of the investigation will come out on you?
it will show no envolvement from me

18. Do you think the person who did this would deserve a second chance under any circumstances? A: no
Please explain: if it comes to that the deathes were on perpuse and just to kill some one they dont need a second chance

19. Did you tell your family about this investigation? A: no

20a. Did you tell your family you were being interviewed regarding this investigation? A: no

20b. Did your family ask you if you were guilty? If so, what was your response? A: no

20c. Have you talked with anyone other than CID about this investigation? A: no If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: no

[redacted] DUO [redacted] 89

Signature of Interviewee

b2.b6.7C [redacted] Signature/Sequence # of Interviewer

54

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: YES

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: 1%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: YES

26. Do you think the FBI should get called in to help out on this investigation? A: NO

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO

[redacted] FOUO [redacted] 8

Signature of Interviewee

Signature/Seal of Interviewer

Exhibit 54

SWORN STATEMENT

FILE NUMBER:
LOCATION: Reserves Center, Bloomington, IN
DATE / TIME: 23 Jan 04 / 1657
STATEMENT OF: [redacted]
SSN [redacted]
GRADE/STATUS: SGT/ E-5 USAR
ORGANIZATION/ADDRESS: 377th Military Police Company, Detachment 1, Bloomington, IN

0134-02-CID369-2353

I, [redacted] want to make the following statement under oath:
Q: SA [redacted]
A: SGT [redacted]
Q: How long have you been assigned to the 377th Military Police Company?
A: Since June 2002.
Q: Do you have any secondary MOSs?
A: Yes, 63B, Light Wheel Vehicle Mechanic and 63H, Track Vehicle Repair.
Q: How did you become MOSQ as a MP?
A: I did the reserve MOS change through Fort McClellan, AL, which was weekend drills for six months, then a two-week period. The training occurred in 1995 through 1997.
Q: When were you awarded MOS 95B, currently 31B, MP?
A: I haven't been, and I am awaiting the security clearance, however, for deployment to Afghanistan, I was given an interim security clearance and allowed to work as a MP.
Q: Do you have any other police related training, education or experience?
A: Two years of college in conservation law enforcement?
Q: What does conservation mean?
A: Its pretty much conservation management for fishing, hunting, poaching and boat safety.
Q: Did you deploy to Afghanistan and if so, when?
A: Yes, I was activated 6 Jun 2002, then I went to Fort Dix from Jun 2002 through Aug 2002, then I traveled to Germany for one week, prior to reaching Afghanistan on 2 Sep 02.
Q: Were you provided any training in Pressure Point Control Techniques (PPCT)?
A: Yes.
Q: Who provided the training and where did the training occur?
A: Some in Advanced Individual Training (AIT) for MP school and then at Fort Dix in preparation to go to Afghanistan.
Q: Who were the instructors at AIT and Fort Dix?
A: AIT was the school instructors, who I don't remember and Fort Dix was SPC [redacted] and SPC [redacted]
Q: Were you provided any written training materials for the PPCT?
A: No.
Q: How often did you train on PPCT at Fort Dix?
A: Once a week, approximately one to two hours per session.
Q: Were you informed as to why you would need the knowledge of PPCT?
A: Yes, mostly to keep the detainees from causing harm to us and other inmates when moving the detainees around the facility.
Q: Did you ever apply PPCT to any detainees while at the Bagram Control Point (BCP)?
A: No [redacted]

EXHIBIT 159 INITIALS [redacted] PAGE 1 OF 4 PAGES

Q: Did you ever witness any other personnel administer PPCT to any of the detainees at the BCP?
A: Yes, there was one time, when a detainee was being combative while being moved to one of the cells.
Q: Who did you observe apply a PPCT to that detainee?
A: SSG [redacted] and possibly SPC [redacted]
Q: Can you identify the detainee?
A: No.
Q: Were there any other instances in which you observed the use of the PPCT on any detainees?
A: No.
Q: Were you provided any training on the PPCT while in Afghanistan?
A: No.
Q: What platoon were you assigned to in Afghanistan?
A: I was assigned to the second platoon?
Q: During the time that both detainees died, Person Under Control (PUC) 412, later known as HABIB ULLA and PUC 421, later known as DILIWAR, what shift did you work and where did you work?
A: When the first PUC died I worked day shift on the gates and when the second PUC died, I worked day shift in the BCP.
Q: What do you mean by stating in the questionnaire, "the ones who fist (sic) captured them", would have had the best opportunity to have physically abused either detainee (in reference to PUC 412 - HABIB ULLA or PUC 421 - DILIWAR)?
A: Because the local military (Afghanistan) would pick-up the future detainees first and prior to turning them over to Special Forces or other U.S. Army personnel, they wouldn't feed or provide them sufficient water.
Q: How do you know they wouldn't provide enough food or water?
A: Because, when the PUCs were given their initial physicals at the BCP, the medics would put in their notes that the detainee was dehydrated and malnourished.
Q: Was PUC HABIB ULLA or PUC DILIWAR in this condition?
A: Yes, the second one that passed away was dehydrated because the medics wanted him to keep drinking water. The medics wanted him to drink about 20 ounces of water per hour. I don't know about the first detainee who died.
Q: Did that PUC (DILIWAR) receive the water?
A: Yes.
Q: Were either PUC HABIB ULLA or PUC DILIWAR non-compliant?
A: The PUC who died last was non-compliant, I am not sure about the other one, since I probably didn't interact with him due to being on the gates?
Q: How was PUC DILIWAR non-compliant?
A: He wouldn't listen to verbal commands or follow orders?
Q: What would you do if he didn't listen to verbal commands or follow orders?
A: I would yell at him in a louder tone of voice and he was required to stand, but he would continue to sit down, so we would continuously pick him up.
Q: Who were we?
A: SSG [redacted] SPC [redacted] SPC [redacted] SPC [redacted] and SPC [redacted]
Q: Did you or any of the soldiers that assisted you, implement the common peronial strike (CPS) to that detainee? [redacted]

FOR OFFICIAL USE ONLY
b2, b6, 7C
89C

A: No.
Q: When you helped the detainee stand, did you have to use any PPCT or force?
A: No.
Q: Did you chain the detainee to the ceiling or wall to assist with making him stand?
A: No.
Q: Do you know who may have hit, struck, punched, or beat either of the detainees (PUC HABIB ULLA or PUC DILIWAR) that died?
A: No.
Q: Did you do anything to cause the death of PUC HABIB ULLA or PUC DILIWAR?
A: No.
Q: Define corporal punishment and compliance blows?
A: Corporal punishment was used if a PUC wouldn't follow verbal or written commands, then we would make them stand and take things away such blankets or stand with their arms above their heads, or we would handcuff them in the airlock and place goggles on them. Compliance blows would be used if one of the PUCs were combative while escorting them or they attempted to kick or hit us, or they attempted to escape. Compliance blows were PPCT and the use of "night sticks", which were not in the facility.
Q: Would anyone in your chain of command have to give you prior approval for the use of corporal punishment or compliance blows to the detainees?
A: No, not really.
Q: If you used corporal punishment or compliance blows would you have to report that to anyone?
A: Yes.
Q: Whom would you have to report that information to?
A: The squad leader, SSG [redacted] or if he was unavailable, I would report it to the Platoon Sergeant, SSG [redacted]
Q: Did you ever administer corporal punishment or compliance blows to PUC HABIB ULLA or PUC DILIWAR?
A: Yes, I had to make him (the PUC who died last) stand, since he was non-compliant after being instructed to stand.
Q: Did you report that to anyone?
A: No, since SSG [redacted] assisted me with having the PUC stand, so he already was aware of the situation.
Q: Do you have anything else you wish to add to your statement?
A: No. ///End of Statement// [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

900

AFFIDAVIT

I, [redacted] have read or have had read to me this statement which begins on Page 1 and ends on page 4. I fully understand the contents of the entire statement made by me. The statement is True. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat 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 oaths, this 23rd day of January 2004 at Army Reserves Center, Bloomington, IN.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

WITNESS:

0134-02-CID369-23534

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 id
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and r
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

0134-02-CID369-2353

1. LOCATION	2. DATE	3. TIME	4. FILE N
377th Military Police Company, Bloomington, IN	23 JAN04	1430	

5. NAME (Last, First, MI) [redacted]

6. SSN [redacted]

7. GRADE/STATUS E4 SPC

8. ORGANIZATION OR ADDRESS
377 Military Police Company
Bloomington, IN 47408

PART 1 - 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~~: Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment

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

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with 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 expens 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 wi 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 appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, o 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 firs without having a lawyer present with me.

WITNESSES *(If available)*	
1a. NAME *(Type or Print)*	3. SIGNATURE [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 1149 MP DET CID Camp MABRY Austin TX.

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO

b6, 7C

90

EXHIBIT 16

0137-02-CID369-23534

Start 16.30 17.20

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 23 JAN 04
RANK: SPC **SSN:** [redacted]
UNIT: 377TH MP COMPANY DET 1 Bloomington IN,

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
Arrived 30 AUG to Sep 2nd I worked in the facility until around the

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: yes

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: MAYbe If yes, explain: I was in the facility so at some point I might have had contact with the first one. I had no contact with the second

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] FOUR [redacted]
Signature of Interviewee Signature/Sequence # of Interviewer

b6, 7C

903

EXHIBIT 161

4b. How do you feel about the deaths of those two detainees?

I don't, I don't have a conection to them, I had no interaction with them

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: NO Idea

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: The Whole Platoon

7. How do you feel about being interviewed concerning this issue?

Unconcerned.

8. Do you think that the death of either of those detainees was deliberate?

NO

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: Every one who had contact. ~~SFA~~ SF, MI, US.

11. Why do you think someone would do this? I dont think anyone did on purpose. I think it might have been done togain compliance

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: Yes

13. Why wouldn't you do something like this? A: I dont think it is the ~~thing~~ thing to do.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Question them to find out if they understood [redacted] was wrong. [redacted]

[redacted] FOU[redacted]

Signature of Interviewee Signature/Sequence # of Interviewer

1.1.7C

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO If yes, explain (See sworn statement) We were not trained in compliance blows. We were trained in PACT

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? Attacking another s or an escape attempt.

17. How do you think the results of the investigation will come out on you? I dont think anything will be found because there is noth to investigate.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: I dont know.
Please explain: I need all the facts, may be they should go

19. Did you tell your family about this investigation? A: NO
Because I only foomd out yesterday

20a. Did you tell your family you were being interviewed regarding this investigation? A: NO

20b. Did your family ask you if you were guilty? If so, what was your response? A: NA

20c. Have you talked with anyone other than CID about this investigation? A: YES If yes, who? my platoon this morning when I arrived at

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO

[redacted] Signature of Interviewee

[redacted] Signature/Sequence # of Interviewer

905

EXHIBIT 160

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Polygraph yes. I dont know enough about hypnosis to say y

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: I dont know

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes

26. Do you think the FBI should get called in to help out on this investigation? A: NO

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO

[redacted] Signature of Interviewee

[redacted] Signature/Sequence # of Interviewer

b6, 7C

906

EXHIBIT 16

0134-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 23 JAN 04
RANK: SGT SSN: [redacted]
UNIT: 377th MP CO, Det 1

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
2 September 2002 25 Mar 03 Administrative NCO (worked for base Ops)

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] DUC [redacted] 9

Signature of Inter[redacted] Signature/Sequence # of Interviewer

b2, b6, 7C

EXHIBIT 1

4b. How do you feel about the deaths of those two detainees?

No opinion because had no knowledge of incident.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I don't Know

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: No

7. How do you feel about being interviewed concerning this issue?

I don't Know

8. Do you think that the death of either of those detainees was deliberate?
I don't Know

9. If someone said that you physically abused either of those two detainees, is that person lying? "Yes"

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: I don't Know

11. Why do you think someone would do this? I don't Know

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: Because of the Geneva Convention and They are people also.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? They should be treated [redacted] to UCMJ and Army Standards.

[redacted] FOUO [redacted] 90

Signature of Interviewee 02.06.12 Signature/Sequence # of Interviewer

EXHIBIT 16

0134-02-CID369-23534

a. Please explain: Because they signed the enlistment contract and the oath obligating to follow the standards.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: No If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
Nothing

17. How do you think the results of the investigation will come out on you?
I feel that it will be alright considering I did not work or have immediate contact with detainees.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes & No
Please explain:
It depends on what and why this was done.

19. Did you tell your family about this investigation? A: No

20a. Did you tell your family you were being interviewed regarding this investigation? A: No.

20b. Did your family ask you if you were guilty? If so, what was your response? A: No

20c. Have you talked with anyone other than CID about this investigation? A: No If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted] FOUO [redacted] 90

Signature of Interviewee

b2, b6, 7C

Signature/Sequence # of Interviewer

EXHIBIT 161

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: I don't know

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: I don't know

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted] FOUO [redacted] 910

Signature of Interviewee Signature/Sequence # of Interviewer

b2, b6, 7C

EXHIBIT 16

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 0905, 24 Jan 04, SA [redacted] interviewed **CPL** [redacted] **377th Military Police Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was assigned to 2nd platoon, working inside the Bagram Collection Point (BCP) at the time of the deaths. [redacted] related he received training from his unit and the cadre at Ft. Dix, NJ, which detailed the standards for use of force. The guidance provided to the soldiers of the 377th MP Co, was to deliver knee strikes for self-defense, not for the compliance of detainees. [redacted] heard someone, possibly SPC [redacted] 1st Platoon, 377th MP Co, Cincinnati, OH, was called the "knee of death". *(See PUC Questionnaire of* [redacted] *dated 24 Jan 04, for additional details).*

At 0935, 24 Jan 04, SA [redacted] interviewed **SPC** [redacted] **377th Military Police Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was assigned to 2nd platoon and was working on the gates and patrolling the perimeter at the time of both deaths. She related none of the training she received led her to believe knee strikes could be used for punishment, only in self-defense. [redacted] believed the deaths must have been unintentional and she knew no one who had delivered blows to detainees. *(See PUC Questionnaire of* [redacted] *dated 24 Jan 04, for additional details).*

At 0940, 24 Jan 04, SA [redacted] interviewed **SPC** [redacted] **377th Military Police Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was assigned to 1st platoon, working inside the Bagram Collection Point (BCP) at the time of the deaths. [redacted] was advised of his rights for the offenses of Assault/Battery, False Official Statement, Cruelty/Maltreatment and Negligent Homicide. [redacted] invoked his rights, requesting an attorney, at which time the interview was terminated. *(See Non-Waiver Certificate of* [redacted] *dated 24 Jan 04, for additional details).*

AGENT'S COMMENT: At the conclusion of his interview, [redacted] was record fingerprinted.

At 1123, 24 Jan 04, SA [redacted] interviewed **SPC** [redacted] **377th Military Police Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was assigned to 1st platoon, working inside the Bagram Collection Point (BCP) at the time of the deaths. [redacted] was advised of his rights for the offenses of Assault/Battery, False Official Statement, Cruelty/Maltreatment and Negligent Homicide. [redacted] waived his rights and provided a statement, detailing his training as a Correctional Specialist and previous experience in detainee operations in Kosovo. [redacted] admitted he and [redacted] struck HABIBULLAH at least twice each, because the detainee was trying to preven[redacted] from re-hooding him[redacted] further admitted he struck DILAWAR at least twice while in the presence of SGT [redacted] 377th MP Company, Cincinnati, OH 45237, who was the Iso Guard at the time. [redacted] also admitted he struck

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 24 Jan 2004	EXHIBIT 162

FOR OFFICIAL USE ONLY

b2, b6, 7C

911

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

at least twenty detainees multiple times during his tour in the BCP. [redacted] stated he could not clearly recall the specifics of events related to HABIBULLAH or DILAWAR because he routinely delivered blows to detainees and they all appeared the same to him. *(See Waiver Certificate and Statement of [redacted] dated 24 Jan 04, for additional details).*

AGENT'S COMMENT: At the conclusion of his interview [redacted] was record fingerprinted.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 24 Jan 2004 / EXHIBIT: 162

0307-02-CID369-23534
0134-02-CID369-235

PUC QUESTIONAIRE

NAME: [redacted] 2nd Platoon DATE: 24 Jan 04
RANK: CPL/E-4 SSN: [redacted]
UNIT: 377th MP Co, Cincinnati, OH

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties? Sep 02 - Mar 03 / Detention facility Sep 02 - Oct 02 / Gates Oct 02 - Jan 03 / Detention facility Jan 03 - Mar 03.
2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain: N/A

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: Yes
If yes, please explain: I heard someone was called the knee of death. I don't know but it might have been [redacted] they were talking about.

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] FOUO [redacted] 913
Signature of Interviewee b2.b6 7E Signature/Sequence # of Interviewer 163

4b. How do you feel about the deaths of those two detainees? If they were innocent I feel bad. I'm also feel bad if they had intelligence to prevent future attacks.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: The interrogators may have done this.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: People not in the facility, other than the no.

7. How do you feel about being interviewed concerning this issue? At first I thought this was not necessary, because I thought it was natural cause. I now see why you all are here, due to the big picture.

8. Do you think that the death of either of those detainees was deliberate? No

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: Interrogators, people working in facility, people who had access to the Isolation cells.

11. Why do you think someone would do this? The deaths were accidental, but the blows were intential.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: I don't know if they are terrorists or part enemies. I was not authorized to do that type of contact. World perception of that type of behavior. Plus I don't want to go to jail.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Depends if it is on purpose or accidental. The reasoning for the act needs to be considered. If it is on purpose, sure they deserve jail.

[redacted] Signature of Interviewee

FOUO

[redacted] Signature/Sequence # of Interviewer

0134-02-CID369-23

0137-02-CID369-23534

a. Please explain: (See above)

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: Yes If yes, explain (See sworn statement) If the detainee is combative. We received training at the Reserve unit, at Ft. Dix and while in Afganistan on use of force, we learned to give knee strikes for self defense, but not to have them comply with orders

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

17. How do you think the results of the investigation will come out on you?

Nothing will happen to me.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes
Please explain: If someone did this accidential yes, but if it happened on purpose I would have to look at all of the circumstance. They should definately loose their job. I don't have enough information to decide a second chance.

19. Did you tell your family about this investigation? A: Yes

20a. Did you tell your family you were being interviewed regarding this investigation? A: Yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: No.

20c. Have you talked with anyone other than CID about this investigation? A: Yes If yes, who? With [redacted] other members of

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted] FOUO [redacted] 91

Signature of Interviewee Signature/Sequence # of Interviewer 163

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: less than 10%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: I don't know

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted] FOUO [redacted]

Signature of Interviewee [redacted] Signature/Sequence # of Interviewer

0137-02-CID369-2353
0134-02-CID369-2353

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 24 Jan 04
RANK: SPC/RC **SSN:** [redacted]
UNIT: 377th MP Co, 2nd plt, 3rd Sqd.

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
15 Sep 02 - 18 Mar 03 MP/combat lifesaver, worked gates (Thanksgiving until after 2 worked every position inside detention facility, worked at BHQ
2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] FC [redacted] 91
Signature/Sequence # of Interviewer Exhibit 16

4b. How do you feel about the deaths of those two detainees?
Don't know how to feel about it. Did job well. Accidents happen.

If the deaths were intentional, then they were wrong, as to my knowledge, were not intentional.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: Don't know.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: SPC [redacted] SPC [redacted], a lot of our company wouldn't do this.

7. How do you feel about being interviewed concerning this issue?

Taking time away from my daughter. I wasn't involved.

8. Do you think that the death of either of those detainees was deliberate?
No

9. If someone said that you physically abused either of those two detainees, is that person lying? yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: who ever was working in there.

11. Why do you think someone would do this? use common peronial to bring prisoners into compliance using techniques taught us.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: yes

13. Why wouldn't you do something like this? A: I'm trained not to do that.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? punishment should fit the crime.

[redacted] FOU[redacted] 918

[redacted]ure of Interviewee ba b. 26 Signature/Sequence # of Interviewer 164

a. Please explain: On purpose, they should be punished.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A:_____ If yes, explain (See sworn statement) Not as punishment. If attacked you can use min. force necessary to contain the situation.

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

nothing

used to bring someone into compliance w/rules & instructions. Not for refusing orders, just for fighting.

17. How do you think the results of the investigation will come out on you?

No result, I had nothing to do with this.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: yes

Please explain:

I don't believe the deaths were intentional, and so they shouldn't be punished for that. I think they need to be retrained.

19. Did you tell your family about this investigation? A: yes

20a. Did you tell your family you were being interviewed regarding this investigation? A: yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: No

20c. Have you talked with anyone other than CID about this investigation? A: No If yes, who?_____

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted] FOU[redacted] 919

b2 b6 Signature/Sequence # of Interviewer 1164

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: sure, yes.

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: don't know 0% for punishment.

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes

26. Do you think the FBI should get called in to help out on this investigation? A: No

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted] Four [redacted] 92C

Signature/Sequence # of Interviewer

0134-02-CID369-23
0137-02-CID369-2353

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	2. DATE	3. TIME	4. FILE NO.
Embassy Suites Hotel, Cincinnati, OH 45237	24 Jan 04	0940	0134-02-CID369-2353

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company US Army Reserve, 1600 Seymour Avenue Cincinnati, OH 45237
6. SSN: [redacted]	7. GRADE/STATUS: SPC/E-4

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: [redacted]ssault /Battery, False Official Statement, Cruelty/Maltreatment of Subordinates, Negligent Homicide/////

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (*If available*)	3. SIGNATURE OF INTERVIEWEE
1a. NAME (*Type or Print*) SA [redacted]	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE HQ, USACIDC, 6010 Sixth Street, Ft Belvoir, VA 22060 (703)806-0299	
2a. NAME (*Type or Print*) [redacted] SA	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060

Section C. Non-Waiver

1. I do not want to give up my rights:

[redacted] I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

[redacted]

ORN STATEMENT (*DA form 2823*) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881, NOV 80 EDITION OF NOV 81 IS OBSOLETE

FOUO

921
EXHIBIT 16

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

0134-02-CID369-23

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

0137-02-CID369-235

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 Embassy Suites Hotel, Cincinnati, OH 45237		2. DATE 24 Jan 04	3. TIME 1123
5. NAME *(Last, First, MI)* [redacted]		8. ORGANIZATION OR ADDRESS 377th Military Police Company US Army Reserve, 1600 Seymour Avenue Cincinnati, OH 45237	
6. SSN [redacted]	7. GRADE/STATUS SPC/E-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 as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/~~accused~~ [redacted]sault /Battery, False Official Statement, Cruelty/Maltreatment of Subordinates, Negligent Homicide////[redacted]

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES *(C*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)* SA [redacted]	[redacted]
b. ORGANIZATION OR ADDRESS HQ, USACIDC, 6010 Sixth Street, Ft Belvoir, VA 22060 (703)806-0299	
2a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 80 EDITION OF NOV 84 IS OBSOLETE

FOUO

92

EXHIBIT (

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Cincinnati, OH
Date : 24 Jan 2004 **Time:** 1735
Statement of: [redacted]
SSN : [redacted] **Grade/Status:**
Org/Address : 377th MP Company, US Army Reserve, 1600 Seymour Avenue, Cincinnati, OH 45237

[redacted] want to make the following statement under oath: I graduated from high school in 1998. I went in the Reserves in 1998 and attended Basic Training and MP Advanced Individual Training (AIT) at Fort McClellan, AL. I was assigned with the 377th MP Company, Cincinnati, OH where I served until now. In May 99, I went to Camp Ripley, MN and attended a two week 95C (Correctional Specialist) conversion course, so I hold both a Basic MP MOS and the Corrections Specialty. I volunteered to deploy with the 391st MP Bn, Columbus, OH to Kosovo from 1 Sep 2001 to 9 May 2002. We went to Fort Polk, LA and Fort Lewis, WA and conducted almost the same training we did for the Afghan mission. We ran a mock correctional facility and performed as both guards and prisoners, so we could see both sides of things. Our mission in Kosovo was as a guard company in a correctional facility. We got their meals, took them to the bathroom, escorted cleaning crews, made them comply with facility rules. We only used force when threatened or attacked. We sometimes had to put our hands on detainees to move them securely from place to place, but there were no events or conflicts between the guard and detainees. I worked the gates, the towers, roving patrols, the tactical operation center.

About two weeks after I got back from Kosovo, I heard from [redacted], that the 377th MP Company was called up for the Afghan mission. [redacted] was in Kosovo with me. When I decided to go to Afghanistan, we did ten or so days in Cincinnati, getting ready to deploy, mostly it was administrative preparation for movement. We went to Fort Dix, NJ and there we completed Basic Rifle Marksmanship, got our shots, completed forms, and did mock confinement facility operations. The training at Fort Dix was done mostly by us within the platoons, working from a training schedule. I'm assigned to 1st Platoon and was with them during our tour in Afghanistan. For the first couple of months I was there, my platoon worked gates only, we rotated into the Bagram Control Point (BCP) and did our right seat side (on the job training) with 2nd Platoon, I think.

Q: What types of training did you do at For Dix?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 166

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cincinnati, OH, DATED 24 Jan 2004, CONTINUED:

[redacted]: Besides hip-pocket training, there was escort procedure, handcuffing techniques, things to run tasks.
Q: How did this training differ from the MP doctrine training you previously received?
A: At the 95C conversion course, they had us role play as detainees first, so we could see the view from the prisoner point of view first. It provided valuable framework for how we should act as guards and what it was like on the other side. At Fort Dix, they had role players as our detainees the training was abbreviated. We did not run all four towers. The PUCs told us we were being way too rough with us, they took time outs and explained. This pause threw off our training rhythm. We did do some good training on escape attempts and the order of what steps to take. Blow the whistle, tell the guy to halt three times in his language, fire a warning shot, then only fire on him if he reached the exclusionary zone.
Q: Was the training adequate to prepare your unit to conduct operations at the Bagram Collection Point (BCP)?
A: Yes,
Q: Did the training you got from Fort Dix personnel concur with MP doctrine you knew from previous training?
A: Yes, the practical exercises could have been better, but the task, condition, standard was the same doctrine I learned before.
Q: What do you mean, by hip pocket training?
A: Stuff done on the side when you have spare time, things that you can do in short time frames and that might be useful.
Q: What kinds of hip-pocket training did you get at Fort Dix, NJ?
A: Tactical reloading your firearm (when injured), survival training, map reading, nothing else pops into my mind right now.
Q: Were there any hip pocket training [redacted]ents that dealt with pressure point control techniques, (PPCT) ta[redacted]owns and self-defense?
A: Yes, PPCT but no strikes. The technique that was taught for a combative person was to use a pressure point to take them to the ground and then to hold them there until they wore themselves out, no blows. The training was given by SGT [redacted] There were several techniques taught including some moves that used an arm twist, rolling your arm across the back, placing your finger under the nose. I can't recall them all.
Q: Did you ever apply these techniques on anyone at Bagram?
A: Yes, once at Bagram, there was a detainee who was in long cuffs (leg [redacted] on his wrists) and he was being combative with

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 166 9

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cincinnati, OH, DATED 24 Jan 2004, CONTINUED:

[redacted] SG [redacted] I had to twist him arm behind him to gain control of him. I was either a control or roving guard that day. It was up in the Isolation Cells.

Q: Do you remember which detainee this was?
A: No.
Q: Was it one of the two men who died?
A: No.
Q: Have you ever heard the term compliance blow?
A: No, what I heard of was a thigh strike called a common pronial strike, which we were told was not procedure, but was common practice because it worked.
Q: Did anyone demonstrate any strikes or blows?
A: No.
Q: Did you ever receive a common pronial strike?
A: Once I think [redacted] did it to me as a joke. It hurt and I asked him, "Hey man, why'd you do that, it hurt?"
Q: What were you trained to do when you took over operations in the BCP? Who taught you.
A: We were taught how to chain people in a standing position, mostly in the isolation cells, sometimes (rarely) in the airlocks of general population. We were taught to escort detainees by grabbing them under the arms and moving them securely from one point to another. We changed that to put one hand on the arm and one on the shoulder. This provided better ability to control the detainee. Two people were required for escorts of most prisoners, except high value or special population detainees.
Q: For movement, how were detainees shackled?
A: Leg irons on their legs, leg irons and hand cuffs on the hands and a hood or goggles. Belly chains were used in the facility but not for movement. Later we got away from hoods and just used blacked out or taped goggles to prevent the detainees from looking around while being moved.
Q: What other techniques or practices were you trained on during your changeover within the BCP?
A: The responsibility of each position within the BCP, tower (catwalk), control, relief, iso guard, RTO and SOG.
Q: Did you receive any use of force training? If so, where?
A: Yes, at Fort Dix, NJ. We were told that we could employ force when we were threatened (life or limb), when the detainee became combative or when authorized by the SOG. We were told that we should use minimum force necessary to control the situation.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 166 92

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cincinnati, OH, DATED 24 Jan 2004, CONTINUED:

[redacted]: What is your understanding of a detainee being combative?
A: When they attack or assault a guard, not mere resistance. If the detainee just wouldn't do something, then we would get more people to carry them up the stairs. That's what 1st platoon went with, we just got a lot of guys.
Q: What did the other platoons do?
A: I don't know for sure.
Q: What other things were you trained on?
A: Admin duties, changing out latrines, the reward system in place for persons under control (PUC) performing task, like cleaning their own latrine. Sometimes we would let them talk as a reward, but only if they spoke in English
Q: Were you given any guidance, direction or training about delivering strikes to PUCs who did not comply with instructions?
A: That's hard to say.
Q: When did you first see or hear of strikes being delivered to PUCs and under what circumstances?
A: During right seat side, in Iso, a PUC (who I can't recall) was supposed to be standing. They motioned for him to stand, he did, later he laid back down and they went in the cell and stood him back up. He refused to stand and they kneed him in the thigh once. The PUC hunched over and said something in Pashtun. He stayed standing for awhile. If that still didn't work, then they chained him up - so he could not sit down.
Q: Was this contrary to your training on when force could be applied?
A: When were training at Dix, we used the guidelines there, but when we got over to Bagram, the standard changed and we did things differently.
Q: When you were at Dix, did you receive a book with the rules of engagement and/or use of force in them?
A: Yes, it had rules of engagement, but it did not address strikes at all. The rules of engagement were geared toward a combat situation, what to do if fired upon, but it really didn't address things within the facility.
Q: Were you comfortable with the standard practice in the facility of striking prisoners with compliance blows?
A: No, I thought to myself, well, this is different. But I learned a long time ago that you don't ask questions and you just do what you are told. So I did what everyone else did. Our SOG and Squad Leaders were there and saw this stuff, they made no move to correct it, so I took it that the practice was tolerated or allowed.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 166 92

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cincinnati, OH, DATED 24 Jan 2004, CONTINUED:

[redacted]ade no move to correct it, so I took it that the practice was tolerated or allowed.

Q: Did you ever strike a detainee with a common pronial strike?

A: Yes, a detainee (maybe one of the two who died) was kicking the door and we had adjusted his chains multiple times

Q: What was the nature of your contact with HABIBULLAH (PUC 412), the first detainee who died?

A: He was Iso Cell 7, on the first floor. I remember because it was the bigger cell. He was chained to the ceiling standing. He had leg irons on his feet, leg irons and short (hand) cuffs on his wrists. His hands were together and chained to the ceiling by a long leg iron with his hand at about the level of his head. He was also hooded. The chaining was at the direction of MI, and we made whatever adjustments they told us to. I don't recall the MI direction on him or how he was originally placed in that position, but he was like that when I came on shift. HABIBULLAH was hooded and he kept pulling up on his hood to get it off his face. We went into the cell a few times and pulled the hood back down and this went back and forth, it ending with him pinning his head to his arm or neck to prevent us from putting the hood back down. I struck him once with my right knee to his right thigh, he wouldn't stop pinching his head against his arm, so struck him in the thigh with my knee again and he loosened up and we put the hood back on and put goggles over the hood to keep it down. He said "Allah, allah, allah" - I think it's the equivalent of saying "Oh, god, oh god" it's their god.

Q: How hard did you hit him?

A: It wasn't as hard as I could knee him, but it was hard enough to hurt. I saw him tense his legs and his feet came off the floor, when his feet came back down, he still wouldn't comply and it took collectively about four strikes (two on either leg) before he relaxed and let us put the hood back down and put the goggles on. I grabbed a hold of his shirt and the back of his neck and stabilized him and then struck him with my knee. I think the other MP that was with me (either [redacted] or [redacted] struck him in the other leg once or twice. They kneed him about as hard as I did.

Q: Did delivering the blows hurt you?

A: No.

Q: Did you have to log the blows or advise anyone of the event?

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 166

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cincinnati, OH, DATED 24 Jan 2004, CONTINUED:

[redacted]: No, later we had to log it, after the death, but at that time no we didn't have to tell anyone or record it, or pass it on.
Q: Did you have to get anyone's permission to deliver common pronial strikes?
A: No. It was used to persuade them to comply with direction. I wasn't taught to use as punishment, but as a standard practice to get them to comply with directives.
Q: Did you have any other contact with HABIBULLAH?
A: I'm not sure... I thought I recalled seeing and hearing about him, was when the ambulance was called and he was carried out on a stretcher. [redacted] was working on him, doing CPR, but CID told me that was the second detainee who died.
Q: Did you have any conversations about the event where you struck HABIBULLAH?
A: [redacted] and I talked about it with the SOG (probably SSG [redacted] Whenever something went down, he tried to make sure he was there and he told us that it was okay and to pass it on to the next shift. His reaction was no big deal.
Q: How did you feel about his reaction?
A: It wasn't according to doctrine, but that was standard practice and the NCO wasn't upset, so who was I to say any different. It was wrong from what we were taught at Dix and what we did at Kosovo, but that was how things were done.
Q: What was the procedure or standard practice for a detainee getting medical attention?
A: The doctor made regular rounds and saw people in the BCP and if he thought it was serious, they would go to the hospital. Other than that, if we saw them limping, complaining or favoring some body part that made it seem like they were injured, we would tell the doctor, so he could check on them.
Q: Were strikes reported to the doctor, so he could check on detainees who received blows?
A: No.
Q: Did people outside the guard force know the MPs was delivering blows to detainees?
A: No, I didn't even know, when I was working gates, I didn't find out it was being done until I started working inside the facility.
Q: Did HABIBULLAH ever indicate to you that he was in pain?
A: When I struck him yah, but not after, he just stood there.
Q: Do recall seeing HABIBULLAH (PUC 412) walk anywhere?

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cincinnati, OH, DATED 24 Jan 2004, CONTINUED:

[redacted]A: The only place he would have walked was to the bathroom, under escort from the control guards. It's honestly been so long I just can't remember.
Q: Do you recall having any other contact with HABIBULLAH (PUC 412)?
A: No. I don't think so, I can't recall.

[redacted]Q: Do you know who caused the death of HABIBULLAH (PUC 412)?
A: No.
Q: Did you cause the death of HABIBULLAH (PUC 412)?
A: No.
Q: When did you learn of the death of HABIBULLAH (PUC 412)?
A: I don't remember when I learned of the death, I just remember that I found out it was the guy from Iso (HABIBULLAH) that had been carried out.
Q: Did anyone discuss the death of HABIBULLAH?
A: Just rumors, first they said it was a heart attack, then it was rumored the common pronial strikes caused the death. When I was interrogated by CID, the first time, that was when I knew for sure, because they told me the blows had caused the death.
Q: Did that surprise you at all?
A: Yeah, I didn't know that someone could die like that.
Q: How did that make you feel?
A: It was like "gosh, we shouldn't have been touching them like that. It was a real eye opener having someone die that you played a part in so to speak".
Q: After the first death, did the practice of delivering common pronial strikes change?
A: They told us we had to log it, they did not ask that it be discont[redacted]. That was what our shift did, I don't know about what day[redacted]d. I know that our SOGs wanted us to be better than the other shift, so they held us to a higher standard.
Q: Who else struck HABIBULLAH?
A: Whew, I really don't want to guess this, but myself, [redacted] a number of different people. [redacted] struck him when he was in the cell with me. [redacted] old me [redacted] struck HABIBULLAH, the night he died for spitting on him. [redacted] only said the PUC spit on him.
Q: Did [redacted] tell you he struck a detainee?
A: Yes, but I don't recall which one.
Q: What shift were you working when you interacted with PUC 412?
A: Nights.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 166 93

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cincinnati, OH, DATED 24 Jan 2004, CONTINUED:

[redacted]

Q: Did the day shift pass on any information pertaining to PUC 412 during shift change before his death?
A: Yes, they would have passed it on to whoever relieved them. They didn't pass on anything that day to me.
Q: Do you know if PUC 412 was in standing restraints during the day shift before his death?
A: He was in standing restraints when we came on shift, but I don't know how long he had been like that.
Q: Do you know if the day shift had to apply any pressure point control tactics or common pronial strikes during the day shift before his death?
A: No.
Q: Did PUC 412 complain of any medical problems before or during your shift?
A: No.
Q: Was PUC 412 yelling a lot during the night shift?
A: Not that I recall, he was talking to himself a lot, though, he was mumbling, too.
Q: Would you or anyone else have known if PUC 412 was complaining of a medical condition during your shift?
A: No.
Q: What do you recall related to events involving the second detainee who died, BT-421, which CID has told me was named DILAWAR.?
A: I recall that on the day he died, DILAWAR was mule kicking the door of the isolation cell. We could hear the sound of the kicks as he struck the door. I recall he was held within the isolation cells on the second floor of the facility. He was held within the isolation cell that was the first one on the left as you were standing at the guard station. He was positioned in leg shackles on his feet. There was a pair of short cuffs, one set on each wrist. These were fastened to leg shackles which had been fastened to the wire ceiling of the isolation cell. His arms were positioned out to his side, not directly over his head. I watched as Mr. DILAWAR would reach up and grab the loop of the leg shackles from the ceiling at the point where the short cuffs were fastened to them. He would lift both his feet off the ground at the same time and kick on the door of the cell. He did this quite a few times, more than 10 times, before we went in to do anything about it. We decided we had to do something, because I had heard that a detainee was able to knock a door off one of the cells by kicking on it. When we decided to go into the cell, we were going to turn him

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 166

93

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cincinnati, OH, DATED 24 Jan 2004, CONTINUED:

[redacted] around so he would not be able to kick on the door or see the door anymore. I was working as control, but I can't recall whom I was working with. SSG [redacted] SSG [redacted] nd another MP went into the cell, I know there were five of us in the cell. When we went in, we loosened one of the restraints holding his arm at a time and turned him around. When we were trying to move him, DILAWAR continued to try to resist us and if there had not been so many of us in the room, he would have tried to assault us. We grabbed him by each arm and then also grabbed his legs together. We turned him around and refastened him to the ceiling with his arms spread apart. I believe SSG [redacted] came up with the idea of fastening a belly chain from the leg shackles fastened to his ankles to the ceiling. When we finished doing this, DILAWAR was able to kick backwards only slightly, but he could not kick forward anymore. I b[redacted]eve DILAWAR was hooded at this point also. We all left the cell, which was resecured. I don't know of any further problems with him during this shift.

Q: Did you strike DILAWAR while you were in the cell assisting in restraining him?

A: No, not at that time I did not.

Q: Did you strike DILAWAR at another time?

A: Yes, I went to the isolation cells during my shift the day before DILAWAR died. I cannot recall the exact time. They tried to keep out most of the light from within the facility and the lights were always on, so it was difficult to determine how much time had passed. I went to the isolation cells to assist SGT [redacted] who was going into DILAWAR's cell to provide him some water. I went into the cell with SGT [redacted] We removed the hood and SGT [redacted] offered him some water. DILAWAR drank some of the water. We were trying to put the hood back on DILAWAR and he was resisting us. I was standing on the left side of DILAWAR and SGT [redacted] was standing more to the front and off to the right side of DILAWAR. I gave DILAWAR two consecutive common pronial strikes with my knee to the thigh of DILAWAR. He then became cooperative enough that we were able to get the hood back over his head. SGT [redacted] and I then left the isolation cell.

Q: During this shift, the day before DILAWAR died, did you strike DILAWAR at any time, other than you have already described within the statement?

A: I was working in the area of the isolation cells and I entered DILAWAR's cell to offer him some food or water. I

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 166

93

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cincinnati, OH, DATED 24 Jan 2004, CONTINUED:

[redacted] removed his hood and offered him the food and water. I am pretty sure he declined and when I tried to put the hood back on him that was not going to happen. He was being resistant by moving his head around and moving his arms. I don't recall who was in the cell with me, but I had to deliver a common pronial in order to get the hood back on.

Q: Why can't you clearly recall the circumstances of the times you delivered blows to HABIBULLAH and DILAWAR?

A: They were not the only PUCs I delivered blows to. I did it to a lot other PUCs, who did not die. It happened a lot, it was standard practice to pop someone who did not comply. These two guys died, but I probably kneed 20 or so PUCs total and I just can't differentiate between the rest of the PUCs and the ones who died. Each time I entered a cell, other guys were with me, but who was with me for each specific incident - it just don't know there were too many.

Q: Did you know that striking a PUC who was restrained and no threat to you was wrong?

A: Yes.

Q: If you know it was wrong, why did you do it?

A: It was morally wrong, but it was SOP. Really it wasn't a written down SOP, but it was standard practice and it was what was routinely done, so I just went along with what everyone else was doing.

Q: Did anyone ever talk with you about what to say to investigators?

A: Tell the truth about what you know and tell them what you should have been [redacted]ng - "use the minimum force necessary". I think it was SSG [redacted] who told me that.

Q: Did you deliberately mislead CID in your earlier interview?

A: No, I answered all the questions they asked me, but they never asked me about the other PUCs.

Q: What do you consider excessive or abusive force against detainees?

A: Based on the practice in the BCP, in that situation, I believe excessive or abusive force would be delivering common pronial strikes longer than you needed to - to get the PUC to do what you wanted, just hitting them for no reason, or choking them or twisting on their cuffs.

Q: Did you observe anyone doing the actions you described above?

A: Yes, [redacted] would twist on detainees cuffs to get them to move faster [redacted] and I told SFC [redacted] about

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 166

934

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cincinnati, OH, DATED 24 Jan 2004, CONTINUED:

[redacted] this and [redacted] was removed from the BCP before the deaths occurred, before the two dead detainees even arrived.

Q: Do you remember the numbers of the other PUCs you struck?

A: No.

Q: Why would you strike them?

A: Hanging from their cuffs chained to the hesco, for swinging at the guards, for being resist[redacted] lowering their hoods.

Q: Where did most of these blows occur?

A: Only in isolation, they were the only ones giving us problems, some of them were in isolation because they were behavioral problems.

Q: Did any of these blows get logged or recorded?

A: No, prior to the deaths, we only logged when they got medicine, if they refused to eat or refused to drink.

Q: What portion of the guard force delivered common pronials strikes on a regular basis to PUCs in isolation?

A: It wasn't everybody [redacted] and [redacted] didn't, but the other 90% of my shift.

Q: Besides common pronial strikes, what other things were done to PUCS?

A: Twisting th[redacted] twisting the arm and I was told one PUC got a couple [redacted] under the rib cage from SSG [redacted] while they were wrestling in the airlock trying to subdue the detainee.

Q: Besides what we've asked you today, is there any other information that you have related to the treatment of PUCs that is contrary Army doctrine?

A: Cuff twisting, standing restraint (either chained or forced), sleep deprivation, hooding, covering their ears with ear muffs, using leg cuffs on wri[redacted]s, chaining them up or to th[redacted] cell[redacted]or. Mayb[redacted] rib ~~punch~~ must [redacted] ~~unless that was an attempt at~~ because it ~~a p[redacted]sure point which I doubt.~~ Leaving them unescorted with MI. MI would also give them things, favors, coffee, sugar and cigarettes.

Q: Did MI direct you to conduct any of the above actions?

A: Yes, give them favors, chain them standing for sleep deprivations. It was a guy named [redacted] who was MI.

Q: Describe [redacted]

A: He was about [redacted] hair, he was always clean shaven, unlike the other MI guys. Most of the time he wore [redacted] He was the only MI guy there that [redacted]

Q: Would you recognize him if you saw him again?

A: Yes.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 166

93

STATEMENT OF SPC [redacted], TAKEN AT Embassy Suites, Cincinnati, OH, DATED 24 Jan 2004, CONTINUED:

Q: Did MI instructions always come from [redacted]
A: No, there were others, multiple other MI people, men.
Q: Did you observe any MI interrogation sessions with detainees?
A: No. We dropped them off and left the area, we wouldn't even stand by the door.
Q: Did you observe any detainees come out of MI interviews shaken, or injured?
A: No broken bones, but not the same as they went in. It was obvious in the ways they walked out, limping, hurt and leaning on us.
Q: Did you observe either of the two detainees who died, come from an MI interview injured or weakened?
A: No.
Q: When did your assaults upon detainees start and when did they stop?
A: After the Relief in Place (RIP), when I started working in Isolation, it started. That was around the first part of Nov 2002. It ended when the second detainee died in early December 2002. When the first one died, we started logging strikes, when the second one died strikes were discontinued as standard practice.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////End of Statement//////////////////////

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 166

939

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cincinnati, OH, DATED 24 Jan 2004, CONTINUED:

[redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 13. 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 oaths, this 24th day of January 2004 in Cincinnati, OH.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

[redacted] Oath)

HQ, USACIDC, 6010 Sixth Street,
Fort Belvoir, VA 22060

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 166 93

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533

DETAILS

At 0900, 26 Jan 04, SA [redacted] and SFC [redacted] 77th Military Police (MP) Company, 1600 Seymour Avenue, Cincinnati, OH 45237 searched the training area and filing cabinets for training files and documents pertinent to this investigation.

At 0955, 26 Jan 04, SA [redacted] collected three of items against receipt on a DA Form 4137, Evidence Custody Property Document (ECD), Voucher #0002-04 [redacted] collected the following items: (1) Photocopied handout for a training class pertaining to Pressure Point Control Techniques (PPCT), handcuffing, standards of acceptability in any defensive tactics, levels of resistance and control; (1) Training schedule for the 377th for January 2002; and (7) Class rosters for the following classes: (See DA Form 4137, dated 26 Jan 04 and attached documents for additional details).

- Process EPW/CI at a Collecting Point or Holding Area, Instructor: SPC [redacted] CPL [redacted]
- Perform as a Guard, Instructor: PVT [redacted]
- Control Internee Movement within a Correctional Confinement Facility, Instructor: PV2 [redacted]
- Control a Vehicle to Exit from a Confinement Facility, Instructor: SSG [redacted]
- Interact with Internees, Instructor: SPC [redacted] and SSG [redacted]
- Participate in Riot Control Formation, Instructor: SGT [redacted]
- Employ Riot Baton, Instructor: SGT [redacted]

At 1040, 26 Jan 04, SA [redacted] conducted an interview of SFC [redacted] Supply NCOIC, 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237, regarding her knowledge of the conduct of members of the 377th MP Co, while conducting operations at the Bagram Collection Point (BCP), Bagram, Afghanistan, between Sep 02 and Apr 03. [redacted] stated she did not witness any of the detainees being physically abused by any of the members of the 377th MP Co. Further, [redacted] said that she did not observe any of the detainees being physically abused by any of the Military Intelligence (MI) or Other Government Agency (OGA) personnel, however, [redacted] stated she had heard a rumor regarding the death of the two detainees, which she attributed to 1SG [redacted] (NFI), 377th MP Co. [redacted] said 1SG [redacted] informed her "they handled the prisoners little more rough then what they should have" (See PUC Questionnaire of [redacted] dated 26 Jan 04, for additional details).

[redacted] also recounted her participation in a Mar 02, 377th MP Co training exercise, after the unit was alerted for activation. The unit believed they were being sent to work at the detention facility at Guantanamo Bay Naval Base, Cuba (GTMO). [redacted] was a role player in the training exercise, training MP personnel on searches and escort duties involving detainees. [redacted] acted like a "combative prisoner", during the training and grabbed SPC [redacted] 377th MP Co, fingers and accidentally broke one of them. [redacted] Supply NCOIC, 377th

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGN [redacted]	DATE 26 Jan 04	EXHIBIT 167

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY
b2, b6, 7c

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0134-02-CID369-23533

DETAILS

MP Co did not receive any training in Pressure Point Control Tactics (PPCT), due to her position and therefore she was unfamiliar with any of the techniques.

At 1150, 26 Jan 04, SA [redacted] collected six photographs against receipt, on a DA Form 4137, ECD, Voucher # 0001 -04, from [redacted] The photographs depicted the training session that the 377th MP Co conducted during March 2002. (See photographs and DA Form 4137, dated 26 Jan 04, for additional details).

At 1205, 26 Jan 04, SA [redacted] collected one training schedule and one memorandum against receipt on a DA Form 4137, ECD, Voucher # 0003 -04, several training records pertaining to training for deployment operations. The training schedule was for 377th MP Co training between 1-3 Mar 02. The memorandum was authored by CPT [redacted] Cdr, 377th MP Company and dated 22 Jan 02. CPT [redacted] asked for a change to the drill schedule citing a "great concern about ensuring my soldiers are prepared to handle such dangerous detainees and want to prepare them as much as possible." (See DA Form 4137, dated 26 Jan 04 and attached documents for additional details).

AGENT'S COMMENT: SA [redacted] and SA [redacted] released all items of evidence and the originals of the DA 4137(s), dated 26 Jan 04, to SA [redacted], PUC Task Force, for submission to the controlling Evidence Repository, Washington DC Metro Fraud Unit, MPFU, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 26 Jan 04	EXHIBIT 167

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

Exhibit 168, 169, 170

Page(s) 940 - 960 withheld

b2

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 26 JAN 04
RANK: SGT **SSN:** [redacted]
UNIT: 377th MP CO.

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES

1. If yes, what dates and what were your duties?
AUG 02 - MAR 03 - SUPPLY SERGEANT FOR PRISON FACILITY

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: YES If yes, explain: TO DISTRIBUTE SUPPLIES - INFREQUENTLY

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain: They hadled the prisoners the way they were teamed. The rumor was they hadled the prisoners little more rough then what they should have. This rumor is Attributed The 15G [redacted] who made the comment.

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] DUO [redacted]
SFC [redacted] b2,b6,7C [redacted] Sequence # of Interviewer 961
EXHIBIT 17

4b. How do you feel about the deaths of those two detainees?
Feel bad that anyone lost their life but I was shocked when I heard they died.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I don't Know.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: No

7. How do you feel about being interviewed concerning this issue?

I don't have any feelings about the deaths

8. Do you think that the death of either of those detainees was deliberate?
NO

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: The platoon who was working in the facility at the time

11. Why do you think someone would do this? I don't

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: Not in my Job discription to work with the detainees

14. What do you think should happen to a person who mistreated or caused the death of a detainee? If they did it deliberatly they should be Punished by UCMJ

[redacted] [redacted] 96

Signature of Interviewee

b2, b6, 7C

Signature/Sequence # of Interviewer

SFC [redacted] SA

1a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
Not corporal Punishment but if a Prisoner is not Cooperating or fighting back, then compliance blows may be needed

17. How do you think the results of the investigation will come out on you?
I won't have any adverse Actions.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes
Please explain:
If they were unaware of what they were doing Ex: Compliance blows that may have been to severe

19. Did you tell your family about this investigation? A: Yes

20a. Did you tell your family you were being interviewed regarding this investigation? A: NO

20b. Did your family ask you if you were guilty? If so, what was your response? A: NO

20c. Have you talked with anyone other than CID about this investigation? A: Yes If yes, who? SFC [redacted] Ms [redacted]

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted]

Signature of Interviewee

SFC [redacted]

FOU[redacted]

b2,b6,7[redacted]

Signature/Sequence # of Interviewer

[redacted] S4

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation?
A: yes to polygraph but no to hypnosis

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: Few

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes

26. Do you think the FBI should get called in to help out on this investigation?
A: Maybe, if CID doesn't get anywhere

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A:

Before deploying in Mar 02, the unit training was "How to escort + pro + restrain a combative prisoner." I played the role a prisoner. While on the drill floor I was put to the floor be I was fighting back. SPC [redacted] & SPC [redacted] were the soldiers escorting at the time. Spc [redacted] was holding my hands but (MPs) was not payi attention. I kept telling her to pay attention to me and stop joke around. I went to squeeze her finger but I broke it instead.

MOB Assistor - SFC [redacted]
Former Commander - CPT [redacted] - Ft McPhearson

[redacted] OU [redacted]

Signature of Interviewer [redacted] b2, b6, 7C [redacted] of Interviewer

Exhibits 172, 173, 174

Page(s) 965 - 976 withheld

b2, b6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 1033 hrs, 26 Jan 04, SA [redacted] and SA [redacted] interviewed **SGT [redacted] 377th MP Company, Cincinnati, OH 45237,** who was assigned to 1st platoon, working inside the BCP at the time of both deaths. [redacted] was advised of his legal rights for the offenses of Assault, Cruelty/Maltreatment, False Official Statement and Negligent Homicide [redacted] waived his rights and provided a statement wherein he adamantly denied working within the BCP when either detainee died. He stated he was working as a patrol MP during the timeframe of the deaths in Dec 02 [redacted] was transferred to work within the BCP, about two weeks after the second death. [redacted] alled soldiers assigned to 3rd platoon distanced themselves from the rest of the unit, calling themselves during various instances "The Detachment." [redacted] noted 3rd platoon soldiers became easily "aggravated over little things".

[redacted] recounted a conversation he had at Fort Dix, NJ with SGT [redacted] and SPC [redacted] (NFI), both of 3rd Platoon, 377th MP Company (Detachment 1), Bloomington, IN, pertaining to the use of dietary supplements. [redacted] and [redacted] told [redacted] ey were taking "Andro-Stackers" claiming those pills were a lot stronger than the supplements he was taking. [redacted] and [redacted] told him they obtained the supplements by ordering them through someone at their gym "back home". [redacted] recalled the specifics of their regimen, required "andro-stackers" to be taken in cycles (like other steroids) and the cost was reportedly [redacted] a 90 day supply. *(See Waiver Certificate and Sworn Statement of [redacted] dated 26 Jan 04, for additional details).*

At 1447 hrs, 26 Jan 04, SA [redacted] and SA [redacted] interviewed **SSG [redacted], 377th Military Police (MP) Company, 1600 Seymour Avenue, Cincinnati, OH 45237** who was assigned to 1st platoon and worked within the Bagram Collection Point (BCP), between 15 Oct and 10 Dec 02 (the timeframe of both deaths) [redacted] provided a statement indicating she never struck nor witnessed any other soldier strike a detainee. She stated detainees were placed in standing restraint in both general population (in the air lock) or in the isolation cells. A whiteboard (dry eraser) was used to reflect the status of each detainee and his course of sleep deprivation and/or standing restraint. [redacted] said the whiteboard was wiped clean before visits from the International Committee of the Red Cross (ICRC) or visits from dignitaries. The writing on the board was shorthand or code, using symbols to reflect the sleep deprivation times. For example, "4 (up arrow symbol) , 2 (down arrow symbol) " signifying four hours of standing restraint with two hour rest periods. This was utilized to prevent non-MP personnel from knowing what type of sleep deprivation or standing restraint was instituted for each detainee. *(See Sworn Statement of [redacted] dated 26 Jan 04, for additional details).*

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Ft Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 26 Jan 04	EXHIBIT 175

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

AGENT'S COMMENT: SA [redacted] coordinated with [redacted] who confirmed [redacted] was working on patrol duty during the incidents under investigation and was transferred back to the BCP shortly after the death of the second detainee [redacted] explained many of the soldiers in Afghanistan often confused him with SGT [redacted] 377th MP Company, Cincinnati, OH 45237. In the first statement of SPC [redacted] 377th MP Company, Cincinnati, OH 45237, dated 23 Jan 04, she described an assault by [redacted] on HABIBULLAH, in the Isolation Ward prior to HABIBULLAH's death.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Ft Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 26 Jan 04	EXHIBIT 175

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

0137-02-CID369-2353

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	2. DATE	TIME	4. FILE NO.
Embassy Suites Hotel, Rm 323, Blue Nash, OH 45242	26 Jan 04	1033	

5. NAME	8. ORGANIZATION OR ADDRESS
[redacted]	337th MP Det Cincinnati, OH 45251
6. SSN [redacted]	7. GRADE/STATUS E-5

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/~~she~~ is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: False Official Statement, Aggravated Assault, Mistreatment of Persons, ~~Assault Consummated~~ and Negligent Homicide

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:

[redacted]

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

[redacted]

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

5. COMMENTS *(Continue on reverse side)*
Have you ever requested a lawyer after being advised of your rights? NO [redacted]

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)* SA [redacted]	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE HQ, USACIDC Ft. Belvoir, VA 22060	
2a. NAME *(Type or Print)*	5. [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC Ft. Belvoir, VA 22060

Section C. Non-waiver

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

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE USAPA 2.01

FOUO b2, b6, 7C

979

EXHIBIT 17

FILE NUMBER:
LOCATION: Embassy Suites Hotel, Room 323, Blue Ash, OH 45242
DATE / TIME: 26 Jan 04 / [redacted] 1338 hrs [redacted]
STATEMENT OF: [redacted]
SSN: [redacted]
GRADE/STATUS: SGT/ E-5 AR
ORGANIZATION/ADDRESS: 377th Military Police Company, 1st Platoon, Cincinnati, OH 45251

I [redacted] want to make the following statement under oath:
The unit was activated and sent to Fort Dix, NJ, around June 2002, at which time we received CTT training from the Fort Dix cadre. The unit provided training on Pressure Point Control (PPC) for self-defense and compliancy reasons. Pressure points were delivered to regain control of a hostile detainee and knee strikes were said to be given for the same reason. Use of Force training was provided which detailed using the minimum force necessary to accomplish the mission. While escorting the detainees, they were always hand cuffed and leg shackled to limit their movement for safety reasons. In my mind there was never a reason to deliver a knee strike to the thigh [redacted]

I then deployed with 1st platoon, 377th MP Company out of Cincinnati, OH to Bagram Air Base, Afghanistan. We got in country around August 31st 2002. We started working the gates the very next morning. I think 1st platoon came over to the facility around the beginning of October 2002, on night shift. I was in the facility for approximately a week and a half, and then reported to the PMO for patrol duty. I switched over to patrol because the PMO wasn't happy with SGT [redacted] At that time, I went out and took his place on patrol with SPC [redacted] I was on patrol while both deaths occurred in the facility. After CID investigated the incidents, SPC [redacted] had to come out of the facility. SGT [redacted] volunteered to come out with SPC [redacted] and take our place on patrol duty. After the deaths occurred it was my opinion that my platoon conducted them self in a professional manner and I never witnessed any detainees being beaten. After I started to work in the facility, I don't feel that my platoon sergeant SFC [redacted] or my platoon leader 1LT [redacted] would let anything like that occur. [redacted]

Q: On what date did you switch over to patrol duty?
A: I don't know what date specifically, but it was sometime in October 2002. I had only been in the facility for about a week and a half, before I was switched over to patrol.
Q: How did you come to find out about the first death?
A: Either from the PMO or from one of the guys in the unit in passing.
Q: On what date did you transfer back to the detention facility from patrol duty?
A: A week or two after the second death, it was probably towards the end of December 2002.
Q: How did you come to find out about the second death?
A: SPC [redacted] I saw him standing on the stairs near our squad tent. It appeared he was upset and I asked him what was wrong. He told me that a second detainee had died and that he attempted to save his life. SPC [redacted] told me that he just came from the hospital in order to be checked out. While attempting to save him, SPC [redacted] gave the detainee mouth-to-mouth. SPC [redacted] had to be checked out for both TB and HIV.
Q: Did you ever deliver any common peronial strikes to any of the detainees?

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 323, Blue Ash, OH 45242, DATED 26 Jan 04, CONTINUED.

A: No. Not that I remember.
Q: Did you ever deliver any type of corporal punishment to any of the detainees?
A: No. Only the sleep deprivation, which was instructed by MI. MI would pass information on to the platoon sergeant, which would in turn instruct us to care out the order.
Q: What were the most extreme actions you did to a detainee?
A: The sleep deprivation.
Q: Is it possible that that you returned to the facility after the first death and not the second death?
A: No, because I was on patrol when I asked SPC [redacted] what was wrong with him and he told me about the second death.
Q: Do you recall an incident involving you and [redacted] attempting to shackle a combative detainee?
A: No.
Q: Is it possible that the incident occurred, but with a different detainee?
A: No, I don't recall doing anything like that. When I came back into the facility we were no longer allowed to shackle detainees to the ceiling.
Q: Why do you think that someone would implicate you in any incident involving the delivering of common peronial strikes?
A: Maybe someone had his or her times mistaken when I was administering sleep deprivation or someone has me confused for another MP. People have confused [redacted] and I before in the past.
Q: Did you ever see SPC [redacted] deliver a strike to the chest or abdomen of a detainee?
A: I don't recall him doing that, no.
Q: Did you ever work with SPC [redacted] while in the detention facility?
A: Yes, when I came back from patrol he was assigned to 1st platoon.
Q: Did you ever witness anyone delivering knee strike to the thigh of a detainee?
A: Yeah, maybe I don't recall the exact circumstances or who may have done it.
Q: Have you heard of anyone giving knee strikes to a detainee that you thought was inappropriate?
A: Yes, I heard 3rd platoon beat some guy up, when one of the detainees attempted to fight them. Other than that I never heard anything else, but I think 3rd platoon was justified.
Q: Do you know of any MP's giving knee strikes for any reason?
A: Yes, but only in times of controlling a situation. I don't remember specifics.
Q: What was your impression of the members of 3rd platoon?
A: Corn fed muscle heads. Little things aggravated them, they didn't like to be associated with the company. In fact the members of 3rd platoon would said that they were not part of the company but rather their own "detachment." While at Fort Dix [redacted] and I were talking about working out. I told them that I bought some "Andro Poppers," from GNC, at which time they told me that my "Andro Poppers," were junk. They explained that they take "Andro Stackers," and that they were a lot stronger than the supplements I take. I told them that I could not afford to buy the "Andro Stackers," because they are about $200-$300 for a 60 to 90 day supply. My thought about "Andro Stackers," is that they are taken in cycles like steroids and that they are too expensive. [redacted] and [redacted] told me that they get their supplements through someone at their gym back home, but that I could purchase them online. [redacted] has been a po[redacted]ifter for awhile, but his bench increased to 500 in something pounds while at Bagram. [redacted]

EXHIBIT 176 INITIALS [redacted] PAGE 1 OF 4 PAGES

Q: Did you notice a change in the behavior of any of the members of 3rd platoon from the time you arrived until the time you left Bagram?
A: I wasn't around them long enough to notice any changes.
Q: Do you have anything else you wish to add to your statement?
A: I wish that I could be more clear on specifics, but I was on patrol and not around when these two deaths occurred.
Q: Do you have anything else to add to this statement?
A: No. //End of Statement// [redacted]

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 323, Blue Ash, OH 45242, DATED 26 Jan 04, CONTINUED.

0137-02-CID369-23534

AFFIDAVIT

I, [redacted], have read or have had read to me this statement which begins on Page 1 and ends on page 4. I fully understand the contents of the entire statement made by me. The statement is True. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat 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 oaths, this 26th day of January 2004, while at room # 323, Embassy Suites Hotel, 4554 Lake Forest Dr, Blue Ash, OH 45242.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

[redacted]

EXHIBIT 176 INITIALS [redacted] PAGE 4 OF 4 PAGES

FOR OFFICIAL USE ONLY

b2, b6, 7C

983

SWORN STATEMENT

File Number :
Location : 377th Military Police Company, Cincinnati, OH 45242
Date : 26 Jan 04 Time: 1447hrs
Statement Of: [redacted]
SSN : [redacted] Grade/Status: E-6
Org/Address : 377th Military Police Company, Cincinnati, OH 45237

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes.

Q: What dates were you there and what were your duties?

A: I arrived in country on or around 30 Aug 02 and I left country on or around 15 Mar 03. Through the first part of October I was an NCOIC at the gate. In November, I moved into the detention facility and there our duties rotated. Sometimes I was SOG, sometimes crash team and Floor Sergeant. The E-6's and E-7's were the only ones who performed SOG. I also did the property room. From mid October through mid November, I was night shift and then I moved to day shift until I moved out to the gate again which was somewhere around 10 Dec 02.

Q: Did you guard either detainee that died during the period of time between October and December 2002?

A: I was SOG sometime during that time, so yes. I was never one on one with either detainee, that I remember. I never had to pull isolation guard as an E-6. I may have given somebody a break in isolation from time to time, but I don't specifically remember doing that while either detainee that died was there. When the two detainees died, I couldn't even tell you what they looked like.

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: I don't know. I did do some of the inprocessing since I was the property room clerk, so I would take whatever property they had, but I don't specifically recall. If they came in on my shift, I probably was there on that day to collect their property.

Q: Define corporal punishment.

A: I never thought about. To me corporal punishment is something

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH, DATED 26 Jan 04; CONTINUED:
like death row. To me, corporal punishment was not something we did in that facility. If a prisoner was misbehaving such as talking when it's a silent facility, they might be handcuffed in such a way in the airlock to where they could not sit down and were also hooded or goggled[redacted]
Q: Did you witness either detainee receiving any type of strikes?
A: No. I don't remember ever seeing anyone physically strike a prisoner.[redacted]
Q: Were any detainees struck for any reason?
A: I heard that a detainee that was being escorted to a MI interrogation tried to hurt or escape from a MP and had to be taken down. I don't know what happened. It was much earlier than when the other detainees died. The rule of thumb was if you had to do something like that is that you got him face down on the floor and held him there until more people could arrive and help get control of them. I'm not saying the detainee was struck, but they just got him where they could get him under control[redacted]
Q: Did either PUC that died cause any trouble during the shifts that you worked?
A: I don't remember.[redacted]
Q: Were either detainees placed into standing restraints while you were on shift?
A: They probably were because when PUC's first come in, the policy was they were put on sleep deprivation and made to stand until MI cleared them. Some detainees probably were kept in standing restraints beyond the sleep deprivation for various reasons, but I don't specifically recall it with the two that died.[redacted]
Q: Did other MP's complain that either of the PUC's that died were troublemakers?
A: I just don't remember those two PUC's, so I don't recall.[redacted]
Q: Did any of the MP's appear to dislike the PUC's?
A: Yes, it's not that they disliked them, it's that they begrudged them for the fact that they were there instead of with their families. Some MP's told me that if I was being held captive by them, I would be raped or sodomized, so I shouldn't sympathize with the PUC's.[redacted]
Q: How did that come up?
A: I think I heard it one time because a couple detainees were talking and I didn't punish them, I just told them to be quiet. I

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH, DATED 26 Jan 04; CONTINUED:
got the same thing out on the gates. We had to search them whenever they came in and out. I didn't see any reason to get rough with the locals coming in the gate, but others got impatient with them and were not as pleasant as they could be, but they were seeing 1500 a day that we had to pat down.[redacted]
Q: How did the MP's handle troublemakers?
A: Usually, they would shackle any troublemakers in general population through the gates downstairs and hood or goggle their eyes. I know upstairs in isolation they would shackle them to the ceiling and make them wear hood or goggles[redacted]
Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?
A: Yes, I was on SOG and there was one time that some guys were walking a PUC to the bathroom and when they came back, they shoved or tossed the PUC into the cell and that made me uncomfortable. I said something about it and I was told they put him in the cell that way because he refused to walk. I don't remember which MP's that was, but I'm sure it was the crash team while I was working day shifts as the SOG[redacted]
Q: Have you been trained on common pronial strikes and pressure point control tactics?
A: Yes, I learned pressure point control tactics (PPCT) when I went to the Reserve MP school, but I have not received any training on common pronial strikes. I missed the training that the unit conducted in Fort Dix on common pronial strikes because I had an appointment. I heard people talk about it and so I asked what it was[redacted]
Q: Did you ever utilize either of those tactics on a PUC?
A: I don't remember ever using them. I'm sure PPCT was utilized by MP's, but I don't remember specifically. I have heard that the easiest way to drop somebody is to use the common pronial strike, but I'm not aware of any specific instances[redacted]
Q: Did you apply either of those tactics on either of the detainees that died?
A: No.[redacted]
Q: Do you know who had anything to do with the eventual death of either detainee?
A: I know at one point that some NCO's from 3rd platoon were being investigated for the first death. I think it was [redacted] and [redacted]

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH, DATED 26 Jan 04; CONTINUED:
and a few others. I heard that they were holding that PUC and somebody was hitting him. I was back on the gates when I heard about it. It was very tight lipped in the facility. I think [redacted] may have been involved. The majority of the group were NCO's. There was an E-4, I think. I don't remember. [redacted]
Q: Did you address this incident or report it to anyone?
A: All I heard was hearsay and I had already gone back to the gate. I believe CID had already started to investigate. I didn't report it to anyone because I was pretty sure it was already being looked at. [redacted]
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: Once it was determined that the PUC did not die of natural causes, rumors started that the incident I just described may have caused the first death [redacted]
Q: Do you recall who told you about the incident you just described?
A: No. [redacted]
Q: How do you feel about the deaths of those two detainees?
A: Honestly, if it's our fault, then it's wrong. I understand where people were coming from in that they were not happy to be there, but that doesn't give them an excuse to abuse a detainee [redacted]
Q: Who do you think caused the death of the detainees?
A: I don't know. If what was rumored happened in that some of the guys got physical with the first detainee, then maybe they caused the death [redacted]
Q: Is there anyone that you know well enough that you feel is above suspicion and would not have caused their deaths?
A: Obviously, if they did not work in the facility, they would not have. There is a lot of people that I wouldn't suspect, like SPC [redacted] but personalities were different there and acted out of the norm from how I knew them before the deployment. [redacted]
Q: Do you suspect anyone caused the detainees death?
A: If [redacted] and [redacted] beat up the first detainee, then they most likely had a part in what caused the first death [redacted]
Q: Do you think that the death of either of those detainees was deliberate?
A: I don't think anyone set out to kill a detainee. A lot of guys, and it wasn't just first and third platoon, had an attitude that if it weren't for the detainees and the locals and the problems they caused with 9/11 then we wouldn't have to be there and away from our families. It's almost as if some soldiers

FOR OFFICIAL USE ONLY

b6, 7c

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH, DATED 26 Jan 04; CONTINUED:
resented them for that fact [redacted]
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: As for MP names, I don't know. If both of them were in isolation, then the guy guarding isolation could h[redacted]e, or the crash team who moved the guys around. MI also ha[redacted]had the opportunity during interrogations to abuse the prisoners [redacted]
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: I probably did. I wouldn't have physically abused them because I'm not the kind of person who hits somebody. I'm sure it goes through everybody's mind at some point when you are in that kind of place. I don't remember any specific time or incident.[redacted]
Q: Why wouldn't you abuse a detainee?
A: I'm not the kind of person that would hit somebody for shits and grins.[redacted]
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: They should be brought to trial[redacted]
Q: Have you ever heard of a compliance blow?
A: I think I have heard it but I'm not sure exactly what it means[redacted]
Q: How long have you been an MP?
A: Since 2000. This was the first time I really worked this job in that kind of an environment. I started out in the Signal Corps and I hold two other administrative MOS's[redacted]
Q: How long have you been in the military?
A: 18 years.[redacted]
Q: Under what circumstances were you given direction that a common pronial strike or pressure point control tactic could be applied?
A: I know SOP's were written while we were there with guidance from SJA. As for coming out and saying exactly when they could be used, I don't know. I don't know if it was just a given or if somebody actually said this is when you can use them. Based on my training as a MP, you would only use those tactics to gain control of a situation.[redacted]
Q: Where did you learn what was and was not acceptable treatment of the detainees?
A: SJA would come into the facility periodically, and I don't remember who it was, and I would assume they discussed things that have happened. For instance, we used to put hoods on the detainees, and SJA said to start using goggles so that their noses and mouths were not covered. I know there were a lot of changes

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH, DATED 26 Jan 04; CONTINUED:
in how things were done, and I think SJA guided a lot of those. When we first took over the facility, there wasn't a lot of guidance on what you could and couldn't do with a prisoner, it seems like I thought at the time some of the things MI were telling us to do to the detainees didn't seem right. I remember SJA said something like just because MI told us to do something it doesn't mean it's right. We were told we were trained as MP's and we are trained to do things a certain way and MI is trained a different way and they have more leeway for things they can do in the interrogation process. MP's are not interrogators so we don't handle prisoners the same way that MI would [redacted]
Q: Did you ever see a SOP for the facility?
A: I think so, but I'm not sure [redacted]
Q: Did soldiers working the facility have access to the SOP?
A: ~~If I didn't, they didn't.~~ [redacted] don't remember. It wasn't put out on the table for easy reading, but if they would have asked for it, they would have been able to see it. [redacted]
Q: Do you recall being concerned that you did not have a SOP for the facility?
A: No [redacted]
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common pronial strikes?
A: I heard that they did but I don't know because I went straight to the gates. When I was working the gates, I was not concerned with what was going on in the facility [redacted]
Q: What was the maximum amount of force that could be applied to a detainee who was being defiant?
A: I don't know that it was ever specifically told to us. MP training says you can take it one step above what they are using only until you have control of the situation [redacted]
Q: What did you believe caused the death of the first detainee when you came to work?
A: I heard that he just died. I don't remember beyond that. There was speculation that he had a heart attack [redacted]
Q: What did you believe caused the death of the second detainee when you came to work?
A: I'm sure I thought, "Oh shit" something is seriously wrong. I mean two deaths in like ten days. I thought it wasn't good, but I really don't remember. [redacted]
Q: What do you now believe caused the death of either detainee?
A: We never got any real confirmation on how they died, so I thought if it wasn't natural causes, someone must have caused it.
Exhibit: 177 INITIALS [redacted] PAGE 6 OF 10

b6, 7C

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH, DATED 26 Jan 04; CONTINUED:

But who? I don't know. [redacted]

Q: What was your professional training and background outside of the military before deploying?

A: I have worked in a civilian position as the unit administrator for 377th Military Police Company since March 2000. Before that, I worked insurance and administrative work in various companies. I have one year of college in elementary education [redacted]

Q: Did you ever see either of the PUC's legs underneath his clothing?

A: If I was there when they were inprocessed, I would have seen their legs because they have to strip. I honestly don't remember either of them, so I can't say that I remember what their legs looked like when they inprocessed if I was there [redacted]

Q: Did you ever observe any bruises or injuries on either PUC that died?

A: No, not on those two [redacted]

Q: Did either PUC that died ever appear ill to you?

A: I don't remember [redacted]

Q: Did you ever observe either PUC that died in pain?

A: I don't recall [redacted]

Q: Do you have any idea what type of emergency medical treatment either PUC received on the night they died?

A: No, I don't [redacted]

Q: Did you observe either PUC eat or drink anything during any of your shifts?

A: I don't know [redacted]

Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common pronial strikes?

A: As for sleep deprivation and standing restraints, all the MI cronies and interpreters knew about that. I'm sure the CPT [redacted] knew about the sleep deprivation and standing restraints. I don't know if he knew about the PPCT and common pronial strikes. I can remember the facility Provost Marshal came through the facility whenever the International Committee of the Red Cross (ICRC) came through and may have also on other occasions. I don't remember if anyone was in standing restraints whenever ICRC came through. I'm not sure how all of it worked, but I know the ICRC sometimes were not allowed to interview or see certain detainees. I remember some of the instructions that MI would give us such as

Exhibit: 177 INITIALS [redacted] PAGE 7 OF 10

b6, 7c

STATEMENT OF SSG [redacted], TAKEN AT Embassy Suites Hotel, Blue Ash, OH, DATED 26 Jan 04; CONTINUED:
sleep deprivation and things were taken off of the status board before ICRC would come through. The status boards were a white board that was maintained in each of the ISO's and one on the main floor. We would put anything relating to the PUC on the status board. I would assume that the Provost Marshall knew that standing restraints were a practice being used for discipline. I am sure that SJA had to know because they were the ones that told us to go from hoods to goggles. I remember being told that SJA said something like we needed to act more like MP's rather than doing whatever MI said. I had thought that some of the MP's were doing some things that I felt were contrary to what MP's are trained to do when dealing with prisoners, but I don't remember exactly what. I know one time we cleaned the facility before someone important came in, which could have been the base commander, and they would likely have seen the standing restraints and sleep deprivation. I don't remember ever not doing those things just because somebody was coming in. We may have not had it written on the status boards where anyone could see it. [redacted]
Q: If you weren't supposed to use hoods anymore, why did your unit still have them around the prisoners?
A: I don't know why we never removed all those hoods unless it was something to the effect that we didn't have enough goggles since SJA came in and said that. I don't know. [redacted]
Q: Did any soldier ever ask you if they could provide a common pronial strike or PPCT to any detainee?
A: No. I think I would remember that. If I were ever asked if a soldier could use a tactic like that, then the situation wouldn't warrant it. Those tactics would only be used if you were one on one with a detainee and you wouldn't have time to call in [redacted]
Q: If someone was yelling in the Isolation cell, how would a soldier correct the problem?
A: That makes me remember something. It seems like someone stuffed a hood in a PUC's mouth because they wouldn't stop yelling. I don't remember who was involved [redacted]
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?
A: Not to my knowledge [redacted]
Q: Are you aware of any MP's utilizing steroids while you were there?
A: No, I know some were drinking a powdered drink mix that was for body building. I think the commander put out that they were not supposed to use it any more. I think somebody got dehydrated and

0137-02-CID369-23534

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH, DATED 26 Jan 04; CONTINUED:
that's why it was put out. I'm pretty sure [redacted] took the stuff. [redacted] may have, too, because he was in their crowd.
Q: When did [redacted] move from roving patrol back into the facility?
A: I believe it was after the second detainee's death because I went back to the gates between the two deaths and I am almost positive [redacted] was still on roving patrol at that time. I don't remember exactly when they were replaced.
Q: Do you have anything to add to this statement?
A: Another thing that MI would tell us to do to the prisoners instead of the sleep deprivation and standing restraints was to have them stand up for two hours and down for one hour and they could sit for one hour. Sometimes they would let them sleep during that one hour, but most of the time not.
Q: Do you have anything else to add to this statement?
A: No.///END OF STATEMENT//[redacted]

Exhibit: 177 INITIALS [redacted] PAGE 9 OF 10

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH, DATED 26 Jan 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [redacted] 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]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of January, 2004 at Blue Ash, OH [redacted]

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

SA [redacted]

Exhibit: 177 INITIALS [redacted] PAGE 10 OF 10

FOR OFFICIAL USE ONLY

b6, 7c

993

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 0825 hrs, 27 Jan 04, SA [redacted] interviewed **SGT [redacted] 428th Military Police (MP) Company, South Bend, IN 45014** who was deployed with the 377th MP Company, Cincinnati, OH and worked as a mechanic for the duration of the deployment. He rarely entered the Bagram Collection Point (BCP) and never saw any MP personnel in any physical altercation with detainees.

At 0830 hrs, 27 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who deployed with the 377th as the Company Administrative Clerk. [redacted] related he was not involved in the day-to-day business, which transpired within the BCP. During his deployment he was in charge of supervising the local workers while they worked outside the BCP. [redacted] related he did not hear or see anything pertaining to the mistreatment of the detainees during his deployment *(See PUC Questionnaire of [redacted] 27 Jan 04, for additional details).*

At 0924 hrs, 27 Jan 04, SA [redacted] and SA [redacted] interviewed **SFC [redacted] 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237** who was the Training NCO for the 377th MP Company, during their deployment to Bagram, Afghanistan from Aug 02 to Mar 03. [redacted] provided a statement relating he was instructed by (then) unit commander (CPT [redacted]) to set up unarmed self-defense training for the unit. SSG [redacted], and SPC [redacted], both of the 377th Military Police (MP) Company, 1600 Seymour Avenue, Cincinnati, OH 45237 and certified instructors of the Pressure Point Control Technique (PPCT), provided that training. *(See Sworn Statement of [redacted], dated 27 Jan 04, for additional details)*

At 0930 hrs, 27 Jan 04, SA [redacted] and SA [redacted] interviewed **SGT [redacted] 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237** who was a cook during the unit deployment to Bagram, Afghanistan, from 2 Sep 02 and 26 Nov 02. [redacted] said while visiting the BCP, she never witnessed any abuse of the detainees by members of the 377th MP Co and she had no direct knowledge regarding the treatment of the two detainees who died, since she had already left Afghanistan prior to their death. *(See PUC Questionnaire of [redacted] dated 27 Jan 04, for additional details).*

At 1229 hrs, 27 Jan 04, SA [redacted] and SA [redacted] interviewed **SFC [redacted] Supply NCOIC, 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was the unit supply sergeant during their deployment to Bagram, Afghanistan, from Aug 02 to Mar 03. She detailed her involvement as a role player in the detainee processing training, including how she accidentally broke a soldier's (SPC [redacted] 377th MP Co, Cincinnati, OH 45237) finger during training conducted in Mar 02, at the reserve center. [redacted]

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Ft Belvoir, VA 22060	
SIGNATURE FOR [redacted]	DATE 27 Jan 04	EXHIBIT 178

CI [redacted] 1

DETAILS

identified the individuals in the pictures that were collected as evidence from her by SA [redacted] on 26 Jan 04. Additionally [redacted] described how on occasion, she witnessed detainees in a standing restraint. *(See Sworn Statement of [redacted] dated 27 Jan 04, for additional details)*

AGENT'S COMMENT: At the conclusion of the interview, [redacted] provided a compact disk, which contained copies of digital images of the 377th MP Company, at the BCP, Bagram, Afghanistan SA [redacted] conducted a review of the files on the CD-ROM, which was entitled "911 Photos" and contained a subfolder titled "*Company Pics*", along with two Inter Video Media Files one entitled "*Grouchymedia_Die_Terrorists_Die_VCD*" and the other entitled "*Taliban Bodies – Special Edition*".

- The Inter Video Media File entitled *Grouchymedia_Die_Terrorists_Die_VCD* contained what appeared to be a video downloaded from Grouchymedia.com. The soundtrack accompanied a montage of military photographs depicting various military equipment and personnel engaged in training as well as what appeared to be combat operations. There were no images, which appear to depict any detainees or personnel engaged in the handling of detainees.
- The Inter Video Media File entitled *Taliban Bodies – Special Edition* contained what appeared to be a video downloaded from Grouchymedia.com. The video contained a script addressed to the Taliban, warning them to save themselves by surrendering to US Forces. The script was accompanied by a soundtrack and followed by a montage of military equipment, weaponry and personnel, which demonstrated the capability of various weapon systems. There were no images, which appear to depict any detainees or personnel engaged in the handling of detainees.
- The subfolder titled *"Company Pics"* contained eight graphic image files using a JPEG format entitled [redacted] and seven subfolders entitled:
  - 1st Plt – containing two JPEG format image files.
  - 27dec02 – containing eight JPEG format image files
  - 2nd Plt – containing six JPEG format image files
  - 3rd Plt – containing 14 JPEG format image files
  - Certificates – containing four Power Point graphic format image files
  - HQ Sect – containing seven JPEG format image files
  - Top's Camera – containing eight subfolders.
    - The 1st subfolder, 2002-11-24, contained 15 JPEG format image files.
    - The 2nd subfolder, 2002-11-25, contained 75 JPEG format image files.
    - The 3rd subfolder, 2002- 11-27, contained 39 JPEG format image files.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Ft Belvoir, VA 22060
SIGNATURE FOR [redacted]	DATE: 27 Jan 04 / EXHIBIT: 178

DETAILS

- The 4th subfolder, 2002-11-18, contained 21 JPEG format image files.
- The 5th subfolder, 2003-01-18, contained 19 JPEG format image files.
- The 6th subfolder, 2003-01-20, contained 44 JPEG format image files.
- The 7th subfolder, 2003-01-21, contained 22 JPEG format image files.
- The 8th subfolder, 2003-01-26, contained 6 JPEG format image files

☐ The review detected no images depicting any detained personnel.
☐ No images were located which depicted mistreatment of detained personnel.

At 1345 hrs, 27 Jan 04, SA [redacted] interviewed **SSG [redacted] 377th Military Police (MP) Company, 1600 Seymour Avenue, Cincinnati, OH 45237** who was assigned to 3rd platoon, conducting operations at the BCP, Bagram, Afghanistan, between Sep 02 and Apr 03. [redacted] stated he did not witness any of the detainees being physically abused by any of the members of the 377th MP Company, during the duration of his deployment. [redacted] returned to CONUS for compassionate reasons near middle of Nov 02. [redacted] stated he was aware of the members of his platoon using dietary supplements and weight lifting supplements during the deployment but that to the best of his knowledge, all the supplements were ordered via the internet and were legal. He also stated that due to the living conditions that he would have seen someone using a syringe to administer a possible steroid [redacted] learned of the deaths during a phone conversation with SFC [redacted] 377th MP Company, Cincinnati, OH 45237. [redacted] told [redacted] that 3rd platoon delivered common peroneal strikes which dislodged a blood clot killing one of the detainees. *(See Sworn Statement of [redacted], dated 27 Jan 04, for additional details).*

At 1532 hrs, 27 Jan 04, SA [redacted] interviewed **SPC [redacted], 377th Military Police Company, Cincinnati, OH 45237** who was assigned to 1st Platoon and worked within the BCP during the timeframe of the detainee deaths. [redacted] provided a statement detailing his knowledge of the incidents under investigation. [redacted] denied witnessing any detainees being physically abused [redacted] heard rumors of a detainee who died while in the care of SGT [redacted] and SSG [redacted] both assigned to 3rd Platoon, 377th MP Company (Detachment 1), Bloomington, IN 45251. [redacted] and [redacted] were reportedly escorting a detainee either to an MI interview or to the restroom, when the detainee started to get restless and managed to break free. The detainee kicked [redacted] in the groin and received a couple of common peroneal strikes to the leg. The rumor was not specific about who delivered the blows or how many strikes were delivered before the detainee was placed back in his cell. [redacted] further related the rumor held [redacted] and [redacted] were trying to feed the detainee, when he failed to respond and they subsequently discovered he was dead.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Ft Belvoir, VA 22060
SIGNATURE FOR [redacted]	DATE: 27 Jan 04
	EXHIBIT: 178

DETAILS

[redacted] also recounted a conversation, which took place in Qatar, where he learned the second detainee died in the custody of SPC [redacted] and SSG [redacted] both assigned to 1st Platoon, 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237 [redacted] SSG [redacted] SPC [redacted] SPC [redacted] (NFI); and SPC [redacted] (NFI), all of assigned to the 377th MP Company, Cincinnati, OH 45237 were present when [redacted] asked [redacted] to tell them the story. The second incident took place in the newly constructed isolation section of the detention facility. [redacted] narrated saying he was feeding the detainee, when the detainee spat food at and on [redacted] instructed [redacted] to clean up after the detainee while he watched from the entrance to the cell. [redacted] explained to the group that as he tried to clean up the detainee kicked at him. [redacted] gave the detainee a common peroneal strike. [redacted] told them the detainee was still being restless, so he gave him "another shot". [redacted] told them the second "shot" made the detainee "drop into a ball", which allowed him enough time to get the food bowl out of the cell, and finish cleaning up. [redacted] said he got out of the detainee's cell and SSG [redacted] locked it up again. [redacted] told them he discarded the waste, cleaned himself up and returning to his desk duty. After some time had passed, he yelled at the detainee from his desk and asked him if he wanted something to eat. [redacted] said he heard the detainee groan and when he checked on him, the detainee was sitting there with his eyes open - unresponsive. [redacted] said the detainee didn't react, so he returned to his desk and sat back down. He got up a couple of minutes later and noticed the detainee was still balled up with a depressed look and not responding. [redacted] then said, "Aw man, not another one."

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Ft Belvoir, VA 22060
SIGNATURE FOR [redacted]	DATE: 27 Jan 04 / EXHIBIT: 178

0034-02-CID369-23533

PUC QUESTIONAIRE

NAME: [redacted] DATE: 27 Jan 04
RANK: E-4/SPC SSN: [redacted]
UNIT: 377th MP Co, Cincinnati, OH

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties? Sep 02 - Mar 03 / Duties were to watch over local workers, at the facility.

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain: N/A

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain: N/A

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] FOUO [redacted]

Signature of Interviewee b2, b6, 7C Signature/Sequence # of Interviewer

EXHIBIT 179

998

4b. How do you feel about the deaths of those two detainees?
Sorry to see it happen, but it was their time to go it was their time to go.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: No idea

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: Not really

7. How do you feel about being interviewed concerning this issue?
Something you go through when things like this happen.

8. Do you think that the death of either of those detainees was deliberate?
No

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes, I never had contact with them.

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: Any MP.

11. Why do you think someone would do this? No clue.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: No contact with them

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Should be punished

[redacted] FOUO [redacted] 99

Signature of Interviewee b2, b6, 7C Signature/Sequence # of Interviewer

EXHIBIT 179

a. Please explain: If it was on purpose then jail. If it was accident then maybe some jail t.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: No If yes, explain (See sworn statement) I have had no training on that.

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
If they try to go for the MPs weapon.

17. How do you think the results of the investigation will come out on you?
Not guilty, that I know nothing.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes
Please explain: If the detainee was going for the MPs' weapon

19. Did you tell your family about this investigation? A: No

20a. Did you tell your family you were being interviewed regarding this investigation? A: No

20b. Did your family ask you if you were guilty? If so, what was your response? A: N/A

20c. Have you talked with anyone other than CID about this investigation? A: No If yes, who? _____

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted] FOUO [redacted] 1000

Signature of Interviewee b2, b6, 7C Signature/Sequence # of Interviewer

EXHIBIT 17

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: No clue

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: Not really

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted] FOUO [redacted] 1001

Signature of Interviewee b2, b6, 7c Signature/Sequence # of Interviewer

EXHIBIT

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : 377th MP Co, Cincinnati, OH
Date : 27 January 200[redacted] **Time:** 0929
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** SFC/AGR
Org/Address : 377TH MP Co, 1600 Seymour Ave, Cincinnati, OH

[redacted], SFC [redacted] want to make the following statement under oath: That I am the AGR (Active Guard Reserve, Title 10) Training NCO for the 377th Military Police Company. One of my duties during the alert and mobilization phases of deployment was to co-ordinate training and maintain training files of the unit. We first were put on alert in January 2002. We conducted a MUTA 8 (4 day drill) around the middle of January 2002. Some of the training that was conducted was handling detainees, searching persons and vehicles, and use of force. We did not receive a mobilization order during this time. The unit remained on alert until June 2002 when we received a mobilization order sending us to Central Command. The 377th MP Company arrived at Fort Dix, New Jersey from our home station at our Reserve Center on 17 June 2002. When we arrived I had received a list of the required training that was to be conducted for our certification by our unit. This list came from either SFC [redacted] or our assigned Active Duty Unit Assistor or directly from the MUIC at Fort Dix. I was instructed to keep a spreadsheet and track everyone's training in the unit, and all the training that was conducted at Fort Dix. As soldiers would complete that day's training, I made the appropriate mark on the spreadsheet, and let SFC [redacted] who did not attend the training. There were many reasons for a Soldier to miss the scheduled training; the main one was a conflicting medical appointment that day. In that case, I would give SFC [redacted] the name(s) and those Soldiers would be rescheduled to attend that training with another unit. All the Soldiers assigned to the 377th MP Company had to have completed the training at Fort Dix before the unit could be validated for deployment overseas. I had maintained the spreadsheet on my computer that I had brought with us from the unit. That computer quit working half way through the deployment in Afghanistan. The computer was brought back to the armory and is currently here. This computer was evaluated by the 88th RRC and determined unrepairable. Upon validation by Fort Dix, the unit had about six weeks at Fort Dix waiting for transportation. We did conduct some hip pocket training, but it was never [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 180

b6, 7C

1002

STATEMENT OF SFC [redacted] TAKEN AT 1600 SEYMOUR AVE, CINCINNATI, OH, DATED 27 January 2004, CONTINUED:

[redacted]ocumented what was trained and no sign-in rosters were produced. It was unnecessary for the validation process, and was something that the unit didn't need either. We did have on half of a day when we conducted unarmed self-defense and another day when we did land navigation. We also had one day of CTT (Common Task Training/Testing) around the barracks at Fort Dix. Just before we left Fort Dix in August 2002, I put all four of our mobilization binders in a duffle bag that belonged to the unit First Sergeant, [redacted] This duffle bag has not been seen since we left Fort Dix. It's possible that some training records were put into the binders. I'm not sure of that, however. All the class rosters for the Fort Dix sponsored training were left at the MUIC building. The only thing that was returned to me was the weapons qualification sheets from Fort Dix. I have looked through all training files and any training documents that pertained to our training prior to mobilization was turned over to CID on an Evidence Custody Document.

Q: What is MUIC?

A: Mobilization something. It is the building where the active duty assistors were located, it was where you in processing, and they checked security clearances, as well as coordinated all the mandatory training.

Q: What was the name(s) of your unit "Assistors" while at Fort Dix?

A: SFC [redacted] and a CPT [redacted] from the 85th Training Division in Columbus, Ohio. SFC [redacted] is still with the 85th in Columbus, but now MAJ [redacted] transferred Fort Lewis, Washington.

Q: Where did you get the information that you put into your training spreadsheet?

A: It got that from the training schedule that was given to me by SFC [redacted] which was provided to him by the MUIC.

Q: Have you searched all training files, and in returning connexes and boxes for the training files pertaining to EPW/CI operations?

A: Yes. All training files that were found were turned over to CID Agent [redacted] on a DA Form 4137.

Q: Could you explain what the nine page typewritten outline was and who produced it?

A: This was given to me by either SPC [redacted] or SSG [redacted] as they were the primary instructors at the unit for the PPCT. This was something they are both certified instructors in, and told to teach these tactics to the unit. That handout was [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 180

66,7c

1003

STATEMENT OF SFC [redacted] TAKEN AT 1600 SEYMOUR AVE, CINCINNATI, OH, DATED 27 January 2004, CONTINUED:

[redacted] provided each Soldier during March 2002 drill. Referring to the training schedule for March 2002, I note that the training was scheduled for March 3, 2002 under the class title of "Unarmed Self-Defense Training." It is not listed on the training schedule for January 2002, but it is possible they covered the same material in conjunction with the class "Search Procedures".
Q: What was taught during the unarmed self-defense class and by whom?
A: SPC [redacted] and SSG [redacted] were the instructors, I was not in there for all of the training, but know that they taught handcuffing procedures, detainee movement with borrowed shackles and a facility van. What was done was that we blindfolded them (377th Soldiers) with pillowcases over their heads, drove them around the parking lot to get them disoriented while handcuffed and shackled. Then we would bring them from the van into the back entrance of the drill hall, practicing two man escorts. We used arms room caging to build two cells that we then put them in. From the there we practiced searching them, taking off the restraints and handcuffs. Asked for questions, and did a quick after action review, and then switched positions so that everyone got a chance to participate. This was done about six or seven times, so that everyone got to play a position at least once. They also covered levels of resistance, speed cuffing and handcuffing; I know they went over some basic takedowns (arm bar is the one I saw when I was there). I know there was training on pressure points, because I saw them practicing the "Brachial Plexus Origin".
Q: Do you know if SPC [redacted] and SSG [redacted] instructed the unit on the "Common Peroneal Nerve Motor Point-Striking Technique"?
A: That I don't know, because I didn't see that one. I popped in for five or ten minutes here and there, and then went back to working on the mobilization stuff I was working on.
Q: Referring to the training handout that was taken as evidence, on the page titled "PPCT (Defensive Tactics)", do you know if everything listed on that page was trained to the unit?
A: I don't know if everything was trained. I do know from observation the following things from that page were trained. Straight-arm bar takedown, Brachial Plexus Origin, and that is all from that page.
Q: Where did you get the training handout that you turned over to CID on an Evidence Custody Document?
A: From SSG [redacted]
Q: Was anyone injured during this training? [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 180

b6, 7C

1004

STATEMENT OF SFC [redacted] TAKEN AT 1600 SEYMOUR AVE, CINCINNATI, OH, DATED 27 January 2004, CONTINUED:

[redacted]A: Yes. SPC [redacted] broke a finger when SSG [redacted] (unit supply sergeant) grabbed SPC [redacted] hand during a role-playing escort mission. SPC [redacted] instructions were to be non-compliant during that particular escort.
Q: Why was SSG [redacted] participating in MP escort mission role-playing?
A: We wanted everyone to get a chance to see what it was like, and to get everyone to participate in the training.
Q: Under what circumstances could the common peroneal technique be used on a detainee?
A: I would say that if a detainee were coming at me as a self-defense move, I could use it. If I were working the floor, I would have used it as a defensive technique to protect myself. I could never see it being used as an offensive technique.
Q: What is PPCT?
A: Self-defense related techniques, called pressure point control techniques.
Q: Why did SPC [redacted] and SSG [redacted] teach the PPCT tactics shown in the training handout?
A: I was told to put some unarmed self-defense in the training schedule, and SSG [redacted] suggested that this works in his police department. I looked it over and thought it looked reasonable and ran it by CPT [redacted] who said that it was OK to train. I then put it on the training schedule with certified instructors available within the unit.
Q: Was any PPCT training provided at Fort Dix?
A: We did do some unarmed self-defense training there. It was handcuffing, and the "Mandibular Angle Pressure Point-Touch Pressure/Quick Penetration", which is listed on the training handout. To my knowledge no striking techniques were taught.
Q: Was any PPCT training provided while in Afghanistan?
A: No.
Q: Was any Use of Force training provided while in Afghanistan?
A: No. We would go over use of force there in my platoon, but it covered what to do if someone escaped from their cell.
Q: What would your platoon do if someone escaped from their cell?
A: First thing is to call the Sergeant of the Guard or myself who would notify the escort (crash) team. If the detainee was still there, we would cuff him and escort him back to his cell and lock the cage. Make a note in the logbook/journal that was at the post. In the event of an escape from the facility, we [redacted]

STATEMENT OF SFC [redacted] TAKEN AT 1600 SEYMOUR AVE, CINCINNATI, OH, DATED 27 January 2004, CONTINUED:

[redacted]ould lock it down, lock all the doors, institute an emergency count, and start searching.

Q: Were any concerns voiced by any members of the unit in regard to the use of force being implemented inside the Bagram Detention Facility?

A: Not to me. I heard second hand from 1SG [redacted] that there were problems with SGT [redacted] and SSG [redacted] who were using excessive force in the death of at least one of the detainees.

Q: Was any member of the 377th counseled or reprimanded for excessive use of force inside the Bagram Detention Facility?

A: I know that SPC [redacted] was moved out of the facility and put in base operations because of some kind of use of force problem.

Q: Who made the decision to move SPC [redacted] (1st platoon) out of the facility and over to base operations?

A: I don't know, but would imagine it would have been the platoon sergeant (SFC [redacted] or the platoon leader (1LT [redacted].

Q: Did you ever have a discussion with your platoon leader about problems with the detainees?

A: Yes. 2LT [redacted] talked with me about his opinion that the detainees who were walking slowly while being escorted should not be drug, but the guards should slow down and allow them to walk at their pace. If the detainees were on the second floor, we had to walk them down two flights of stairs, and they would stop on the first floor where the cells were. Not all of them, but the older ones and the ones that liked to play games would. My solution was to allow them a minute to recover and then continue on. I told the platoon (2nd) to slow down, and allow the detainees to walk at their pace.

Q: Was the facility visited by any senior ranking personnel who observed and commented on the operation inside the Bagram Detention Facility in regards to the standing restraints, PPCT, and common peroneal strikes?

A: The facility was visited regularly by the International Red Cross. They had us change the hoods to regular goggles, painted them black and used them instead. Usually these visits were done in coordination with JAG. If the suggestions were reasonable, JAG would tell us to do it. Another example of this was to heat up the noon meal for the detainees, instead of serving all cold meals. The International Red Cross was very interested in getting the detainees outside for recreation, so a wall was built around the compound. A cell at a time was taken[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 180

1006

STATEMENT OF SFC [redacted] TAKEN AT 1600 SEYMOUR AVE, CINCINNATI, OH, DATED 27 January 2004, CONTINUED:

[redacted]out for about fifteen minutes for some fresh air, and then they were brought back inside.

Q: Was anything done differently inside the Bagram Detention Facility when a VIP, the International Red Cross, or senior ranking person visited?

A: No procedures were changed. On a slow day if we knew the post commander, or someone was coming I would discourage the guards from gathering up on the floor and stay at their posts.

Q: Was the facility commander and/or the Provost Marshal and/or the Company Commander ever present when force was used on a detainee?

A: Not that I am aware of. The Provost Marshal rarely came down. CPT [redacted] was in the facility on day shift, but I don't recall him being around when a use of force occurred.

Q: Is there anything you wish to add to this statement? [redacted]

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

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 180

b6, 7c

STATEMENT OF SFC [redacted] TAKEN AT 1600 SEYMOUR AVE, CINCINNATI, OH, DATED 27 January 2004, CONTINUED:

AFFIDAVIT

I, SFC [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of January 2004, at 1600 SEYMOUR AVE, CINCINNATI, OH.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 180

b2, b6, 7C

100

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 1-27-04
RANK: SGT/E5 **SSN:** [redacted]
UNIT: IRR/ 377th MP Co

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
9-2-02 and 11-26-02 cook for 82nd Airborne D

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain:

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain:

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] FOUO [redacted]
Signat Signature/Sequence # of Interviewer 1009
SGT [redacted] b2,b6,7C [redacted] SA 18

4b. How do you feel about the deaths of those two detainees?
I really don't have an opinion because I don't know what happened

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I don't know

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: No

7. How do you feel about being interviewed concerning this issue?
it doesn't bother me cause I don't know anything

8. Do you think that the death of either of those detainees was deliberate?
I don't know

9. If someone said that you physically abused either of those two detainees, is that person lying? yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: I don't know

11. Why do you think someone would do this? I don't know

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: I didn't have any feelings or involvement with the detainees.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? If it was deliberate then it should be punished.

[redacted] FOUO [redacted] 101

Signature/Sequence # of Interviewer

SGT [redacted] b2, b6, 7C [redacted] S1 18

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: No If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? trying to escape or attack someone

17. How do you think the results of the investigation will come out on you? Not at all. I wasn't involved

18. Do you think the person who did this would deserve a second chance under any circumstances? A: I don't know
Please explain:

19. Did you tell your family about this investigation? A: No

20a. Did you tell your family you were being interviewed regarding this investigation? A: No

20b. Did your family ask you if you were guilty? If so, what was your response? A: No

20c. Have you talked with anyone other than CID about this investigation? A: No If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted]

Signatu[redacted] FOUO [redacted] Viewer

SGT [redacted] b2, b6, 7C [redacted] EXHIBIT

1011
18

0137-02-CID369-2353

0134-02-CID369-23533

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: I guess so

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: I don't know

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes

26. Do you think the FBI should get called in to help out on this investigation? A: I don't know

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted]

Signature [redacted] FOUC [redacted] Sequence # of Interviewer

SGT [redacted] b2,b6,7C [redacted] SA EXHIBIT

1012

18

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : US Army Reserve Center, 377th MP Co 1SG office, 1600 Seymour Ave., Cincinnati, OH
Date : 27 January 2004 **Time:** 1229
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** SFC/AGR
Org/Address : 377th MP Company, 1600 Seymour Ave., Cincinnati, OH 45237

I, [redacted] want to make the following statement under oath: I was assigned to the 377th MP Company in April 2000 as the company Supply Sergeant. About January 2002 we were alerted that we might be mobilized. Due to this alert the unit began Mission Essential Task Listings (METL) training, which involved processing of detainees. As part of this training, I role played as a detainee, which involved putting on an orange jumpsuit and having my head covered with a burlap type bag, while the unit MPs practiced handcuffing and search procedures. While being searched, I decided to become a combative prisoner to make the training realistic. SPC [redacted] and SPC [redacted] my escorts at the time, put me face down on the floor and handcuffed me. SPC [redacted] was kneeled down holding my hands, but was not paying attention. I kept telling her to pay attention and stop joking around. I attempted to squeeze her fingers together, but instead, I accidentally broke her little finger.

Q: SA [redacted]
A: SFC [redacted]
Q: Who are the soldiers shown in the picture identified as [redacted]
A: SFC [redacted] SPC [redacted] and SPC [redacted]
Q: Who are the soldiers shown in the picture identified as [redacted]
A: SFC [redacted] SPC [redacted] SPC [redacted] CPT [redacted] (on floor), SPC [redacted] and SGT [redacted]
Q: Who are the soldiers shown in the picture identified as [redacted]
A: SFC [redacted] SPC [redacted] and SPC [redacted]
Q: Who are the soldiers shown in the picture identified as [redacted]
A: SFC [redacted] SPC [redacted] nd SGT [redacted]
Q: Who are the soldiers shown in the picture identified as [redacted]

INITIAL [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 182

b6, 7c

STATEMENT OF [redacted], TAKEN AT Cincinnati, OH,
DATED 27 Jan 04, CONTINUED:

A: SFC [redacted], SPC [redacted] and SGT [redacted]
Q: Who are the soldiers shown in the picture identified as [redacted]

A: SFC [redacted] SPC [redacted] SGT [redacted] SPC [redacted] (background left to right) SPC [redacted] unknown, SFC [redacted] SGT [redacted] and unknown.
Q: Who took the pictures of the training, where are the other pictures and the negatives?
A: I don't know.
Q: While at the Bagram, Afghanistan, did you work inside the Bagram Collection Point (BCP)?
A: Yes.
Q: How frequently did you work inside the BCP?
A: Everyday.
Q: While working inside the BCP, where did you work?
A: In the supply area, behind the detainee wall.
Q: While working inside the BCP, did you ever observe the detainees?
A: Yes.
Q: Did you ever observe the Military Police (MP), Military Intelligence (MI) or Other Governmental Agency (OGA) personnel inside the BCP interacting with the detainees?
A: Yes.
Q: What did you observe?
A: I observed them feeding the detainees, taking the detainees to the bathroom and to the shower, and on one occasion, I observed them searching a group cell.
Q: Did you ever observe any of the MP, MI or OGA personnel strike, punch, hit or beat any of the detainees?
A: No.
Q: Did you ever observe any of the detainees in a standing restraint position, and if so, where and when?
A: The detainees would sometimes be in the group cell sally ports and they would be standing with their hands stuck strait out at shoulder/chest level through the bars and then handcuffed. There would only be two detainees at most in the sally port at a time.
Q: Did it appear as though the detainees could sit down?
A: No.
Q: Were you familiar with the two detainees who died while in custody at the BCP during Nov/Dec 2002?
A: No.

INITIAL [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 182

b6, 7C

1014

STATEMENT OF [redacted], TAKEN AT Cincinnati, OH,
DATED 27 Jan 04, CONTINUED:

Q: Have you ever heard anything about MP, MI or OGA personnel abusing the two detainees that died?
A: No, but I read about it in the Washington Post newspaper article on-line, while I was in Afghanistan. Then, 1SG [redacted] aid to me that someone was going to go to jail over this (referring to the deaths of the two detainees).
Q: When and where did 1SG [redacted] say that to you?
A: In my office in the BCP and I don't exactly remember when, but it was in the latter part of our deployment, because we were discussing re-deploying back to our home station.
Q: Is t[redacted]anything you wish to add to this statement?
A: No[redacted]
//////////[redacted]//////End of Statement//////////////////////

INITI[redacted] FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 182

STATEMENT OF [redacted], TAKEN AT Cincinnati, OH,
DATED 27 Jan 04, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 27th day of January 2004 at US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 182

1016

Exhibit 183

Page(s) 1017 withheld

CD containing Photo's of unit Members b6, 7C

SWORN STATEMENT

File Number :
Location : Embassy Suites Cincinnati, OH.
Date : 27 Jan 04 **Time:** 1345
Statement of: [redacted]
SSN : [redacted] **Grade/Status:E-6**
Org/Address : 377th Military Police Company Cincinnati, OH

I, [redacted] want to make the following statement under oath: I was assigned to third platoon as first squad leader. I MOBED with the unit in June of 02 I stayed back in Kentucky after the unit MOBED due to a family situation. I arrived at Ft. Dix approximately July 15 and continued to train with my unit until we deployed sometime at the end of August or the beginning of September of 02. I attended training and taught different classes prior to the deployment and after we were mobilized. Some of the classes I taught were PPCT and hand cuffing. I was the primary instructor for my platoon I directed SPC [redacted] and SPC [redacted] to teach the class. Once I arrived at Ft. Dix the company continued to train for the deployment. I was trying to finish my mobilization and I did not do much with the unit. I do remember going to the sand pit and practicing PPCT. SPC [redacted] and SPC [redacted] were the instructors but I consider my self over all responsible for the training. Once the training was over we did a variety of jobs and some of the persons were allowed to take leave. We ran ranges and waited on equipment until we deployed. This took place for about a month and a half. Once we were in Afghanistan we had about three or four days of mirroring the 211 MP Company from North Carolina. Our people started working their jobs and the 211 left a couple of SOG around to help in the event a question came up this was the beginning of September. This lasted for about a day and then we started running. The facility. I worked day shift and I was and SOG for about the first month we were in the facility. I then went into a rotation with the other E-6 in the unit. I worked CRASH, SOG, or Floor SGT. This was around the beginning of October. I was dealing with a lot of issues from home and I went to the Chaplin at the beginning of November and I was out of the country sometime between the 10th and the 15th of Nov. I returned to my home of record. I did not attend any drills until June of 2003. I called the unit one day in January and SFC [redacted] told me that there had been two deaths in the facility and it was thought to be because of heart attacks. Until the unit returned I had no idea that any thing different had happened. I learned

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 184

STATEMENT OF SSG [redacted] TAKEN AT Cincinnati, OH, DATED 27 JAN 2004, CONTINUED:

[redacted] from SFC [redacted] that the two persons that died had been real problems and that they had head butted some of the guards like SSG [redacted] I did not ask a lot of questions because I knew there was an investigation. SFC [redacted] told me that what he had heard was that the guards specifically 3rd Platoon had administered common perennial strikes and that the strikes had dislodged a blood clot in the PUCS and that is what killed them. I have not really talked to any one from 3rd platoon about what happened. I have made comments to the platoon when I see them giving each other the strikes at drill and playing around and I tell them to knock that crap off. They are like kids with a new found toy. This incident is not really discussed at drill.
Q: SA [redacted]
A: SSG [redacted]
Q: What manual did you use to instruct the platoon and the Company in PPCT?
[redacted]: I used my police department manual to instruct the classes at drill. When we were at Ft. Dix I never saw a manual we just trained on what we had already trained on. I did make some copies of the PPCT manual to give to the platoon during drill. I think I still have them. I did not have them with me at Ft. Dix [redacted]
Q: Did you ever receive PPCT training when you were in AIT for Military Police?
A: No, Only wrist lock stuff like the Goose Neck. Stuff that is no[redacted]ractical [redacted]
Q: [redacted] you think that the people you trained had a clear understating of how to apply PPCT?
A: I think they had a warm fuzzy. I have been doing it for over four years and I am not great at it. They had an understating of the pressure points and some of the nerve strikes but what I consider a firm knowledge of the strikes I would have to say no. We did the situation training of if they do this they you do that. [redacted]
Q: Did you every train the platoon on how much force should be used when giving these strikes?
A: Basically the force was to be dictated by how much force the person that was being combative was using. The term Use the minimal amount of force necessary to control the situation was used. [redacted]
Q: Did everyone in the platoon or the company have a chance to have the strike administered to them?
A: I don't know if every had it done to them but we did train on each other [redacted]
INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 184

b6, 7C

STATEMENT OF SSG [redacted] TAKEN AT Cincinnati, OH, DATED 27 JAN 2004, CONTINUED:

[redacted]

Q: Do you think that the platoon or the company had a good knowledge of what amount of force to use when administering the strikes?
A: Yes they understood that it was not to be a love tap but that it was not to break a leg either.
Q: Did any one not seem to be good at delivering the strikes.
A: Some of the females and some of the smaller males were not good at it [redacted]
Q: Did any one appear to be very good at delivering the strikes.
A: I would say the ones with civilian law enforcement experience had a better grasp of it [redacted]
Q: Did you ever observe any detainees in the facility receive the common perennial strike.
A: No. [redacted]
Q: Did you ever observe any detainees be combative towards a guard.
A: In regards to not being compliant, yes. In rearguards to being physical with a guard, no. [redacted]
Q: Did you have any contact with either of the two detainees that died?
A: No [redacted]
Q: Did you ever hand cuff a detainees to the ceiling and if so why?
A: Yes, so they had to stay awake. On one occasion it was because of bad behavior [redacted]
Q: Did you have a Standard Operating Procedure (SOP) on how to handle a prisoner for bad behavior.
A: Originally there was nothing in writing. We did this based on what we were taught by the 211th MP company [redacted]
Q: Did Military Intelligence MI ever direct you to keep a prisoner awake and if yes how?
A: Yes, sleep depravation was ordered. Every case was different. We kept them awake by handcuffing them to the ceiling. That was the procedure that we were taught when we arrived at the facility. We would have them do jumping jacks to get the blood flowing. This was all from the 211th [redacted]
Q: Did you know who from MI was ordering the sleep depravation?
A: Original we were taking our direction from people in civilian clothing who we did not know if they were CIA or MI. We later found out that some of the people were E-3, E-4, and E-5 from the Mi group. I started going straight to a guy from the MI group who I only remember as [redacted] and also an air force CPT [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6.7c

EXHIBIT 184 10

STATEMENT OF SSG [redacted] TAKEN AT Cincinnati, OH, DATED 27 JAN 2004, CONTINUED:

[redacted] named [redacted] I think that was her fist name. After that things were ok.

Q: Do you think any of the MI persons ever struck the detainees?
A: I cant say for fact but there was rumor.[redacted]
Q: Did JAG ever come the facility and inspect the procedures?
A: I would say JAG was there weekly and I only know of one procedure they inspected. That was the in processing of the PUCS[redacted]
Q: Where you aware that JAG did not want the PUC's to wear hoods?
A: No. Jag saw the PUCS with the hoods on every time they came to the facility[redacted]
Q: Did you ever change your policies because a high ranking person or a dignitary was coming to the facility?
A: I would say not policies but we would scale back movement of prisoners from place to place such as from interviews to the ISO cell.[redacted]
Q: How do you feel about the deaths of the detainees?
A: I don't really care but as this goes on and I now think that there was possible some sort of foul play caused by one of my soldiers it bothers me[redacted]
Q: Do you think the death of the detainees was deliberate?
A: No.[redacted]
Q: Do you think there is anyone that is above suspicion that would not do something like this?
A: I would think none of them would do something like this but I would not be here if something like this had not happened.[redacted]
Q: Who do you think did this?
A: I don't have any idea. I know who had contact with the detainees that died but I don't know what they did.[redacted]
Q: What should happen to a person who mistreated or caused the death of a detainee?
A: They should pay for what they did and it should be handled in the court system.[redacted]
Q: How do you feel about being interviewed about this case?
A: Indifferent, I don't know of what help I am going to be.[redacted]
Q: Did you discuss this investigation with your family?
A: Somewhat because I was not there and I told my wife that two people died. She was curious why I had to come talk to someone.[redacted] That is all that was said.
Q: Have you talked to anyone in your platoon or the company about this investigation?

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 184 102

STATEMENT OF SSG [redacted], TAKEN AT Cincinnati, OH, DATED 27 JAN 2004, CONTINUED:

[redacted]

A: Yes, spoke to SGT [redacted] about it and SFC [redacted] Just general and what was happing with it because SGT [redacted] is one of my guys and I wanted to know what was going on with him. [redacted]

Q: Is there anything you wish to add to this statement?

A: Yes there an incidents where I had to put a stop to something that were happing in the facility in regards to a detainee. I was walking to the rear of the cell area on the main floor and I saw SPC [redacted] and SSG [redacted] with [redacted] who the CIA latter took coustdy of. SPC [redacted] had this PUC taking the plastic caps from plastic bottles out of the toilet cans. They had the PUC drag the can out side where the truck would come by and suck up the contents and then the can would be put back in the facility. I asked SPC [redacted] and SSG [redacted] why they were doing this. They told me that [redacted] from the CIA had directed them to have [redacted] do this. I told them to stop that we were not here to do what the CIA wanted. I went to SFC [redacted] and explained that this was wrong and that the PUC could be exposed to hepatitis and that we cant do stuff like that. He agreed and the situation was over. I told SPC [redacted] and SSG [redacted] that if CIA wanted this done that they would have to come to the commander and that no one was to do something just because the CIA said so. [redacted]

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

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6,7C

EXHIBIT 184 10

STATEMENT OF SSG [redacted] TAKEN AT Cincinnati, OH, DATED 27 JAN 2004, CONTINUED:

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 27th day of January 2004 at Blue Ash, OH.

[redacted]
(Typed Name of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

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

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 184

10

FILE NUMBER:
LOCATION: Embassy Suites Hotel, Room 323, Blue Ash, OH 45242
DATE / TIME: 27 Jan 04 / [redacted] 15:32 [redacted]
STATEMENT OF: [redacted]
SSN: [redacted]
GRADE/STATUS: SPC/ E-4 AR
ORGANIZATION/ADDRESS: HHC, 377th Military Police Company, 1st Platoon, Cincinnati, OH 45251

I [redacted] want to make the following statement under oath:
I entered the Reserves in June of 1989, attended basic training and AIT (Light Wheeled Vehicle Mechanic) at Fort Jackson, SC, and reported to my first unit shortly thereafter. I have not had a break in service. I am school qualified as a 63B, light wheeled vehicle mechanic. I deployed with HHC, 377th MP Company, Cincinnati, OH from August 2002 until April 7 2003. I arrived in Afghanistan on 2 September 2002 and was there until 7 March 2003. When we arrived at Fort Dix, New Jersey we were sent to the Solider Readiness Program (SRP) site and inproccessed to ensure soldier readiness for overseas deployment. The maintenance section which included SGT [redacted] SPC [redacted] SPC [redacted] and myself all attended maintenance classes. Pending transportation to the Afghan Theatre, we were all sent to work at the Department of Logistics (DOL) until our plane was ready to leave. While at Fort Dix, our unit conducted CTT training in land navigation, first aid, and mine clearing procedures. We also trained in NBC, marksmanship, and hand-to-hand combat. At some point during the training, the MPs broke away from the administrative and support personnel to conduct their law enforcement training. I never witnessed anything that the MPs trained on when they broke away from us. When we left Fort Dix, we flew to Germany; from there we were sent to Afghanistan in platoon elements. I was in Headquarters platoon, which was the second to last group to arrive in Afghanistan. Once in Afghanistan, our section staged in the motorpool, right next to the Bagram Detention Facility. We were there from the first month until my section was relocated from that motorpool to the one directly behind the detention facility. I remained with the maintenance section. With three months left in country, we were again moved. SPC [redacted] SPC [redacted] and I were all moved to viper city, which were the living quarters for the U.S. soldiers assigned to Bagram Airbase. While in Afghanistan, my duties were to ensure proper maintenance of vehicles and generators, and additional equipment. This meant that we were on twenty-four hour operations and would also be called into the detention facility to fix the generators. The generators were spread out throughout the facility inside the holding facility itself and outside of the facility, as well. While I was there, I never witnessed any of the detainees being physically abused. I only heard them being yelled at to keep quiet, stand when told to stand, exercise when they were told to exercise, and eat when told to eat. For the most part, it was my honest opinion that the detainees were being treated very well. The last three months we were there, I saw that the life of the detainees was improving. Nice hot showers, hot meals, and privileges with the Red Cross. [redacted]
Q: SA [redacted]
A: SPC [redacted]
Q: Please tell me when and why you were demoted from SGT to SPC?
A: I failed PLDC with four days left for failing the PT test, on the week of September 4th, 2001.
Q: What rumors did you hear of the death of a detainee?

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 323, Blue Ash, OH 45242, DATED 27 Jan 04, CONTINUED.

A: The first one I heard was that there was a problem between SGT [redacted] and SSG [redacted] They were escorting a detainee either to MI or to the restroom. The detainee started to get restless and managed to break free. When he broke free he kicked SGT [redacted] in the groin. From what I heard, the detainee received a couple of common peronials to the leg, I am not sure if it was [redacted] or [redacted] From what I overheard, because the detainee was so restless, they placed him back in his cell. From what I heard, he just laid in his cell. By the time it was dinner time, when they were trying to tell him that his food was there, he didn't respond, that's when they found out he was dead.

Q: You said you heard this through a rumor, who told you?

A: I could not tell you, it was multiple people talking. I was also briefed about the death by my motor sergeant, SSG [redacted] who told me that things between the 1SG and the Company Commander were heating up again, and that if we could, try to stay away from the detention facility. If we needed to go in the facility to work, we were supposed to go in and fix whatever it was fast and get out. SSG [redacted] want us to know how bad things were getting, since one of detainees had died.

Q: What other rumors did you hear pertaining to the treatment of the detainees?

A: The rumors didn't hit again until the second one died. The second one dealt with SPC [redacted] and SGT [redacted] now SSG) and took place in the newly constructed isolation section of the detention facility. When they were on duty, it was [redacted] job to feed the detainees in isolation. When the detainee didn't want to eat or perhaps didn't like his food he ended up spitting out food and spitting on [redacted] From the rumor, [redacted] had to go and clean up the cell that the detainee caused. When he was trying to clean up what was done, the detainee apparently tried to swipe at [redacted] who then gave the detainee a common peronial to the leg, that's about the time when the detainee kind of dropped down while he was still chained up. The detainee sort of gave up and retreated into a ball, so [redacted] could finish what he was doing. [redacted] then left the room after cleaning up and went to sit down. Apparently the detainee got really quiet and sometime after, [redacted] tried to go back into the cell and offer the detainee some food. [redacted] then noticed the guy was dead.

Q: According to the rumor you heard, what was SSG [redacted] doing while this was happening?

A: I think he was there on watch just in case [redacted] needed some help. I have mostly heard of only the detainee that involved [redacted] I rarely heard anything pertaining to the one that involved [redacted] and [redacted]

Q: Please explain to me what a common peronial to the leg is?

A: From what I heard, it's a knee to the leg, which disables them. I guess it gives a small paralysis feeling. I think its located right above the knee.

Q: What other rumors have you heard pertaining to the detainees and their treatment?

A: There were a few times when maintenance was allowed to go up into the break room of the facility. I would hear stories about some of the detainees as to what they were all about. Such as farmers who just happened to be standing by someone else that MI wanted, and were pulled into the detention facility. And of course all of the cells were named after some type of terrorist attack on America, such as the USS Cole, and the Pentagon. I also heard that there were autopsies on the dead detainees and it listed they died due to heart attacks and blood clots.

Q: Did you ever see any boards in the hallway with information pertaining to the detainees?

A: No, there was nothing like that out in the open. Usually the boards had newsletters, a count sheet on how many detainees were in the detention facility, and minor translations for simple phrases. [redacted]

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 323, Blue Ash, OH 45242, DATED 27 Jan 04, CONTINUED.

Q: Do you know who had anything to do with the eventual death of either of the detainees, please explain?
A: SGT [redacted] SGT [redacted], SPC [redacted] and SSG [redacted] because out of the two separate stories that I heard, one incident [redacted] and [redacted] were escorting a detainee who got restless and kicked [redacted] in the groin. In the second incident, [redacted] was trying to feed the prisoner who spit on him. Those are the four people who I knew were involved in the stories about the detainees.
Q: When asked who you thought caused the death of the detainees, you listed [redacted] and [redacted] why do you think they did this?
A: It's obvious that the two detainees that died were in their care, plus according to all of the rumors, they were the only four that were involved. Of course they would be the center of attention.
Q: According to the rumors you heard, how many times did each of the detainees receive common peronials to the legs by [redacted] and [redacted]
A: I heard two each.
Q: So you mean that [redacted] delivered two common peronials, [redacted] delivered two common peronials, [redacted] delivered two common peronials, and [redacted] delivered two common peronials?
A: No, from the rumors that I heard the only common peronials that were given were delivered by [redacted] and [redacted]. [redacted] and [redacted] didn't give the detainees any common peronials.
Q: What other information do you have to provide that would help to resolve this investigation?
A: I know that when we got to QATAR, people started to talk more freely. I heard that CID was about to start an investigation and that was going to cause us to remain in country longer. All of the stories from all of the good detainees to all of the bad detainees, and of course [redacted] story. That's where I learned a lot more information about what happened in Bagram. There were some of the guys who said they didn't have a grudge against the detainees. There was one detainee who [redacted] liked a whole lot because [redacted] and [redacted] thought the detainee was mentally retarded. Of course that just sparked more talk about that in general. Then I'm not sure who else was there, someone else chimed in asking about the detainees. [redacted] offered to go into the story of what happened to him. Also, they started to ask questions, because they thought the case was closed. They thought it was closed, since by the time we left Bagram to Qatar the rumors were going around that the two detainees died of a blood clot and a heart attack.
Q: Who was present during this conversation?
A: SPC [redacted] SSG [redacted], SPC [redacted] SPC [redacted] and myself. If I'm not mistaken, I think SPC [redacted] was there, too.
Q: Who was in Qatar with you?
A: There was a volunteer detail; it was SGT [redacted], SPC [redacted], 2LT [redacted] SSG [redacted] SPC [redacted] SPC [redacted] SPC [redacted] SPC [redacted] SPC [redacted] and myself. It was a ten-man detail.
Q: Did anyone ever tell you not to talk to CID Agents?
A: No.
Q: Has anyone ever told you not to be truthful with CID Agents pertaining to this investigation?
A: No, nobody.
Q: Has CID ever interviewed you pertaining to this investigation?

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 323, Blue Ash, OH 45242, DATED 27 Jan 04, CONTINUED.

A: No.
Q: Has anyone else interviewed you pertaining to this investigation?
A: No.
Q: Have you ever talked about these rumors with [redacted] or [redacted]
A: Only [redacted] when people were prying him for information when we got to QATAR, that's when I heard him tell his story.
Q: Who were the people prying information from [redacted]
A: It was after we were done working for the day, everyone was telling their stories; it was like everyone was sitting at the table telling their stories all at once. I really don't know who asked the question, but then when it was brought up, I chimed in too. I was telling my story about the 1SG and other stuff.
Q: Think back and tell me who was there for that conversation?
A: SGT [redacted] SSG [redacted] SPC [redacted] SPC [redacted] SPC [redacted] and myself. I know that 2LT [redacted] hadn't gotten to the table yet. SPC [redacted] SPC [redacted] and SPC [redacted] were all together and just coming back from standing in line to get alcohol. I don't think they were even sitting down to understand what was said.
Q: Who initially asked SPC [redacted] about the detainees?
A: SSG [redacted] and myself.
Q: What did [redacted] say happened?
A: He said it was on his shift and he was in the process of feeding the detainee, no sooner did the detainee start to eat, when he began to spit the food back at [redacted]. When he was done spitting the food, the detainee just spit on [redacted] I guess because the detainee made a mess [redacted] had to clean it up. I guess SSG [redacted] had [redacted] go into the detainee's cell and clean up, while he was standing behind him and watching. As [redacted] tried to pick up everything that was on the floor, the detainee tried to kick at him. Then [redacted] approached the detainee and gave him a common peronial. Since the detainee was still being restless [redacted] gave him another shot. The second shot made the detainee drop into a ball, [redacted] said that when the detainee dropped into a ball it gave him enough time to get the food box bowl out of the cell. He was then able to finish cleaning up the cell. [redacted] said that he got out of the detainee's cell and SSG [redacted] locked it up again. [redacted] said that he went to discard all of the waste and clean himself up. [redacted] then returned to his desk and sat down to resume his duty. [redacted] said after some time had passed, he yelled at the detainee from his desk and asked him if he wanted something to eat again. [redacted] said that he heard the detainee groan and when he went to check on the detainee, he was sitting there with his eyes open not being responsive. [redacted] said the detainee didn't react right away, so he returned to his desk and sat back down. [redacted] told us that he got up a couple of minutes later and noticed that the detainee was still balled up with a depressed look and not responding. [redacted] then said, "aw man not another one." That's about as far as he went into telling the details of his story.
Q: Where were you when this conversation took place?
A: I was at the table sitting directly in front of SPC [redacted] while we were at the Wagon Wheel in Qatar. It was the social hangout for the people stationed at Qatar.
Q: What were you all doing at the Wagon Wheel?
A: It was just basically socializing.
Q: That night, were you and the rest of the people playing any card games?
A: I don't remember, because they did a lot back at the tent.

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 323, Blue Ash, OH 45242, DATED 27 Jan 04, CONTINUED.

Q: Were you ever present during any of the card games?
A: Yeah, I was present for a few of the card games in Qatar, but not sitting down as a player.
Q: Do you recall SPC [redacted] ever making fun of the detainees during these card games?
A: No, none of them made fun of the detainees.
Q: Did you ever witness anyone making a statement about the detainees being able to withstand multiple strikes to the body?
A: No.
Q: Did you ever hear anyone make a statement to the effect of how they must have hit a detainees many times yet the detainee was extremely resilient?
A: No.
Q: Have you talked to [redacted] alone about this before or after that incident in QATAR?
A: No, actually, he'd always talk about it when other people were around.
Q: Who were these people?
A: People like us at Qatar, and I think in the motorpool, that's all I can recollect.
Q: When you worked directly for the 1SG and Commander, did you ever hear either one of them talking about the detainees being abused?
A: No, not at all.
Q: When you worked directly for the 1SG and Commander, did you ever have to do any work on the Standard Operating Procedure (SOP) for the Bagram Detention Facility?
A: No.
Q: Do you know who actually worked on the SOP for the Bagram Detention Facility?
A: No.
Q: Do you know where the SOP was kept, and if there is a copy anywhere?
A: No, that I don't know.
Q: Do you have anything else to add to this statement?
A: No. //End of Statement//[redacted]

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 323, Blue Ash, OH 45242, DATED 27 Jan 04, CONTINUED.

AFFIDAVIT

I, [redacted] ave read or have had read to me this statement which begins on Page 1 and ends on page [redacted] I fully understand the contents of the entire statement made by me. The statement is True. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]

([redacted] ng Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of January 2004, while at room # 323, Embassy Suites Hotel, 4554 Lake Forest Dr, Blue Ash, OH 45242.

[redacted]

[redacted] ignature of Person Ad[redacted] ister[redacted] Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

b6, 7C

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 27 JAN 04
RANK: E-4 **SSN:** [redacted]
UNIT: 377th Military Police Company

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES

1. If yes, what dates and what were your duties?
SEPTEMBER 2ND - MARCH 07 2003 MECHANIC

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: NO If yes, explain:

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain: But Heard Rumors of Death of Detainee

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: YES If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] FOUO [redacted] Exhibit 18
Signature/Sequence # of Interviewer
b6, 7c
1030

4b. How do you feel about the deaths of those two detainees?

BAD FOR DETAINEES AND BAD FOR UNIT REPUTATION

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it wi[redacted] be reported [redacted] that person.* Who do you think did it? A: [redacted]

6. Is there anyone you know well enough th[redacted] feel is above suspicion and would not do something like this? A: [redacted]

7. How do you feel about being interviewed concerning this issue?

BAD - BECAUSE WHAT I KNOW WAS RUMORS AND GOSSIP

8. Do you think that the death of either of those detainees was deliberate?
NO - WAS NOT DELIBERATE

9. If someone said that you physically abused either of those two detainees, is that person lying? YES

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: DONT KNOW

11. Why do you think someone would do this? BECAUSE of BEING PUT IN A POSITION of HAVING to LEAVE the U.S. to GO OVERSEA FIGHT - THAT WAS the UNITS ATTITUDE when WE GOT ON GROUND for the MOST PART

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO

13. Why wouldn't you do something like this? A: for the most PART AS Solider I BELIEVE to this DATE WHAT I SEEN OR HEARD the U.S. DOES NOT TREAT there (POW EPW) BAD.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? For the CIRCUMSTANCES for these two DETAINEES LOSS of PAY OR DEMOTION.

[redacted]

Signatur[redacted]

[redacted] Exhibit 18

Signature/Sequence # of Interviewer

FOUO

1031

b6.7C

a. Please explain: PAY LOSS AND DEMOTION is what should HAPPEN.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? YELL OR SCREAM

17. How do you think the results of the investigation will come out on you? I DONT HAVE ANY CONNECTION OR INVOLVEMENT of THIS CASE

18. Do you think the person who did this would deserve a second chance under any circumstances? A: YES
Please explain: I BELIEVE THAT FOR MOST THESE DETAINEES WERE BROUGHT IN to U.S. CUSTODY MALNURIST AND SICK THESE DETAINEE WERE A TIMEBOMB TO DROP AT ANYTIME.

19. Did you tell your family about this investigation? A: YES [redacted]

20a. Did you tell your family you were being interviewed regarding this investigation? A: YES

20b. Did your family ask you if you were guilty? If so, what was your response? A: NO - I DIDNT HAVE ANY INVOLVEMENT

20c. Have you talked with anyone other than CID about this investigation? A: NO If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO

[redacted] FOUO [redacted] Signature/Sequence # of Interviewer

b6, 7C

b6, 7C

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: YES- I HAD BEEN IN the facility to DO MAINTNANCE work AND I'm BEING implicated BECAUSE I'VE IN the facility SOMETIMES TO WORK.

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: YES

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: 1-5%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: YES

26. Do you think the FBI should get called in to help out on this investigation? A: NO

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: YES

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 0945 hrs, 28 Jan 04, SA [redacted] interviewed **SSG [redacted] 377th Military Police (MP) Company, 1600 Seymour Avenue, Cincinnati, OH 45237** who was assigned to 1st platoon, working within the Bagram Collection Point (BCP), during the timeframe of both deaths. [redacted] was advised of his rights for the offenses of Aggravated Assault, False Official Statement, Cruelty/Maltreatment and Negligent Homicide. He waived his rights and provided a statement admitting he struck a detainee (later determined by events to be HABIBULLAH) in the rib cage, with his fist, during an altercation initiated by the detainee. [redacted] clearly understood common peroneal strikes were to only be used for self-defense or defense of another, not to gain compliance. *(See Waiver Certificate and Sworn Statement of [redacted] dated 28 Jan 04 for additional details).*

AGENT'S COMMENT: At the conclusion of his interview [redacted] was record fingerprinted.

At 1140 hrs, 28 Jan 04, SA [redacted] interviewed **Mr. [redacted] (formerly SSG, 377th MP Company, Cincinnati, OH 45237),** who was assigned to 2nd platoon and deployed to Afghanistan, but was discharged in Nov 02, for hardship reasons. [redacted] denied having any knowledge of the incidents under investigation. [redacted] related the members of 3rd Platoon, 377th MP Company, Detachment 1, Bloomington, IN, were short tempered and easily aggravated. *(See PUC Questionnaire of [redacted] dated 28 Jan 04, for additional details).*

At 1700 hrs, 28 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237** who was a member of 2nd platoon, conducting operations within the BCP, Bagram, Afghanistan, between Aug 02 and Mar 03. [redacted] stated he did not witness any of the detainees being physically abused by anyone. He stated he was on gate guard duty, outside the facility and he had no contact with either of the two detainees, who died in the BCP. [redacted] was aware of the use of weight lifting supplements during the deployment and admitted he was using them himself. [redacted] stated that to the best of his knowledge no one was using steroids. *(See PUC Questionnaire of [redacted] dated 28 Jan 04, for additional details).*

At 2205 hrs, 28 Jan 04, SA [redacted] and SA [redacted] interviewed **SPC [redacted] 377th MP Company, Cincinnati, OH 45237**, who was a member of 2nd platoon and worked within the BCP. [redacted] provided a sworn statement detailing his knowledge of the incidents under investigation. [redacted] felt the members of 3rd Platoon were verbally abusive towards to the detainees [redacted] explained he heard [redacted] and SGT [redacted] brag about how they would physically discipline the detainees. [redacted] related he saw [redacted] and SPC [redacted] enter Isolation Cell #1. [redacted] picked up Person Under Control (PUC) [redacted] and slammed him against the wall without provocation while [redacted] and

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 28 Jan 2004	EXHIBIT 186

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

[redacted] watched without intervening. All of them bragged about [redacted] slamming PUC [redacted] the following day while in the break room of the BCP. [redacted] related he was certain CPT [redacted] Commander, 377th MP Company was aware of the use of excessive force by 377th MP Co, 3rd Platoon, Cincinnati, OH 45251, because the company office was inside the BCP during the times when these incidents occurred. [redacted] further related the 211th MP Company, NC National Guard was also forceful with some of the detainees and recalled witnessing members of that unit administer common peroneal strikes; slapping detainees in the back of the head; and throwing water on some of the detainees. [redacted] further explained he saw a detainee with black eyes, a swollen nose, and dried blood on his face, and was told by a member of 211th MP Co, that the detainee attempted to escape, was captured outside of his cell and they "fucked him up." [redacted] detailed an incident where he witnessed SPC [redacted] escorting a detainee to the bathroom and purposely ran him into the wall, causing the blackened goggles to press against the bridge of the detainee's nose and causing it to bleed. [redacted] additionally related in May 03 during a drill, he heard [redacted] insinuate he [redacted] was directly responsible for the death of the second detainee when he administered common peroneal strikes. [redacted] recalled SPC [redacted] asked [redacted] what happened to the second detainee that died and recalled [redacted] looking over his shoulders prior to responding, stating "if you give someone enough common peroneals you could kill him". [redacted] additionally related 3rd platoon used the phrase "common peroneal" as an inside joke. *(See Sworn Statement of [redacted] dated 28 Jan 04, for additional details)*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 28 Jan 2004 / EXHIBIT: 186

0134-02-CID369-23533
0137-02-CID369-23534

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	2. DATE	3. TIME	4. FILE NO.
Embassy Suites Hotel, 4554 Lake Forest Drive, Blue Ash, OH 45242	28 Jan 2004	0945	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN: [redacted] / 7. GRADE/STATUS: SSG	Cincinnati, OH 45237

PART 1 - 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: Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner, Dereliction of Duty, False Official Statement

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:

[redacted] do not have to answer any questions or say anything.

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

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

[redacted] 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 spea 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.

1a. NAME (Type or P[redacted]	3. SIGNATURE OF INTERVIEWEE
SA [redacted]	[redacted]
b. ORGANIZATION [redacted] PHONE HQ, USACIDC, Ft. Belvoir, VA	[redacted]
2a. NAME (Type or Print)	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR Ft. Leavenworth Resident Agency (CID) Ft. Leavenworth, KS 66027

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer.

☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO b6, 7C

1036
EXHIBIT 187

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a milita lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

SWORN STATEMENT

File Number :
Location : Embassy Suites Hotel, Blue Ash, OH 45242
Date : 28 Jan 04 Time: 1145
Statement Of: [redacted]
SSN : [redacted] Grade/Status: E-6
Org/Address : 377th Military Police Company, Cincinnati, OH 45237

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes [redacted]

Q: What dates were you there and what were your duties?

A: I arrived on 31 Aug 02. I left on about 14 Sep 02 for three weeks to undergo a hernia surgery. I came back on about 8 Oct 02. I left on 20 Dec 02 and returned home for the birth of my daughter and returned to Afghanistan on 3 Jan 03. I was squad leader for 1st Squad, 1st Platoon, 377th Military Police Company, while I was there and performed duties as a SOG in the detention facility on a rotating basis with other squad leaders. Inside the facility if I wasn't SOG, I would assist with escorting and would relieve other soldiers for a period of time for a break [redacted]

Q: Did you guard either detainee that died during the period of time between October and December 2002?

A: I was in charge of the group that guarded them as SOG. I can not specifically recall the face of either detainee, I only remember them by number [redacted]

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: When 412 and 421 entered the facility, I was probably in the room during their inprocessing, but I do not specifically remember either PUC being inprocessed [redacted]

Q: Define corporal punishment.

A: Corporal punishment is excessive punishment for some reason. We had several incidents where people were abusing a privilege of water, if someone gave them made them stand with their hands restrained that might be corporal punishment [redacted]

Q: Did you witness either detainee receiving any type of corporal punishment?

A: I don't remember which number it was, but it was an incident we

FOR OFFICIAL USE ONLY

b6, 7c

1038

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 28 Jan 04; CONTINUED:
had in an airlock, when one of the two grabbed one of the guards. When the PUC grabbed the guard, [redacted] and I and two other guards that I can't remember, struggled with the PUC inside the airlock. Since it was such a confined airway in the airlock, we pulled him out of the airlock and used our weight to force him to the ground. As we tried to get him handcuffed, he continued to resist, so I used a couple of strikes with my hand to his ribs to try and get his hands cuffed. Once we had him cuffed, we picked him up and escorted him to an isolation cell. He was told by a MI translator to stand up in the middle of the isolation cell. He had handcuffs on that were left in front of hi[redacted] He was not confined to the ceiling or any part of the cell[redacted] DO NOT RECALL EXACTLY HOW HE WAS REST
Q: What shift were you working when this happened?
A: I think we were on the night shift.[redacted]
Q: Did you have any more problems from that PUC that night?
A: No, I don't recall any other problems with him at all either before or after that incident[redacted]
Q: Did either PUC that died cause any trouble during the shifts that you worked?
A: Other than the incident I just described, I don't remember them causing any other problems. Whichever one we had to give CPR to, I believe refused to eat for a period of time.[redacted]
Q: Were either detainees placed into standing restraints while you were on shift?
A: I don't remember if they were or not.[redacted]
Q: Were you there when either detainee was found unresponsive?
A: I was on the main floor and received a call from SPC[redacted] that he needed help on the second floor. When I got to the isolation cell with[redacted] said the PUC was not breathing and the PUC was already laying on the ground inside the cell laying on his back. It was the first cell on the left. I don't recall the PUC having any type of restraints on him at that time. He didn't have a hood or goggles on when I arrived, and I didn't see any in the area, but so much was going on, I might not have noticed.[redacted] began doing mouth resuscitations with his hands of the PUC's mouth and I began doing chest compressions to provide CPR. Just prior to me jumping down, I called down to our RTO and told him to make notifications to the hospital. We continued to do chest compressions for a couple of minutes, then decided to go ahead and move him downstairs to a room right by the facility door and then continued to do CPR. We moved him on a stretcher. The hospital personnel showed up about ten minutes after I had first
Exhibit: 187 INITIALS[redacted] PAGE 2 OF 8

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 28 Jan 04; CONTINUED:
went to assist [redacted] The hospital personnel took over when they got there and hurried him to the ambulance and left. I got my people together and put them back to work [redacted]
Q: How did the PUC look to you and feel when you arrived?
A: He did not appear to have any signs of life. [redacted]
Q: Q: Define corporal punishment.
A: Corporal punishment is excessive punishment for some reason. We had several incidents where people were abusing a privilege of water, if someone gave them made them stand with their hands restrained that might be corporal punishment [redacted]
Q: Were soldiers directed to not talk about the incident?
A: I don't specifically recall, but if so, it was so other PUC's wouldn't hear because we suspected some of them understood English. [redacted]
Q: Did other MP's complain that either of the PUC's that died were troublemakers?
A: Not that I remember [redacted]
Q: Did any of the other MP's appear to dislike the PUC's?
A: I wouldn't [redacted] they had a hatred for them. They didn't like being there. [redacted]
Q: How did the MP's handle troublemakers?
A: Initially, we would make them stand up in their cell for punishment. If it continued to be a problem, we would get ahold of a translator from MI to speak to the detainee about the problem. I don't recall a PUC ever being a problem beyond that, which would recall further action. If someone was put into isolation cell, it was because MI directed us to. The incident I discussed above was the only time I can remember putting a PUC in isolation cell as a form of punishment. [redacted]
Q: Have you been trained on common pronial strikes and pressure point control tactics?
A: Yes. I received the training in my police department in Newport, KY, since about 1999. We had a one day class in Fort Dix, but I don't remember who taught it. I think someone from the unit taught it. We were told if someone wouldn't comply with your verbal directions, you may need to use a strike. The only time that was used is if someone was trying to harm someone else. [redacted]
Q: Did a soldier have to ask permission from a SOG before applying one of those tactics?
A: They didn't have to ask permission [redacted]
Q: Did you ever utilize those tactics on a PUC?
A: I never utilized common pronial strikes. The only time I ever [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 28 Jan 04; CONTINUED:
struck a PUC was the incident I described above with my fist. I don't believe I ever used PPCT over there.
Q: Did you apply either of those tactics on either of the detainees that died?
A: No. [redacted]
Q: Do you recall any individuals being rough with detainees?
A: I know [redacted] and [redacted] were told by MI to "PT" a couple of detainees. The PUC's were brothers who apparently had some good information and MI wanted these guys stressed out. [redacted] and [redacted] were told to PT these guys and keep them moving around for twenty-four hours. I saw them making the PUC's do push-ups and lean against the wall. I heard some rumors that they may have got rough and applied some common pronial strikes to these guys during that time to stress them out. Nobody came up to me and told me they struck a PUC, but I heard the rumor that [redacted] and [redacted] used the common pronial strikes to keep these guys doing PT. By the time I heard about that, the two PUC's were already shipped off to Cuba. [redacted]
Q: Do you know who had anything to do with the eventual death of either detainee?
A: The only one that I know that may have st[redacted] either detainee that died was [redacted], but I believe he would [redacted] actually caused their death [redacted]
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: No [redacted]
Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?
A: We had a Specialist who would intentionally hurry a detainee to the point of dragging them, and I thought that was excessive and he was wrote up about it. That was SPC [redacted]. He was taken off from doing those details after that [redacted]
Q: Did you have any other interactions with either of the detainees that died?
A: One of the PUC's was refusing to eat, [redacted] and I went into the cell and tried to get him to eat by offering him the food. He still refused to eat and we tried to give him water, but he refused the water, too. He had regular handcuffs on, but his hands were down so he could eat. We left the cell, and about five to ten minutes later I came back and looked in the cell and the PUC's pants were down to his ankles. I called for someone to assist me and [redacted] rrived. We opened the cell door and went in [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 28 Jan 04; CONTINUED:
to attempt to pull his pants up. When I got face to face with him, the PUC suddenly pulled his handcuffed hands up and struck my chin. I grabbed him by his upper arms and held him up against the wall. [redacted] went and retrieved longer cuffs and put him in a "Y" position to the ceiling [redacted]
Q: How do you feel about the deaths of those two detainees?
A: I don't like being under scrutiny about it, it makes me uncomfortable. I don't believe that I or any of my guys did anything wrong [redacted]
Q: Who do you think caused the death of the detainees?
A: Whoever was using excessive common pronial strikes. I heard a rumor that 3rd Platoon was using excessive strikes, but I don't remember any specific names. We had one PUC that never caused our shift any problems, but every day we came in he would be in isolation and 3rd platoon said that he had caused problems, which seemed strange since the guy never caused us any problems. We thought the guy was so friendly that we used him as a translator occasionally. [redacted]
Q: Do you suspect anyone caused the detainees death?
A: I guess if someone was using excessive common pronial strikes, but I don't suspect any individual person because I don't know who was doing the striking. [redacted]
Q: Do you think that the death of either of those detainees was deliberate?
A: No. I don't think most people would know common pronial strikes could kill someone. [redacted]
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: I think if one of my guys would have done it, I would have known. I doubt it could have happened in general population because everyone would have seen it. If someone was abused it was probably in the isolation cells [redacted]
Q: Why do you think someone would abuse a detainee?
A: If the detainees are not following the rules, someone may have abused a detainee because of stress. [redacted]
Q: Were you aware of anyone using any type of supplements or enhancers during the deployment?
A: People were using Nitrotech and Hydroxycut. The PX was selling the Nitrotech. I never heard of any orders by the commanders forbidding the use of any supplements. [redacted]
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?

FOR OFFICIAL USE ONLY

b6, 7c

STATEMENT OF SSG [redacted], TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 28 Jan 04; CONTINUED:
A: No.[redacted]
Q: Why wouldn't you abuse a detainee?
A: It's not worth going through something like this over. It's not in my nature.[redacted]
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: Punishment of some type. Nothing severe because some of the people over there were evil people. If you intentionally caused a death, you would have to face what's coming.[redacted]
Q: Have you ever heard of a compliance blow?
A: No.[redacted]
Q: Under what circumstances were you given direction that a common pronial strike or pressure point control tactic could be applied?
A: If someone was directing harm toward any of us or another detainee, you can use a strike if verbal is not working. I have known that from my training with my police department and whoever gave the training to us, I'm sure went over it.[redacted]
Q: Where did you learn what was and was not acceptable treatment of the detainees?
A: I don't think we were ever taught what was and was not acceptable[redacted]
Q: Did you know your commander had a SOP for the facility?
A: Yes, I think I helped write the SOG portion of the SOP.[redacted]
Q: Was the SOP accessible to soldiers?
A: If anyone would have asked for it, they could have seen it. But it wasn't passed out.[redacted]
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common pronial strikes?
A: I have no idea.[redacted]
Q: What was the maximum amount of force that could be applied to a detainee who was being defiant?
A: The ultimate punishment was standing restraint for an hour.[redacted]
Q: Was there a status board maintained by the cells?
A: Yes, it was used to keep locations of all PUCs at all times. Such as if a PUC had to go to the hospital or something. It was also used to keep track of standing restraints in isolation by indicating the amount of hours a person was to remain in standing restraints as per MI. For example, "4↑ 1↓" indicated four hours in standing restraints, one hour down. It was written that way because it was simpler and everyone understood it.[redacted]
Q: Was the status board ever erased before anyone visited?
A: No.[redacted]

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 28 Jan 04; CONTINUED:
Q: Did anyone such as the International Committee of the Red Cross or any other dignitaries ever visit the facility during your shifts?
A: No, they only came during day shift and I only ever worked night shift [redacted]
Q: What did you believe caused the death of either detainee immediately after their deaths?
A: Their health. [redacted]
Q: What do you now believe caused the death of either detainee?
A: Until this interview, I still thought it was their health. Since you told me about the damage to their legs, someone must have had to use too much force. [redacted]
Q: What was your professional training and background outside of the military before deploying?
A: I have worked as a Police Officer since January 1999. I had about three years of college [redacted]
Q: Did you ever see either of the PUC's legs underneath his clothing?
A: I saw the one when he had his pants down, but I didn't pay any attention to his legs. [redacted]
Q: Did you ever observe any bruises or injuries on either PUC?
A: No [redacted]
Q: Did either PUC ever appear ill to you?
A: No [redacted]
Q: Did you ever observe either PUC in pain?
A: No. [redacted]
Q: Were you on shift when the other PUC died that you did not describe above?
A: I was on shift, but I don't recall being involved with the medical treatment of the other one. [redacted]
Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common pronial strikes?
A: MI, because they initiated a lot of it. Everyone in our entire company new except for maybe the mechanics and cooks. The commander went through the facility so he knew what was going on. [redacted]
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?
A: No. [redacted]
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT/// [redacted]

Exhibit: 187 INITIALS [redacted] PAGE 7 OF 8

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 28 Jan 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 28th day of January, 2004 at Blue Ash, OH 45242.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

[redacted]

Exhibit: 187 INITIALS [redacted] PAGE 8 OF 8

FOR OFFICIAL USE ONLY

b6, 7C

0134-02-CID369-23533
0137-02-CID369-23534

PUC QUESTIONAIRE

NAME: [redacted] DATE: 1-28-04
RANK: SSG (P) SSN: [redacted]
UNIT: 377th MP COMPANY

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: NO

1. If yes, what dates and what were your duties?
RETURNED STATE SIDE SEPT 20, 02

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A:_____

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: _____

2b. Did you witness either detainee receiving any type of corporal punishment? A:_____ If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A:_____ If yes, explain:_____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A:_____
If yes, please explain:_____
_____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted]
Signature of Interviewee

FOUO
b6, 7C

Signature/Sequence # of Interviewer

1046

EXHIBIT 188

4b. How do you feel about the deaths of those two detainees?

Appalled And Shocked

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: 3d platoon C [redacted]

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: 2nd PLT.

7. How do you feel about being interviewed concerning this issue?

I'm not bothered by it.

8. Do you think that the death of either of those detainees was deliberate?

I have no opinion

9. If someone said that you physically abused either of those two detainees, is that person lying? yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: everyone there in the compan.

11. Why do you think someone would do this? I don't know?

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: no

13. Why wouldn't you do something like this? A: That's not what our job is

14. What do you think should happen to a person who mistreated or caused the death of a detainee? I think they should be punished.

[redacted] FOUO

Signature of Interviewee b6, 7c Signature/Sequence # of Interviewer

1047

EXHIBIT 188

a. Please explain: because they killed somebody

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? escape attempt, assault on staff or another detainee

17. How do you think the results of the investigation will come out on you? no effect

18. Do you think the person who did this would deserve a second chance under any circumstances? A: I can't comment
Please explain: I don't know the circumstances

19. Did you tell your family about this investigation? A: NO

20a. Did you tell your family you were being interviewed regarding this investigation? A: NO

20b. Did your family ask you if you were guilty? If so, what was your response? A: _____

20c. Have you talked with anyone other than CID about this investigation? A: NO If yes, who? _____

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO

[redacted]
Signature of Interviewee

FOUO

Signature/Sequence # of Interviewer

b6, 7C

104

EXHIBIT 188

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: Less than 10%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: N/A

26. Do you think the FBI should get called in to help out on this investigation? A: NO Internal matter

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO

[redacted] FOUO

Signature of Interviewee

b6, 7C

Signature/Sequence # of Interviewer

EXHIBIT 188

0137-02-CID369-2353

- IRR oct.
- completed Deployment.
- started oct 99, Phase I & II,

Deployments Riley
Egypt
Afghanistan

- the PD soldiers instructed
  → Taught PPCT. Informally
  → Told meet force w/ force!

- members of 2nd plt seemed level headed —
  SSG [redacted] "made clean".

- 1st plt. seemed similar to 2nd plt.
- 3rd plt. seemed High-strung (GUNG-HO)
  seemed verbusive - Harsh.

- [redacted] — @ Gym Alot. but no Talk of workout
  anything would set them off.

Flew from Afghan — Cal (for a few days)

- getting out of Reserves — for personal Reasons / not for experience in Theatre.

- working gates when 1st Died — [redacted]
  unsure of location 2nd Died

- CDR & 1SG Put out that if you weren't on you weren't allowed in ISO cells (shortly after arriving) b6,7C

- Aug - oct < @ N
- oct - Dec < @ a
- Dec - Mar @ D
  1050

- this a really hard time remembering to ... EXHIBIT 1

- from gate to BDF
- rarely saw SDV ... in BDI But some 2nd time
- rarely saw 1SG CO ... bu
- VIPs ... 1 sta
  - never asked to change ops Base P.
  - never called sen acting Personal

"SQAD"
[redacted]
SSG [redacted]
SGT [redacted]
SGT [redacted]
SPC [redacted]
PF [redacted]
SPC [redacted]
- SPC [redacted] took Die
[redacted]
in Feb ...
upstairs / b
- Ft Out

0137-02-CID369-5024

[redacted] was dragging that he picked up a detainee & slammed him into a wall. SPC [redacted] told him "[redacted]"

MI wanted info - MI told them .5 on .5 off (1 & they wanted to get him to talk. [redacted] (He was in Isolation - on the 2nd Fl

Shortly after arrival.

- He thought they were using excessive force.
- On A Drill weekend in MAY 03 [redacted] or asked SPC [redacted]

something about a common personal on that PUC & the PUC refused to eat" & throwing his food around.

- He also said "if you do it several times it can kill somebody". took it to mean he did more than once.
- I was in the break room when [redacted] LT [redacted].
- originally told PUC died in sleep.
- PLT SGT told them [redacted] were being moved until Con of Investigation.

[redacted] thinks but not positive

- Doesn't know what happened to the log books

(- Heard of Incident on 1st Death.
& thinks it was SPC [redacted] But not since.)

- answers if CDR or ISG were present when things were going on
- It seemed 3rd PLT was more physical than verbal.
- 3rd seemed to do what they wanted.

[redacted] the ring leader.

[redacted]

FOUO
b6, 7C

1051
EXHIBIT 18

S1107
F-1815

0134-02-CID369-23533
0137-02-CID369-23531

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 28 Jan 04
RANK: E-4 SPC **SSN:** [redacted]
UNIT: 377th MP Co

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES

1. If yes, what dates and what were your duties?
Aug 2002 to Mar 2003

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: No

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: No If yes, explain:

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain:

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: No If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: No If yes, explain (see sworn statement)

[redacted] [redacted] 1052
Signature of Interviewee Signature/Sequence # of Interviewer

b3, b6, 7C

Exhibit 18

4b. How do you feel about the deaths of those two detainees?
With the possibilty of one or both being innocent of any crimes I am bothered by the deaths.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I have no idea

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: 1st and 2nd Platoon

7. How do you feel about being interviewed concerning this issue?

I Am not bothered

8. Do you think that the death of either of those detainees was deliberate?
No

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: Whoever might have been working Isolation and who ever might have been on "Control"

11. Why do you think someone would do this? No Idea

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: It is wrong

14. What do you think should happen to a person who mistreated or caused the death of a detainee? They should be punished

[redacted] FOUO [redacted]
Signature of Interviewee Signature/Sequence # of Interviewer

b2, b6, 7C

105
Exhibit 189

a. Please explain: [redacted]

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: No If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
Self defense situation

17. How do you think the results of the investigation will come out on you?
No effect

18. Do you think the person who did this would deserve a second chance under any circumstances? A: No
Please explain:

19. Did you tell your family about this investigation? A: yes
Today, because of the phone call to my work.

20a. Did you tell your family you were being interviewed regarding this investigation? A: yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: No

20c. Have you talked with anyone other than CID about this investigation? A: No If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted]
Signature of Interviewee

FOUO
b2, b6, 7C

[redacted]
Signature/Sequence # of Interviewer

EXHIBIT

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: I don't Know

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: No

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

28. Steroid use - I saw no one using steriods
I only saw use of protien powders. I used a protien powder myself while working out.

I was active duty from 1988 to 1992, Infantry The Old Guard
I was Inactive Reserve from 1992 to 1996.
I Reenlisted in the Reserves after 9/11 for patriotic reasons,
I signed up for 2 years and spent the 1st 6 months going to Phase I MP School
I might have drilled with the unit a total of 7 times before Activation and deployment
My only interaction with the other platoons, was during shift change
We came home in March 2003 and due to my [redacted] did not attend another drill. I ETS'd in Oct of 2003.

[redacted]

Signature of Interviewee

FOUO

[redacted]

Signature/Sequence # of Interviewer

02,06,7C

1055

EXHIBIT 189

SWORN STATEMENT

FILE NUMBER: 0134-02-CID369
LOCATION: Embassy Suites Hotel, Room 323, Blue Ash, OH 45242
DATE / TIME: 28 Jan 04 / 2205
STATEMENT OF: [redacted]
SSN: [redacted]
GRADE/STATUS: SPC E-4/ RA
ORGANIZATION/ADDRESS: 377th Military Police Company, 2nd Platoon, Cincinnati, OH 45251

I [redacted] want to make the following statement under oath:
I came in the Army on 7 Jul 1996 and attended Basic Training at Fort Sill, OK. Upon graduation I proceeded to Fort Bliss, TX for my Advanced Individual Training (AIT) in Forward Line of Sight Heavy Crew Member, Military Occupation Specialty 14R. My first duty station was 2nd Infantry Division, Camp Casey, Republic of Korea (ROK), from Dec 1996 to Dec 1997. My next duty station was Fort Hood, TX from Dec 1997 to Jul 1999. I got out of Active duty and transferred to the 377th Military Police (MP) Company (Co), Cincinnati, OH 45251 (Army Reserves).

After my arrival in Cincinnati, OH, I attended MP school, Phase I. In April of 2000, I attended MP, Phase II training in Camp Ripley, MN for two weeks. After returning to my unit I began to attend the normal weekend drills. In Oct 2001, I deployed to Egypt for three weeks with the 377th MP Co. In Jan 2002 the 377th MP Co was alerted for activation, however the alert was called off and the unit wasn't activated. Then the 377th MP Co was activated in Jun 2002 for a one year tour of duty in Afghanistan. The unit proceeded to Fort Dix, NJ, on 16 Jun 2002. While at Ft. Dix we conducted training in preparation for our deployment to Afghanistan. SGT [redacted] SSG [redacted] and SSG [redacted] 377th MP Co, conducted Pressure Point Control Tactics (PPCT) training and the Fort Dix deployment processing personnel conducted prisoner escorting, prisoner transportation, prisoner processing and confinement facility operations.

I departed Ft. Dix, NJ, en-route to Germany on Aug 27th, 2002. I stayed in Germany for two days prior to departing to Bagram, Afghanistan. I arrived in Bagram on 29 Aug 02. Upon my arrival to Bagram, I waited two days for the remainder of the 377th MP Co to arrive. After their arrival, we began to work at that Bagram Collection Point (BCP). On 31 Aug 2002, I started working in the BCP.

I was assigned to the 2nd Platoon, and I started working night shift at the BCP. I was trained by members of the 211th MP Company, NC (Army Reserves) for the first three days that I worked in the BCP.

After the first few weeks, I noticed that members of the 3rd Platoon, 377th MP Co were very aggressive in their handling of the detainees at the BCP. I felt they were aggressive by the manner in which members spoke harshly to the detainees. For example, members of the 3rd Platoon would call the detainees "Mother Fuckers". Also, at about the same time, I started to hear rumors and I would hear members of the 3rd Platoon brag about how they would physically discipline the detainees. Specifically, SGT [redacted] SPC [redacted] SGT [redacted] bragged

about how they threw a detainee against the wall for not standing up and staying awake when he was supposed to.

Around 20-25 Sep 02, while working night shift in the isolation cell, and during the shift change, I observed SGT [redacted] SPC [redacted] and SPC [redacted] enter isolation cell #1 (upstairs). I observed SGT [redacted] pick-up Person Under Control [redacted] and slam him into the back of the cell wall. After [redacted] was slammed against the wall, he fell to the ground. Then SPC [redacted] and SPC [redacted] picked-up [redacted] and supported him against the wall, while SGT [redacted] exited the isolation cell. [redacted] stayed on the ground and groaned in pain. After the incident, SGT [redacted] and SPC [redacted] left the isolation cell area and SPC [redacted] stayed because he worked the isolation cell area on that day. During this incident, [redacted] had leg shackles on his legs, handcuffs on his arms above wrists and leg shackles on his arms above his wrists and the handcuffs. The next day, in the break room of the BCP, I heard SGT [redacted] SPC [redacted] and SGT [redacted] brag about how SGT [redacted] picked up [redacted] and threw [redacted] around like a rag doll. Present while the incident was being bragged about was SSG [redacted], SSG [redacted] SSG [redacted] SPC [redacted], SPC [redacted] and SPC [redacted]. In general, the mood of the conversation was humorous, however, there were questions posed to SGT [redacted] about why [redacted] was thrown against the wall. SGT [redacted] responded that he felt like it, and that he [redacted] was the reason why he (SGT [redacted]) was here. During the time of this incident, [redacted] was on sleep deprivation and physical training per the Military Intelligence personnel. Additionally the 211th MP Co personnel had relayed that [redacted] was being uncooperative with the interrogators.

It seemed as though the chain of command of the 377th MP Co was aware of the 3rd Platoon's use of excessive force to discipline the detainees and to intimidate the detainees regardless whether the detainees did anything justifying the use of force. It seems the chain of command was aware, due to the small size of the facility and the boldness of the 3rd Platoon members to brag about their use of force on the detainees to other members of the 377th MP Co regardless of who was in hearing distance.

While being trained by members of the 211th MP Co, I observed some of their members being very forceful with some of the detainees, including administering the common peronial strike, slapping them in the back of the head, and throwing water on them. In general, they would do things that would humiliate them. At most, I observed one of their members administering two to three peronial strikes to the same detainee at a time. While receiving the transition training, the 211th MP Co personnel informed me that nobody really cares what happens to the detainees, however, you should be aware of who is around before striking or hitting a detainee. Also, I was informed that I should keep in mind that I shouldn't do anything that will leave any signs of abuse, such as cuts or bruises. During the transition, there was one detainee (number unknown), who was in an isolation cell and he had been beaten really bad. This detainee had two black eyes, a swollen nose, and blood dried on his face. According to the members of the 211th MP Co, this detainee had attempted to escape from one of the group detention cells and he had been captured outside the cell and they had "fucked him up". The comment that we "fucked him up" was said by a member of the 211th MP Co, who was a SGT [redacted] and he always wore a [redacted] that was

FOR OFFICIAL USE ONLY
b6, 7C

105

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 323, Blue Ash, OH 45242, DATED 28 Jan 04, CONTINUED.

black, white and gray. I am unable to identify any of the other members of the 211th MP Co who abused the detainees during the transition training; however, they ranked from SPC to SSG.

In general, most of the incidents of abuse seemed to occur in the isolation cell area due to the secluded location, as opposed to the general population detention cell area, where many people had visual observation of that location.

About Sep 02, during the latter part of the month, while working in the upstairs isolation cell area, I entered cell #3 with SPC [redacted] After entering the cell, we attempted to place leg irons and handcuffs on a detainee, however, he became combative and he used his head to strike the top of my head. SPC [redacted] immediately grabbed the detainee, pushed him to the wall and I completed placing the leg irons and handcuffs on the detainee. The detainee was then taken to an interrogation room, where he was interviewed. At the conclusion of the interview, the detainee was escorted back to the isolation cell without further incident.

About Jan 03, towards the latter part of the month, I was working the control position, when I received a radio message from PFC [redacted] who was working in the upstairs isolation cell area, and she requested my assistance. I responded and observed isolation door #1 open and PFC [redacted] was inside. The detainee was on his stomach and PFC [redacted] was on top of the detainee. The detainee had leg irons on his legs and PFC [redacted] was attempting to place handcuffs on the detainee's wrists. I immediately responded and assisted PFC [redacted] with subduing the detainee and we placed handcuffs on the detainee's wrists. During this incident, I used the amount of force deemed necessary to subdue the detainee and I stopped using force when the detainee stopped resisting. At that point, I escorted the detainee to the latrine and the incident was logged into the isolation logbook. PFC [redacted] informed me that she was in the process of handcuffing the detainee when he started to resist.

About Feb 03, while working in the upstairs isolation cell area of the BCP, I radioed SPC [redacted] who was working the control position, to assist with escorting a detainee from cell #5 to the latrine. The detainee was an older man, who was diagnosed by the medical staff as having a bladder problem and needed to use to use the bathroom frequently. SPC [redacted] responded and began to escort the detainee to the latrine. During the escort SPC [redacted] started making comments that he felt the detainee was using the latrine as an excuse to get out of his cell. Then while SPC [redacted] was escorting the detainee, I observed SPC [redacted] who was walking to the left rear of the detainee, turn the detainee with his right hand and forcefully shove the detainee into the wall on the second floor near one of the interrogation rooms approximately 30 feet from the stairwell that leads to 1st floor near the last general population detention cell area. The detainee suffered a bloody nose, where the blacked out goggles went over the bridge of his nose. During this incident, it was observed by 2LT [redacted] who stopped SPC [redacted] and verbally counseled SPC [redacted] about his behavior. SPC [redacted] continued the escort of the detainee to the latrine and then escorted him back to the isolation cell.

During the drill weekend of May 2003, while standing outside the building in the motor pool area with SPC [redacted] SPC [redacted] and SPC [redacted] I heard SPC [redacted] ask what happened to the second detainee who died? SPC [redacted] responded the detainee either refused his food or was throwing his food. Then SPC [redacted] said that if you give

someone enough common peronials you could kill him. It seemed to me at the time that SPC [redacted] as responsible for the detainee's death, and although he didn't say that he was directly responsible, he seemed to insinuate that he was responsible because of what he said and how he said it. Prior to SPC [redacted] making this comment, he looked over both of his shoulders to see if anyone of importance was around and it seemed that SPC [redacted] knew that SPC [redacted] was involved in the death of the detainee. The conversation lasted approximately two minutes and SPC [redacted] never mentioned any other details about the death of the detainee.

After the death of the second detainee, it seemed that the 1st Platoon used the word "common peronial" as common phrase amongst themselves like an "inside joke". For example, I remember someone from the 1st Platoon asking another member of the 1st Platoon how was the common peronial coming along?

Q: SA [redacted]
Q: SA [redacted]
A: SPC [redacted]

Q: Did you administer any common peronial strikes to any of the detainees?
A: No.
Q: Why not?
A: I never had the reason to use the common peronial strike.
Q: Were you aware or did you know any soldiers who were deployed with you that were taking steroids or dietary supplements?
A: Yes, SGT [redacted] I heard that it was a mail order steroid, however, I never actually saw him take it.
Q: Did you ever take any steroids or dietary supplements while deployed to Afghanistan?
A: No.
Q: Were you aware of any order that said that no one shall consume any dietary supplements while in Afghanistan?
A: No.

The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002.
The following questions pertain directly to the two detainees who died during Dec 02.

Q: Were you deployed or assigned to Afghanistan between October and December 2002?
A: Yes.
Q: What dates were you there and what were your duties?
A: 30 Aug 02 through 16 Mar 03, and my duties were MP guard of the BCP and perimeter security.
Q: Did you guard either detainee during the period of time between October and December 2002?
A: I don't think that I guarded the first detainee who died, however, I may have guarded the second detainee who died, but I don't remember.

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 323, Blue Ash, OH 45242, DATED 28 Jan 04, CONTINUED.

Q: Did you interview or were you present during any interviews with either detainee during this time frame?
A: No.
Q: Did you witness either detainee receiving any type of corporal punishment?
A: No.
Q: Define corporal punishment.
A: Any unnecessary physical harm to humiliate or intimidate.
Q: Were either of the detainees struck for any reason?
A: I heard SPC [redacted] insinuate that he had applied the common peronial strike to the second detainee who died.
Q: Did either detainee that died cause any trouble during the shifts that you worked?
A: No. I was working the perimeter when the first detainee died and I don't remember the second detainee.
Q: Were either of the detainees placed into standing restraints while you were on shift?
A: Not that I am aware of.
Q: Did other MPs complain that either of the detainees that died were troublemakers?
A: I did not hear that anyone commented on them as being troublemakers.
Q: Did any of the other MPs appear to dislike the detainees?
A: No.
Q: Did you hear or see anything pertaining to the treatment of the detainees that you felt uncomfortable with?
A: Yes, after the fact, I heard SPC [redacted] make a comment regarding the use of the common peronial strike on the second detainee.
Q: Have you been trained on the common peronial strike and pressure point control tactics (PPCT)?
A: Yes, I was trained when I went to MP school and by the 377th MP Co.
Q: Did you apply either of those tactics on either of the detainees that died?
A: No.
Q: Do you know who had anything to do with the eventual death of either detainee?
A: SPC [redacted] and possibly SGT [redacted] because he was restricted from working inside the BCP after the second death.
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: No, beside SPC [redacted] himself.
Q: How do you feel about the deaths of those two detainees?
A: I feel that they died for the wrong reasons at the hands of US soldiers, who are there to protect them.
Q: Who do you think caused the death of the detainees?
A: I think the lack of training and being provided incorrect training coupled with the lack of supervision by the chain of command contributed to the death of the two detainees. Specifically, SPC [redacted] for his involvement in the death of the second detainee and possibly SGT [redacted]
Q: Do you think that the death of either of those detainees was deliberate?
A: No, I don't believe that it was pre-meditated, but I think in the back of their minds, they had to have known that their actions could have caused serious harm or death.
Q: If someone said that you physically abused either of those detainees is that person lying?
A: Yes.

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 323, Blue Ash, OH 45242, DATED 28 Jan 04, CONTINUED.

Q: Who do you think would have had the best opportunity to physically abuse either detainee?
A: Those soldiers assigned to the isolation cells at the BCP.
Q: Why do you think someone would abuse a detainee?
A: To have power over another human being, to have control.
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: Yes.
Q: Why wouldn't you abuse a detainee?
A: Due to the consequences.
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: Given a fair trial and a fair punishment.
Q: Have you ever heard of a compliance blow?
A: Yes, it's the same as a common peronial.
Q: Under what circumstances were you given direction that a common peronial strike or pressure point control tactic could be applied?
A: To a non-compliant or combative detainee.
Q: Where did you learn what was and was not acceptable treatment of the detainees?
A: Through the 377TH MP Co and the 211TH MP Co.
Q: Did you know your commander had a Standard Operating Procedure for the facility?
A: Yes.
Q: Do you know if the unit working the BCP prior to your unit utilized standing restraints, PPCT or common peronial strikes?
A: Yes.
Q: What was the maximum amount of force that could be applied to a detainee who was being non-compliant?
A: As much force as it took to subdue the detainee.
Q: What did you believe caused the death of the first detainee when you came to work the day after his death?
A: I don't know.
Q: What do you now believe caused the death of the second detainee?
A: After hearing SPC [redacted] I believe several common peronial blows caused the death.
Q: What was your professional training and background outside of the military before deploying?
A: Bartender, Forward Line of Site Heavy Crew Member (Stinger Missile)
Q: Did you ever see either of the detainee's legs underneath their clothing?
A: No.
Q: Did you ever observe any bruises or injuries on either detainee?
A: No.
Q: Did either of the detainees ever appear ill to you?
A: No.
Q: Did you ever observe either detainee in pain?
A: No.
Q: Do you have any idea what type of emergency medical treatment either detainee received on the day they died?
A: No.

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 323, Blue Ash, OH 45242, DATED 28 Jan 04, CONTINUED.

Q: Did you observe either detainee eat or drink anything during your shift?
A: Not that I am aware of, since I don't remember dealing with either detainee.
Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common peronial strikes?
A: The 1SG [redacted], Executive Officer (1LT [redacted]), Commander (CPT [redacted]) of the 377TH MP Co; SPC [redacted] Medic for the 772ND MP Co, who worked at the BCP; Military Intelligence (MI) personnel assigned to the BCP (they gave orders for sleep deprivation); MAJ (?) (Black Male-NFI), Commander of MI; MAJ [redacted] Medical Doctor at BCP; Colonel (?)(Medical Doctor)(NFI) at BCP; MAJ [redacted] Provost Marshal at BCP; BG (?) (NFI), who was from the US and toured the BCP during Jan/Feb 03, possibly with Military Intelligence.
Q: Are you aware of any plan to conceal or alter details surrounding either of the detainee's death?
A: No.
Q: Do you have anything else to add to this statement?
A: No. //End of Statement//

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 323, Blue Ash, OH 45242, DATED 28 Jan 04, CONTINUED.

AFFIDAVIT

I, [redacted], have read or have had read to me this statement which begins on Page 1 and ends on page 8. I fully understand the contents of the entire statement made by me. The statement is True. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of January 2004, while at room # 436, Embassy Suites Hotel, 4554 Lake Forest Dr, Blue Ash, OH 45242.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

WITNESS:
[redacted]

SA [redacted]

EXHIBIT 190 INITIALS [redacted] PAGE 8 OF 8 PAGES

FOR OFFICIAL USE ONLY

b2, b6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-2353[illegible]

DETAILS

At 0800 hrs, 29 Jan 04, SA [redacted], 3764 interviewed **SPC [redacted], 377th Military Police (MP) Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was assigned to the BCP, during the time frame both HABIBULLAH and DILAWAR died. [redacted] was advised of his rights for the offenses of Assault/Battery, Cruelty/Maltreatment and Negligent Homicide. [redacted] waived his rights and provided a statement indicating he did not begin work in the BCP until several days after the second death (DILAWAR – PUC 421). He denied using unnecessary or excessive force in controlling detainees and indicated he had no knowledge regarding either death. *(See Waiver Certificate and Statement of [redacted] dated 29 Jan 04, for additional details)*

AGENT'S COMMENT: At the conclusion of his interview, [redacted] was record fingerprinted.

At 0841 hrs, 29 Jan 04, SA [redacted] interviewed **SPC [redacted], 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was a mechanic deployed to Bagram, Afghanistan from Sep 02 to Mar 03. [redacted] stated he only entered the Bagram Collection Point (BCP) on rare occasions to perform maintenance tasks and visit the day room (to make morale telephone calls). [redacted] required an escort each time he entered the BCP, since he lacked a proper clearance and never saw an MP in any type of physical altercation with detainees.

At 0845 hrs, 29 Jan 04, SA [redacted] interviewed **SPC [redacted], 1st Platoon, 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was assigned to the BCP, during the time frame both HABIBULLAH and DILAWAR died. While in the confinement facility, [redacted] witnessed [redacted] and [redacted] deliver common peroneal strikes to DILAWAR to quiet him down. [redacted] delivered a common peroneal strike to DILAWAR, when DILAWAR spat on [redacted] while [redacted] was trying to feed DILAWAR. [redacted] witnessed [redacted] and other members of 3rd Platoon, 377th MP Company, delivering common peroneal (knee) strikes to DILAWAR to hear him scream "Allah, Allah", which they found humorous and entertaining. [redacted] recalled [redacted] stated he felt personally responsible for the death of one of the detainees. *(See Sworn Statement of [redacted], dated 29 Jan 04, for additional details).*

At 0930 hrs, 29 Jan 04, SA [redacted] interviewed **SPC [redacted], 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237** who was assigned to 1st platoon, conducting MP operations at the BCP, Bagram, Afghanistan, between Sep 02 and Apr 03. [redacted] stated he did not witness detainees being physically abused by any of the members of the 377th MP Co. [redacted] was on the "cat walk" most of his shifts and could not see the ISO cells. [redacted] stated he was present when SPC [redacted] said "I killed them". [redacted] stated [redacted] admission was made in front of first platoon. [redacted] could not recall having direct contact with either of the two detainees who later died. He was aware of the members of the 377th

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 29 Jan 04 / EXHIBIT: 191

DETAILS

using weight lifting supplements during the deployment but that to the best of his knowledge no one was using steroids. *(See Sworn Statement of [redacted] dated 29 Jan 04, for additional details)*

At 1312 hrs, 29 Jan 04, SA [redacted] interviewed **Mr. [redacted] Civ, [redacted] (formerly SPC, 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237),** [redacted] was assigned to 2nd platoon and worked inside the BCP, Bagram, Afghanistan, between Sep 02 and Apr 03. [redacted] stated he was trained as a cook; however, he was working as an MP within the BCP at the time of the deaths. [redacted] provided a statement denying he administered any common peroneal strikes on detainees. Further, [redacted] said he suspected several members of the 377TH MP Co were using steroids while deployed to Afghanistan. *(See Sworn Statement of [redacted] dated 29 Jan 04, for additional details)*

At 1500 hrs, 29 Jan 04, SA [redacted] advised **SPC [redacted] 377th MP Company, Cincinnati, OH 45237** of his rights for the offenses of Assault and Negligent Homicide. [redacted] waived his rights and provided a statement admitting he was not sure HABIBULLAH spit at him, only that spit got on him. Additionally, [redacted] admitted HABIBULLAH could have been dead when he struck him twice on 4 Dec 02. He also admitted he was not certain he actually heard a pulse as he initially asserted to CID investigators, but denied conspiring with anyone to lie about the incident. *(See Waiver Certificate and Sworn Statement of [redacted] dated 29 Jan 04, for additional details)*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 29 Jan 04	EXHIBIT 191

0137-02-CID369-23534
0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NUMBER
Rm 437, Embassy Suites, Blue Ash, OH 45242	29 Jan 04 [redacted]	08:34 AM [redacted]	0134-02-CID369-23533

5. Name (Last First MI)	8. ORGANIZATION OR ADDRESS
[redacted]	1382 Emerson Lane, Milford, OH 45150
6. SSN: [redacted] / 7. GRADE/STATUS: E4/IRR	

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 [redacted] and wanted to question me about the following offense(s) of which I am suspected/accused: Assault/Battery, Negligent Homicide, Cruelty and Mistreatment/// [redacted]
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

-or-

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

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

5. COMMENTS *(Continue on reverse side)*
Have you requested a lawyer after being advised of your legal rights? No [redacted]

SECTION B. Waiver

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

WITNESSES *(if available)*	
1a. NAME *(Type or Print)*	3. SIGNATURE OF INTERVIEWEE [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	4. [redacted]
2a. NAME *(Type or Print)*	5. NAME OF INVESTIGATOR [redacted] SA
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 1149TH MP DET (CID) 6010 6TH ST. FT. BELVOIR, VA 22060-5506

SECTION C. Non-waiver

1. I do no want to give up my rights
☐ I want a lawyer ☐ I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

1066
b6, 7C

1066
EXHIBIT 192

0134-02-CID369-23533
0137-02-CID369-23534

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Room 437, Embassy Suites, Blue Ash, OH 45242
Date : 29 Jan 04 **Time:** 12:02
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** E4/IRR
Org/Address : [redacted]

I, [redacted] want to make the following statement under oath: That I have been advised of my legal rights by Special Agent [redacted] I waived those rights of my free will. I joined the 377th MP Company in Cincinnati Ohio on 26 June 1996. I hadn't had any prior military experience, but was sent to Basic Training at Fort Leonard Wood, Missouri during the summer of 1997. Once I graduated Basic Training, I went to Fort Sam Houston, Texas for training to become a Medic (winter of 1997). I flunked out of that AIT almost at the end of training, and came back to the unit. About two months later, the summer of 1998, I went to MP AIT at Fort McClellan, Alabama. I graduated after about six weeks (a short Reserve Course) and came back to the unit as a qualified Military Policeman, MOS 95B. I attended unit drills, and went with them on Annual Training to Guatemala and Fort Bliss. I was activated with the 377th MP Company and went with them to Afghanistan. We were all notified and assembled at the unit on about June 3rd of 2002. We stayed on at the unit and prepared to deploy. From the unit, we traveled to Fort Dix, New Jersey arriving there two days after leaving the unit on 18 June 2002. We took a bus there. We spent from 18 June until 27 August 2002 at Fort Dix training up and being validated. I arrived in Afghanistan on 30 August 2002. I was assigned to 2nd platoon the entire time of the deployment. My first job in Afghanistan was working inside the detention facility. We were trained by the 211th MP Company (National Guard unit) for two days, and then they departed. I worked inside the facility from our arrival until about one month later when we were transferred to work the installation gates controlling access to the Bagram Airfield. I worked the gates, and performed transport missions where we flew out and picked up detainees from the field units, and sometimes we would take a detainee back to the field unit for their reintegration to their society. I went back inside the facility to work after the second detainee death. We replaced 3rd platoon that was working inside the facility up to that point. That took place on about 14 or 15 December, one or two days after the second death. I worked inside the facility until I left on about 16 or 17 March [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6,7C

EXHIBIT 192

1067

STATEMENT OF SPC [redacted] TAKEN AT RM#437, EMBASSY SUITES, BLUE ASH, OH 45242, DATED 29 JANUARY 2004, CONTINUED:

[redacted] 2003. I was one of twelve people from my unit to travel to Qatar to drop off vehicles and prepare them for shipment. The twelve of us stayed in the same tent while in Qatar. We left there on about 17 May 2003, or maybe a little longer, it may have been as late at the 24th of May 2003.

Q: SA [redacted]
A: SPC [redacted]
Q: Did you guard either detainee during the period of time between October and December 2002?
A: I remember seeing PUC 421's number up on the ISO board. I don't remember what the board said about him. I worked the ISO cell area for about two or three hours. When we transferred into the facility, we would do a fast rotation of the posts. We would rotate from floor, to ISO Delta (downstairs), to Isolation (upstairs), to the Blue/Green room, to the RTO or admin. Then you started over. I never worked the RTO spot, other than relieving people.
Q: Did you interview or were you present during any interviews with either detainee during this time frame?
A: No.
Q: Did you witness either detainee receiving any type of corporal punishment?
A: No.
Q: Define corporal punishment.
A: Someone dies and that person doesn't intend for them to die.
Q: Were any detainees struck for any reason?
A: When I had problems with detainees spitting in their hoods, I would push them up against the wall of their cell, and hold them there until I got the new hood on them. If they understood English we would yell at them.
Q: How many detainees did you push up against the wall?
A: Only the ones that caused problems, maybe six tops.
Q: Did any of the detainees you pushed up against the wall get hurt or injured from that?
A: I slapped the hands of one PUCs in general population for playing with his handcuffs. That was the one where a MI LT made a statement that I struck him on the head. Another incident was when I was escorting one detainee when he tried to go one way, when I was pulling him the other way, when that happened he bounced against the wall in the direction I was pulling him. That is when he got a cut on the outside of his nose. I am pretty sure that the goggles cut his nose. There [redacted] was a final incident when I was escorting a detainee from the [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 192

106

STATEMENT OF SPC [redacted] TAKEN AT RM#437, EMBASSY SUITES, BLUE ASH, OH 45242, DATED 29 JANUARY 2004, CONTINUED:

[redacted] second floor Isolation cell to the bathroom on the first floor. He had goggles on, and tripped on the last step going down. He stumbled and fell. I tried to stop him, but I was unable to. His nose was bleeding after that. I took him to see SPC [redacted] the medic, who put a rag under his nose and had him elevate his nose. There wasn't anything broken.
Q: Did either PUC that died cause any trouble during the shifts that you worked?
A: No, not that I am aware of.
Q: Was either detainee placed into standing restraints while you were on shift?
A: Not that I remember, but wouldn't be surprised if they were. I only worked up in Isolation once while he was still alive.
Q: Did other MP's complain that either of the PUC's that died were troublemakers?
A: Not when I was on shift.
Q: Did any of the other MP's appear to dislike the PUC's?
A: No.
Q: How did the MP's handle troublemakers?
A: The MPs I worked with did the same thing I did. We first tried to get an interpreter there, two of us went in, and told him what he was doing wrong. We would make him stand up, and punish him by making him not sleep. We also yelled at them, even if they didn't understand. We would yell "stop". When their food came, and they were on good behavior, we would take their apple away from them as punishment. They would always get their main meal though.
Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?
A: No.
Q: Have you been trained on common pronial strikes and pressure point control tactics?
A: Yes. That training took place at the unit before we deployed, and I think SGT [redacted] conducted it.
Q: Did you ever utilize those tactics on a PUC?
A: Not the knee strike, or behind the ear. No, I used other tactics I described earlier.
Q: Did you apply either of those tactics on either of the detainees that died?
A: No.
Q: Do you know who had anything to do with the eventual death of [redacted] either detainee?
A: No.
INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 192

STATEMENT OF SPC [redacted], TAKEN AT RM#437, EMBASSY SUITES, BLUE ASH, OH 45242, DATED 29 JANUARY 2004, CONTINUED:

[redacted]
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: No. [redacted] told me while waiting on a phone in Qatar that he was interviewed, and couldn't believe the PUC died.
Q: Do you remember a conversation in Qatar where someone admitted to striking the detainees that died?
A: No, I don't remember that.
Q: How do you feel about the deaths of those two detainees?
A: I feel bad in a little way.
Q: Who do you think caused the death of the detainees?
A: I don't know.
Q: Is there anyone that you know well enough that you feel is above suspicion and would not have caused their deaths?
A: No.
Q: Do you suspect anyone caused the detainees deaths?
A: No.
Q: Do you think that the death of either of those detainees was deliberate?
A: No. I don't think it was deliberate.
Q: If someone said that you physically abused either of those detainees is that person lying?
A: Yes.
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: Someone in first platoon when my platoon was out on the gates.
Q: Why do you think someone would abuse a detainee?
A: I don't think anyone would abuse a detainee.
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: No.
Q: Why wouldn't you abuse a detainee?
A: Because we weren't allowed.
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: Discharged. That would be it.
Q: Have you ever heard of a compliance blow?
A: No.
Q: Under what circumstances were you given direction that a common pronial strike or pressure point control tactic could be applied?
A: If in a fight with a detainee. That was it.
Q: Where did you learn what was and was not acceptable treatment [redacted]

STATEMENT OF SPC [redacted] TAKEN AT RM#437, EMBASSY SUITES, BLUE ASH, OH 45242, DATED 29 JANUARY 2004, CONTINUED:

[redacted]f the detainees?
A: From the unit that trained us upon our arrival.
Q: Did you know your commander had a SOP for the facility?
A: Yes. I had read it. That was what we called the "blue book".
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common pronial strikes?
A: I don't know if they did or not.
Q: What was the maximum amount of force that could be applied to a detainee who was being defiant?
A: Wrestle them to the ground and hold them there, until you could shackle them. If they kept at it, call for the Sergeant of the Guard (SOG).
Q: What do you now believe caused the death of either detainee?
A: I heard the autopsy report said something about a blood clot going into one of the detainee's heart and that killed him. I don't know what happened to the first one.
Q: What was your professional training and background outside of the military before deploying?
A: I can fly. I have a pilot's license. I don't have a correctional or police background or training outside of the Army.
Q: Did you ever see the PUC's legs underneath his clothing?
A: No.
Q: Did you ever observe any bruises or injuries on the PUC?
A: No.
Q: Did the PUC ever appear ill to you?
A: No. I wasn't in there that long.
Q: Did you ever observe the PUC in pain?
A: No.
Q: Do you have any idea what type of emergency medical treatment either PUC received on the day they died?
A: No. That was not on my shift, and occurred on third shift.
Q: Did you observe the PUC eat or drink anything during your shift?
A: When I was in Isolation, it was between lunch and dinner, so no.
Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common pronial strikes?
A: I don't know.
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths? [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 192

STATEMENT OF SPC [redacted] TAKEN AT RM#437, EMBASSY SUITES, BLUE ASH, OH 45242, DATED 29 JANUARY 2004, CONTINUED:

A: No.
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT///

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 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 oaths, this 29TH day of January 2004 at Embassy Suites, Blue Ash, OH.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 192

107

0137-04-CID369-23533
0137-02-CID369-23534

SWORN STATEMENT

File Number :
Location : Room #438, Embassy Suites Hotel, Blue Ash, OH 45242
Date [redacted] : 28/29Jan 04 [redacted] Time: 0900 - 1240 [redacted]
Statement Of: SPC [redacted]
SSN : [redacted] Grade/Status: SPC/E-4
Org/Address : 377th Military Police Company, Cincinnati, OH 45237

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?
A: Yes.
Q: What dates were you there and what were your duties?
A: Around Jun 2002, we arrived at Fort Dix, NJ for training. The unit then went to Bagram, Afghanistan around Sep 2002. While I was in Afghanistan my duties were as a military police guard in the facility. I was guarding the detainees about two weeks after we arrived in country. I stayed in the facility the entire time we were deployed to Afghanistan. However, my duties changed several times in the facility. SFC [redacted] moved me from guarding the detainees to the in-processing desk in front of the facility. This change in my duties occurred several times, SFC [redacted] moved me back and forth from in processing to guarding over the period of time I spent in the facility.
Q: Why did you keep moving from the position of guarding the detainees to in processing the detainees?
A: I was getting bored with guarding the detainees. SFC [redacted] also saw me twisting the cuffs of a detainee in order to have the detainee move forward when resisting. After a few weeks of being on the desk I moved back into the facility to guard the detainees. I enjoyed sitting at the in processing desk, because it was a change of pace from guarding the detainees. Prior to my deployment with the 377th MP Co, to Afghanistan, I was deployed to Kosovo. I was deployed to Kosovo for nine months with the 391st MP, Co, Columbus, OH. While in Kosovo, SPC [redacted] and I were deployed together for the entire nine months. I was responsible for guarding prisoners and conducting local patrols outside of the base.
Q: Did you guard either detainee during the period of time between October and December 2002?
A: Yes.
Q: Did you interview or were you present during any interviews with either detainee during this time frame?
A: No.

FOUO

Ex 193 [redacted] b6,7C 1 of 7

1073

Q: Did you witness either detainee receiving any type of corporal punishment?
A: Yes, under the guidelines directed by the Military Intelligence (MI). I delivered a common peronial to the second detainee that died, because he spit on me. I don't remember all of the circumstances surrounding the event, but the detainee was in the isolation cell when he spit on me. I was guarding the isolation cells, and SPC [redacted] and SGT [redacted] were on the floor guarding the main population. We went into the isolation cell in order to feed the second detainee who died. I don't remember his name or number, but I think he was one of the "top dogs." I opened the door to the cell and entered. I took off his goggles and was about to uncuff his hands from the shackles holding him to the ceiling. The detainee then spit on me, at which time I gave a common peronial to the right thigh. He screamed "Alahi, Alahi." I started laughing and backed off, everyone in the isolation cell started laughing. We told him not to spit on us again. I never had any other encounters with any of the other detainees.

One other time, SPC [redacted], SGT [redacted] and I were in the isolation cell, because the detainee, the second one who died, was making noise. I was located near the door of the isolation cell, SGT [redacted] was standing directly in front of the detainee and SPC [redacted] was located on the detainee's side. SGT [redacted] first gave the detainee a common peronial to the thigh, then SPC [redacted] gave the detainee a common peronial to the thigh. The detainee cried out "Alahi, Alahi." We then gave him some water, which he drank. After the water the detainee decided to be quiet. The detainee was hanging by his cuffs the entire time from the wire mesh across the ceiling.

Prior to the death of the second detainee, SFC [redacted] gave a briefing to 1st platoon, where he told us not to deliver common perional blows to any of the detainees, unless it was justified. SFC [redacted] put this information out to his platoon, because he did not want the members of his platoon involved in any misconduct. It was a common fact that some of the MP's were giving common perionals when they were not justified. Right before the death of the second detainee, I was placed in the office of the Post Commanders away from the facility.

I also witnessed 3rd platoon deliver common perionals to the second detainee who died, on several occasions. The second detainee, who died, was in the isolation cell from the time he arrived to the facility. While I was on the cat-walk patrolling, I saw SGT [redacted] SPC [redacted] and the majority of 3rd platoon, at different times, in the isolation cell of the second detainee who died. On several occasions, I heard and saw common perionals being delivered to the second detainee who died. The strikes were given just to hear the detainee scream "Alahi, Alahi." I did not

see the detainee do anything that would justify them giving common perional strikes. These incidents occurred both prior to and after the briefings, which SFC [redacted] gave to 1st platoon.
Q: Define corporal punishment.
A: Serious bodily harm.
Q: Were any detainees struck for any reason?
A: Yes, as I explained in the information I provided above.
Q: Did either detainee that died cause any trouble during the shifts that you worked?
A: Yes, screaming, yelling, and wanting to charge at us.
Q: Were either detainee's placed into standing restraints while you were on shift?
A: Yes, the whole time. The only time the detainees that were located in the isolation cells were allowed to come down was to eat.
Q: Did other MP's complain that either of the detainee's were troublemakers?
A: I can't recall off hand. Everyone already knew that the detainees were combative, because we dealt with them on a daily basis.
Q: Did any of the other MP's appear to dislike the detainee's?
A: I would say the entire unit. When we arrived we were still thinking about September 11. We did not know if the detainees were innocent or guilty. We did know when the detainees came into the facility whether they were "top dogs" or not. We knew that the second detainee was a "top dog," because of the briefings provided by SFC [redacted]
Q: How did the MP's handle troublemakers?
A: The way 1st platoon ran things, we would place the detainees in standing restraints. We would also make them stand up for a period of time without restraints. Before SFC [redacted] told us not to deliver common perionals we would give common perionals.
Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?
A: I can't put any personal feelings to this.
Q: Have you been trained on common pronial strikes and pressure point control tactics?
A: Yes, we received training from the platoon prior to and during the deployment to Afghanistan.
Q: Did you ever utilize those tactics on a detainee?
A: Yes, as I described above.
Q: Did you apply either of those tactics on either of the detainees that died?
A: Yes, the last detainee that died, after he spit on me.
Q: Do you know who had anything to do with the eventual death of either detainee?
A: It couldn't be 1st platoon and it couldn't be 2nd platoon.

Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: No.
Q: How do you feel about the deaths of those two detainees?
A: I don't feel either way.
Q: Who do you think caused the death of the detainees?
A: It was not 1st platoon or 2nd platoon.
Q: Is there anyone that you know well enough that you feel is above suspicion and would not have caused the deaths of the detainees?
A: [redacted] definitely, she couldn't hurt a fly. I couldn't kill a man and none of the members of 1st platoon either.
Q: Do you suspect anyone caused the detainees death?
A: No.
Q: Do you think that the death of either of those detainees was deliberate?
A: No.
Q: If someone said that you physically abused either of those detainees is that person lying?
A: Heck Yeah.
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: I don't know. MP's that are guarding the isolation cells and rovering patrols, as well.
Q: Why do you think someone would abuse a detainee?
A: People thinking about September 11, it caused a lot of harm to America and some people were doing it because they thought it was fun.
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: No. I don't think like that.
Q: Why wouldn't you abuse a detainee?
A: Because I am not going to jail.
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: With everyone up there tagging the second detainee. I don't think that it was done on purpose. It will be hard to narrow it down to one person with everyone tagging him. No jail time, maybe 45 and 45 or some harsh detail. No more than 45 days.
Q: Have you ever heard of a compliance blow?
A: No.
Q: Under what circumstances were you given direction that a common peronial strike or pressure point control tactic could be applied?
A: If the detainee refused to cooperate with orders a pressure point would be applied. A common perional strike would be given if the detainee was aggressive or assaulting one of the MP's.
Q: Where did you learn what was and was not acceptable treatment

of the detainees?
A: During briefings given by SFC [redacted] and with the direction provided by NCOs by using on-the-spot corrections.
Q: Did you know your commander had a Standard Operating Procedure (SOP) for the facility?
A: Yes, 1st platoon was responsible for helping in the writing of the SOP. I read it many times.
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common pronial strikes?
A: I don't know if they did or not. I was working outside of the facility at the time.
Q: What was the maximum amount of force that could be applied to a detainee who was being defiant?
A: A common perional strike to the thigh.
Q: What did you believe caused the death of the second detainee when you came to work the day after his death?
A: The rumor was that it was a heart attack and that they could not revive him. The other rumor was that 3rd platoon had something to do with the death.
Q: What do you now believe caused the death of either detainee?
A: What you told me, about the knee strikes having a cause.
Q: What was your professional training and background outside of the military before deploying?
A: I was a 95C, Corrections Officer, reservist; 13B, Field Artillery, active duty; and 31B, Military Police reservist. I have no other experience or law enforcement training outside of those MOS's.
Q: Did you ever see the detainee's legs underneath his clothing?
A: Yes, a medic came to see the second detainee for bruising. The medic placed some type of ointment on his leg. I also saw the bruising because his pants kept falling down while shackled to the ceiling in the isolation cell. He would lean to one side and his pants would fall to that side. The first time I saw his bruising it was about the size of a silver dollar and the last time I saw the bruising it was the size of a fist. The last time I saw his bruising was sometime before his death. I am only aware of that one time that ointment was applied to the bruising, which he received medical treatment.
Q: Did you ever observe any bruises or injuries on the detainee?
A: Yes, as I described above.
Q: Did the second detainee ever appear ill to you?
A: No. He looked exhausted.
Q: Did you ever observe the detainee in pain?
A: Yes, when he was receiving common perionals, and when he was placed in cuffs in the isolation cell. Those cuffs are uncomfortable.

Q: Do you have any idea what type of emergency medical treatment either detainee received on the day they died?
A: No.
Q: Did you observe the second detainee eat or drink anything during your shift?
A: Yes, I gave him water and I saw him eat a few things out of the meal package.
Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common pronial strikes?
A: Everybody, the entire unit. The company commander, members of 2nd platoon and members 3rd platoon. I don't think that anyone else knew what we were doing outside of the company.
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?
A: No, not that I am aware of.
Q: Did any one tell you that they thought they had something to do with the death of either detainees?
A: Yes, SPC [redacted] was telling other members of the unit that he caused the death of one of the detainees. It was common rumor throughout the unit. I heard him say, "I may have killed one of the detainees." He believes pretty strongly that he killed one of the detainees.
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT//[redacted]

FOR OFFICIAL USE ONLY
b6, 7C

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 29 Jan 04; CONTINUED:

AFFIDAVIT

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

[redacted] Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29 day of Jan, 2004 at Room #438, Embassy Suites [redacted] OH.

[redacted]

Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 193 INITIALS [redacted] PAGE 7 OF 7

FOR OFFICIAL USE ONLY

b2, b6, 7C

1079

0037-02-CID369-23534

0134-02-CID369-23533

SWORN STATEMENT

File Number :
Location : Embassy Suites Cincinnati, OH
Date : 29 Jan 04 **Time:** 0930
Statement of: [redacted]
SSN : [redacted] **Grade/Status:E-4**
Org/Address : 377th Military Police Company Cincinnati, OH

I, [redacted], want to make the following statement under oath: I was assigned to first platoon as an MP. I MOBED with the unit in June of 02. We deployed sometime at the end of August, I arrived in Afghanistan on the 31st.

Q: SA [redacted]
A: [redacted]
Q: Did you receive any PPCT training prior to deployment.
A: Yes but I don't know if it was official. I don't remember ever signing anything to document the training. [redacted]
Q: Did you ever receive PPCT training when you were in AIT for Military Police?
A: No. [redacted]
Q: Did you have a clear understanding of PPCT that was taught at Ft. Dix?
A: I understood what they were teaching me. I guess the cops in the unit understood it better. [redacted]
Q: Did everyone in the platoon or the company, have a chance to have the strike administered to them?
A: No. [redacted]
Q: Do you think that the platoon or the company had a good knowledge of what amount of force to use when administering the strikes?
A: No. [redacted]
Q: Did anyone talk about really wanting to use the strikes?
A: No. [redacted]
Q: Where you in the facility when either of the prisoners died?
A: Yes, I was in the facility when one of them died. I don't know which one. I don't remember why I was not there for both. I could have been off or on a rotation to the front gate. I don't remember their numbers. [redacted]
Q: From where you were at on the over watch could you see the ISO cells
A: No. [redacted]
Q: How did you become aware of what had happened in the ISO cells
[redacted]

INITIALS [redacted]

1080

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT K 194

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH, DATED 29 JAN 2004, CONTINUED:

[redacted]

A: I heard it on the radio but I could not see what was going on or where they took him.[redacted]
Q: Did you ever observe any prisoners in the facility receive the common perennial strike.
A: Maybe once or twice. I don't remember the PUC's number or who gave the strike[redacted]
Q: Did you ever observe any prisoner be combative towards a guard.
A: Yes, but I don't remember the PUC's numbers anymore.[redacted]
Q: Did you have any contact with either of the two prisoners that died?
A: I can't say for sure. More than likely I did because we were rotated through the positions in the facility. I like to work over watch so I tried to do that as much as possible.[redacted]
Q: Did you ever hand cuff a prisoner to the ceiling and if so why?
A: Yes, because I was instructed to do so by MI.[redacted]
Q: How were the prisoners cuffed?
A: Most of the time they were cuffed with their hands above their heads. They could move their legs but not very much.[redacted]
Q: Did you remember who from MI directed you to cuff the prisoners?
A: No, because they would not give us their real names. I did this based on the information that was on the board. I think the guy that gave the instructions was [redacted]
Q: Did you have a Standard Operating Procedure (SOP) on how to handle a prisoner for bad behavior.
A: Yes we were taught by second Plt and they had been taught by the 211th MP SOP. I don't remember ever seeing the SOP.[redacted]
Q: Did JAG ever come the facility and inspect the procedures?
A: I only remember seeing JAG after the two prisoners died.[redacted]
Q: Did you ever place a hood on a prisoner's head?
Q: Yes, and goggles[redacted]
Q: Where you aware that JAG did not want the PUC's to wear hoods?
A: No[redacted]
Q: Did you ever move the prisoners around because a high ranking person was coming into the facility?
A: No[redacted]
Q: Did you ever hear of anyone using steroids when they were in Afghanistan?
A: No.[redacted]

INITIALS [redacted]

1081

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 194

STATEMENT OF [redacted] TAKEN AT Cincinnati, OH, DATED 29 JAN 2004, CONTINUED:

Q: Is there anything you wish to add to this statement?
A: Not really, I guess you hear things and I did hear [redacted] say he killed the guy but I don't know which one he was talking about. He said that when we were in country and since we have been back. I told him not to say that but since he said it in front of the whole platoon I guess they thought he was joking. I also heard [redacted] tried to give the guy mouth to mouth and it just did not work. I guess we should have taken SFC [redacted] advice and just had a little contact with the prisoners as possible.
//////////////////////End of Statement//////////////////////

AFFIDAVIT

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

[redacted]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this day of November 2002 at West Point, NY 10996.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT K 194

108

FILE NUMBER: 0134-02-CID369
LOCATION: Embassy Suites Hotel, Room 436, Blue Ash, OH 45242
DATE / TIME: 29 Jan 04 / 1312
STATEMENT OF: [redacted]
SSN: [redacted]
GRADE/STATUS: Civilian
ORGANIZATION/ADDRESS: [redacted]

I, [redacted] want to make the following statement under oath:
I enlisted in the United States Army Reserves in Jun 1995. I was initially trained as a cook and I was awarded Military Occupation Specialty 92S. My first duty assignment was with the 810TH Quartermaster Company, Striker Road, King's Mill, OH, then I was assigned to the 1001ST Quartermaster Company, Chillicothe, OH, then in Apr 2002, I was assigned to the 377TH Military Police (MP) Company (Co), 1600 Seymour Road, Cincinnati, OH. I was assigned as a cook, however, due to my civilian occupation as a Juvenile Corrections Manager for the past 3 years, and my civilian education, which included the completion of the Ohio Police Officer Academy in Jan 02 and Ohio Police Officer Adult Correctional Academy in Jul 98, I was utilized as a MP by the 377TH MP Co while deployed to Bagram, Afghanistan, from Sep 02 through Mar 03.

During Jun 02, the 377th MP Co was activated for a one-year tour of duty in Afghanistan. The unit proceeded to Fort Dix, NJ, during Jun 2002. While at Ft. Dix we conducted training in preparation for our deployment to Afghanistan. The Fort Dix deployment processing personnel conducted prisoner escorting, prisoner transportation, prisoner processing and confinement facility operations.

I departed Ft. Dix, NJ, en-route to Germany during Aug 02. I stayed in Germany for three to four days prior to departing to Bagram, Afghanistan. I arrived in Bagram on 1 Sep 02. After my arrival, I began to work as a clerk in the Tactical Operations Center inside the Bagram Collection Point (BCP). I worked in that capacity for approximately three weeks before being re-assigned to the 1ST Platoon, which was working the Entry Control Point (ECP) for the Bagram Airbase. After 1ST Platoon rotated into the BCP, I continued to work the ECP with the 2ND Platoon. On or about the middle of Nov 02 through the middle of Dec 02, I rotated with the 2ND Platoon into the BCP and worked the day shift from 0700 to 1900. While assigned to the BCP, I worked as a MP. I usually worked 12 hour shifts in the BCP with two days on and one day off. During the 12 hour shift, I would work three hours as Over Watch, three hours as Floor, three hours as Isolation Delta 1 (downstairs) and Isolation Delta 2 (upstairs).

Q: SA [redacted]
Q: SA [redacted]
A: Mr. [redacted]

Q: Did you administer any common peronial strikes to any of the detainees?
A: Not that I can recall.
Q: Why didn't you use the common peronial strike?
A: I didn't have any reason to.

1083

FOR OFFICIAL USE ONLY
b6, 7C

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 436, Blue Ash, OH 45242, DATED 29 Jan 04, CONTINUED.

Q: Were you aware or did you know any soldiers who were deployed with you that were taking steroids or dietary supplements?
A: Yes, everybody, I took some Hydroxicut, CellTech, and Rip Fuel, but then I sold it to SPC [redacted] who was my roommate. We ordered it from some warehouse over the Internet. Also, SGT [redacted] took the stuff.
Q: Did you ever take any steroids or dietary supplements while deployed to Afghanistan?
A: Yes, I took some of the stuff, but it was over the counter.
Q: Do you know if anyone took any steroids or dietary supplements that could not be purchased over the counter.
A: I suspected SPC [redacted] SPC [redacted] GT [redacted], SPC [redacted] SPC [redacted] and SPC [redacted] may have been taking steroids because they would work out a lot, their physical size and due to their tempers. I remember SGT [redacted] would seem to be having a "Roid Rage" when working out in the gym.
Q: Were you aware of any order that said that no one should consume any steroids or dietary supplements while in Afghanistan?
A: No.
Q: Did you know any detainees who spoke English and were present at the BCP during the time frame that either of the detainees died?
A: Yes, Person Under Control [redacted] and [redacted] (nickname [redacted]). If [redacted] were asked about the term [redacted]", he would probably respond that [redacted] SPC [redacted]) told you that.
Q: What were the different color codes on the floorboard?
Q: One color, I believe blue or red was for those detainees who spoke English and the other color for those detainees that didn't speak English.
Q: Was there any detainees who were treated better than the others?
A: Yes, [redacted] who was supposedly a Taliban Minister of something, had electricity, Meals Ready to Eat, a coffee pot and he had the largest cell.

The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. The following questions pertain directly to the two detainees who died during Dec 02.

Q: Were you deployed or assigned to Afghanistan between October and December 2002?
A: Yes.
Q: Did you guard either detainee during the period of time between October and December 2002?
A: Yes, I suppose, like I said, you get confused on the numbers and its hard to distinguish between [redacted] and whatever.
Q: Did you interview or were you present during any interviews with either detainee during this time frame?
A: No, I was never present for any interviews or interrogations.
Q: Did you witness either detainee receiving any type of corporal punishment?
A: No.
Q: Define corporal punishment.

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 436, Blue Ash, OH 45242, DATED 29 Jan 04, CONTINUED.

A: Blatant hits, punishment for things they did or may not have done, that's administered locally without approval.
Q: Were either of the detainees struck for any reason?
A: I have no knowledge. Yea, SGT [redacted] said he was there when the first guy died and that [redacted] came in and tried to do some rescue breathing. I don't remember when and where SGT [redacted] said this to me, however, it was during the deployment.
Q: Did either of the detainees that died, cause any trouble during the shifts that you worked?
A: No, not that I remember.
Q: Were either of the detainees placed into standing restraints while you were on shift?
A: They may have been, pretty much everybody in the isolation cell area had restraints, but I don't remember seeing anyone secured to the ceiling, however, the detainees had their arms secured through the front doors. I believe that 3RD Platoon may have secured detainees to the ceiling during day shift and I believe that the 2ND Platoon may have secured the detainees to the ceiling. I don't recall securing the detainees to the ceiling.
Q: Did other MPs complain that either of the detainees that died were troublemakers?
A: Yea, but I don't remember who, but I remember hearing they were troublemakers.
Q: Did any of the other MPs appear to dislike the detainees?
A: I don't know.
Q: Did you hear or see anything pertaining to the treatment of the detainees that you felt uncomfortable with?
A: No.
Q: Have you been trained on the common peronial strike and pressure point control tactics (PPCT)?
A: Not through the military, well yes, SGT [redacted] who worked for [redacted] Sheriff's Department, showed us a few things at the Reserve Center in Cincinnati.
Q: Did you apply either of those tactics on either of the detainees that died?
A: No, I would have remembered.
Q: Do you know who had anything to do with the eventual death of either detainee?
A: No, except SGT [redacted] was there when the first one died.
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: No.
Q: How do you feel about the deaths of those two detainees?
A: Tragic, it shouldn't have happened, but it did.
Q: Who do you think caused the death of the detainees?
A: I have no idea.
Q: Do you think that the death of either of those detainees was deliberate?
A: Obviously it was, well now it was. I don't know if they meant to kill them, but their actions led up to it.
Q: If someone said that you physically abused either of those detainees is that person lying?
A: Yes.
Q: Who do you think would have had the best opportunity to physically abuse either detainee?
A: Who ever was on duty during the three hours in the ISO cells, then again there are a lot of people walking in and out of the area, so you really didn't know when someone would walk in on you. You never knew if someone was going to catch you sleeping in there.
Q: Why do you think someone would abuse a detainee?
A: Revenge, well not revenge, frustration, revenge. Because they could, some weird sick shit.

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 436, Blue Ash, OH 45242, DATED 29 Jan 04, CONTINUED.

Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: Of course, one guy who shot and killed one of our medics, he was called [redacted] but I never did it.
Q: Why wouldn't you abuse a detainee?
A: It wasn't right.
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: What ever is deemed appropriate.
Q: Have you ever heard of a compliance blow?
A: I suppose it would be a blow to get compliance, but no.
Q: Under what circumstances were you given direction that a common peronial strike or pressure point control tactic could be applied?
A: To gain compliance.
Q: Where did you learn what was and was not acceptable treatment of the detainees?
A: Through basic rules at roll call. They really didn't hammer out what was right and wrong.
Q: Did you know your commander had a Standard Operating Procedure for the facility?
A: He was working on it, yes.
Q: Do you know if the unit working the BCP prior to your unit utilized standing restraints, PPCT or common peronial strikes?
A: I have no idea. I found the Tactical Operations Center and then went to the checkpoint.
Q: What was the maximum amount of force that could be applied to a detainee who was being non-compliant?
A: As far as some one escaping we had rubber bullets for that, some of the SOGs (Sergeant of the Guard) and Officers had weapons, but known were used.
Q: What did you believe caused the death of the first detainee when you came to work the day after his death?
A: A blood clot, heart attack or something.
Q: What do you now believe caused the death of the second detainee?
A: Obviously, from what I have been told, that he died from wounds caused by the common peronial strike, that got to his heart or his lungs.
Q: Who told you that?
A: Picked it up through this interview and interrogation.
Q: Did you ever see either of the detainee's legs underneath their clothing?
A: No.
Q: Did you ever observe any bruises or injuries on either detainee?
A: No.
Q: Did either of the detainees ever appear ill to you?
A: No.
Q: Did you ever observe either detainee in pain?
A: No.
Q: Do you have any idea what type of emergency medical treatment either detainee received on the day they died?
A: Just that I was told that SPC [redacted] tried to administered to aid to one of them.
Q: Did you observe either detainee eat or drink anything during your shift?
A: Not to my recollection.

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 436, Blue Ash, OH 45242, DATED 29 Jan 04, CONTINUED.

Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common peronial strikes?
A: The 1SG [redacted] Executive Officer (1LT [redacted] Commander (CPT [redacted] of the 377TH MP Co; SPC [redacted], Medic for the 772ND MP Co, who worked at the BCP; SPC (?), Medic who worked at the end of the 377TH MP deployment; Military Intelligence (MI) personnel assigned to the BCP (they gave orders for sleep deprivation); Ambulance drivers who would pick up the detainees; Colonel [redacted] Medical Doctor for the Hospital unit at the BCP (NFI); MAJ [redacted] Provost Marshal at BCP; BG (?) (US Air Force) (NFI), who was from the US and toured the BCP during Jan 03.
Q: Are you aware of any plan to conceal or alter details surrounding either of the detainee's death?
A: No.
Q: Do you have anything else to add to this statement?
A: No. //End of Statement//

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, Room 436, Blue Ash, OH 45242, DATED 29 Jan 04, CONTINUED.

AFFIDAVIT

I, [redacted], have read or have had read to me this statement which begins on Page 1 and ends on page 6. I fully understand the contents of the entire statement made by me. The statement is True. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]

(S[redacted]erson Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29th day of January 2004, while at room # 436, Embassy Suites Hotel, 4554 Lake Forest Dr, Blue Ash, OH 45242.

[redacted]ng Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

EXHIBIT 195 INITIALS [redacted] PAGE 6 OF 6 PAGES

0137-02-CID369-23534

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Cincinnati, OH
Date : 29 Jan 2004 **Time:** 1820
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** SPC/USAR
Org/Address : 377th MP Company, Cincinnati, OH 45237

I, [redacted] want to make the following statement under oath: I've been advised of my rights and elected to make this statement voluntarily to clarify aspects of earlier statements about the situations and deaths at Bagram Air Base, Afghanistan in December 2002. I've been asked specific questions by SA [redacted] and SA [redacted] about things I can recall related to the death of the detainee named HABIBULLAH (PUC 412).

Q: Can you say for certain you did not strike HABIBULLAH on 3 Dec 02, while in the Isolation Cell with SPC [redacted]

A: No.

Q: Can you say for certain HABIBULLAH was alive on 4 Dec 02 (the day he died), when you, SGT [redacted] and SPC [redacted] entered the cell and tried to feed him?

A: No.

Q: Can you say for certain HABIBULLAH spit at you on 4 Dec 02 (the day he died)?

A: No, but I can say for certain that his spit got on my shirt. I did offer to give my shirt to the initial CID investigators. They told me it would not be necessary.

Q: How might the confusion about the spitting incident have occurred?

A: I was not looking at HABIBULLAH. I was talking to SPC [redacted] when I felt something hit me in the chest. I looked down and there was spit on my shirt near the left breast pocket of my Desert Camouflage Uniform (DCU) shirt. So I assumed he spit on me, that is why I reacted the way I did, by striking him twice, maybe three times, with a common pronial strike to his right leg with my right knee. I told CID he spit on me initially because it is what I believed happened at that time. I did not tell them about the common pronial strikes, because I was scared that was what killed him.

Q: Did you make comments to other unit members that you caused HABIBULLAH's death?

A: Yes.

Q: Why? [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 196

108

STATEMENT OF SPC [redacted] TAKEN AT Cincinnati, OH,
DATED 29 Jan 2004, CONTINUED:
[redacted]

A: Because I was in charge of him. My job was to keep him safe, fed, hydrated and get him to the bathroom and I didn't do it. When you listen to people talk, most of it's joking, but they all say "you killed him" and eventually you start believing it.

Q: Have you heard people around the unit refer to you as the "Knee of Death"?

A: Yes, they refer to me by so many things associated with that death, Grim Reaper, among them. The commander has asked us to come up with a new company motto. Ours is "Tigers in the Tower". A lot of people want us to use "Death by Knee". Pretty much all the folks who think the deaths were a joke. I must have heard it from fifty guys in the unit.

Q: Do you think the deaths were a joke?

A: No.

Q: Did you and [redacted] talk about what blood pressure readings you would put in your initial statements to CID?

A: No, not as far as the number, we talked about whether or not we heard something, but not the blood pressure reading, just the presence of one.

Q: Can you say for certain you heard or detected a blood pressure or pulse after the initial reading in the Isolation Cell?

A: No.

Q: Is there anything you wish to add to or delete from this statement at this time?

A: Nothing I can think of. /////END OF STATEMENT////////

[redacted]

INITIALS [redacted]

1090

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 196

STATEMENT OF SPC [redacted] TAKEN AT Cincinnati, OH,
DATED 29 Jan 2004, CONTINUED:

[redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 29th day of January 2004 at Cincinnati, OH 45242.

[redacted]

(Typed Name of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

1091

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 196

0137-02-CID369-23534

0137-02-CID369-23534

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: **CINCINATTI, OHIO** DATE: 29 Jan 04 TIME: 1500
FILE NUMBER: 0137-02-CID369-23534-5H9B
NAME (Last, First MI): [redacted] SSAN: [redacted] GRADE / STATUS: SPC
ORGANIZATION OR ADDRESS: 377TH MP CO, US ARMY RESERVES, CINCINATTI, OHIO, 45237

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

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

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

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

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.
5. COMMENTS: Have you been advised of your legal rights and requested legal counsel in the past 30 days?

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.

Witness# 1
[redacted]
SA [redacted]
HQ, USACIDC, INV OPS DIV, FT. BELVOIR, VA

Witness# 2

Signature of Witness

[redacted]
Signature of Interviewee
[redacted]
11th Military Police Battalion (CID)
Fort Hood, TX 76544

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

1092

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 196

Exhibit 197

Page(s) 1093 - 1095 withheld

b2, b6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 0900, 30 Jan 04, SA [redacted] interviewed **PFC [redacted] 77th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237,** who was assigned to 2nd Platoon, working within the Bagram Collection Point (BCP), Bagram, Afghanistan, between Sep 02 and Apr 03. [redacted] was only in Afghanistan until 19 Nov 02, when he was medically evacuated for a shoulder injury and did not return. He recalled learning common pronial strikes at both MP Advanced Individual Training (AIT) and during Mobilization Training at Fort Dix, NJ (taught by SSG [redacted] and SSG [redacted] 377th MP Company, Cincinnati, OH 45237). He gave and received strikes and learned it worked well. [redacted] denied ever employing any blows or witnessing the application of blows. He added 3rd Platoon had a reputation for being tough and added they tried hard to set themselves apart from the rest of the unit. He described the Platoon Leader (1LT [redacted] 3rd Platoon, 377th MP Company, Detachment 1, Bloomington, IN) as having the same mentality as his soldiers "gung-ho" almost a "warmonger". (See PUC Questionnaire of [redacted], dated 30 Jan 04 for additional details)

At 1030, 30 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was assigned to 2nd Platoon, working within the Bagram Collection Point (BCP), Bagram, Afghanistan, between Sep 02 and Apr 03. [redacted] was not MOS qualified when the unit deployed, so he worked on the gates until after the time of the deaths. He had no knowledge of the circumstances of either death other than rumors that HABIBULLAH (PUC 412) died from a blood clot and it was unpreventable. [redacted] was in Qatar with eight other unit members (SPC [redacted] SPC [redacted] SSG [redacted] SSG [redacted], SPC [redacted] SPC [redacted] SPC [redacted] and one other he could not recall) after the main body went home. [redacted] claimed he could not recall any conversations discussing the specifics of either death, despite the fact that others report him being present during discussions. [redacted] felt the training he received adequately prepared him to function as a guard and he knew physical contact with detainees was limited to preventing escape attempts and defending himself or others. (See PUC Questionnaire of [redacted] dated 30 Jan 04 for additional details).

Between 1457 and 1815 hrs, 30 Jan 04, SA [redacted] advised [redacted] of his legal rights for Aggravated Assault, False Official Statement, and Negligent Homicide. [redacted] waived his rights and provided a statement admitting he struck DILAWAR (PUC 421) twice during an incident in the Isolation Cell with [redacted] a day or two prior to DILAWAR's death. [redacted] recounted how he and [redacted] delivered a total of four blows. [redacted] added information on a conversation he witnessed wherein [redacted] admitted delivering "15 common pronial strikes to each leg" of DILAWAR. [redacted] adopted a sketch illustrating the configuration of DILAWAR's restraints and annotating the number and timing of blows he and [redacted] delivered. [redacted] further admitted he lied to CID investigators during interviews and made a sworn statement, which he knew to be false, during the earlier phases of the investigation.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 30 Jan 04	EXHIBIT 198

1 FEB 77

b2, b6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

Additionally, [redacted] recounted an admission made in his presence by [redacted] and [redacted] while they were awaiting vehicle shipment in Qatar. [redacted] described delivering a knee strike to DILAWAR. (See Waiver Certificate, Statement and Sketch of [redacted] dated 30 Jan 04).

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
[redacted]	DATE 30 Jan 04	EXHIBIT 198

b2, b6, 7C

0134-02-CID369-23533
0137-02-CID369-23534

PU QUESTIONAIRE

NA IE [redacted] DATE: 30 Jan 2004
RA K: PFC SSN: [redacted]
UN T: 372 MP Co, USAR, Cincinnati, Ohio

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002.

a. Were you deployed or assigned to Afghanistan between Oct and Dec 2002?
BETWEEN OCT AND NOV 2002 [redacted]

b. If so, what were your duties?
BCP 1month GATE GUARD 1month [redacted]
Did you guard either detainee?
during the period of time between Oct and Dec 2002? NO [redacted]

a. Did you interview or were you present during any interviews with either detainee during this time frame? NO [redacted]

b. Did you witness either detainee receiving any type of corporal punishment? NO [redacted]

c. Did you interact in any way with either detainee?
NO [redacted]

d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? If so, please explain.
NO [redacted]

FOUO b6, 7C

1098

EXHIBIT 19

Did you participate in any type of corporal punishment or any compliance blows to either detainee? NO [redacted]

Do you know who had anything to do with the eventual death of either detainee? NO [redacted]

a. Did anyone tell you who might have had anything to do with the death of either detainee? NO [redacted]

b. How do you feel about the deaths of those two detainees? ITS A DESGRACE [redacted]

Who do you think did this? Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person or anyone else in your unit. Who do you think did it? I DON'T KNOW [redacted]

Is there anyone you know well enough that you feel is above suspicion and would not do something like this? TO MANY TO LIST [redacted]

How do you feel about being interviewed concerning This issue? NO PROBLEM

Do you think that the death of either of those detainees was deliberate? I COULDN'T SAY [redacted]

FOUO b6, 7C

If someone said that you physically abused either of Those two detainees, is that person lying? YES [redacted]

9. Who do you think would have had the best opportunity to have physically abused either detainee? I CAN'T SAY [redacted]

10. Why do you think someone would do this?
ACCIDENT [redacted]

11. Did you ever give corporal punishment or compliance training to a detainee?
NO [redacted]

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? NO [redacted]

13. Why wouldn't you do something like this?
NOT MY JOB [redacted]

14. What do you think should happen to a person who mistreated or caused the death of a detainee?
WHAT EVER THE LAW ALLOWS [redacted]

Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? NO [redacted]

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? TRYING TO ESCAPE [redacted]

1100

FOUO b6, 7C

EXHIBIT 199

0137-02-CID369-235

18. How do you think the results of the investigation will come out on you? NO EFFECT [redacted]

19. Do you think the person who did this would deserve a second chance under any circumstances? (please explain). NO [redacted]

20. Did you tell your family about this investigation? YES [redacted]

20a. Did you tell your family you were being interviewed regarding this investigation? YES [redacted]

20b. Did your family ask you if you were guilty? NO [redacted] If so, what was your response?

21. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? NO [redacted]

22. Can you think of any reason why someone would name you as a suspect in this investigation? NO [redacted]

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? YES [redacted]

FOUO

b6, 7C

1101

Exhibit 199

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? 10% to 12% of third platoon [redacted]

25. If you were involved in either death of those two detainees, would you tell the truth about it now? YES [redacted]

26. Do you think the FBI should get called in to help out on this investigation? If warranted [redacted]

27. Do you have anything to add at this time, or any information you might have heard, that could help to resolve this investigation? NO [redacted]

[redacted]

FOUO

b2, b6, 7C

1102

Exhibit 199

0134-02-CID369-2353

0137-02-CID369-2353

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 30JAN04
RANK: SPC (USAR) **SSN:** [redacted]
UNIT: 377th MP Company (USAR), 2nd Platoon, Cincinnati, OH

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
1 SEP 02 to Mar 02, then I went to Qatar for 2 weeks got home 1 Apr 03 2 to 3 wks Admin / 1st Platoon gates / 2nd Platoon gates - transition to BCP after both detainees die,
2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO, never there for any interviews at all.

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: Maybe If yes, explain: once I was in MWR, the ISG Guard ran out for a break. I told a detainee I can't recall which one to stand up (he was on standing directions) he did so that was it

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

_____
Signature of Interviewee

FOUO [redacted] 1103
b2, b6, 7c

EXHIBIT 20C

4b. How do you feel about the deaths of those two detainees?
That's difficult. From what I heard the first guy died of a blood clot and while it's tragic I think it was unintentional and certainly not preventable.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: Someone in 1st Platoon

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: yes, SPC [redacted], SPC [redacted] none of our females

7. How do you feel about being interviewed concerning this issue?
I'm a little bewildered, I don't know anything about how those guys died

8. Do you think that the death of either of those detainees was deliberate?
I didn't at the time, but now I do.

9. If someone said that you physically abused either of those two detainees, is that person lying? absolutely

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: The isolation cell guard(s)

11. Why do you think someone would do this? A lot of people were angry w/ them about 9/11, being Taliban

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: yes

13. Why wouldn't you do something like this? A: Because I don't believe in it, not my dogs, certainly not people. I prefer psychological pressure

14. What do you think should happen to a person who mistreated or caused the death of a detainee? I think it would depend on his intent. If he was injuring them to try and kill them is different than trying to get them to comply and being ignorant of the effect of [redacted] probably a courts martial

Signature of Interviewee

FOUO
b2, b6, 7C

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: No, Never If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
Any attempt at escape, agression toward another detainee or guard -to try to control them.

17. How do you think the results of the investigation will come out on you?
That I gave as much information as possible

18. Do you think the person who did this would deserve a second chance under any circumstances? A: under certain circumstances yes
Please explain: If they believed the blows were authorized If they were ignorant of the ill effects,

19. Did you tell your family about this investigation? A: NO

20a. Did you tell your family you were being interviewed regarding this investigation? A: yes, but no specific

20b. Did your family ask you if you were guilty? If so, what was your response? A: NO

20c. Have you talked with anyone other than CID about this investigation? A: NO If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO

Signature of Interviewee

FOUO [redacted] Interviewer 1105

b2, b6, 7C

Exhibit 200

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: 5%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes

26. Do you think the FBI should get called in to help out on this investigation? A: at this point NO

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO

QUARTER

[redacted] SPC [redacted]
SPC [redacted]
SSG [redacted]
SSG [redacted]
SPC [redacted]
SPC [redacted]
SPC [redacted]
?? [redacted] (4)

Heard no discussions about the deaths except one guy died from a blood clot, which was unpreventable.

Signature of Interviewee

FOUO [redacted] 1106

b2, b6, 7C

Wei Exhibit 20

0134-02-CID369-2353

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: CINCINNATI,OH DATE: 29 Jan04 TIME: 1457
FILE NUMBER: 0134-02-CID369-23533-5H9R
NAME (Last, First MI): [redacted] SSAN: [redacted] GRADE / STATUS: SPC
ORGANIZATION OR ADDRESS: 377TH MP COMPANY, US ARMY RESERVE CENTER, CINCINNATI,OH, 45237

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: **NEGLIGENT HOMICIDE; ASSAULT**
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.
5. COMMENTS: Have you been advised of your legal rights and requested legal counsel in the past 30 days? [redacted]

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

[redacted]
24
HQ, USACIDC, INV OPS DIV, FT BELVOIR, VA

[redacted]

Witness# 2

Signature of Witness

11th Military Police Battalion (CID)
Fort Hood, TX 76544

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

FOR OFFICIAL USE ONLY

b2, b6, 7C

1107

EXHIBIT 201

0134-02-CID369-23533
0137-02-CID369-23534

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Cincinnati, OH
Date : 30 Jan 2004 **Time:** 1515
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** SPC/USAR
Org/Address : 377th MP Company, Cincinnati, OH 45237

I, [redacted] want to make the following statement under oath: I've been advised of my rights and elected to make this statement voluntarily to clarify aspects of earlier statements about the situations and deaths at Bagram Air Base, Afghanistan in December 2002. I've been asked specific questions by SA [redacted] and SA [redacted] about things I can recall related to the death of the detainee named DILAWAR (PUC 421).

Q: Did you strike DILAWAR (PUC 421)?
A: Yes.
Q: Under what circumstances?
A: It was two maybe three days before DILAWAR died. I was working Control and SPC [redacted] the Iso Guard, called me into the Isolation Cells on the 2nd floor and said "Come here a second and help me out." I said "OK". He got the keys and opened up (I'm pretty sure it was) Cell #1. I stood at the doorway, [redacted] walked in and said "This guy's been acting up". DILAWAR was loose in the cell, he was sitting against the back wall of the cell. He was wearing a pair of long cuffs (leg irons) on his wrists and leg irons on his ankles. [redacted] told him to stand up and asked for DILAWAR to give him his hands. [redacted] intent was to put him back in standing restraint by chaining his hands to the hesco ceiling. DILAWAR refused to stand up or give [redacted] his hands. [redacted] grabbed him by the arm and stood him up. DILAWAR pulled away from [redacted] and I took a couple steps toward him, but stayed near the door. [redacted] was off to the detainee's right side and he gave him a knee strike hitting the detainee in the right leg with his [redacted] kneecap. I'm not sure if [redacted] used his right or left leg. The detainee dropped. [redacted] caught the detainee before he hit the ground and stood him back up. [redacted] grabbed one of DILAWAR's hands, but the detainee tucked the other behind his side (away from [redacted]. At this point, I finally ran in and grabbed the other arm, DILAWAR yanked away from me. He kept pulling away from me so I gave him a knee strike with my right knee to his left thigh (on the side). He continued to squirm and we both struck him again at about the same time in both legs. It took

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 201

STATEMENT OF SPC [redacted], TAKEN AT Cincinnati, OH, DATED 30 Jan 2004, CONTINUED:

both of his legs out from under him, he went to his knees, but we caught him before he hit the ground. I finally got control his hand and [redacted] disconnected one end of the leg iron (from the wrist I was holding) and fastened the loose end to the ceiling. Then [redacted] produced a second set of leg irons, which we put on the free wrist (the one I had) and [redacted] also affixed that one to the ceiling. [redacted] did all this because I'm too short to reach the ceiling.
Q: Did it require a key to uncuff the leg iron from DILAWAR's wrist?
A: Yes.
Q: Who had the key?
A: [redacted]
Q: Did you ever strike DILAWAR (PUC 421) any other time?
A: I might have.
Q: Do you remember any specifics about it?
A: No.
Q: Did DILAWAR ever spit on you?
A: No.
Q: If you can't recall the specifics of other strikes, how do you know it was not because he spit on you?
A: I would have remembered being spit on or being spit at. It only happened to me once with PUC 412 (HABIBULLAH) and it really pissed me off. This guy (DILAWAR) did not spit on or at me.
Q: When did you find out that common pronial (knee) strikes were what killed both PUCs?
A: When CID brought us in for interviews the third time. It was either Decd 02 or Jan 03. They told us both guys were bruised up badly.
Q: Did CID ask you specifically if you struck either detainee at that time?
A: Yes.
Q: Did you lie?
A: Yes.
Q: Why?
A: I was scared.
Q: Are you telling the full and complete truth now?
A: Yes.
Q: What other information do you have about blows delivered to DILAWAR or HABIBULLAH?
A: While we were in [redacted] waiting to put our equipment on the ship, SPC [redacted] and SPC [redacted] were talking about strikes [redacted] delivered to DILAWAR. [redacted] said DILAWAR did something (I can't

INITIALS [redacted]

110

FOR OFFICIAL USE ONLY

EXHIBIT 201

b6, 7c

STATEMENT OF SPC [redacted], TAKEN AT Cincinnati, OH, DATED 30 Jan 2004, CONTINUED:

[redacted] even recall what he said the detainee did) but [redacted] t up in his face and said "All right, that does it. Fifteen common pronials, each leg, starting now". One of the two of them [redacted] or [redacted] said [redacted] was off duty, hanging out inside the facility talking to [redacted] (his buddy) and [redacted] delivered the blows, while [redacted] observed. [redacted] even said his knee got sore, so he had to switch knees. Then SPC [redacted] came in at the tail end of the story. He came up behind me and said what he always does " What's up killer?" The conversation continued and [redacted] admitted he laid a pretty good one on him (DILAWAR) too. Then I remember him describing how he "sized him up and then went "BAM!". He held his hands out in front of him and made a square with his thumbs, like you see artists or photographers do. I recall that he demonstrated a strong blow with his leg and emphasized it with a loud sound effect "BAM!"

Q: Who else was present while these descriptions of events were being talked about?

A: I know for sure, SPC [redacted] He and [redacted] are inseparable. I'm pretty sure SPC [redacted] was there and I think SSG [redacted] was in the tent. It was a pretty big tent, but I think he overheard the conversation.

Q: Was there ever any discussion within the group about lying to investigators or what to do if questioned again?

A: No, we all thought it was over. But in the back of my mind, I knew it wasn't. It wasn't until Qatar that I truly recognized how many knee strikes there were total and how badly that we had hurt those men.

Q: Was it your intent to kill either man?

A: No. Only to gain control.

Q: Is there anything you wish to add to or delete from this statement at this time?

A: I think there is something else that I heard in Qatar that I should tell you, but right now I can't recall it. When I do I will call the number on the business card you gave me and tell you about it. /////END OF STATEMENT////////

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 201

b6, 7C

STATEMENT OF SPC [redacted] TAKEN AT Cincinnati, OH, DATED 30 Jan 2004, CONTINUED:

AFFIDAVIT

[redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this **30th day of January 2004 at Cincinnati, OH 45242.**

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

1111

FOR OFFICIAL USE ONLY

b2 b6, 7C

EXHIBIT 201

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: **CINCINATTI, OHIO** DATE: 30 Jan 0[redacted] TIME: 1457
FILE NUMBER: 0137-02-CID360-23534-5H9B
NAME (Last, First MI): [redacted] SSAN: [redacted] GRADE / STATUS: SPC
ORGANIZATION OR ADDRESS: 377TH MP CO, US ARMY RESERVES, CINCINATTI, OHIO, 45237

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused [redacted]GLIGENT HOMICIDE; ASSAULT
Before he/she ask[redacted]any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.

[redacted] COMMENTS: Have you been advised of your legal rights and requested legal counsel in the past 30 days? NO [redacted]

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

[redacted]
Signature
SA
HQ, USACIDC, INV OPS DIV, FT BELVOIR, VA

Witness# 2

Signature of Witness

[redacted]
11th Military Police Battalion (CID)
Fort Hood, TX 76544

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

1112

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 201

[redacted] 30 JAN 04/1800

0134-02-C-0369-23533

BACK WALL

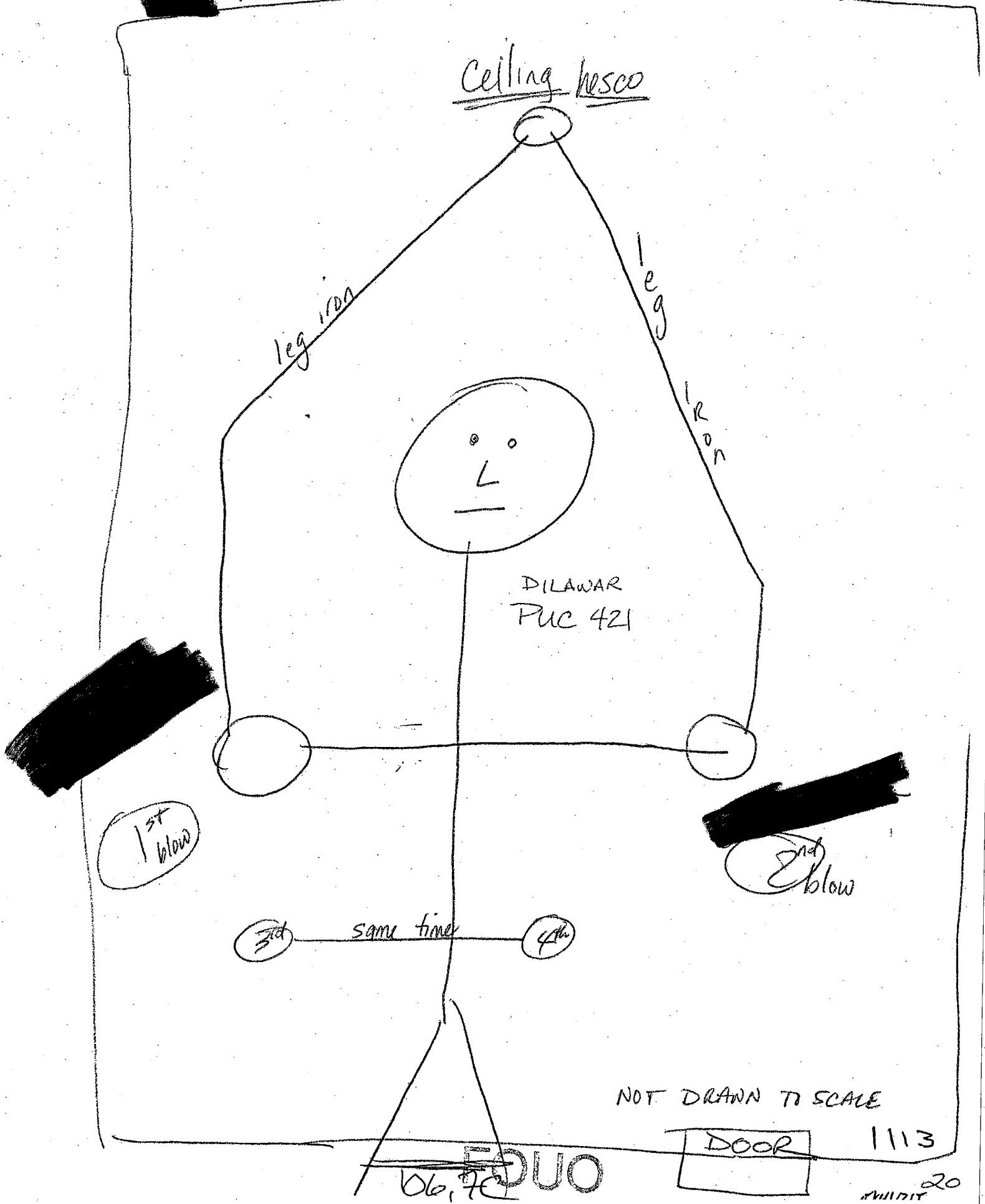


EXHIBIT 20

Exhibit 202

Page(s) 1114-1117 withheld

b2, b6, 7c

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	0134-02-CID369-23533/0137-02-CID369-2353
DETAILS	PAGE 1 OF 2 PAGES

At 0650 hrs, 30 Jan 04, SA [redacted], interviewed **SPC [redacted], 377th MP Company, Detachment 1, Bloomington, IN 47403** who was assigned to 3rd Platoon working inside the Bagram Control Point (BCP), Afghanistan at the time of the deaths. [redacted] provided a statement reflecting he worked as both a carpenter and an MP in the BCP. H indicated he never witnessed anyone deliver a common peroneal strike and denied he delivered ar blows to detainees. [redacted] stated he applied a wristlock to gain compliance from detainees whe necessary during escort procedure. *(See PUC Questionnaire and Swom Statement of [redacted], dated 30 Jan 04, for additional details).*

At 0829 hrs, 30 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th MP Company, Detachment 1, Bloomington, IN 47403,** who was assigned to 3rd platoon, working with the BCP at the time of both deaths. [redacted] was advised of rights for the offenses of Aggravated Assault, Cruelty/Maltreatment, False Official Statement and Negligent Homicide. [redacted] invokec his rights, requesting counsel, at which time the interview was terminated. *(See Non-waiver Certificate of [redacted], dated 30 Jan 04, for additional details)*

AGENT'S COMMENT: At the conclusion of his interview, [redacted] was record fingerprinted.

At 1035, 30 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th MI Company, Bloomington, IN 47403**, who deployed with the 377th Military Police Company to Bagram, Afghanistan, in August 2002 and worked within the BCP for approximately thirty days befo deploying back to the United States due to security clearance issues. [redacted] stated she dic not utilize common pronial strikes or pressure point control tactics on any detainees nor did she witness or hear of any other soldiers using the techniques.

At 1200 hrs, 30 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was a member of 3rd platoon, working within the BCP, Bagram, Afghanistan, between Sep 02 and Apr 03. [redacted] stated he did not witness any of the detainees being physically abused by any personnel. [redacted] stated he did have to take corrective action during an incident with SPC [redacted], who was yelling the detainee. [redacted] told [redacted] to leave the ISO area, but to the best of his knowledge [redacted] did not strike the detainee during this incident. [redacted] is a relative of the 1SG [redacted] 1SG, 377th MP Company and believed people did not talk to him or associate with him because of the tension between the 1SG and the unit Commander. [redacted] was off duty on the day of the first detainee died and was on a convoy detail the day the second detainee died. [redacted] was aware members of his platoon were using dietary supplements and weight lifting supplements during the deployment but that to the best of his knowledge, all the supplements were

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 30 Jan 04 / EXHIBIT: 203

DETAILS

ordered via the internet or were purchased at the Post Exchange (PX). *(See Sworn Statement of [redacted] dated 30 Jan 04, for additional details)*

At 1202 hrs, 30 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th MP Company, Detachment 1, Bloomington, IN 47403,** who was assigned to 3rd platoon, working with the BCP at the time of both deaths. [redacted] provided a statement denying any knowledge of or participation in corporal punishment of detainees. [redacted] felt 3rd platoon discriminated against the detainees and company members who were not Caucasian. He stated all non-whites were transferred out of the platoon, while at Fort Dix, NJ and SFC [redacted] 3rd Platoon Sergeant hung a Confederate flag in the platoon tent. [redacted] stated he felt the motivation for MPs being overly aggressive might be their use of dietary/muscle building supplements. *(See Sworn Statement and PUC Questionnaire of [redacted] dated 30 Jan 04, for additional details)*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 30 Jan 04 / EXHIBIT: 203

0134-02-CID369-23533
0137-02-CID369-23534

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 30 Jan 04
RANK: SPC/RA **SSN:** [redacted]
UNIT: 377th MP Det (CID), 3rd plt, 1st sqd

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
31 Aug 02 - 16 Mar 03 MP, but worked as a carpenter, inside facility after 2 wks trng until he w as a guard from around thanksgiving until just before Christmas he went to gates.

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: I don't remember them specifically

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: Not to my knowledge If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: yes
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: _____ If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: _____ If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: _____ If yes, explain (see sworn statement)

FOUO

Signature of Interviewee b6, 7c Signature/Sequence # of Interviewer exhib

4b. How do you feel about the deaths of those two detainees?

_____

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A:_____

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A:_____

7. How do you feel about being interviewed concerning this issue?

_____

8. Do you think that the death of either of those detainees was deliberate?

_____

9. If someone said that you physically abused either of those two detainees, is that person lying? _____

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: _____

11. Why do you think someone would do this? _____

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A:_____

13. Why wouldn't you do something like this? A:_____

14. What do you think should happen to a person who mistreated or caused the death of a detainee?

FOUO

_____ _____

Signature of Interviewee Signature/Sequence # of Interviewer

Exhibit 112

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A:_____ If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

17. How do you think the results of the investigation will come out on you?

18. Do you think the person who did this would deserve a second chance under any circumstances? A:_____
Please explain:

19. Did you tell your family about this investigation? A:_____

20a. Did you tell your family you were being interviewed regarding this investigation? A:_____

20b. Did your family ask you if you were guilty? If so, what was your response? A:_____

20c. Have you talked with anyone other than CID about this investigation? A:_____ If yes, who?_____

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A:_____

22. Can you think of any reason why someone would name you as a suspect in this investigation? A:_____

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A:_____

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A:_____

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A:_____

26. Do you think the FBI should get called in to help out on this investigation? A:_____

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A:_____

_____ Signature of Interviewee

FOUO

_____ Signature/Sequence # of Interviewer

Exhib 112

0134-02-CID369-23533
0137-02-CID369-23533

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Room 414, Hampton Inn, Bloomington, IN
Date : [redacted]30 Jan 04 **Time:** 0823
Statement of: [redacted]
SSN : [redacted]
Org/Address : 377th MP Co, 3rd Plt, 1st Sqd **Grade/Status:** SPC/RC

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

Q: SA [redacted]
A: SPC [redacted]

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?
A: Yes.
Q: What dates were you there and what were your duties?
A: I arrived in Afghanistan on 31 August 2002, and left there on 16 March 2003. I am an MP, but my Command found out that I am also a carpenter and put me to work building up the facilities and isolation cells inside of the Bagram Detention Facility. I did work as a guard inside the facility from about Thanksgiving until just before Christmas 2002, at which time I transferred with my platoon to the gates.
Q: Did you guard either detainee during the period of time between October and December 2002?
A: Not that I remember.
Q: Did you interview or were you present during any interviews with either detainee during this time frame?
A: No.
Q: Did you witness either detainee receiving any type of corporal punishment?
A: No.
Q: Define corporal punishment.
A: It is non-abusive, like using pressure point techniques. No strikes, but other things to instill discipline.
Q: What other types of punishment were used?
A: Mostly standard pressure points were used. We fatigued people with sleep deprivation under direction of MI. Then when we moved them out of their cells to the bathroom for example, they would go limp on you and I used wrist locks. I never used any strikes.
Q: Were any detainees struck for any reason?
A: Not to my knowledge, I never saw anything like that[redacted]

INITIALS [redacted]

b6, 7C

EXHIBIT 205

124

STATEMENT OF SPC [redacted] TAKEN AT RM#414, HAMPTON INN, BLOOMINGTON, IN, DATED 30 JAN 2004, CONTINUED:

[redacted]: Did either PUC that died cause any trouble during the shifts that you worked?
A: I can't remember which ones they were, so I can't answer that question.
Q: Were ~~either~~ any [redacted] detainees placed into standing restraints while you were on shift?
A: Yes. Whoever was working would put them into standing restraints. Standard practice was to put them up for ten to twenty minutes, and then took them down. There was a practice that was done as that is what we learned from the other MP Company we took over the facility from. One other thing that was done to discipline them was to give them a meaningless task to do, like sweeping the floor, cleaning cracks in the floor. One guy had to mop the floor constantly after he smeared his own crap around his cell. That guy was in the upstairs Isolation cell the third one down on the left.
Q: Did other MP's complain that either of the PUC's that died were troublemakers?
A: Not that I remember.
Q: Did any of the other MP's appear to dislike the PUC's?
A: Not in particular.
Q: How did the MP's handle troublemakers?
A: Hanging them up in standing restraints, making them clean, and exercise, and verbal.
Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?
A: Yes. One time within the first two to three weeks of our arrival, I saw SPC [redacted] putting bottle caps into a bucket of human waste and making a detainee take the bottle caps out of human waste with his hands. To my understanding ~~it was~~ He was directed by and I Witnessed SOG SFC I Request From SFC to be Re. From my Because of Act. [redacted]
Q: Have you been trained on common pronial strikes and pressure point control tactics?
A: Yes.
Q: Did you ever utilize those tactics on a PUC?
A: I used pressure point controls. I only remember using a wrist lock, when I was transporting them from the plane when they first reported to the facility, and a couple of times inside the facility when transporting them. It was only used whenever necessary, and never without a reason.
Q: Did you apply any of those tactics on either of the detainees that died?
A: I don't think I ever had to deal with either of them [redacted]

INITIALS [redacted]

b6,7C

EXHIBIT 205
1125

STATEMENT OF SPC [redacted] TAKEN AT RM#414, HAMPTON INN, BLOOMINGTON, IN, DATED 30 JAN 2004, CONTINUED:

[redacted]

Q: Do you know who had anything to do with the eventual death of either detainee?
A: No.
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: I heard rumors. I heard it going around that something happened where they had to get pretty physical with one of the detainees that eventually died and was downstairs in the isolation block. I heard that SSG [redacted] had to stop SGT [redacted] from getting carried away. I believe I heard that from SPC [redacted].
Q: How do you feel about the deaths of those two detainees?
A: I am pretty indifferent about it. They were there for a reason. I don't mean to judge them, but if an accident happened... I heard that the one died on night shift was due to a blood clot. I didn't feel much remorse then.
Q: Who do you think caused the death of the detainees?
A: I can't say that any of our guys did.
Q: Is there anyone that you know well enough that you feel is above suspicion and would not have caused their deaths?
A: I know that most of the guys in our platoon are upstanding, and wouldn't have done anything to have killed them.
Q: Do you suspect anyone caused the detainees deaths?
A: No.
Q: Do you think that the death of either of those detainees was deliberate?
A: No.
Q: If someone said that you physically abused either of those detainees is that person lying?
A: Yes.
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: Anyone working isolation. The downstairs isolation cells are open to the floor, and the floor sergeant could see and hear anything going on in there. The upstairs isolation cells had a guard and then a second guard that was guarding a room that held informing prisoners. That second guard could also see and hear everything going on. In the beginning there was a guard with an M16 rifle. So there were two guards within five meters of those isolation cells. Not too far into the rotation, they replaced the M16 with a shotgun, and put that guard on the catwalk.
Q: Why do you think someone would abuse a detainee? [redacted]

INITIALS [redacted]

STATEMENT OF SPC [redacted] TAKEN AT RM#414, HAMPTON INN, BLOOMINGTON, IN, DATED 30 JAN 2004, CONTINUED:

[redacted]: The only reason that I can think of is if they just carried away.
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: No.
Q: Why wouldn't you abuse a detainee?
A: It is unethical for one, against the law for another. 1LT [redacted] told us that they were going to try and pin anything they could on Reservists, and to watch what we did.
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: If it was caused intentionally, they should be tried for murder. If it was caused unintentionally, like if the detainee died from a common peroneal strike and it was justified, then I would say that he was just doing his job.
Q: Have you ever heard of a compliance blow?
A: No.
Q: Under what circumstances were you given direction that a common peroneal strike or pressure point control tactic could be applied?
A: I can't remember what they said about the common peroneal, but the pressure point control tactics were to be used if the prisoners were resisting you.
Q: Where did you learn what was and was not acceptable treatment of the detainees?
A: I think they went over that at Fort Dix, and once or twice when we arrived in country. Upon our arrival, I think it was a JAG officer who told us what we could do, and then our platoon leader, LT [redacted] told us at a guard mount what we could and couldn't do.
Q: Did you know your commander had a SOP for the facility?
A: No. We were building or creating a SOP while we were there, because there wasn't one in place. We were told that we were writing doctrine as we went as nobody had done this type of thing before.
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common pronial strikes?
A: Yes. I don't know if they used common peroneal strikes, but they were pretty strong-armed. I was talking with SPC [redacted] and we felt that they had been deployed too long, and it looked borderline the treatment they were giving the detainees. I can't think of an example, but I was left with an overall [redacted] impression.

INITIALS [redacted]

b6, 7C

EXHIBIT 205
1127

STATEMENT OF SPC [redacted] TAKEN AT RM#414, HAMPTON INN, BLOOMINGTON, IN, DATED 30 JAN 2004, CONTINUED:

[redacted] What was the maximum amount of force that could be applied to a detainee who was being defiant?
A: I believe like sleep deprivation, PT and standing restraints were the three things we could do for that sort of thing.
Q: What did you believe caused the death of the first detainee when you came to work the day after his death?
A: I didn't honestly know. I heard rumors that the blood clot thing going to his heart. That may have been some time after his death. Most of those people came into our facility in poor health, and I thought that he probably died of natural causes.
Q: What do you now believe caused the death of either detainee?
A: I don't know on the second one, and have a hard time believing a blood clot killed the first one. Maybe a combination of self-inflicted dehydration (Though water was provided to them, some drank and some didn't. We had to pop an IV into detainees to get some fluids in them, which was common.), not eating (though they all got food), not sleeping (sleep deprivation), and poor health to start with.
Q: What was your professional training and background outside of the military before deploying?
A: I am a self-employed carpenter. I don't have any police or correctional experience or training other than what I got at MP School.
Q: Did you ever see the PUC's legs underneath his clothing?
A: No.
Q: Did you ever observe any bruises or injuries on the PUC?
A: I never saw any bruises, but remember hearing that some of these guys were pretty bruised up when they came to us.
Q: Did the PUC ever appear ill to you?
A: No.
Q: Did you ever observe the PUC in pain?
A: No.
Q: Do you have any idea what type of emergency medical treatment either PUC received on the day they died?
A: No.
Q: Did you observe the PUC eat or drink anything during your shift?
A: No.
Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common peroneal strikes?
A: The entire MI personnel that were working with us, our Commander, and the brass that came in for tours [redacted]

INITIALS [redacted]

b6, 7C

EXHIBIT 205
1128

STATEMENT OF SPC [redacted], TAKEN AT RM#414, HAMPTON INN, BLOOMINGTON, IN, DATED 30 JAN 2004, CONTINUED:

Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?
A: No.
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT///[redacted]

AFFIDAVIT

[redacted], SPC [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.[redacted]

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of January 2004, at Hampton Inn, Bloomington, IN.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

b2, b6, 7C

EXHIBIT 205
1129

0007-02-CID369-23534

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0004-02-CID369-23534

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	2. DATE	3. TIME	FILE NO.
Hampton Inn, Bloomington, IN 47404	30 Jan 200[redacted]	08:29hrs	
5. NAME *(Last, First, MI)* [redacted]	8. ORGANIZATION OR ADDRESS 377th Military Police Company Bloomington, IN 47404		
6. SSN [redacted]	7. GRADE/STATUS SPC		

PART 1 - 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: Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner, False Official Statement

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

[redacted] do not have to answer any questions or say anything.

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES *(If available)*

1a. NAME *(Type or Print)*	3. SIGNATURE OF INTERVIEWEE
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [redacted]
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR Ft. Leavenworth Resident Agency (CID) Ft. Leavenworth, KS 66027

Section C. Non-Waiver

1. I do not want to exercise my rights: [redacted]

2. SIGNATURE OF [redacted]

☐ I do not want to be questioned or say anything.

[redacted] SWORN STATEMENT *(DA form 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO

b6, 7C

EXHIBIT 206
1130

0137-02-CID369-23534

PART II - RIGHTS WARNING PROCEDURE

0134-02-CID369-23533

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

REVERSE OF DA FORM 3881
1990-261-871/02685

*U.S. Government Printing Office:

FOUO

EXHIBIT 206
1131

0134-02-CID369-23533
0137-02-CID369-23533

SWORN STATEMENT

File Number :
Location : Hampton Inn, Bloomington IN.
Date : 30 Jan 04 Time: 1200
Statement of: [redacted]
SSN : [redacted]
Org/Address : 377th Military Police Company Bloomington, IN Grade/Status: E-4

[redacted] want to make the following statement under oath: I was assigned to third platoon as an MP. I ~~MOBED~~ moved with the unit in June of 02. We deployed sometime at the end of August, I arrived in Afghanistan on the 30th.

Q: SA [redacted]
A: [redacted]
Q: Did you receive any PPCT training prior to deployment.
A: Yes, I received some form of PPCT training when I was in AIT in 1997. We trained at least three times as a unit prior to deployment. I [redacted] learned PPCT during the [redacted] County sheriff depart Academy
Q: Did you have a clear understanding of PPCT that was taught at Ft. Dix?
A: Yes when it was our people teaching. We did receive training from this other group that was the biggest joke I ever went through. There was a Master SGT teaching the class who tried to teach us that it was not lethal force to strike a person in the head with the butt of an M16. We were told this was the area specific training day that was to train us for our mission. This training was taught to us by an outside company. I don't remember the Master SGTs name. We asked repeatedly if he was sure that this strike was considered not lethal. The Master SGT repeatedly said it was ok. We understood that is was not [redacted]
Q: Was this the SGT who was doing the validation for the company?
A: I don't remembe[redacted]
Q: Was the Commander or the First SGT ther[redacted]
A: I believe they both made an appearance[redacted]
Q: Who was the senior leader at the class?
A: How we were broken down for this class SSG[redacted] the Sr. leader for our group and he questioned this also[redacted]
Q: During the PPCT training did everyone in the platoon or the company, have a chance to h[redacted]e strike administered to them?
A: I am pretty sure we di[redacted]

INITIA[redacted]

b6, 7C

EXHIBIT 207

137

STATEMENT OF [redacted] TAKEN AT Bloomington, Indiana
DATED 30 JAN 2004, CONTINUED:

Q: Do you think that the platoon or the company had a good knowledge of what amount of force to use when administering the strikes?
A: I believe so, I had confidence in my unit [redacted] think we prepared for as many situations as we could [redacted]
Q: Did anyone talk about really wanting to use the strikes on prisoners?
A: No.[redacted]
Q: Where you in the facility when either of the prisoners died?
A: No, I worked day shift my whole time in the facility until I rotated to the gate with my platoon in Dec. The day the first one died I was off and I heard about it on CNN. The Second one died during the time we were rotating to the gate. When the second one died I had been on a MEDCAP mission with the 772 mp co. This was a convoy protection detail where we escort the doctors to a village and make sure they are safe. I departed some time around 0700 that morning and returned some time around 1000 that night. I did not go to the facility and I don't remember [redacted] I heard about the death that night or in the morning[redacted]
Q: Did you ever observe any prisoners in the facility receive the common perennial strike or any type of strike?
A: No I don't remember seeing it[redacted]
Q: Did you ever observe any prisoner be combative towards a guard.
A: I don't remember any resistance but I had to enter into an ISO cell and tell [redacted] to leave. He was yelling at a prisoner and I heard it. I never observed the prisoner being struck. [redacted] just left the room. The prisoner was cuffed but not to the ceiling. I don't remember what number this was. One reason people in the platoon or the company don't deal with me or talk to me is because the [redacted] is my [redacted] People are afraid that I will tell them what I see or hear. I tried to leave the unit before the employment because of this. When I heard that we were going to deploy I stayed to do the mission. I have tried to leave the unit since we have returned and my packet has been lost each time. I did not grow up knowing my [redacted]. I did not even know she was related to me until I had been in the unit for several years. People just don't talk to me because of this. I was in the facility for the first three months and I took every job I could to get out of the facility. I would go empty the trash, get the mail, get meals for the prisoners. I would empty the shit [redacted] I tried to work my time so I could work out and
INITIAL[redacted]

b6, 7c

EXHIBIT 207
1133

STATEMENT OF [redacted] TAKEN AT Bloomington, Indiana
DATED 30 JAN 2004, CONTINUED:

call home when I wanted. At the end of the day if the guys saw me with my [redacted] they did not understand I was trying to talk to her about [redacted] stuff. I have talked to her about trying to get promoted but that is about all the unit stuff [redacted] to her abut. I understand I have to keep things separate [redacted]
Q: Who is [redacted]
A: SPC [redacted]
Q: Did [redacted] and [redacted] talk about this after it happened.
A: No. [redacted]
Q: Was anyone else in third platoon having a hard time controll[redacted]he prisoners?
A: No [redacted]
Q: Did [redacted] ever direct a prisoner to clean out a human waste can?
A: Yes myself and SGT [redacted] had a prisoner take out plastic caps that were floating in the can. The can had been burned out and was sorta clean. The water was what we poured into the can. We did this because we were directed to by [redacted] or [redacted] I don't r[redacted]er his name. He said the 211th did this and it work[redacted]
Q: What do you mean it worked.
A: He never said. He just said it worked [redacted]
Q: How long did you have the prisoner do this.
A: Maybe five minutes then were instructed to stop doing this because SGT [redacted] told us to stop. We took the PUC to clan his hands off and then he was taken to an interview room with MI. I did not stay and I don't remember what happened to the PUC. I did this because I [redacted] irected. I don't think it was right but I was directed to. [redacted]
Q: Did you have any contact with either of the two prisoners that died?
A: I don't even know their numbers. [redacted]
Q: Do you remember the numbers 412 or 421.
A: The highest number I r[redacted]ber was 404 because he had some sort of mental problem[redacted]
Q: Did you ever partici[redacted] in the in-processing of a prisoner?
A: Yes one time I was in the room when the PUC was told the rules and the doctor did the physical. After that I escorted that PUC back to the h[redacted]ing room. That was shift change and I departed after that [redacted]
Q: Did you ever hand cuff a prisoner to the ceiling and if so why?

INITIA[redacted]

b6,7C

EXHIBIT 207

1134

STATEMENT OF [redacted], TAKEN AT Bloomington, Indiana
DATED 30 JAN 2004, CONTINUED:

A: Not to the ceiling but to the door because I was told to by the SOG who most of time was SFC [redacted] SSG [redacted] was also an SOG later in the rotation. I guess I did hand cuff the prisoners to the ceiling because when I did work ISO I had to let them down to eat and then I put them back in restraints. This was how they were when I come on shift [redacted]
Q: Could the prisoners move when they were cuffed in the ISO room
A: They could walk ab[redacted] three foot circle but they were cuffed to the ceilin[redacted]
Q: Did you remember who from MI directed you to cuff the prisoners?
A: No I cant remember his nam[redacted]
Q: Did you have a Standard Operating Procedure (SOP) on how to handle a prisoner for bad behavior.
A: [redacted]
Q: Did JAG ever come to the facility and inspect the procedures?
A: I don't know[redacted]
Q: Did you ever place a hood on a prisoner's head?
A: Yes, to take them to the flight li[redacted]d maybe once or twice I was told to do this in the facilit[redacted]
Q: Where you aware that JAG did not want the PUC's to wear hoods?
A: N[redacted]
Q: Did you ever move the prisoners around to hide them because a high ranking person was coming into the facility?
A: No[redacted]
Q: Did you ever hear of anyone using steroids when they were in Afghanist[redacted]?
A: No[redacted]
Q: Is there anything you wish to add to this statement?
A: I just want you to understand that I spent my day doing admin stuff like preparing meals and burning off the buckets after the porta-jon truck sucked them out. I served lunch, check generators, fill fuel cans, pick up mail and pass it out and make hospital runs and then it would be about time to start working on the dinner meal. I would relive people for enough time for them to get a meal. This was only for a few minutes at a time. I would return the mermites after we ate. I would check the generators one more time and that was almost my whole day. I also went on the MEDCAP missions a few times. This kept [redacted] away from everybody and I did not have to deal with them.

INITIALS [redacted]

b6, 7C

EXHIBIT 207

1135

STATEMENT OF [redacted] TAKEN AT Bloomington, Indiana
DATED 30 JAN 2004, CONTINUED:

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

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5 I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30 day of January 2004 at Bloomington, Indiana 47404

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

0137-02-CID369-23533

0137-02-CID369-2353

PUC QUESTIONAIRE

NAME: [redacted] DATE: 30 Jan 04
RANK: SPC/RC SSN: [redacted]
UNIT: 377th MP Co.

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
3-4 Sep 02 - 23 Mar 03, leave from 17 Dec - 7 Jan, MP / 1st plt, 3rd sqd. Sep-late Oct gates + w Nov

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: yes

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: escorted to int.

2b. Did you witness either detainee receiving any type of corporal punishment? A:_____ If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A:_____ If yes, explain:_____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A:_____
If yes, please explain:_____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: _____ If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A:_____ If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A:_____ If yes, explain (see sworn statement)

FOUO

Signature of Interviewee

b6, 7C

Signature/Sequence # of Interviewer 1137

EXHIBIT 2

4b. How do you feel about the deaths of those two detainees?

_____

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A:_____

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A:_____

7. How do you feel about being interviewed concerning this issue?

_____

8. Do you think that the death of either of those detainees was deliberate?

_____

9. If someone said that you physically abused either of those two detainees, is that person lying? _____

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: _____

11. Why do you think someone would do this? _____

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A:_____

13. Why wouldn't you do something like this? A:_____

14. What do you think should happen to a person who mistreated or caused the death of a detainee?

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A:_____ If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

17. How do you think the results of the investigation will come out on you?

18. Do you think the person who did this would deserve a second chance under any circumstances? A:_____
Please explain:

19. Did you tell your family about this investigation? A:_____

20a. Did you tell your family you were being interviewed regarding this investigation? A:_____

20b. Did your family ask you if you were guilty? If so, what was your response? A:_____

20c. Have you talked with anyone other than CID about this investigation? A:_____ If yes, who?_____

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A:_____

22. Can you think of any reason why someone would name you as a suspect in this investigation? A:_____

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A:_____

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A:_____

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A:_____

26. Do you think the FBI should get called in to help out on this investigation? A:_____

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A:_____

0134-02-CID369-2353
0137-02-CID369-2353

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Rm 414, Hampton Inn, Bloomington, IN
Date : 30 Jan 04 Time: 12:02 pm
Statement Of: [redacted]
SSN : [redacted]
Org/Address : 377th Military Police Company, Cincinnati, OH 45237 Grade/Status: SPC/RC

I, SPC [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes. I was on the last chalk to arrived in country that was on either the 3rd or 4th of September 2002. I left country on 23 March 2003.. I was on leave from 17 Dec 02 - 7 Jan 03. I performed all duties of an MP while in Afghanistan. I initially worked the gates with 1st platoon, 3rd squad. Then we rotated into the Bagram Detention Facility around the first of November 2002 and stayed inside the remainder of the time in country. I also went out on "repat" missions and pickups of new detainees from base camps.

Q: Did you guard either detainee during the period of time between October and December 2002?

A: Yes.

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: No. I did escort them to their interrogations.

Q: Did you witness either detainee receiving any type of corporal punishment?

A: No.

Q: Define corporal punishment.

A: Anything to cause discomfort for any aggression or violence towards us.

Q: Were any detainees struck for any reason?

A: Yes. The only time I knew of that a detainee was struck was when they struck a guard. I was doing a pickup from the airstrip, he was a small man and was really scared. I had him face down on the floor of the vehicle. We hit a bump in the road and he came up and tried to bite me. I shoved him back down onto the truck bed, and held him down. Another incident was when I was pulling a detainee out of his cell with another female MP and he lunged towards the female MP. I shoved him back into his cell and braced him against the wall with his arms across his body so that he couldn't lunge or strike out. We left him in there and told the [redacted]

[redacted] b6, 7C

FOR OFFICIAL USE ONLY

for another few days if he was going to be that way. They didn't give any other instructions that I can remember.
Q: Did either PUC that died cause any trouble during the shifts that you worked?
A: I don't remember. I knew that PUC 421 had been combative that day, and were given instructions to watch out for him and to keep an eye on him. I remember he was sort of a big guy. I was told to watch him. I remember when he died, thinking that he looked healthier than most of the other detainees in there.
Q: Were either of the detainees placed into standing restraints while you were on shift?
A: I was on shift when they came into the facility and that was pretty much SOP for the new ones. They were chained to the bars of the door in a standing position. MI dictated the length of time they were standing. I have no idea how long these two guys were standing, but the usual was one hour up and one hour down, working towards sleep deprivation.
Q: Did other MP's complain that either of the PUC's that died were troublemakers?
A: I just remember the briefing at guard mount to watch out for 421, the same thing I stated earlier. 412 reminded me of [redacted] by his appearance. I remember 412 having health problems that [redacted] told to us at guard mount. I think it was a kidney issue. We had ~~him~~ them on a schedule to use the restroom and he kept wanting to go all of the time, and we allowed him to go when he needed to.
Q: Did any of the other MP's appear to dislike the PUC's?
A: Yes, sure. Our third platoon, of which I was a part until transferring to first platoon at Fort Dix, was well known for being the "Roughnecks". They reveled in that distinction. They all took their lead from their platoon sergeant, SFC [redacted] I, along with PV2 [redacted], SPC [redacted], and SPC [redacted] were all transferred out of third platoon leaving only ~~white men in that platoon.~~ everyone in [redacted] We were all told that the PUCs were our enemies. Third platoon hung a confederate flag in their tent when we arrived in country. I also felt that calling the PUCs [redacted] which comes from the Muslim pilgrimage called [redacted] was in itself racist, and made comments to that fact when that term was used. I started to study the Koran while over there in an attempt to better understand the people we were dealing with, and that put me at odds with most of the company and almost resulted in my being pulled from the facility and placed on permanent gate duty for identifying with the enemy.
Q: How did the MP's handle troublemakers?
A: Really we just took our guidance from MI. They told us to give them extra chores such as picking up the water bottles, scrub the floors with toothbrushes, pull the shit buckets, standing up and sleep deprivation, putting their hands in the air, chaining them

STATEMENT OF SPC [redacted] TAKEN AT RM#414, HAMPTON INN, BLOOMINGTON, IN, DATED 30 JAN 2004, CONTINUED:

[redacted] to the cages in a kneeling or standing position whichever was most uncomfortable. We also used the "roman chair" position. There was a specific incident, which stopped the use of that. The [redacted] "roman chair" is when they would ~~put their backs on the wall and slide down until~~ their thighs were parallel to the floor. They would have to hold that position for about a half hour, or until they couldn't do it anymore. Then depending on whether or not we felt they we trying hard enough, we would chain them to the door in a standing position or allow them to sit down. This was dictated by the Sergeant Of the Guard (SOG). It worked out that the MPs ran the general population areas on the first floor, and MI ran the isolation cells and everything that happened in them. The MPs guarded the isolation cells, but the punishments were at the direction of MI. If MI had specific instructions for a PUC, they were put in isolation.

Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?

A: Yes. If a PUC complained about anything (toothache for example), they were told to shut up and sit down. The way the PUCs were treated made me feel as though they were not being treated as humans. They were not treated in the way we would treat American prisoners. The perception was that the International Red Cross was a problem over there. There was a catalyst [redacted] that wrote a letter to ~~the Red Cross~~ his family that told of all the instances of what was happening inside the facility. That article was published, and after that he wasn't given the same treatment as he had before the article. He didn't get as many water bottles as he had before (which he used to take care of other PUCs in his cell block, as he was the cell block boss). He wasn't used as often as an interpreter like we did before. He stopped getting books to read and other privileges.

Q: Have you been trained on common peroneal strikes and pressure point control tactics?

A: Yes.

Q: Did you ever utilize those tactics on a PUC?

A: Yes. I used pressure point tactics (brachial point, on the inside of the elbow) on PUCs when escorting them to gain their compliance and get them to stop trying to move in a different direction, slowing down, and to get them to comply with our instructions.

Q: Did you apply any of the pressure point tactics or the common peroneal strike tactics on either of the detainees that died?

A: Not to my recollection, no.

Q: Do you know who had anything to do with the eventual death of either detainee? [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 209

1143

STATEMENT OF SPC [redacted] TAKEN AT RM#414, HAMPTON INN, BLOOMINGTON, IN, DATED 30 JAN 2004, CONTINUED:

~~A: I know it was third platoon as they were working during the deaths~~. First & Third platoons were working at those times and 3rd was I believe ~~they~~ were removed after the deaths and sent to ~~the~~ gates. No

Q: Did anyone tell you who might have had anything to do with the death of either detainee?

A: No. That was very hush-hush. It was like don't ask, don't tell.

Q: How do you feel about the deaths of those two detainees?

A: I am not surprised at all. I think the culture, the nation, the company, the Army breeds the mentality that allowed it to happen. I think the MPs became overly aggressive at times. But then it was investigated and they were cleared and have not thought much more about it until now.

Q: What do you mean the MPs became overly aggressive at times?

A: It is hard to describe. When the PUCs were being escorted, and they wouldn't walk, we drug them along the floor, not down the stairs. Sometimes they hadn't eaten in three days, because they chose not to eat the food they were given. A perfect example would be a PUC moving his head around, maybe to stretch his neck, he would get yelled at not to move, and then get some type of punishment. Chaining them to the door or ceiling was the most common type of punishment for a while. A big change came about in either November or December that prohibited chaining them up. We would just make them stand up then.

Q: Who do you think caused the death of the detainees?

A: I don't know who specifically. We were told not to talk about it. I was off the night the first PUC died, and was on leave the night the second PUC died.

Q: Is there anyone that you know well enough that you feel is above suspicion and would not have caused their deaths?

A: Pretty much all the female MPs in the company, SPC [redacted] SPC [redacted] SSG [redacted] 1LT [redacted], SPC [redacted] and SFC [redacted]

Q: Do you suspect anyone caused the detainees deaths?

A: I don't know enough about the incidents to know. I was very suspicious of the fact that this was kept all hush-hush. I felt that at guard mount the next day we should have been given more details about what happened.

Q: Do you think that the death of either of those detainees was deliberate?

[redacted] don't

A: I think that someone was irresponsible. I don't think that anyone meant to kill them, just that their tactics were overused. I think that the PUCs were cared for enough, and that both the MPs and medical staff did not observe their medical conditions well enough.

Q: If someone said that you physically abused either of those detainees [redacted] that person lying?

A: Yes. [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 209

1144

STATEMENT OF SPC [redacted] TAKEN AT RM#414, HAMPTON INN, BLOOMINGTON, IN, DATED 30 JAN 2004, CONTINUED:

[redacted]

Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: Whoever was working in the isolation cell, the SOG, or working escort.
Q: Why do you think someone would abuse a detainee?
A: Boredom. Lack of sex. The frustration level was really high. People were working out lifting a lot of weights and taking dietary supplements. The supplements taken were all kinds of stuff, Muscle Tech creatine, ephedra, Hydroxycut, Androtestocolene, and protein shakes. I remember SPC [redacted] (nickname: [redacted]) was told to stay off of the dietary supplements. I don't know why though. The stuff was bought at the PX, ordered online from whatever wholesale vendors gave the best price, and had it sent from home.
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: No.
Q: Why wouldn't you abuse a detainee?
A: I am too empathetic as a person.
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: I don't know, honestly.
Q: Have you ever heard of a compliance blow?
A: Not under that name, but can figure out what it is. It is a strike to make someone comply with your orders.
Q: Under what circumstances were you given direction that a common peroneal strike or pressure point control tactic could be applied?
A: Any time a PUC was non-compliant with our orders, or we felt threatened by their actions.
Q: Where did you learn what was and was not acceptable treatment of the detainees?
A: They started it a Dix, and that changed once we got in theater. A lot of the treatment was set by second and third platoons, and first platoon just learned from them what to do.
Q: Did you know your commander had a SOP for the facility?
A: Yes. I am sure it was posted someplace, but I hadn't read it that I remember.
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common peroneal strikes?
A: Yes. I know this because I saw them do those things when we first got in country. I don't remember who, but saw standing restraints. I heard about the compliance blows or common peroneal strikes. I remember they used to chain them to the doors like pretzels, in contorted positions.
Q: What was the maximum amount of force that could be applied to a detainee who was being defiant? [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 209

1145

[redacted] A: One degree or level more than what they were doing, up to and including a shot ~~was~~ with a non-lethal round from the shotgun.
Q: What did you believe caused the death of the first detainee when you came to work the day after his death?
A: Kidney failure is what I was told at guard mount.
Q: What do you now believe caused the death of either detainee?
A: The common peroneal strikes, because that is what has been explained to me by SA [redacted]
Q: What was your professional training and background outside of the military before deploying?
A: I am an art student and photographer at Herron School of Art in Indianapolis, Indiana. I don't have any police or correctional training or experience outside of the military.
Q: Did you ever see the PUC's legs underneath his clothing?
A: I wasn't looking that hard.
Q: Did you ever observe any bruises or injuries on the PUC?
A: Their legs were hairy and it would have been pretty hard to tell bruises on their skin, but no I didn't.
Q: Did the PUC ever appear ill to you?
A: Yes. When he (#412) first came in. His overall appearance and his age made me think that.
Q: Did you ever observe the PUC in pain?
A: Yes. The night before he died, he was complaining of his side hurting. He didn't say specifically what was causing the pain. I don't remember if an interpreter was called in or not. We knew he had kidney problems. I don't remember if I logged it in the logbook or called the SOG. The SOG already had that information.
Q: Do you know if a doctor was treating the PUC #412?
A: I think I knew that.
Q: Do you have any idea what type of emergency medical treatment either PUC received on the day they died?
A: I saw SPC [redacted] receive a coin from the PMO for attempting to save one of the PUCs by giving mouth-to-mouth resuscitation.
Q: Did you observe the PUC eat or drink anything during your shift?
A: Not to my recollection. Food and water were offered on a schedule. That is just something I wouldn't remember. If they did not take the food, we were required to write that in the log.
Q: Beyond the platoon level, which was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common peroneal strikes?
A: The entire company, CIA, and MI. I doubt if the PMO knew because they just didn't come in. The medics knew, and the 772nd MP Company (Guard) from Boston knew as their medic, SPC [redacted] was the medic for us and them.
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths [redacted]

INITIALS [redacted]

STATEMENT OF SPC [redacted] TAKEN AT RM#414, HAMPTON INN, BLOOMINGTON, IN, DATED 30 JAN 2004, CONTINUED:

A: No.
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT/// [redacted]

AFFIDAVIT

[redacted] I, SPC [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of January, 2004 at Room 414,Hampton Inn, Bloomington, IN.

[redacted]

(Signature of Person Administering Oath)

SA [redacted] Sequence [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 209

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0134-02-CID369-23533
0137-02-CID369-23534

DETAILS

At 1500 hrs, 30 Jan 04, SA [redacted] interviewed **SPC** [redacted] **342nd Milit Police (MP) Company, Fort Riley, KS 66442 (FRKS)**, who detailed his knowledge of the operations of th Bagram Collection Point (BCP) in Afghanistan. [redacted] witnessed the outgoing unit abuse the detai by slapping them on the back of the head and verbally abusing the detainees. [redacted] ard SPC [redacted] hum [redacted] itnessed [redacted] PC [redacted] ing a detainee who spit o [redacted] nd SPC [redacted] SGT [redacted] common peroneal strikes to a mentally handicapped detainee (NFI). [redacted] all assigned to the 377th MP Co, repeatedly admin assigned to the 377th MP Co used steroids. [redacted] ard rumors soldiers death of HABIBULLAH, but did recall a discussion he had with SPC [redacted] was not aware of any specific details involving th 377th MP Co, about the death of DILAWAR. [redacted] openly discussed the death of the first detainee (HABIBULLAH) in a group setting during a weekend drill. (*See Waiver Certificate and Sworn Statement of* [redacted] *dated 30 Jan 04, for additional details)*

AGENT'S COMMENT: During the conduct of the interview, [redacted] admitted administering corpo punishment to various unidentified detainees. At 1700 hrs, 30 Jan 04, the interview was halted and [redacted] was advised of his legal rights for Aggravated Assault, Negligent Homicide, and Cruelty and Maltreatment of a Prisoner. He waived his rights and continued the interview, ultimately adopting a detailed written statement at the conclusion of the session at 2157 hrs, 30 Jan 04. [redacted] adamantly denied h physically abused either of the two detainees who later died. After the interview was concluded, it was note [redacted] inadvertently placed his signature in the non-waiver portion of the DA Form 3881. However, evidence by his lengthy sworn statement, he in fact waived his rights and signed the non-waiver portion in e

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC 6010 6th Street Ft Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 30 Jan 04 / EXHIBIT: 210

1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

1148

0[redacted]7-02-CID369-23534
0134-02-CID369-23

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	2. DATE	3. TIME	4. FILE NO.
Building 406, Pershing Court, Fort Riley, KS 66442	30 Jan, 04	17:00 [redacted]	-CID369-
5. NAME (Last, First, MI) [redacted]	8. ORGANIZATION OR ADDRESS: 342nd Military Police Company, Fort Riley, KS 66442		
6. SSN [redacted]	7. GRADE/STATUS: SPC/E-4		

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agen and wanted to question me about the following offense(s) of which I am suspected/~~accused~~: [redacted] Aggraveted Assault; Negligent Homicide; and Cruelty and Maltreatment of a Prisoner/[redacted]

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

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
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: SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR: HQ, USACIDC, Fort Belvoir, VA

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. [redacted]

ATTACH [redacted] STATEMENT *(DA form 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881 NOV 80 EDITION OF NOV 84 IS OBSOLETE

FOUO b6, 7C

1149
EXHIBIT 21

0034-02-CID369-2353

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a milita lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately lawyer before, during, and after questioning and to have a lawyer present wit you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

FOUO

*U.S. Government Printing Office: 1990-261-

EXHIBIT 211 11

FILE NUMBER: 0134-02-CID369
LOCATION: 78th MP DET (CID), BLDG 406, Pershing Court, Fort Riley, KS 66442
DATE / TIME: 30 Jan 04 /
STATEMENT OF:
SSN:
GRADE/STATUS: SPC E-4/ AR
ORGANIZATION/ADDRESS: 342nd Military Police Company, Fort Riley, KS 66442

I, want to make the following statement under oath:
I enlisted into the Army Reserves in August of 2000, planning on entering as a Combat Medic but was instead selected to attend Military Police (MP) School. Upon graduation form MP school I was assigned to the 377th MP Company (Co), Cincinnati, OH 45237. Since joining the Army Reserves I have been deployed to Egypt, Afghanistan, and most recently to Fort Riley, KS for a one-year tour of duty.

Shortly before I entered the military I became Emergency Medical Technician (EMT) certified through Fayette County, IN. During this same timeframe I was employed with VALOE, an auto parts manufacturer out of Greensburg, IN. Through Wayne county Sheriff's office I received certification as a Jail Officer, in Dec 2003

Initially the 377th MP Co., Cincinnati, Oh 45237, was alerted in January of 2002. The 377th MP Co., Cincinnati Oh, 45237 was supposed to go deploy to Cuba, but the deployment was cancelled in the middle of January 2002. On 25 May 02, the 377th MP Co, Cincinnati, OH 45237 was once again put on alert for deployment to the Afghanistan theatre of Operations. On 16 Jun 02, the 377th MP Co., Cincinnati, OH 45237 departed via bus from Cincinnati, OH en-route to Fort Dix, NJ, for mobilization and train-up prior to deployment. The 377th MP Co., Cincinnati, OH 45237 arrived at Fort Dix, NJ on 17 Jun 02. The 377th MP Co, Cincinnati, OH 45237 was temporarily placed in Fort Dix, NJ until Mid Aug 02, during which time we received various training in common soldier tasks; unarmed self defense (USD); Facility Security; Convoy Escorting; Vehicle and personnel Searches; Basic first aid and Weapons training.

The 377th MP Co, Cincinnati, OH 45237 departed Fort Dix, NJ en-route to Germany on 22 Aug 02 and arrived in Germany on 24 Aug 02. While awaiting transportation to the Afghani theatre of operations we conducted more common soldier task training. The 377th MP Co, Cincinnati, OH 45237 left Germany in segments, I left Germany on 26 Aug and arrived at Bagram Air Base on 28 Aug 02. The first couple of day in Afghanistan the 377th MP Co, Cincinnati, OH 45237 dedicated its time to establishing living quarters and relocating personal and company gear from the air field to our company area. I was assigned to 2nd platoon, and on the 1st of Sep 02, I started working in the Bagram Collection Point (BCP) on night shift. The 377th MP Co, Cincinnati, OH 45237, received on-the-job training for about one and a half weeks from the unit we were replacing. I cannot recall the name of the unit.

The first incident of detainee abuse I can recall occurred while the 377th MP Co., Cincinnati, OH 45237, was being trained on detention facility operations by the unit it was replacing. Some of the members of the unit the 377th MP Co, Cincinnati, OH 45237, was replacing were taking shaving cream and making drawings over the hooded detainees. In particular, I recall witnessing

a member of the unit, go into an isolation cell and begin to slap the detainee on the back of the head for no apparent reason. I cannot recall the soldier's name but he was of average height, with blond hair, who constantly wore a headscarf. I recall the scarf to be red and white in color with a checkered pattern and a black band going around it. I recall seeing most of the soldiers (whose names I cannot recall) of that unit verbally antagonize the detainees, as if trying to make the detainees become irate and combative. It appeared to me as if they were looking for a reason to physically punish the detainees. [redacted]

During the third week the 377th MP Co., Cincinnati, OH 45237 was operating the BCP at which time I recall hearing SPC [redacted] speaking to a group of soldiers from 377th MP Co, 3rd platoon, Cincinnati, OH 45237. I specifically recall SPC [redacted] say he had "beaten the crap out of a detainee," because the detainee had spit on him. I also recall the soldiers of the 3rd platoon responding as if to congratulate SPC [redacted] for not taking any crap from the detainees. [redacted]

About one month later the 377th MP Co., Cincinnati, OH 45237, received a mentally handicapped Afghani detainee. The detainee was unable to comprehend English and was unable to perform as a competent individual. I think this frustrated him because I recall seeing him mutilate himself by cutting himself with the barb wire; eat his own feces; and kick the cell door for no apparent reason. Again, the soldiers of 3rd platoon, 377th MP Co, Cincinnati, OH 45237, instead of trying to rationalize his mental capacity, would physically punish him. I saw [redacted] and [redacted] deliver common peronial strikes to the detainee's legs on various occasions. I also recall witnessing [redacted] and [redacted] chain the detainee with his arms straight up in the air. I recall his nickname was [redacted] and one of the same soldiers who I witnessed striking him taught him to do a screech like the character [redacted] on the television show, South Park. Every time I witnessed the detainee being struck with a common peronial strike it was at a minimum three strikes in a row. I distinctly recall [redacted] and [redacted] strike him repeatedly. [redacted]

About a week after the last incident involving the mentally handicapped detainee, I recall an incident when I delivered a common peronial strike to the left leg of a detainee. The detainee was told several times through the aid of an interpreter not to make loud disturbing noises, because he was disturbing the other detainees who were trying to pray or sleep. After he failed to comply with the verbal orders, I entered isolation cell number 4, and told him to be quiet one more time. When the detainee failed to obey the command I struck him once on the left leg using a peronial strike. I feel I was wrong in delivering the peronial strike because, I think that I should have gone through the interpreter first to find out if there was in fact a problem and made a further attempt to calm him down before resorting to the use of physical force. I do not recall the detainees' PUC number or his name. I do not remember if I logged the incident on the isolation control book. But I don't think that I logged the incident. The detainee that I struck was not one of the two detainees that died. [redacted]

Around this same time frame I heard members of the 377th MP Co., Cincinnati, OH 45237, were using steroids. In particular I witnessed [redacted] and [redacted] taking supplements while on shift at the BCP. They took something all the time, mixed with their

STATEMENT OF [redacted], TAKEN AT 78th MP DET (CID), Building 406 Pershing Court, Fort Riley, KS 66442, DATED 30 Jan 04, CONTINUED.

drinks, similar to a protein shake. I heard rumors that several soldiers, however in particular [redacted] and [redacted] were using steroids. SPC [redacted] told me he had heard [redacted] somehow snuck steroids in his luggage and he; [redacted] and [redacted] were using the steroids while conducting their workout routines. I cannot remember who the other soldiers mentioned were. [redacted]

On 1 Dec 02 while working gate 1A, I was struck by a pick-up truck driven by a local national. As I directed the driver to move to get out of the area I turned to direct traffic and was struck from behind. The driver was stopped and detained for questioning by SPC [redacted] and other MPs who I cannot recall. At this point I was transported via High Mobility Multi-Wheeled Vehicle (HMMWV) escorted by CPT [redacted] and 1LT [redacted] to Bagram ER, CASH. After an examination I was placed on light duty restricted to Radio Telephone Operator (RTO) duty at the BCP. [redacted]

In the beginning of December 2002, I recall hearing of the incident pertaining to the death of the first detainee. I do not remember his PUC number or his name. I recall hearing SPC [redacted] and SPC [redacted] attempted to resuscitate the detainee after finding him unresponsive in his isolation cell. On the day this incident occurred, 2nd platoon, 377th MP Co., Cincinnati, OH, 45237, was rotating into the BCP and 3rd Platoon, 377th MP Co., Cincinnati, OH 45237, was rotating out of the BCP to man the gates. I distinctly recall coming in for guard mount and the 1st platoon leader, 1LT [redacted] came in and gave the 2nd platoon, a quick overview of the incidents that had occurred the night prior. 1LT [redacted] directed the 2nd platoon not to ask too many question pertaining to the incident because there was an ongoing investigation from the Bagram CID office. 1LT [redacted] further told us that SPC [redacted] and SPC [redacted] were shook up by the incident and he did not want the 2nd platoon to make them more upset over the incident. I don't recall hearing anything else on this particular incident. [redacted]

Approximately one week later the death of the second detainee occurred. SPC [redacted] was working in the isolation cells on the first floor. I heard from SPC [redacted] SPC [redacted] was working the isolation cells, and found the detainee unresponsive in his cell. I recall being told SPC [redacted] heard what sounded like a body falling, and went to investigate what the noise was. Supposedly, SPC [redacted] walked over to the detainee's cell and found him lying on the ground unresponsive. It appeared to be pretty much the same routine as in the first death. 1LT [redacted] and SFC [redacted] came in and gave the 2nd platoon a brief. SFC [redacted] said there had been a second detainee death. SFC [redacted] also stated the investigation was going to be widened and the incident should not be discussed as, CID would want individual stories and not mixed or coached details. About two or three days later everyone, the entire 377th MP Co., Cincinnati, OH, 45237 found out the death of the second detainee was caused by trauma to the leg which knocked a blot clot loose. Due to the discussion 1LT [redacted] had with the medical personnel at the Bagram Emergency Room (ER), Combat Army Surgical Hospital (CASH), it was also suspected the cause of death of both detainees were of the same nature. [redacted]

Gradually my injuries became worse and I was transported to Landshtuhl, GE on 15 Jan 03. I was there for three weeks. On 5 or 6 Feb 03, I was transported to Walter Reid Army Medical

STATEMENT OF [redacted] TAKEN AT 78th MP DET (CID), Building 406 Pershing Court, Fort Riley, KS 66442, DATED 30 Jan 04, CONTINUED.

Hospital, Washington, D.C. where I remained for one month and three weeks. I was released from Walter Reid and moved to Fort Dix, NJ, for demobilization [redacted]

In Jun 03 while conducting weekend drill with the 377th MP Co., Cincinnati, OH 45237, SPC [redacted] asked me if I had heard about the joke pertaining his "loaded knee." I asked him what the term was in reference to and he responded everyone was asking him if he had a "loaded knee," because he was present at both deaths. [redacted]

Q: SA [redacted]
A: SPC [redacted]

Q: Did you administer any common peronial strikes to any of the detainees?
A: Yes.
Q: Why did you feel the need to administer common peronial strikes to a detainee?
A: They were noncompliant with verbal commands, and were resistant when being directed in what to do.
Q: Did you ever discuss either of the detainee deaths with anyone else from the 377th MP Co., Cincinnati, OH 45237 after you returned to the United States?
A: Yes, in Jul 03, the majority of 1st and 2nd platoon were discussing the deaths at the Reserve facility in Cincinnati, OH 45237. I know [redacted] and [redacted] were not present during the conversation. During the conversation everyone proposed a theory of how the detainees died. No one made actual accusations, but rather opinions how the detainees died as a result of the common peronial strikes and how a blood clot could have caused their deaths.
Q: How many detainees did you administer common peronial strikes to?
A: I'd say probably twelve at the most.
Q: Of these twelve detainees to whom you delivered common peronial strikes to, how many times did you strike each detainee?
A: Once, never more than two times.
Q: Do you feel your actions were justified by the circumstances?
A: All except the one time I described in my detailed narrative.
Q: Were any of the detainees you struck using the common peronial strike either of the two detainees that died?
A: No.
Q: Were you aware or did you know any soldiers who were deployed with you that were taking steroids or dietary supplements?
A: I was aware through rumors of SPC [redacted], SGT [redacted], and [redacted] I know there were more names but I cannot recall them at this time.
Q: Did you ever take any steroids or dietary supplements while deployed to Afghanistan?
A: No.
Q: Were you aware of any order that said that no one shall consume any dietary supplements while in Afghanistan?
A: Yes.
Q: Whom did the order come from?
A: CPT [redacted] He put it out to the Platoon Sergeants who in turn put the order out to the platoon.
Q: Did everyone follow this order?

STATEMENT OF [redacted], TAKEN AT 78th MP DET (CID), Building 406 Pershing Court, Fort Riley, KS 66442, DATED 30 Jan 04, CONTINUED.

A: No. I witnessed about half of the entire 377th MP Co., Cincinnati, OH 45237, soldiers still taking the body mass builders and protein shakes well after the company commander issued the order prohibiting it.

Q: Name some of the soldiers you witnessed violating the commander's policy?

A: SGT [redacted], SSG [redacted], SSG [redacted], SGT [redacted], SPC [redacted], and SPC [redacted] I believe those are the one's I saw actually doing it.

Q: Where you ever told the order came from someone else as well?

A: No.

The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002.

The following questions pertain directly to the two detainees who died during Dec 02.

Q: Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes.

Q: What dates were you there and what were your duties?

A: I was there from 29 Aug 02 to 15 Jan 03. My duties included Guard at the BCP, Law Enforcement Operations at the PMO, gate guard and RTO.

Q: Did you guard either detainee during the period of time between October and December 2002?

A: Yes. I guarded both detainees.

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: No.

Q: Did you witness either detainee receiving any type of corporal punishment?

A: Yes, I witnessed several times when they were struck, but with all the detainees I cannot remember who struck them or when they were struck.

Q: Define corporal punishment.

A: Any kind of physical contact as a reaction towards someone else's actions.

Q: Were either of the detainees struck for any reason?

A: Yes, I know a couple of times they were struck for spitting or attempting to make a swinging motion with their arms as if to strike the guards, however, this was unlikely as they were chained up with their arms above their heads.

Q: Did either detainee that died cause any trouble during the shifts that you worked?

A: Other than making noise, no.

Q: Were either of the detainees placed into standing restraints while you were on shift?

A: No, they were always on already when I got there.

Q: Did other MPs complain that either of the detainees that died were troublemakers?

A: Not that I heard of.

Q: Did any of the other MPs appear to dislike the detainees?

A: Yes, I'd say about half of the 377th MP Co., Cincinnati, OH 45237.

Q: Did you hear or see anything pertaining to the treatment of the detainees that you felt uncomfortable with?

A: Yes, I felt uncomfortable with some of the punishments that I felt weren't right for the situations, such as common peronial strikes for talking or trying to get the guards attention. I also felt uncomfortable with other agencies particularly those in the intelligence community [redacted]

giving the MPs direct orders to mentally and physically break the detainees to obtain information from them. I guess you can call it torture.

Q: Have you been trained on the common peronial strike and pressure point control tactics (PPCT)?

A: Yes, I received the training at Basic training by cadre of the installation, again at Fort Dix, NJ by the installation cadre, 377th MP Co., Cincinnati, OH 45237, 2nd platoon (SSG [redacted] and SSG [redacted], the [redacted] by USD tactics instructor, and most recently here at Fort Riley, KS by CPT [redacted] and SFC [redacted] From what I've seen, the training I received at Fort Dix, NJ was not proper training because the two courses with the Sheriff's department and the instructors at Fort Riley seemed to go into detail on how to properly administer and when to properly administer PPCT tactics. In Fort Dix, NJ it was never taught when and why PPCT tactics should be administered.

Q: Did you apply either of those tactics on either of the detainees that died?

A: Yes, I applied pressure point control techniques to the clavicular notch on both of the detainees because they were noncompliant with verbal command on two separate occasions for each of the detainees to get them to sit down.

Q: Do you know who had anything to do with the eventual death of either detainee?

A: No.

Q: Did anyone tell you who might have had anything to do with the death of either detainee?

A: There was a whole lot of speculation as to the Special Forces repeatedly striking them and then our personnel striking them thus knowing the blood clot loose.

Q: How do you feel about the deaths of those two detainees?

A: I feel that it was unnecessary.

Q: Who do you think caused the death of the detainees?

A: I think it's a combination of us (the MPs) and the other agencies that had control of them.

Q: Do you think that the death of either of those detainees was deliberate?

A: No.

Q: If someone said that you physically abused either of those detainees is that person lying?

A: Yes.

Q: Who do you think would have had the best opportunity to physically abuse either detainee?

A: Military Intelligence, because when they had them it was usually two to three on one behind closed doors and none of the MPs were present.

Q: Why do you think someone would abuse a detainee?

A: Retribution for September 11, 2001.

Q: Did you ever think about abusing a detainee, even though you didn't go through with it?

A: Yes.

Q: Why wouldn't you abuse a detainee?

A: The repercussions weren't worth the risk.

Q: What do you think should happen to a person who mistreated or caused the death of a detainee?

A: I think they should be punished to the fullest extent of the law, just because they are MPs doesn't mean that they are above the law.

Q: Have you ever heard of a compliance blow?

A: No, maybe in different terms, but not the term compliance blow.

Q: Under what circumstances were you given direction that a common peronial strike or pressure point control tactic could be applied?

STATEMENT OF [redacted] TAKEN AT 78th MP DET (CID), Building 406 Pershing Court, Fort Riley, KS 66442, DATED 30 Jan 04, CONTINUED.

A: At the point before the two deaths, there were no real guidelines. It wasn't until after the second death that the chain of command implemented rules of engagement as they applied to the handling of noncompliant or combative detainees.

Q: Where did you learn what was and was not acceptable treatment of the detainees?

A: through the command after the second death, primarily from SSG [redacted]

Q: Did you know your commander had a Standard Operating Procedure for the facility?

A: Yes.

Q: Do you know if the unit working the BCP prior to your unit utilized standing restraints, PPCT or common peronial strikes?

A: Yes.

Q: What was the maximum amount of force that could be applied to a detainee who was being non-compliant?

A: As far as I know it all depended on what level of force you had to use. In other words you match force with force.

Q: What did you believe caused the death of the first detainee when you came to work the day after his death?

A: I honestly thought it was due to positional asphyxiation, because I know that they were chained up and therefore had an improper flow of air.

Q: What do you now believe caused the death of the second detainee?

A: the blood clot.

Q: What was your professional training and background outside of the military before deploying?

A: I was a state certified Emergency Medical Technician (EMT).

Q: Did you ever see either of the detainee's legs underneath their clothing?

A: No.

Q: Did you ever observe any bruises or injuries on either detainee?

A: No.

Q: Did either of the detainees ever appear ill to you?

A: No.

Q: Did you ever observe either detainee in pain?

A: No.

Q: Do you have any idea what type of emergency medical treatment either detainee received on the day they died?

A: Besides SPC [redacted] trying to resuscitate them, I am not aware of any other attempts to treat them.

Q: Did you observe either detainee eat or drink anything during your shift?

A: No.

Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common peronial strikes?

A: 1SG [redacted] CPT [redacted] the entire MI community, a select few other Government agencies, the 82nd Airborne VIPs, the Post commander COL [redacted], and other personnel who came through escorted by MI.

Q: Are you aware of any plan to conceal or alter details surrounding either of the detainee's death?

A: No I was not aware of any plan to hide or conceal any details. [redacted]

STATEMENT OF [redacted] TAKEN AT 78th MP DET (CID), Building 406 Pershing Court, Fort Riley, KS 66442, DATED 30 Jan 04, CONTINUED.

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

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

AFFIDAVIT

I, [redacted], have or have had read to me this statement which begins on Page 1 and ends on page 8. I fully understand the contents of the entire statement made by me. The statement is True. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of January 2004, while at 78th MP DET (CID), Building 406 Pershing Court, Fort Riley, KS 66442.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

.

FOR OFFICIAL USE ONLY

b2, b6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0134-02-CID369-23533/0137-02-CID369-23

PAGE 1 OF 2 PAGES

DETAILS

At 0815 hrs, 31 Jan 04, SA [redacted] interviewed **PFC** [redacted] **377th Military Police Company, Bloomington, IN 47404** who was assigned to 3rd platoo and worked within the Bagram Collection Point (BCP) during the time of both deaths. [redacted] reca he was on duty the night HABIBULLAH (PUC 412) died, working on the over watch position (mann the catwalk overlooking the general population areas). [redacted] heard the radio calls for help and watched the response, but observed nothing of note. He stated while working in the Isolation Guar and Control positions, he had contact with both detainees and described them as compliant. [redacted] stated he never engaged in nor witnessed any physical force being used on the detainees. *(See PUC Questionnaire of* [redacted] *dated 31 Jan 04, for additional details).*

At 1035 hrs, 31 Jan 04, SA [redacted] interviewed **SPC** [redacted] **377th Military Police Company, Bloomington, IN 47404** who was assigned to 1st platoo and worked within the Bagram Collection Point (BCP) as a MP guard during the time of both deaths [redacted] provided a statement detailing his observations related to operations within the BCP. He had no direct knowledge of either death, but relayed rumors he overhead regarding the deaths. [redacted] stated he delivered two common peroneal strikes to a detainee grabbed him, but was certain neither of the detainees who died were involved in his incident. *(See Sworn Statement of* [redacted] *dated 31 Jan 04, for additional details).*

At 1046 hrs, 31 Jan 04, SA [redacted] interviewed **SSG** [redacted] **377th Military Police Company, Bloomington, IN 47404** who worked within the Bagram Collection Point (BCP) from Aug 02 through Dec 02 as a Sergeant of the Guard, Floor Sergeant and Crash Team Sergeant. [redacted] was advised of his rights for the offenses of Aggravated Assault, Negligent Homicide, Cruelty/Maltreatment and Dereliction of Duty. [redacted] waived his rights and provided a statement detailing his observations regarding HABIBULLAH (PUC 412). [redacted] observed the detainee thrashing around in his standing restraints. A team of MP's entered the cell to attempt to calm the detainee down. [redacted] stated during their attempts to subdue the detainee, SGT [redacted] 377th Military Police Company, Bloomington, IN 47404 punched the detainee in the abdomen one time. After the punch, the detainee became compliant and was released from his standing restraints and left in the cell. [redacted] denied he supervised any detainees as they removed bottle caps from containers of human waste. *(See Waiver Certificate and Sworn Statement of* [redacted] *dated 31 Jan 04, for additional details)*

AGENT'S COMMENT: At the conclusion of his interview, [redacted] was record fingerprinted.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 31 Jan 04	EXHIBIT 212

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

1159

DETAILS

At 1135 hrs, 31 Jan 04, SA [redacted] interviewed **SPC [redacted] 377th Military Police Company, Bloomington, IN 47404** who was assigned to 3rd platoon and worked within the Bagram Collection Point (BCP) from Aug 02 through Dec 02. [redacted] was advised of rights for the offenses of Assault/Battery, Negligent Homicide, Cruelty/Maltreatment and False Offi Statement. [redacted] invoked his rights, requesting counsel, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 31 Jan 04, for additional details)*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 31 Jan 04	EXHIBIT 212

PUC QUESTIONAIRE

NAME: [redacted] DATE: 31 Jan 04
RANK: E3/RC SSN: [redacted]
UNIT: 377th MP Co.

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: Yes

1. If yes, what dates and what were your duties?
1 Sep 02 - 25 Mar 03 1st plt adv deployment gates to start 1-2 mo/split remainder time in IDF or watching LNs build wall around IDF
2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: yes

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: No

2b. Did you witness either detainee receiving any type of corporal punishment? A: No If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: yes If yes, explain: guarded in cells & escort duties

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: No
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: No If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] FOUO [redacted] 1161
Signature of Interviewee b2, b6, 7C Signature/Sequence # of Interviewer
EXHIBIT 213

4b. How do you feel about the deaths of those two detainees?

Surprised. It shouldn't have happened, unless they had prior med. condition. They were treated the same as everyone else.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: No idea.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: Everyone in unit.

7. How do you feel about being interviewed concerning this issue?

Standard procedure.

8. Do you think that the death of either of those detainees was deliberate?

No

9. If someone said that you physically abused either of those two detainees, is that person lying? Yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: whoever worked ISO cells, due to seclusion.

11. Why do you think someone would do this? Don't think anyone would do it

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: No

13. Why wouldn't you do something like this? A: It was wrong. Trained to use IAW ROE + training. There were other steps to use.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Stand trial.

[redacted]
Signature of Interviewee

FOUO
b2, b6, 7c

[redacted]
Signature/Sequence # of Interviewer

116

a. Please explain: We were supposed to guard them from escape + take care of them.

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: yes If yes, explain (See sworn statement) If every step was taken prior to that. If totally non-compliant + all steps were used before that.

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
Not following procedures, fighting you or trying to bite you. Even so, there were other things to do before common personal strikes were used.

17. How do you think the results of the investigation will come out on you?
Clear, I didn't do anything wrong.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Wouldn't know, until he has seen all the facts. Please explain:

19. Did you tell your family about this investigation? A: No

20a. Did you tell your family you were being interviewed regarding this investigation? A: yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: No

20c. Have you talked with anyone other than CID about this investigation? A: No If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: No

[redacted] 1163
Signature of Interviewee FOUO b2.b6,7C Signature/Sequence # of Interviewer
EXHIBIT 21

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: yes

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: Hope none would.

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes.

26. Do you think the FBI should get called in to help out on this investigation? A: Don't know.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No.

Signature of Interviewee FOUO b2,b6,7C [redacted] 1164
Signature/Sequence # of Interviewer

SWORN STATEMENT

File Number :
Location : Hampton Inn, Bloomington IN.
Date : 31 Jan 04 **Time:** 1035
Statement of: [redacted]
SSN : [redacted]
Org/Address : 377th Military Police Company Bloomington, IN **Grade/Status:E-4**

[redacted] I, [redacted] want to make the following statement under oath: I was assigned to first platoon as an MP during the deployment. I MOBED with the unit in June of 02. We deployed sometime at the end of August, I arrived in Afghanistan on the 30th. I returned to Indiana sometime in March of 03.
Q: SA [redacted]
A: [redacted]
Q: Did you receive any PPCT training prior to deployment.
A: Yes, at the unit probably six months before deployment. I think SPC [redacted] and SPC [redacted] were the ones who taught this. [redacted]
Q: Did you have a clear understanding of PPCT that was taught at the unit?
A: Yes, this was the only time I remember receiving this type of training. I don't remember getting it at Fort Dix. [redacted]
Q: Was the Commander or the First SGT there?
A: No. [redacted]
Q: Who was the senior leader at the class?
A: The platoon SGT, SFC [redacted]
Q: During the PPCT training did everyone in the platoon or the have a chance to have the strike administered to them?
A: Yes we practiced every type of strike, pressure point, and hold. We applied it each other. [redacted]
Q: Do you think that the platoon or the company had a good knowledge of what amount of force to use when administering the strikes?
A: YES [redacted]
Q: How do you know this?
A: As far as I am concerned I had a good understating of how much force to use. [redacted]
Q: Did anyone talk about really wanting to use the strikes on prisoners?
A: No. [redacted]
Q: Where you in the facility when either of the prisoners died?
A: Yes, when PUC 412 died I was on the cat walk and could see all of it. Not what was going on in ISO just when they laid him on the stretcher and took him into the processing room [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6,7C

EXHIBIT 214 116

STATEMENT OF [redacted] TAKEN AT Bloomington, Indiana
DATED 31 JAN 2004, CONTINUED:

Q: Who took him into the processing room?
A: It had to be the SOG I don't remember who it was on duty that night. I remember [redacted] I don't remember who else was there.
Q: What was the mood of the people that were there?
A: They were trying to stay calm but they were trying to help.
Q: Did you ever have direct contact with either of the two detainees that died?
A: Yes, I know I worked ISO during the time both of them were there so I know I fed them. I don't remember them for any other reason.
Q: Were you on shift when detainee 421 died?
A: Yes, I was the CQ or RTO. I was the radio person.
Q: What was your understating of what happened to the detainee?
A: I know he was moved from GP (general population) to an ISO room upstairs during my shift and that is where he died.
Q: Why do you think this detainees died after being moved to ISO?
A: I don't know. I was told it was from dehydration. Until you told me about the blood clot I did not know.
Q: Did you ever observe any prisoners in the facility receive the common perennial strike or any type of strike?
A: Yes, for grabbing a guard, it was always justified.
Q: Did you ever observe any prisoner be combative towards a guard.
A: Yes, not a lot but it did happen
Q: Did you ever strike a detainee?
A: Ye[redacted] used the common perennial because a prisoner grabbed me.
Q: How may times did you administer the strike?
A: Twice.
Q: Do you remember what the number of the detainee was?
A: No.
Q: What was the detainees reaction?
A: He stopped trying to grab me.
Q: Was he [redacted]uffed?
A: No.
Q: What did you do with him after this?
A: He was already in ISO and I was trying to uncuff him for his down time. Once he let go of me I let him have his down time and when it was over I went back in and re-cuffed him. I had no more problems with him.
Q: Did you document this?
INITIALS [redacted]

b6, 7C

EXHIBIT 214 1161

STATEMENT OF [redacted], TAKEN AT Bloomington, Indiana
DATED 31 JAN 2004, CONTINUED:

A: No.[redacted]
Q: Why not?
A: I just did not. I supposed to but I did not[redacted]
Q: If you did not document this one is there a chance you did not document any other strikes?
A: I might have. But I don't remember[redacted]
Q: If I (SA [redacted] read the logs will I find any documentation of you using force on a detainee.
A: No[redacted]
Q: Do you think the detainees were abused?
A: No.[redacted]
Q: Why do you think some guards had more problems with combative detainees than others.
A: Third platoon is a more aggressive group of people. They yell more. I could see a total difference how things worked when I was moved to first platoon. I also think that because the PUCS were up during the day third platoon dealt with them more. They slept during my shift so I did not see much.[redacted]
Q: Who are the more aggressive persons of third platoon?
A: The bigger ones like [redacted] and [redacted]. They just like to yell a lot.[redacted]
Q: Did you ever see them abusing a prisoner?
A: No.[redacted]
Q: Did any one from third platoon ever tell you anything about the deaths?
A: No.[redacted]
Q: Who do you think did this?
A: I have no idea.[redacted]
Q: Where you present during any time when any one talked about striking a detainee?
A: No one bragged about using force. It was said during guard mount.[redacted]
Q: Was anyone in your platoon having a hard time controlling the prisoners?
A: No.[redacted]
Q: Do you remember the numbers 412 or 421.
A: Yes, I remember one was short and stocky and one was tall.[redacted]
Q: Did you ever participate in the in-processing of a prisoner?
A: Yes,[redacted]
Q: How many times and what was your duty?
A: I read them the rules and I was one of the screamers. I did this ten to fifteen times. I also helped escort them into the in-processing center.[redacted]
INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 214 116

STATEMENT OF [redacted] TAKEN AT Bloomington, Indiana
DATED 31 JAN 2004, CONTINUED:

Q: Did you ever hand cuff a prisoner to the ceiling and if so why?
A: Not to the ceiling but to the door in the ISO room. I have come on shift and found PUCS handcuffed this way. I never cuffed them to the ceiling.[redacted]
Q: Could the prisoners move when they were cuffed in the ISO room
A: Yes, They could move a little.[redacted]
Q: Did you remember who from MI directed you to administer sleep depravation or punishment?
A: No, It was written on the board.[redacted]
Q: Did you have a Standard Operating Procedure (SOP) on how to handle a prisoner for bad behavior.
A: No, not a written one. We never had an SOP when we were there.[redacted]
Q: Did JAG ever come to the facility and inspect the procedures?
A: Not on my shift. I do know they came in?[redacted]
Q: Did you ever place a hood on a prisoner's head?
A: Yes, if MI directed us to or if it was for discipline[redacted]
Q: Describe what a prisoner would have to do o have the hood placed on their head.
A: Talk or not be awake when he supposed to be.[redacted]
Q: Where you aware that JAG did not want the PUC's to wear hoods?
A: No.[redacted]
Q: Did you ever move the prisoners around to hide them because a high ranking person was coming into the facility?
A: No[redacted]
Q: Did you know that 412 was dead when he was found in the ISO cell
A: Yes, I was by SPC[redacted] that the PUC was dead but that SPC[redacted] had attempted to give him CPR but could not revive the PUC. I never observed this happening. I was told all this from SPC[redacted]
Q: How long do you think the detainee was dead before he was discovered in the ISO cell?
A: I know they tried to feed him and he would not eat then they went back to check on him and then he was un-conscious. That is just what I heard from SPC[redacted]
Q: Did you ever observe any of the attempts to revive either of the tow detainees?
A: No.[redacted]

INITIALS [redacted]

b6, 7C

EXHIBIT 214

STATEMENT OF [redacted] TAKEN AT Bloomington, Indiana
DATED 31 JAN 2004, CONTINUED:

Q: Did you ever hear of anyone using steroids when they were in Afghanistan?
A: No.[redacted]
Q: Is there anything you wish to add to this statement?
A: No [redacted]
//////////////////////End of Statement//////////////////////

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of January 2004 at Bloomington, Indiana 47404.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

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

INITIA[redacted]

EXHIBIT 214

b2, b6, 7c

116c

037-02-CID369-235

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 identifi
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retriev
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	3. TIME	4. FILE NO.
Hampton Inn, Bloomington, IN 47404	31 Jan 2004	1046	
5. NAME *(Last, First, MI)* [redacted]	8. ORGANIZATION OR ADDRESS 377th Military Police Company Bloomington, IN 47404		
6. SSN [redacted]	7. GRADE/STATUS SSG		

PART 1 - 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: Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner, Dereliction of Duty

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

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

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

(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with m 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 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 r 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 wil [redacted] 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 sp 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 a without having a lawyer present with me.

WITNESSES *(If available)*	
1a. NAME *(Type or Print)*	3. SIGNATURE OF INTERVIEWEE [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR Ft. Leavenworth Resident Agency (CID) Ft. Leavenworth, KS 66027

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer.

☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO

b6, 7C

EXHIBIT 215
1170

0113-02-CID369-23534
0113-02-CID369-23533

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a m lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately lawyer before, during, and after questioning and to have a lawyer present you during questioning. This lawyer can be one you arrange for at you ow expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following questi

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of t first statement, the accused must be so advised. The office of the serv Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

SWORN STATEMENT

File Number :
Location : Hampton Inn, Bloomington, IN 47404
Date : 31 Jan 04 Time: 1253
Statement Of: [redacted]
SSN : [redacted]
Grade/Status: E-6
Org/Address : 377th Military Police Company, Bloomington, IN 47404

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes. [redacted]

Q: What dates were you there and what were your duties?

A: I was assigned there from late August 2002 through mid March 2003. I was a squad leader for 3rd platoon, 1st squad of 377th Military Police Company. My first three months, I worked in detainee operations in the detention facility in Bagram. All NCO's, SSG and above, rotated positions through floor sergeant, sergeant of the guard (SOG), and the crash sergeant. My second three months, I worked physical security at Bagram Air Base at all the base entry point[redacted] I switched over to that job sometime in December 2002. [redacted]

Q: Did you guard either detainee during the period of time between October and December 2002?

A: I am familiar with one of the detainees, but not the other. I am probably more familiar with PUC 412 since he came in first. I was working the day shift during the time that they were there.

Q: Did you interview or were you present during any interviews [redacted] with either detainee during this time frame?

A: No, I was not. [redacted]

Q: Define corporal punishment.

A: Honestly, I don't know what it is. It would probably be something physical in nature or loss of privileges as well. Just about anything that is given or taken away that is based on behavior. [redacted]

Q: Did you witness either detainee receiving any type of corporal punishment?

A: Not in my definition. Corrective action in the facility is basically loss of privileges. If someone is talking in general population, they were brought into the air lock and we would apply

Exhibit: 215 INITIALS [redacted] PAGE 1 OF 9

b6, 7C

STATEMENT OF SSG [redacted] TAKEN AT Hampton Inn, Bloomington, IN; DATED 31 Jan 04; CONTINUED:

hand and leg irons and goggles and ear muffs and be forced to stand in the air lock by themselves in fifteen minute increments based upon the number of offenses. If a person continued to be a problem, they may be put into an isolation cell. Sometimes MI or whoever was interviewing a detainee instructed us to put a detainee in an isolation cell where they may be required to undergo an alternate sleep schedule, be required to stand for a period of time, wear hood and goggles or any combination of those tactics. [redacted]

Q: Were any detainees struck for any reason?

A: During my time in the facility, the definition of striking would be along the lines of the use of force continuum. If a detainee was physically non-compliant, such as refusing to walk, pressure point control tactics were used. If they were being physically aggressive, such as shouldering, head butting, kicking, kneeing or strikes of any kind, then common pronial strikes were often used in conjunction with the use of force policy, which was minimum force necessary to control the situation. If the detainee stopped the aggressive physical action, then the common pronial strikes would cease. In the time that I worked there, these techniques were not often necessary. We only had about 5 to 10 detainees there during the time that I was there that were physically aggressive. [redacted]

Q: Were detainees placed into standing restraints?

A: Yes. Generally, if they violate facility rules, depending on how many times they were offending. If it was a first time offense, they would be verbally ordered to stand. In the air lock, if they continued to be a problem or would not stand, hand irons would be restrained with hand irons through the air lock so they could not sit down. In isolation cells, detainees weren't normally placed into standing restraints unless they were a problem or continued to be a problem. If someone was in standing restraints, they were never placed into a stretched out position to where they couldn't move. We always left enough slack for them to move and double locked the cuffs so they wouldn't get any tighter. [redacted]

Q: Did either PUC that died cause any trouble during the shifts that you worked?

A: We were told at our guardmount that PUC 412 had made physical contact with a strike of some kind when he was being inprocessed and that he had been physically resistive since he came in and he was being verbally noncompliant in that when asked questions, he

FOR OFFICIAL USE ONLY

66, 7C

STATEMENT OF SSG [redacted] TAKEN AT Hampton Inn, Bloomington, IN; DATED 31 Jan 04; CONTINUED:

was not answering. I believe PUC 412 was in an isolation cell when we came on shift. On one occasion, I was working crash with [redacted] and [redacted] and PUC 412 was in isolation downstairs and we got a call on the radio that there was a problem in his cell from [redacted] stated that the detainee was being aggressive. The detainee had been in standing restraints in his cell at MI's direction. We could hear a commotion from the floor. When we arrived, [redacted] stated the PUC was going nuts in his cell. We looked in the opening of the door, and we could see he was grabbing onto the chains of his restraints, and had lifted himself off the floor and he was yelling at the top of his lungs in his language. He was thrashing about in his restraints. I was concerned for his safety because I thought the panel he was hanging from might break and that he might cause injuries to himself from hanging on the restraints. Myself, [redacted] and [redacted] entered the cell and [redacted] moves behind the detainee. [redacted] moved to the detainee's left and I moved to his right. At that time, the detainee was still suspended by his restraints, had his feet off the ground and was still kicking about. He was screaming and thrashing about, so I grabbed his right wrist and tried to open his hand to get him to let go of the chains so we could get him down on the ground and handcuffed so we could move him or talk to him. I was focused on his wrist and hands and I could see [redacted] was grabbing his other wrist. [redacted] as grabbing onto the detainees torso trying to get him to calm down. I heard a commotion behind me and noticed SGT [redacted] came in behind us. I believe he was working floor that day. All I see is [redacted] either pushing or possibly striking the detainee in the hip or abdomen area and I notice SSG [redacted] arrived and was standing out in the doorway behind us. [redacted] said something to the effect of what are you doing or what's going on. [redacted] response was something like, the detainee either kicked him or kneed him in the groin. We were able to get him loose from his restraints, handcuff him behind his back and sit him down in the cell. He had stopped kicking and thrashing around. We then backed out of the cell. [redacted]

Q: How many times did [redacted] strike the detainee?
A: I only saw him do it once. [redacted]
Q: Did [redacted] unch the detainee in the stomach?
A: Maybe, I don't know because I only saw out of my peripheral vision. I don't know where the impact was. It was either the hip or abdomen region. [redacted]

Exhibit: 215 INITIALS [redacted] PAGE 3 OF 9

STATEMENT OF SSG [redacted], TAKEN AT Hampton Inn, Bloomington, IN; DATED 31 Jan 04; CONTINUED:
Q: Did [redacted] actually get kicked as he said?
A: I don't know. I didn't see it. Based on the detainee's movements at the time, it's very possible. [redacted]
Q: Did you think [redacted] punch was necessary?
A: If he got kicked, possibly. If he didn't, absolutely not. [redacted]
Q: Did anyone else use any types of strikes during that incident?
A: Not that I am aware of. I know I did not. I don't believe [redacted] or [redacted] did. [redacted]
Q: What was [redacted] attitude toward the detainees?
A: Professional. I don't think he cared for them. He was not sympathetic of them at all. [redacted]
Q: Were either detainees placed into standing restraints while you were on shift?
A: 412 was in standing restraints on that day that I described. I don't remember ever dealing with 421, so I don't know for sure with him. [redacted]
Q: Did other MP's complain that either of the PUC's that died were troublemakers?
A: I had heard that 412 was a problem and was combative in general. My guess is that is why he was placed into isolation. [redacted]
Q: Did any of the other MP's appear to dislike the PUC's?
A: There was no love lost. We were cautioned in the beginning to not develop any relationships with these people. It was probably an assumption that a lot of us made that the detainees were the reason why were there. Sometimes OGA would tell us that a detainee was a certifiable piece of shit that had killed people. [redacted]
Q: How did the MP's handle troublemakers?
A: Really no different than anybody else other than being highly alert about them. We maintained a board that listed all the detainees and where they were. We had another board in the isolation area that listed instructions for sleep schedules that indicated a period of time the detainee was supposed to be up and the time they were supposed to be down. If the person was being cooperative they would just stand for the length of time on their own. If they were not being cooperative, often times they would be restrained in a fashion that caused them to stand. The board would also denote if the person was an English speaker and it might denote if the detainee had been resistant or aggressive. [redacted]
Q: Do you recall any information placed on the board regarding either detainee that died?
A: No. [redacted]
Q: Did you hear or see anything pertaining to the treatment of

FOR OFFICIAL USE ONLY

b6, 7C

1175

STATEMENT OF SSG [redacted] TAKEN AT Hampton Inn, Bloomington, IN; DATED 31 Jan 04; CONTINUED:

detainees that you felt uncomfortable with?
A: No, I did not. [redacted]
Q: Where were you trained on common pronial strikes and pressure point control tactics?
A: That is something that we kept on as part of the use of force continuum. We also received some training and practiced on it while were at Fort Dix, prior to the deployment [redacted]
Q: Did you ever utilize those tactics on a PUC?
A: Yes, I used pressure point control tactics as a part of the use of force continuum. If a detainee is refusing to sit down, after I have given them a verbal order, a pressure point control tactic may be applied to get them to comply to the command. As soon as the detainee would comply, the pressure point control tactic would be released. I don't recall using the common pronial strike at any time. [redacted]
Q: Did you apply either of those tactics on either of the detainees that died?
A: Not that I am aware of. [redacted]
Q: Do you know who had anything to do with the eventual death of either detainee?
A: No. [redacted]
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: No. [redacted]
Q: How do you feel about the deaths of those two detainees?
A: My feelings are that it needs to be determined why they died. I guess the autopsies have shown that we need to know the circumstances surrounding their deaths. I was under the impression that the second guy died of some type of heart attack because he was not found dead like the first guy was. A lot of the detainees refused to drink enough water because of their culture's belief that you had to conserve water. When we first heard of their deaths, my first thoughts were that they probably died of some type of natural cause or as a result of their environment. These guys are medically screened when they came in, but it's not a thorough medical evaluation. I had never seen anything in the facility that lead me to suspect it might be foul play. [redacted]
Q: Who do you think caused the death of the detainees?
A: I don't know. [redacted]
Q: Do you suspect anyone caused the detainees death?
A: No.. [redacted]

Exhibit: 215 INITIALS [redacted] PAGE 5 OF 9

STATEMENT OF SSG [redacted] TAKEN AT Hampton Inn, Bloomington, IN; DATED 31 Jan 04; CONTINUED:

Q: Do you think that the death of either of those detainees was deliberate?
A: No. [redacted]
Q: If someone said that you physically abused either of those detainees is that person lying?
A: Yes. [redacted]
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: Nobody that I know of. [redacted]
Q: Why do you think someone would abuse a detainee?
A: I don't think they would. [redacted]
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: No. [redacted]
Q: Why wouldn't you abuse a detainee?
A: Because it's against my nature as a human being. Not to mention it's against the law. [redacted]
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: If the investigation proves that is the case, then obviously they ought to be prosecuted. [redacted]
Q: Have you ever heard of a compliance blow?
A: No. [redacted]
Q: Where did you learn what was and was not acceptable treatment of the detainees?
A: In the facility. The problem was the training we received was not specific enough. The training appeared to be more focused on Bosnia or theaters that the Army was familiar with. My perception was that Afghanistan was a whole new ball game and the Army was writing doctrine as it went along. Current regulations and doctrine seemed inapplicable because the situation was so different there than anything ever experienced before. The SOP's were constantly being written and revised through the duration of the deployment. A lot of what was being done was based upon what the unit prior to us had done. If something was found to be faulty, a new standard or policy would be drafted and implemented. We were not prepared to conduct the mission when we got there. [redacted]
Q: When did SJA determine hoods should no longer be utilized?
A: After I left the facility. This is the first I heard of it. [redacted]
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common peronial strikes?
A: I believe they did. [redacted]

Exhibit: 215 INITIALS [redacted] PAGE 6 OF 9

STATEMENT OF SSG [redacted] TAKEN AT Hampton Inn, Bloomington, IN; DATED 31 Jan 04; CONTINUED:
Q: What was your professional training and background outside of the military before deploying?
A: None. I was not law enforcement. I was an inventory control manager for John Deere. [redacted]
Q: Did you ever see either PUC's legs underneath their clothing?
A: No. [redacted]
Q: Did you ever observe any bruises or injuries on either PUC?
A: No. [redacted]
Q: Did either PUC ever appear ill to you?
A: No. [redacted]
Q: Did you ever observe either PUC in pain?
A: No. [redacted]
Q: Do you have any idea what type of emergency medical treatment either PUC received on the day they died?
A: I think I heard that the first PUC was dead when they found him. I heard the second PUC was having some type of problem and they attempted to apply first aid. [redacted]
Q: Did you observe either PUC eat or drink anything during your shift?
A: Not directly, no. [redacted]
Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common pronial strikes?
A: Everybody in the company. Military Intelligence knew. I believe SJA and the facility Provost Marshal knew and approved of the policies. Congressmen and high ranking officials would go through the facilities and would be given a tour through the facility and would see the isolation cells and interview rooms and our procedures would be explained to them. We would not change any way we did business when someone would come to visit, so they had to know this stuff was going on because nothing would change when they came. Violations of facility rules with their punishments such as the implementation of standing restraints were posted on the walls where anyone could see. [redacted]
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?
A: No. [redacted]
Q: Did you ever implement any type of Physical Training with either of the PUC's that died?
A: No. [redacted]
Q: Did you ever supervise any detainees as they removed bottle caps from containers of human waste?
Exhibit: 215 INITIALS [redacted] PAGE 7 OF 9

STATEMENT OF SSG [redacted] TAKEN AT Hampton Inn, Bloomington, IN; DATED 31 Jan 04; CONTINUED:
A: No, I remember hearing about it, but I was not present at the time. I heard it was directed by OGA, and it was PUC 179. I remember who the PUC was because he was later on the cover of Time magazine. I heard about it after it happened. I don't know who was involved in it. [redacted]
Q: Did any MP's use steroids during the deployment?
A: Not steroids. I know some were using supplements, but they were all over the counter stuff like Hydroxycut [redacted]
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT/// [redacted]

STATEMENT OF SSG [redacted] TAKEN AT Hampton Inn, Bloomington, IN; DATED 31 Jan 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 9. 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 oaths, this 31st day of January, 2004 at Bloomington, IN 47404

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 215 INITIALS [redacted] PAGE 9 OF 9

FOR OFFICIAL USE ONLY

b6, 7C

1180

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	2. DATE	3. TIME	4. FILE NUMBER
Hampton Inn, Bloomington, IN. Room 411	31 Jan 2004	1135	

5. Name (Last First MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377 MP Company Det 1. Bloomington, IN.
6. SSN: [redacted]	7. GRADE/STATUS: SPC/RES

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 Consumated by a Battery/Cruelty & Maltreatment/Negligent Homicide/False Official Statemend////

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

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

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

3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detai 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 a want one, a lawyer will be appointed for me before any questioning begins.

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

5. COMMENTS *(Continue on reverse side)*

Q: Have you been advised of your legal rights within the past thirty days? A: YES [redacted]

Q: Are you currently represented by legal counsel? A: [redacted]

SECTION B. Waiver

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

WITNESSES *(if available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	
1b. ORGANIZATION OR ADDRESS AND PHONE: HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060	4. SIGNATURE OF INVESTIGATOR
2a. NAME *(Type or Print)*	5. TYPE NAME OF INVESTIGATOR
2b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR: HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060

SECTION C. Non-waiver

1. I do no want to give up my rights

☒ I want a lawyer ☒ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE [redacted]

ATTACHED WAIVER CERTIFICATE AND ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

FOUO 6b, 7C 1181 EXHIBIT 2

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of
   a. Your official position.
   b. Nature of the offense(s)
   c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must under your rights."
   a. "You do not have to answer my questions or say anything."

   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or military lawyer detailed for you at no expense to you , or both."

   -or-

   (For civilians not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have lawyer present with you during questioning. This lawyer can be one arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a righ to stop answering questions at any time, or speak privately wit a lawyer before answering further, even it you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer that 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes." stop the questioning until he/she h lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do no obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS *(Continued)*

1182

FOUO

EXHIBIT 21

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER: 0134-02-CID369-23533

PAGE 1 OF 1 PAGES

DETAILS

At 0930, 1 Feb 04, SA [redacted] interviewed SPC [redacted] 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237, who was a cook assigne to Headquarters Platoon, working within the Dining Facility at the Bagram Air Base, Afghanistan, between Sep 02 and Apr 03. [redacted] was billeted separately from her unit and worked away fr the unit, she did enter the Bagram Control Point on a couple of occasions to pick up her mail, but related she went out of her way to avoid any contact with detainees. She did not report any information related to witnessing or hearing about MP personnel abusing detainees. (See PUC Questionnaire of [redacted] dated 1 Feb 04 for additional details)

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER
SA [redacted]

ORGANIZATION
HQ, USACIDC
Fort Belvoir, VA 22060

SIGN [redacted]

DATE
1 Feb 04

EXHIBIT
217

1183

FOR OFFICIAL USE ONLY

b2, b6, 7C

0134 02-CID369-23533
0137-02-CID369-23534

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 1 FEB 04
RANK: SPC **SSN:** [redacted]
UNIT: 377 MP Co, OHIO.

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES.

1. If yes, what dates and what were your duties?
I WAS A COOK ATTACHED TO ELEMENTS OF THE 82D AIRBORNE WAS BILLETED AND WORKED SEPERATELY FROM THE 377 MP COMPAN

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: NO If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO.
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: — If yes, explain (see sworn statement) NO, NOT REALLY.

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO. If yes, explain (see sworn statement)

[redacted] [redacted] 1184
Signature of Interviewee FOUO Signature/Sequence # of Interviewer

b2, b6, 7C EXHIBIT 218

4b. How do you feel about the deaths of those two detainees?
FROM THE WAY IT WAS EXPLAINED TO ME, I DON'T THINK IT DONE ON PURPOSE. I THINK IT WAS AN ACCIDENT. I FEEL BAD IT HAPPENED.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I HAVE NO IDEA, I DON'T EVEN KNOW WHO WAS INVOLVED. ALL I HEARD WAS THAT THIRD HERD WAS INVOLVED.
6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: YES, [redacted] I KNOW HER AND SHE DOES NOT LIKE TO DO THINGS TO "BREAK THE RULES".
7. How do you feel about being interviewed concerning this issue?
I HAVE NO PROBLEMS WITH IT.

8. Do you think that the death of either of those detainees was deliberate?
NO, I CAN'T FATHOM ANYONE BEING IN A POSITION AND ABUSING POWERS LIKE THAT.
9. If someone said that you physically abused either of those two detainees, is that person lying? YES.

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: DEPENDS ON WHO WAS THERE AT THE TIME AND WHO HAD THE MOST ACCESS TO THEM.
11. Why do you think someone would do this? I DON'T KNOW. I THINK IT MORE OF AN ACCIDENT.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO.

13. Why wouldn't you do something like this? A: I HAVE NO REMORSE. I NOTHING AGAINST THOSE PEOPLE. I HAVE A HUMAN SIDE ABOUT THEY DID NOT DO ANYTHING TO ME OR MY FAMILY.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? DEPENDS ON CIRCUMSTANCES. IF IT WAS AN ACCIDENT, they should be REPRIMANDED, maybe NOT AS BAD. IF [redacted] RESPONSIBLE FOR WHAT [redacted] KNOW SERIOUS THIS IS.

Signature of Interviewee

FOUO b6, 7C

Signature/Sequence # of Interviewer 1185

EXHIBIT 28

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: Yes. If yes, explain (See sworn statement) I HEARD RUMORS that during interrogations there was A Thing called a compliance blow used. I was not told ab The Blows or who used them. NOTHING DIRECT. DID NOT HEAR ANYONE WHO
16. What do you believe a detainee might do that should result in their A DETAINEE receiving corporal punishment or compliance blows? I DONT THINK IT should happen, Knowing the rules of engagement and the Re of The Geneva Convention.

17. How do you think the results of the investigation will come out on you? They CANT put Anything on me. I was never There long en

18. Do you think the person who did this would deserve a second chance under any circumstances? A: YES.
Please explain: I think everybody deserves a second chang

19. Did you tell your family about this investigation? A: no.

20a. Did you tell your family you were being interviewed regarding this investigation? A: no.

20b. Did your family ask you if you were guilty? If so, what was your response? A: NO. They Don't Know anything about it.

20c. Have you talked with anyone other than CID about this investigation? A: no. If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: no.

[redacted] [redacted] 1181

Signature of Interviewee Signature/Sequence # of Interviewer

b2, b6, 7C

EXHIBIT 218

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO.

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: SURE. Why NOT.

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: I DON'T KNOW. You have KNOW PEOPLES PERSONALITIES TO KNOW IF THEY WOULD BE INVOLVED IN SOMETH LIKE THAT. II THINK IT WOULD BE A SMALL PERCENTAGE.

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: YES.

26. Do you think the FBI should get called in to help out on this investigation? A: NO.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO.

DID NOT KNOW of anyone using STEROIDS. THERE WERE MANY PEOPLE USING Dietary supplements. THERE WERE ALS OF people who were using THE OPPORTUNITY TO EXERCISE M

[redacted] [redacted] 118

Signature of Interviewee

Signature/Sequence # of Interviewer

b2, b6, 7C

EXHIBIT 218

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 1230 hrs, 1 Feb 04, SA [redacted] interviewed **1SG [redacted] 494th Military Police (MP) Detachment, Terre Haute, IN**, who provided a statement. [redacted] did not enter the detention facility, except on rare occasions, as the Company Commander forbid it. [redacted] stated she was told SGT [redacted] 377th MP Company (CO), Bloomington, IN 47404 (BIN), punched a detainee and then attacked SSG [redacted] 377th MP CO, BIN, when [redacted] came to pull [redacted] away from the detainee. [redacted] stated she was told PVT [redacted] witnessed 2LT [redacted] 377th MP CO, BIN, (NFI) pulled a weapon on a detainee in a helicopter when the detainee was being transported t a location for repatriation. [redacted] did not witness any incidents of abuse. (See Sworn Statement of [redacted] dated 1 Feb 04, for additional details)

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 1 Feb 04	EXHIBIT 219

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER: 0134-02-CID369-23533

DETAILS

At 1420 hrs, 2 Feb 04, SA [redacted] interviewed **SPC** [redacted] **377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237**, who was a mechanic assigned to Headquarters Platoon, working within the Supply Section of the Bagram Collection Poi (BCP), Afghanistan, between Sep 02 and Apr 03. [redacted] witnessed [redacted] pick a detainee up by the neck and hold him off the ground for about 15 seconds in Sep 02. SFC [redacted] also reportedly observed the incident and corrected [redacted] behavior by counseling him about th incident. *(See PUC Questionnaire and Sworn Statement of* [redacted] *dated 1 Feb 04, for additio details)*

At 1502 hrs, 2 Feb 04, SA [redacted] interviewed **SPC** [redacted] **377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237** who was a member of 1st Platoon, working inside the BCP at the time of the deaths. [redacted] was advise of his rights for the offenses of Negligent Homicide, Assault and False Official Statement and invoke his rights requesting counsel, at which time the interview was terminated. *(See Non- Waiver Certificate of* [redacted] *dated for 2 Feb 04, for additional details).*

AGENT'S COMMENT: At the conclusion of his interview [redacted] was record fingerprinted.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 2 Feb 04 / EXHIBIT: 221

FOR OFFICIAL USE ONLY

b2, b6, 7C

118

0137-02-CID369-23533

0137-02-CID369-23532

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 2 FEB 04
RANK: SPC **SSN:** [redacted]
UNIT: 810TH QM Company, formerly of 377TH MP Company

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
2 Sep 02 - 22 Mar 03, mainly. I worked in Supply

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement) I witnessed SGT [redacted] picke up a detainee by the neck for about 15 seconds.

2c. Did you interact in any way with either detainee? A:_____ If yes, explain:_____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A:_____
If yes, please explain:_____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: _____ If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A:_____ If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A:_____ If yes, explain (see sworn statement)

Signature of Interviewee

FOUO

Signature/Sequence # of Interviewer 1197

b6, 7C

EXHIBIT 2

4b. How do you feel about the deaths of those two detainees?

_____

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A:_____

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A:_____

7. How do you feel about being interviewed concerning this issue?

_____

8. Do you think that the death of either of those detainees was deliberate?

_____

9. If someone said that you physically abused either of those two detainees, is that person lying? _____

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: _____

11. Why do you think someone would do this? _____

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A:_____

13. Why wouldn't you do something like this? A:_____

14. What do you think should happen to a person who mistreated or caused the death of a detainee?

Signature of Interviewee

FOUO

Signature/Sequence # of Interviewer

11 91

EXHIBIT 222

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A:_____ If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

17. How do you think the results of the investigation will come out on you?

18. Do you think the person who did this would deserve a second chance under any circumstances? A:_____
Please explain:

19. Did you tell your family about this investigation? A:_____

20a. Did you tell your family you were being interviewed regarding this investigation? A:_____

20b. Did your family ask you if you were guilty? If so, what was your response? A:_____

20c. Have you talked with anyone other than CID about this investigation? A:_____ If yes, who?_____

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A:_____

22. Can you think of any reason why someone would name you as a suspect in this investigation? A:_____

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A:_____

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A:_____

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A:_____

26. Do you think the FBI should get called in to help out on this investigation? A:_____

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A:_____

Signature of Interviewee FOUR Signature/Sequence # of Interviewer

EXHIBIT 22

0194-02-CID369-2353
0137-02-CID369-23534

SWORN STATEMENT

File Number :
Location : Hampton Inn, Bloomington, IN 47404
Date : 1 Feb 04 Time: 1430
Statement Of: [redacted]
SSN : [redacted]
Org/Address : 494th Military Police Detachment, Terre Haute, IN Grade/Status: E-8

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes [redacted]

Q: What dates were you there and what were your duties?

A: I arrived about 30 Aug 02 and left on about 9 Mar 03. I went to Germany for three or four days in October and December to get tattoos removed. I was the First Sergeant and went to meetings, took care of soldiers needs and visited with the soldiers. I did just about everything except for the prison itself. The commander told me to stay out of the prison because it was none of my business. The commander said it was not a part of operations so I didn't need to be there. The commander and I fought all the time. He limited my duties all the time of what I could and could not do. I was with the advance party to Afghanistan and the commander told the platoon leaders that they were in charge of the E-7's and I wasn't. He told them that they were in charge of the soldiers and not me. I told him if I couldn't do my job as a First Sergeant than I wanted to go home and he said, "No, we will work it out." I don't have nothing against him, he just did what he thought was right and we just didn't agree. [redacted]

Q: Did you guard either detainee that died during the period of time between October and December 2002?

A: No, the only reason I went to the facility is because that is where they served our dinner in an area there. To get to exercise machines, you had to walk past the cages. But to actually sit in the facility to do anything, I wasn't in there. [redacted]

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: No, I have never been in or around an interview. [redacted]

Q: What was acceptable corrective punishment of the detainees?

A: I seen some things that I didn't particularly like. The way

Exhibit: 220 INITIALS [redacted] PAGE 1 OF 6

FOR OFFICIAL USE ONLY

b6, 7C

1194

STATEMENT OF 1SG [redacted] TAKEN AT Hampton Inn, Bloomington, IN 47404; DATED 1 Feb 04; CONTINUED:
they had the detainees in standing restraints with hoods and screamed and talked to them like a dog, I didn't like. I never got into the SOP for the facility so I don't know exactly what was acceptable corrective punishment for the detainees. I was told by the commander that wasn't my job. [redacted]
Q: Did you witness any detainees receiving any type of corrective punishment?
A: The only thing I ever saw was the sleep deprivation, but that was about it. I saw they had a guy chained with his hands above his head with a hood on in the airlock on the first floor for hours and hours. If I came in for breakfast or another meal, it seemed like the same person would be there. The person was under the hood, so I couldn't say for sure. SSG [redacted] was notorious for dealing out punishment a lot. He was the one that always got in their face a lot during the inbrief. I went to people in Afghanistan about the treatment of the detainees and nothing was ever done about. I talked to CSM [redacted] and CSM [redacted] about how the detainees were being treated and nothing was ever done about it. Most of the information I got about the treatment of the detainees came from SSG [redacted]. She told me that some soldiers had one of the detainees that died in a standing restraint with his arms outstretched and [redacted] was punching him so hard that [redacted] came in to get [redacted] off of him and [redacted] went into such a rage that other MP's had to get [redacted] off of [redacted]. [redacted] said SGT [redacted] was behind the detainee with his finger underneath the detainees nose to pull his head back. When the detainees had first died, everyone thought that the detainees died of natural causes and the commander told the soldiers that the whole issue would be forgotten. [redacted] came to me and told me she was told about [redacted] and [redacted] and [redacted] beating on one of the detainees that died. I went to the commander and told him about the problem and at first he acted like he didn't believe me, but he knew how adamant I was and so we went to talk to CID. [redacted]
Q: Other than the incident you just described, were any other detainees struck for any reason that you are aware of?
A: SSG [redacted] numerous detainees had been elbowed or kneed. PVT [redacted] he saw LT [redacted] pull a weapon on a detainee in a helicopter when they were taking the detainee out to be repatriated. [redacted]
Q: Did any MP's complain to you that either of the PUC's that died were troublemakers?
A: No, it was hushed. It was so hush-hush, that nobody talked

FOR OFFICIAL USE ONLY

b6, 7C

1195

STATEMENT OF 1SG [redacted] TAKEN AT Hampton Inn, Bloomington, IN 47404; DATED 1 Feb 04; CONTINUED:

about anything. They weren't going to talk to me because anytime I found out anything, I reported it. [redacted]

Q: Did any of the MP's in the unit appear to dislike the PUC's?

A: The only thing I can say is that I saw how different groups of MP's reacted to the PUC's. The soldiers from Bloomington appeared to treat the PUC's like second class citizens as a whole. [redacted]

Q: Do you know how the MP's handled troublemakers?

A: No, I do not. [redacted]

Q: Other than what you have already described, did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?

A: Yes, when they would first bring the PUC's in, the detainees were thrown on the floor with their feet and hands bound and hoods and they would let the dogs with muzzles walk on the detainees with the dogs growling in their ear. It was a big joke. [redacted]

Q: Have you been trained on common pronial strikes and pressure point control tactics?

A: No. [redacted]

Q: Did you ever utilize those tactics on a PUC?

A: No, I was never close to a PUC. [redacted]

Q: Do you know who had anything to do with the eventual death of either detainee?

A: Just with what SSG [redacted] told me, [redacted] was seen beating the one that I described. Beyond that, no [redacted]

Q: How do you feel about the deaths of those two detainees?

A: I feel bad and I don't think it's right. I couldn't live with it and that is why I turned them in. Those people had families and they didn't do nothing to anybody. [redacted]

Q: Who do you think caused the death of the detainees?

A: I only know what I was told. I was told one person was hitting them, [redacted] Other soldiers were there. [redacted]

Q: Is there anyone that you know well enough that you feel is above suspicion and would not have caused their deaths?

A: Me and SSG [redacted] Mostly, I think 3rd platoon was responsible for the deaths. I DON'T THINK 1st + 2nd WERE RESPONSIBLE OR THE COMPANY

Q: Do you think that the death of either of those detainees was deliberate?

A: Yes, if what SSG [redacted] told me is true, it was. [redacted]

Q: Who do you think would have had the best opportunity to have physically abused either detainee?

A: The guards who was in the prison at that time. [redacted]

Exhibit: 220 INITIALS [redacted] PAGE 3 OF 6

FOR OFFICIAL USE ONLY

b6, 7C

1196

STATEMENT OF 1SG [redacted] TAKEN AT Hampton Inn, Bloomington, IN 47404; DATED 1 Feb 04; CONTINUED:

Q: Under what circumstances were soldiers given direction that a common pronial strike or pressure point control tactic could be applied?

A: I believe at Fort Dix they did training on those tactics and they did training at Afghanistan, too, but I didn't attend any of that training. [redacted]

Q: Where did you learn what was and was not acceptable treatment of the detainees?

A: Just my own personal knowledge. Common sense. [redacted]

Q: Did you ever review the commander's SOP for the facility?

A: Yeah, I looked it. It appeared adequate. I think this happened because people were stressed out. People couldn't handle it over there for whatever reason. [redacted]

Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common pronial strikes?

A: I have no idea. They were gone within two days of our arrival. [redacted]

Q: What was your professional training and background outside of the military before deploying?

A: For seven years, I was an observer controller for Military Police company so I knew what was and was not allowed as far as treatment of the detainees. [redacted]

Q: Did you ever observe any bruises or injuries on a PUC?

A: Never got close enough to see them. [redacted]

Q: Beyond the company level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common pronial strikes?

A: Everybody. People would come to the prison all the time. Everyone at Bagram wanted to see the prison. Everyone that is anyone went through the facility at one time or another. [redacted]

Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?

A: I just don't understand why no one reported the incident with [redacted] until I returned from my trip to Germany in December 2002. No one did anything to report that incident until I got back. [redacted]

Q: Are you aware of any soldiers using steroids during the deployment?

A: No, I know they were taking supplements. [redacted]

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

A: The only thing I know for sure, the company commander would get one prisoner and take him to the shower area and talk with the guy for hours and hours and buy the guy cigarettes. I don't know what that was all about, but I thought that [redacted] strange. I'm sorry [redacted]

Exhibit: 220 INITIALS [redacted] PAGE 4 OF 6

FOR OFFICIAL USE ONLY

b6, 7C

1197

STATEMENT OF 1SG [redacted] TAKEN AT Hampton Inn, Bloomington, IN 47404; DATED 1 Feb 04; CONTINUED:
this happened to our company. I really feel bad for people involved in it. I feel bad myself for turning them in, to tell you the truth. There were numerous times that SFC [redacted] and some of his soldiers were drunk to the point that they could not go to duty. The commander and LT [redacted] would not allow me to punish them and told the soldiers that no matter what you do, don't let Top find out about nothing because she will turn you in. [redacted]
Q: Do you have anything else to add to this statement?
A: No.///END OF STATEMENT/// [redacted]

Exhibit: 220 INITIALS [redacted] PAGE 5 OF 6

b6, 7C

STATEMENT OF 1SG [redacted] TAKEN AT Hampton Inn, Bloomington, IN 47404; DATED 1 Feb 04; CONTINUED:

AFFIDAVIT

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

[redacted]

(Signature of Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1st day of February, 2004 at Bloomington, IN 47404

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 220 INITIALS [redacted] PAGE 6 OF 6

FOR OFFICIAL USE ONLY

b6, 7C

1199

0134-02-CID369-23533

0137-02-CID369-23533

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Embassy Suites Hotel, Blue Ash, OH 45242
Date : 2 Feb 04 Time: 1420
Statement Of: [redacted]
SSN : [redacted] Grade/Status:
Org/Address : 810th Quartermaster Company, Cincinnati, OH 45237

[redacted], [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes

Q: What dates were you there and what were your duties?

A: I arrived in country on 2 Sep 02 and left on 22 Mar 03, I think.

Q: Did you guard either detainee during the period of time between October and December 2002?

A: No.

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: No.

Q: Did you witness either detainee receiving any type of corporal punishment?

A: I observed SGT [redacted] 3rd Platoon, pick a detainee up by the neck, using both his hands. [redacted] is a big dude and those people over there were small. So to [redacted] he didn't weigh nothing. I'm not sure what day it happened on, but it was maybe a week after we got there. The detainees didn't do something he was told, but I'm not sure what it was. [redacted] wrapped his hands around the guys' throat and picked him up off the ground for about 15 seconds. SFC [redacted] was screaming at him, "[redacted] put him down", repeatedly. I turned around to see the detainee with his legs off the ground and [redacted] did put him down. [redacted] locked [redacted] heels, gave him a real stern talking to and I never saw any type of abuse after that. This incident occurred in general population inside the Bagram Collection Point (BCP) on the main floor. I have no idea, which detainee it was. This happened in like Sep 02.

Q: Define corporal punishment.

A: I believe whoever did 9/11 deserves the death penalty, but while you got them locked up, you can't abuse them. That's for the courts to decide what happens to them.

Q: Were any detainees struck for any reason? [redacted]

1200

FOUO

b6, 7C

EXHIBIT 2c

[redacted] A: Only thing I saw was that incident I saw with SGT [redacted]
Q: Did either PUC that died cause any trouble during the shifts that you worked?
A: I didn't work around the detainees.
Q: Did any of the other MP's appear to dislike the PUC's?
A: They didn't like the one who threw his feces and kept messing with people and spitting on them. I think he was the one that was not right in the head. They were just shocked at the things he did, they did not seem to hate him or anything.
Q: Did you see how did the MP's handle troublemakers?
A: The only thing I saw that was punishment, was making them come outside the cell and sweep or mop and when they would shackle them in the cell for talking.
Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?
A: No.
Q: Have you been trained on common pronial strikes and pressure point control tactics?
A: No, I'm a mechanic. Common sense should tell you how to handle people, but I'm not an MP and I didn't go to any MP training, except vehicle searches.
Q: Did you ever have occasion to touch a detainee?
A: No, I never did.
Q: Do you know who had anything to do with the eventual death of either detainee?
A: I don't know which two died, so no.
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: No.
Q: How do you feel about the deaths of those two detainees?
A: I don't feel one way or another.
Q: Who do you think caused the death of the detainees?
A: That I don't know... when they said they died, they said it was natural causes. But I thought the screaming at them, bringing dogs in, all that stress, well, they told us was a heart attack. I figured that was how they died.
Q: Is there anyone that you know well enough that you feel is above suspicion and would not have caused the deaths?
A: If you told me who was around them I'd know who would not do it. But I don't know who was involved with either.
Q: Do you think that the death of either of those detainees was deliberate?
A: It depends on a number of things, if you hit someone, where did you hit them, what did you hit them with, how hard did you hit them. All that weighes into it. I can't say.
Q: If someone said that you physically abused either of those detainees is that person lying?

[redacted]

120

[redacted]: No doubt.
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: Ain't no telling.
Q: Why do you think someone would abuse a detainee?
A: Some of them gung ho, they were quick to manhandle people. They would use physical, brute force before their wits, but some were verbally abusive.
Q: Was there a particular group of people or platoon which you viewed as more physically forceful?
A: 3rd Platoon was the most gung-ho. 1st Platoon was more laid back because their Plt Sgt (SFC [redacted] and Plt Ldr (1LT [redacted] were very laid back. They were more structured and disciplined. 2nd was also pretty calm. 3rd platoon generally wanted to be in charge and direct everything. Let me give you an example, we had to do PT at Fort Dix, but 3rd platoon wasn't satisfied with doing unit PT, they had to run with rucks and put their gear in them. They just had to be different and apart.
Q: Did that attitude come from the 3rd Platoon leadership?
A: It think it comes from the separation, 3rd platoon drills in Bloomington, IN apart from us. 3rd Platoon just thinks they are a step above everyone else. They do it "their way" and they know best. I think that has to come from leadership.
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: Nah.
Q: Why wouldn't you abuse a detainee?
A: It's not moral and it's not me.
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: I think they should be reprimanded under the UCMJ. You have to understand a lot of these soldiers are not in control of anything in their lives and you give them a uniform and some rank and authority and some will use it as a excuse to enforce their will on other people.
Q: Have you ever heard of a compliance blow?
A: No.
Q: Under what circumstances would you feel you could strike a detainee?
A: If one was to strike me, or kick me or spit on me.
Q: Did you know your commander had a SOP for the facility?
A: Yes, it was little blue book, but most of it didn't apply to me.
Q: What did you believe caused the death of the first detainee?
A: One of them I heard died from natural causes.
Q: What was your professional training and background outside of the military before deploying?

[redacted]

A: I had none. I went to MOS schools for being a mechanic and a truck driver.
Q: Did you ever see the PUC's legs underneath his clothing?
A: No.
Q: Did you ever observe any bruises or injuries on the PUC?
A: No.
Q: Did the PUC ever appear ill to you?
A: Somebody came in there with tuberculosis, but no one really ill.
Q: Did you ever observe the PUC in pain?
A: No.
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?
A: Oh, no.
Q: Has anyone ever questioned you or asked you about the deaths before today?
A: No.
Q: Is there anything I have not asked you about that you think is relevant, or you wish to share, which might be helpful?
A: SPC [redacted] and SGT [redacted] were removed from the facility at some point in the deployment. I don't know what they did, but I would never believe in a million years that either of them did anything wrong.
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT///[redacted]

STATEMENT OF PFC [redacted], TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 2 Feb 04; CONTINUED:

AFFIDAVIT

[redacted] I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]ment)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of February, 2004 at Cincinnati, OH.

[redacted]nistering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: _____ INITIALS [redacted] PAGE 5 OF 5 PAGES

FOR OFFICIAL USE ONLY

120

b2, b6, 7C

EXHIBIT

0137-02-CID369-2

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

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

ROUTINE USES: Your Social Security is used as an additional/alternative means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your Social Security Number is voluntary.

LOCATION: CINCINNATI, OHIO DATE: 2FEB04 TIME: 1502

FILE NUMBER: 0134-02-CID369-23533-5H9B

NAME (Last, First MI): [redacted] SSAN: [redacted] GRADE / STATUS: SGT

ORGANIZATION OR ADDRESS: 377TH MP CO, US ARMY RESERVE, CINCINNATI, OHIO, 45251

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

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

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

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

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.
5. COMMENTS: Have you been advised of your legal rights and requested legal counsel in the past 30 days? NO

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

[redacted]

SA [redacted]

HQ, USACIDC, INV OPS DIV, FT BELVOIR, VA

Witness# 2

Signature of Witness

Signature of Interviewee

[redacted]

11th Military Police Battalion (CID)
Fort Hood, TX 76544

NON-WAIVER CERTIFICATE

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

Signature of Interviewee [redacted]

DA Form 3881-E

1205

FOR OFFICIAL USE ONLY

b2, b6, 7c

EXHIBIT _

0137-02-CID369-23534

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0134-02-CID369-23533/0137-02-CID369-23

PAGE 1 OF 1 PAGES

DETAILS

At 1045 hrs, 2 Feb 04, SA [redacted] interviewed **Mr. [redacted] 1013 Central Avenue, Indianapolis, IN 46202 (formerly SPC [redacted] 377th MP Company, Cincinnati, OH 45237).** [redacted] worked within the Bagram Control Point (BCP), Bagram, Afghanistan, from September 2002 through March 2003. [redacted] provided a statement admittin he administered one to three common pronial strikes to a detainee who was resisting other guards [redacted] witnessed SGT [redacted] 377th Military Police Company (MP C Bloomington, IN 47404, using the back of his hand to strike a detainee's crotch. He also witnesse [redacted] walk detainees (by squeezing their shoulders together during bathroom escorts). *(See Sworn Statement of [redacted], dated 2 Feb 04, for additional details)*

At 1310 hrs, 2 Feb 04, SA [redacted] interviewed **Mr. [redacted] 4833 Sturgeon Way, Building 7, Indianapolis, IN 46107, (formerly SPC [redacted] 377th MP Company, Cincinnati, OH 45237).** [redacted] worked within the BCP from August 2002 throu March 2003. [redacted] provided a statement detailing his observation regarding 2LT [redacted] 377th MP CO, Bloomington, IN began pushing a detainee during in-processing, when the detainee was already under control. *(See Sworn Statement of [redacted] dated 2 Feb 04, additional details)*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 2 Feb 04 / EXHIBIT: 225

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2. b6. 7C

1204

SWORN STATEMENT

File Number :
Location : Major Procurement Fraud Unit Office, Indianapolis, IN
Date : 2 Feb 04 [redacted] Time: 1325 [redacted]
Statement Of: [redacted]
SSN : [redacted]
Org/Address : 1013 Central Avenue, Indianapolis, IN 46202 Grade/Status: Civ

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?
A: Yes. [redacted]
Q: What dates were you there and what were your duties?
A: I was there from September 12, 2002, through March 25th, 2002. For fifteen days in January, I returned to the United States for emergency leave. [redacted]
Q: Did you guard either detainee that died during the period of time between October and December 2002?
A: I only recall coming in contact with one of the detainees that died one time. I believe the detainee urinated on himself or in his diaper and SPC [redacted] myself and another soldier who I can't remember cleaned up the mess and left. [redacted]
Q: Did you interview or were you present during any interviews with either detainee during this time frame?
A: No. [redacted]
Q: Did you witness either detainee receiving any type of corrective punishment?
A: No. [redacted]
Q: Were any detainees struck for any reason?
A: Yes. If a detainee was resisting the guards or MP's, they would receive some type of pressure point control tactics or common pronial strikes or other control techniques. [redacted]
Q: Did either PUC that died cause any trouble during the shifts that you worked?
A: I don't recall. [redacted]
Q: What shifts did you work during Dec 2002?
A: I was in third squad, third platoon, and I believe we were working twelve hour day shifts. [redacted]

Exhibit: 226 INITIALS [redacted] PAGE 1 OF 7

1207

b6, 7C

STATEMENT OF Mr. [redacted] TAKEN AT Major Procurement Fraud Office, Indianapolis, IN; DATED 2 Feb 04; CONTINUED:
Q: Were either detainees that died placed into standing restraints while you were on shift?
A: Yes, I don't recall the circumstances, though. [redacted]
Q: Did other MP's complain that either of the PUC's that died were troublemakers?
A: Not to my knowledge. [redacted]
Q: Did any of the other MP's appear to dislike the PUC's?
A: A lot of us didn't like the fact that we had to leave our families to go there, but a lot of the soldiers befriended the PUC's. I used to work out with SGT [redacted] and I recall he didn't like [redacted] because he thought he was a bad guy, but I don't recall anything he said in particular. [redacted]
Q: How did the MP's handle troublemakers?
A: If a PUC was a troublemaker, the MP would take it up to the Sergeant of the Guard, who would determine what type of corrective action the PUC would receive. I know that some detainees were placed in standing restraints with a hood and/or goggles on and told to shut up. [redacted]
Q: Were common pronial strikes or any other types of strikes used to get a detainee to quit being a troublemaker?
A: I would say so, yes. There was one instance in which a PUC flipped a guard over his back in an isolation cell. There were several MP's in there and that PUC received common pronial strikes until he was restrained [redacted] the MP got up. [redacted]
Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?
A: SSG [redacted] recently told me a rumor about a PUC being forced to take bottle caps out of a container of human waste. I had not heard that before. When I was over there, I heard that SGT [redacted] had threatened a detainee with a dildo; I don't recall where I heard that from. [redacted]
Q: Have you been trained on common pronial strikes and pressure point control tactics?
A: In my civilian police training, yes. I don't recall everything I trained on in Basic Training. I remember some pressure point control tactics being trained there. We did some training on both tactics in Fort Dix. goose neck come along + straight arm bar take downs. [redacted]
Q: Did you ever utilize those tactics on a PUC?
A: I used a common pronial strike once. On one occasion, several guards were struggling with a PUC and having trouble getting control of his hands or something to that effect. He was forcibly resisting somehow. I walked in and verbally guided people to help [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

120

STATEMENT OF Mr. [redacted] TAKEN AT Major Procurement Fraud Office, Indianapolis, IN; DATED 2 Feb 04; CONTINUED:
subdue him. I saw an opening on his left upper thigh and the PUC had his arm underneath him and he wouldn't quit resisting so I delivered one to three common pronial strikes until he was subdued. I wrote a report on the incident. I know [redacted] were involved and LT [redacted] I'm not sure if the PUC was one of the one's that died.
Q: Did you apply either of those tactics on either of the detainees that died?
A: No. The instance I described is the only time I applied a common pronial strike. I'm not sure if he was one of the ones that died.
Q: Do you know who had anything to do with the eventual death of either detainee?
A: No idea.
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: I remember someone said [redacted] and [redacted] were nervous when they got their rights read to them over in Afghanistan.
Q: How do you feel about the deaths of those two detainees?
A: I don't like in custody deaths. It makes me feel sorry for their families.
Q: Who do you think caused the death of the detainees?
A: I honestly didn't think anyone caused their deaths. I assumed it was a pre-existing health condition that may have been aggravated. I had heard that [redacted] gave a strike to the shoulder region and I heard that he gave a strike to the abdomen region and I heard he gave a common pronial strike to a detainee that was chained up with his arms outstretched. I heard about this while I was in Afghanistan and heard that was the reason why [redacted] and [redacted] had the rights read to them. Those were different accounts of the same inc
Q: How well do you know [redacted]
A: I think I know him pretty well. I used to work out with him over there.
Q: Do you think [redacted] used excessive force with detainees?
A: Sometimes, yes. He was kind of a brute. I think he used his size to try and intimidate the detainees. When we were doing bathroom escorts, he would walk the guys by the shoulders squeezing them a little bit. I don't think he was hurting them, though. I also saw him use the back of his hand to strike a detainee's crotch before.
Q: How well do you know [redacted]
A: Strictly military. He was in my squad and one of my soldiers. [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

120a

STATEMENT OF Mr. [redacted] TAKEN AT Major Procurement Fraud Office, Indianapolis, IN; DATED 2 Feb 04; CONTINUED:
I think I know him pretty well. [redacted]
Q: Do you think [redacted] used excessive force with detainees?
A: I never saw him use excessive force. [redacted]
Q: Is there anyone else you think used excessive force with detainees?
A: In the incident I described above in which the MP was flipped over a detainees back, I heard LT [redacted] kicked the guy. I was the last one in there, and didn't see it and don't know any other details about it, but I know some of the guys were disappointed that LT [redacted] would do that since he is a civilian police officer. [redacted]
Q: Is there anyone that you know well enough that you feel is above suspicion and would not have abused a detainee?
A: I wouldn't suspect that most people would do anything like that. [redacted]
Q: Do you think that the death of either of those detainees was deliberate?
A: No. [redacted]
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: Whoever worked with them one on one. [redacted]
Q: Why do you think someone would abuse a detainee?
A: I guess there is a prejudice or hatred that some people have. I don't understand why anyone would do that. [redacted]
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: No. [redacted]
Q: Why wouldn't you abuse a detainee?
A: I would have no reason to. I would have to much to lose.
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: Whatever the military deems as corrective action. [redacted]
Q: Under what circumstances were you given direction that a common pronial strike or pressure point control tactic could be applied?
A: That would go back to the SOP and I haven't recently read the SOP and it has been a year. It would only be used in a situation in which I needed to gain control of a combative detainee for my safety or his. [redacted]
Q: Where did you learn what was and was not acceptable treatment of the detainees?
A: My own moral and ethics as well as SOP's. [redacted]
Q: Do you know if the unit prior to yours utilized standing

STATEMENT OF Mr. [redacted] TAKEN AT Major Procurement Fraud Office, Indianapolis, IN; DATED 2 Feb 04; CONTINUED:
restraints, PPCT or common pronial strikes?
A: I don't know, I was two weeks getting there. I was trained by unit, not by the prior unit. [redacted]
Q: What was your professional training and background outside of the military before deploying?
A: [redacted] with the [redacted] Police Department. [redacted]
Q: Did you ever see the legs of either PUC that died underneath their clothing?
A: If one of them was the PUC that urinated on himself, then yes. But I don't recall anything specific. [redacted]
Q: Did you ever observe any bruises or injuries on either PUC that died?
A: I don't recall any. [redacted]
Q: Did either PUC that died ever appear ill to you?
A: Not that I recall. [redacted]
Q: Did you ever observe either PUC that died in pain?
A: No. I couldn't even tell you what they look like now. I recall seeing [redacted] limping, so I assumed he was in pain. [redacted]
Q: Do you have any idea what type of emergency medical treatment either PUC received on the day they died?
A: I have no idea. [redacted]
Q: Did you observe either PUC that died eat or drink anything during your shift?
A: Not that I recall; However, I don't recall any PUC going without food or wate
Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common pronial strikes?
A: I believe everybody was aware. All the way to the commander. It was my understanding those orders were given down by MI. Later something came down in which MI had to go through our chain of command first. I believe the doctors who came in for regular checks would have had to have seen the PUC's in standing restraints. The PUC's time schedules were not altered just because the doctor came in. Whenever dignitaries or anyone else would come through, we didn't alter anything we were doing with the detainees except clean the place up. The exception was when the International Committee of the Red Cross came through, the status boards detailing how many hours a detainee was supposed to be in standing restraints were erased. I was detailed to guard a room on one occasion in which [redacted] was being hidden from the [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

1211

STATEMENT OF Mr. [redacted] TAKEN AT Major Procurement Fraud Office, Indianapolis, IN; DATED 2 Feb 04; CONTINUED: Red Cross. He had already been there for at least two or three months, but I don't know why he was being concealed from the Red Cross. [redacted]

Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?

A: No. [redacted]

Q: Were any MP's using steroids during the deployment?

A: No. Several MP's were using a supplement called Andro, Creatine and just about anything store bought that they could order. [redacted]

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

A: No.///END OF STATEMENT/// [redacted]

Exhibit: 226 INITIALS [redacted] PAGE 6 OF 7

b6, 7C

STATEMENT OF Mr. [redacted] TAKEN AT Major Procurement Fraud Office, Indianapolis, IN; DATED 2 Feb 04; CONTINUED:

AFFIDAVIT

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

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of February, 2004 at the Major Procurement Fraud Office, Indianapolis, IN.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 226 INITIALS [redacted] PAGE 7 OF 7

FOR OFFICIAL USE ONLY

1213

b6, 7C

SWORN STATEMENT

File Number :
Location : Major Procurement Fraud Unit Office, Indianapolis, IN
Date : 2 Feb 04 [redacted] Time: 1436
Statement Of: [redacted]
SSN : [redacted] Grade/Status: Civ
Org/Address : [redacted]

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes.

Q: What dates were you there and what were your duties?

A: I was there from 29 August 2002 through the end of March 2003. I was a guard within the Bagram Control Point. I was in third squad, third platoon and we worked the day shift.

Q: Did you guard either detainee that died during the period of time between October and December 2002?

A: Yes, I guarded both.

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: No.

Q: Did you witness either detainee receiving any type of corrective punishment?

A: Yes, if someone was causing a problem, we would first use vocal means to try and get them to stop. If the problem persisted, we would try and isolate them from the rest of the population by moving them into an isolation cell by themselves. When they were first put into isolation, they were not placed into any type of standing restraints. If they continued to be a problem, they would be placed into standing restraints for a period of time. How long they were placed into the standing restraints depended on the guard working.

Q: Were any detainees struck for any reason?

A: Common pronial strikes were used to control a person who was resisting.

Q: Did either PUC that died cause any trouble during the shifts that you worked?

A: No.

Exhibit: 227 INITIALS [redacted] PAGE 1 OF 5

STATEMENT OF Mr. [redacted], TAKEN AT Major Procurement Fraud Office, Indianapolis, IN; DATED 2 Feb 04; CONTINUED:
Q: Were either detainees that died placed into standing restraints while you were on shift?
A: No. [redacted]
Q: Did other MP's complain that either of the PUC's that died were troublemakers?
A: I had heard that some MP's had problems keeping them quiet, but [redacted] they weren't any trouble when I worked.
Q: Did any of the other MP's appear to dislike the PUC's?
A: Not on a personal basis. On the general principle, on who these people were, we disliked the aspect of that these people were the enemy or whatever. I don't really know how to phrase it. [redacted]
Q: Were common pronial strikes or any other types of strikes used to get a detainee to quit being a troublemaker?
A: From my personal experience, no. If someone was being put into restraints and trying to fight it or whatever, then a common pronial strike may be used. But it wasn't used as a punishment. [redacted]
Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?
A: In general, I didn't like the SOP policy of making these guys stand in restraints with their hands above their head. Other than that, no. [redacted]
Q: Have you been trained on common pronial strikes and pressure point control tactics?
A: Yes, we did some training at the Bloomington office and also at Fort Dix for predeployment training. [redacted]
Q: Did you ever utilize those tactics on a PUC?
A: One time during a PUC transport from the airport to the facility, there was a PUC who didn't want to get into the back of the vehicle, so I gave him one common pronial strike and then we were able to pick him up and get him into the vehicle from there. [redacted]
Q: Did you apply either of those tactics on either of the detainees that died?
A: No. [redacted]
Q: Do you know who had anything to do with the eventual death of either detainee?
A: No. [redacted]
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: I was told that [redacted] was the MP on duty in the area the shift before one of the PUC's died. Until just now, I thought both PUC's died on the same night. [redacted]
Q: How do you feel about the deaths of those two detainees?
Exhibit: 227 INITIALS [redacted] PAGE 2 OF 5

STATEMENT OF Mr. [redacted] TAKEN AT Major Procurement Fraud Office, Indianapolis, IN; DATED 2 Feb 04; CONTINUED:
A: I think anytime that somebody is detained, their well being is our responsibility regardless of who they are[redacted]
Q: Who do you think caused the death of the detainees?
A: I don't know[redacted]
Q: How well do you know [redacted]
A: Just from the military. I don't know him outside of the military.[redacted]
Q: Do you think [redacted] used excessive force with detainees?
A: I never witnessed anything over the line myself[redacted]
Q: How well do you know [redacted]
A: I know him the same as [redacted] Nothing outside the military[redacted]
Q: Do you think [redacted] used excessive force with detainees?
A: No.[redacted]
Q: Is there anyone that you think used excessive force with detainees?
A: No. The only instance that comes to mind is when we had a new PUC brought in, he wasn't being cooperative and the situation seemed under control, but LT [redacted] seemed to get involved to push on the guy when he didn't need to be.[redacted]
Q: Is there anyone that you know well enough that you feel is above suspicion and would not have abused a detainee?
A: SSG [redacted] and SPC [redacted] That's all that comes to mind. They are the only ones that I feel I know well enough as a person.[redacted]
Q: Do you think that the death of either of those detainees was deliberate?
A: No[redacted]
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: The MP on duty before and when they died in the isolation area.[redacted]
Q: Why do you think someone would abuse a detainee?
A: I have no idea.[redacted]
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: No[redacted]
Q: Why wouldn't you abuse a detainee?
A: That's what makes us different from the rest of the world.[redacted]
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: I think there ought to be some sort of punitive action.[redacted]
Q: Under what circumstances were you given direction that a common pronial strike or pressure point control tactic could be applied?
A: If they were physically resisting in any way. It was left to

FOR OFFICIAL USE ONLY

1216

b6, 7C

STATEMENT OF Mr. [redacted] TAKEN AT Major Procurement Fraud Office, Indianapolis, IN; DATED 2 Feb 04; CONTINUED:
the discretion of the individual. [redacted]
Q: Where did you learn what was and was not acceptable treatment of the detainees?
A: Fort Dix, New Jersey; we went through stuff there. When we got in country, we learned a little from the group we were replacing. [redacted]
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common pronial strikes?
A: I do not know. [redacted]
Q: What was your professional training and background outside of the military before deploying?
A: I have a business degree and a bartender. [redacted]
Q: Did you ever see the legs of either PUC that died underneath their clothing?
A: No. [redacted]
Q: Did you ever observe any bruises or injuries on either PUC that died?
A: No. [redacted]
Q: Did either PUC that died ever appear ill to you?
A: Yes, if it is the same group that I think about that was all brought in together. I'm not 100% clear in my mind which PUC's died. I only worked one day in the area that they were in. I remember one group that came in was very tired and appeared to have bronchitis type symptoms with coughing and such. They looked malnourished to me. [redacted]
Q: Did you ever observe either PUC that died in pain?
A: Other than what I just described, no. [redacted]
Q: Do you have any idea what type of emergency medical treatment either PUC received on the day they died?
A: No. [redacted]
Q: Did you observe either PUC that died eat or drink anything during your shift?
A: Yes, I saw them eat their meals when I was on shift. [redacted]
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?
A: No. [redacted]
Q: Were any MP's using steroids during the deployment?
A: No. [redacted]
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT// [redacted]

Exhibit: 227 INITIALS [redacted] PAGE 4 OF 5

FOR OFFICIAL USE ONLY

b6, 7C

1217

STATEMENT OF Mr. [redacted] TAKEN AT Major Procurement Fraud Office, Indianapolis, IN; DATED 2 Feb 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Sig[redacted]Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of February, 2004 at the Major Procurement Fraud Office, Indianapolis, IN.

[redacted]

(Signature of [redacted]ministering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 227 INITIALS [redacted] PAGE 5 OF 5

FOR OFFICIAL USE ONLY

1218

b6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0134-02-CID369-23533/0137-02-CID369-23534

PAGE 1 OF 1 PAGES

DETAILS

At 0811 hrs, 3 Feb 04, SA [redacted] interviewed **SPC [redacted] 377th Military Police Company, Cincinnati, OH, 45237**, who was a member of 1st platoon deployed to Bagram, Afghanistan at the time of the deaths. [redacted] was advised of his rights for the offenses of Assault, False Official Statement and Negligent Homicide. He waived his rights and provided a statement admitting to striking DILAWAR (PUC 421) approximately 37 times in the thigh area with his [redacted] knee. He provided no explanation or excuse for 30 of the blows, which were delivered while DILAWAR was shackled to the ceiling in an Isolation Cell. [redacted] also assisted in the construct of a rough sketch illustrating the position of DILAWAR and the configuration of DILAWAR's shackled, when [redacted] delivered 30 common peroneal strikes. *(See Waiver Certificate, Sworn Statement and Sketch of [redacted] dated 3 Feb 04, for additional details).*

At 1115 hrs, 3 Feb 04, SA [redacted] interviewed **SGT [redacted] 377th Military Police Company, Cincinnati, OH, 45237**, who was a member of 2nd platoon deployed to Bagram, Afghanistan at the time of the deaths. [redacted] provided a statement in which he indicated SGT [redacted] and SPC [redacted] were utilizing androsterone pills during the deployment. [redacted] denied he had any knowledge of the detainee's deaths. *(See Sworn Statement of [redacted], dated 3 Feb 04, for additional details)*

At 1235 hrs, 3 Feb 04, SA [redacted], interviewed **2LT [redacted] 914th Combat Support Hospital (CASH), Columbus, Ohio, (formerly assigned to 377th MP Company, Cincinnati, Ohio),** who was a member of 2nd platoon working within the Bagram Collection Point (BCP) during the timeframe of the deaths. [redacted] served as a Squad Leader for 2nd Platoon. He denied witnessing or having direct knowledge of any members of the 377th MP Company striking detainees within the facility. [redacted] denied having struck any detainees and stated he believed the deaths were an accident. He believed the deaths were caused not only by strikes, but also complicating medical conditions such as malnourishment, dehydration as well as undetermined family medical history issues. *(See PUC Questionnaire of [redacted] dated 3 Feb 04, for additional details)*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 3 Feb 04	EXHIBIT 228

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

1219

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: **CINCINNATI, OH** DATE: 3FEB04 [redacted] ME 0811
FILE NUMBER: 0134-02-CID369-23533-5H9B
NAME (Last, First MI) [redacted] SSAN [redacted] GRADE / STATUS: SPC
ORGANIZATION OR ADDRESS: 377TH MP CO, USAR, CINCINNATI, OH, 45237

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: **NEGLIGENT HOMICIDE; ASSAULT; FALSE STATEMENT**
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: [redacted]

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

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.
5. COMMENTS: Have you been advised of your legal rights and requested legal counsel in the past 30 days? No [redacted]

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

[redacted]
SA
HQ, USAIDOC, INV OPS DIV, FT BELVOIR, VA

Witness# 2

Signature of Witness

[redacted]
11th Military Police Battalion (CID)
Fort Hood, TX 76544

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

1220

FOR OFFICIAL USE ONLY
b2, b6, 7C

EXHIBIT 22

0134-02-CID369-23533

0137-02-CID369-23534

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Cincinnati, OH
Date : 3 Feb 2004 **Time:** 10:22A
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** E-4 [redacted]
Org/Address : 377th MP Company, US Army Reserve, 1600 Seymour Avenue, Cincinnati, OH 45237

I, [redacted], want to make the following statement under oath: I've been advised of my rights and elected to make this statement voluntarily to clarify aspects of earlier statements about the situations and deaths at Bagram Air Base, Afghanistan in December 2002. I've been asked specific questions by SA [redacted] and SA [redacted] about things I can recall related to the death of the detainee named DILAWAR (PUC 421).

Q: How many times at the most did you strike DILAWAR (PUC 421) and under what circumstances?

A: Somewhere in the area of 37 times, less than 40 for sure. There was one time, which I did not remember before, where I told DILAWAR that "That's it", implying I was fed up with him. And I said I was going to give him "15 common pronial strikes in each leg". Then I delivered the blows. When I recounted the story later, that is the way I told it. I told people that I had to switch knees because my leg got tired. I'm not absolutely certain I delivered 30 strikes at that time. That was the number I said, but it may have been a few more or less than that. There were also another 5 to 7 times I struck him with knee strikes, during times when he was being non-compliant.

Q: Where did the 30 knee strikes occur?

A: DILAWAR was restrained in the Isolation Cell are on the top floor, in the first cell on the left, I cant' recall the number of the cell.

Q: How was DILAWAR restrained at the time you delivered the thirty blows?

A: He was chained to the ceiling. His hands were either together over his head or out to his side. He was wearing a set of short cuffs (handcuffs) and there was a long (leg iron) connecting him to the hesco wire ceiling. I can't recall the configuration of his restraints, only that he was restrained in one of the two ways I described. His legs would have been shackled together with a set of leg irons, at the ankles. His feet would have been touching the floor.

Q: Do you recall what DILAWAR did to provoke this response from you?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 229

122

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cinci[redacted]ti, OH, DATED 3 Feb 2004, CONTINUED:

[redacted]

A: No.
Q: Who else was present when these thirty blows were delivered?
A: I don't really recall.
Q: Which leg did you use strike him with?
A: My right at first, then my left.
Q: Where (on his legs) did you strike DILAWAR (PUC 421), during these thirty blows described?
A: Above the knee on the side. I struck him on the outside of his mid-thigh, with my kneecap.
Q: Do you remember any other times you struck DILAWAR (PUC 421)?
A: There was a time when I was in the Isolation Cell with SGT [redacted] trying to put DILAWAR's hood back on and DILAWAR was not cooperating, so I gave him a couple knee strikes.
Q: Do you recall an incident where you and [redacted] were in the Isolation Cell with DILAWAR (PUC 421)?
A: Not specifically, but if he says it happened, it probably did. I can't recall that instance.
Q: How was DILAWAR being non-compliant? What behavior was DILAWAR engaged in that provoked a response from you?
A: Not putting his hood back on, mule kicking the door, pulling his hood off.
Q: Did your knee become sore from delivering blows to DILAWAR?
A: No, not really, but when I retold the story I do remember exaggerating and saying I hit him so much and so hard that my knee got sore. I don't know if I actually kneed him thirty times.
Q: How do you feel about the death of the detainee(s)?
A: On my shift (nights), after the first one, it was from too many strikes, so we had to log each blow so we could keep track of how many were done over time. After the second death, we stopped hitting them and stopped chaining them up over their head. We could still chain them to the door, but their hands could be no higher than their shoulders.
Q: How was it recorded after the first death?
A: It was written in the logbook, in the Iso Cell. Each Iso block of six cells, had a log book. We would write in the book, each time we hit a detainee.
Q: Did you record each blow you delivered to DILAWAR (PUC 421) in the Iso Cell logbook?
A: I thought I did, but not the 30 times I kneed PUC 421.
Q: Did you think giving common pronial (knee) strikes was wrong?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 229
122

STATEMENT OF SPC [redacted], TAKEN AT Embassy Suites, Cincinnati, OH, DATED 3 Feb 2004, CONTINUED:

[redacted]

A: No, not wrong, wrong. Necessary to achieve what you wanted to get them to do.
Q: Do you think delivering thirty common pronial (knee) strikes was excessive?
A: Only if I was doing it hard. I think I was hitting him say "3" on a scale of 10.
Q: Were you required to get permission to give a common pronial strike?
A: No, when I trained in the Bagram Control Point (BCP), the shift that trained us, taught us to use common pronial knee strikes as a matter of common practice.
Q: Did anyone in leadership deliver or know about the practice of delivering common pronial (knee) strikes?
A: Yes, all of them knew.
Q: Did you see anyone in leadership deliver strikes?
A: No. I heard about one time SSG [redacted] used his hand to strike the ribcage of a detainee who was downstairs on the main floor in general population.
Q: Did you ever see anyone else strike DILAWAR (PUC 421)?
A: I saw SPC [redacted] strike and SGT [redacted] I heard SPC [redacted] delivered kicks to the detainees. He supposedly stood off the side and delivered sidekicks to them.
Q: After the first death, we you given instructions about changes in policy for delivering strikes or recording them?
A: Just to record them, not to stop doing it. There was also no requirement to get permission nor any limit placed on the number of strikes you could give.
Q: Where did you learn to give common pronial (knee) strikes?
A: During my right seat ride (OJT) in the BCP, I was taught by other 377th MPs. We were told it "hurt like a bitch" and I learned this when [redacted] came up beside me and gave me one as a joke and it hurt like hell.
Q: How do you feel about the deaths of those two men?
A: It was an accident, but it could have been avoided if we knew what a common pronial strike could do.
Q: Do you feel responsible for the deaths of those two men?
A: Well, Kinda. Everybody played their part, but yeah, I suppose so.
Q: Is there anything you wish to add to or delete from this statement at this time?
A: No.
//////////////////////////End of Statement//////////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

66, 7C

EXHIBIT 229
1223

STATEMENT OF SPC [redacted] TAKEN AT Embassy Suites, Cincinnati, OH, DATED 3 Feb 2004, CONTINUED:

[redacted]

AFFIDAVIT

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

[redacted]

(Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this **3rd day of February 2004 in Cincinnati, OH.**

[redacted]

(Typed Name of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

[redacted]

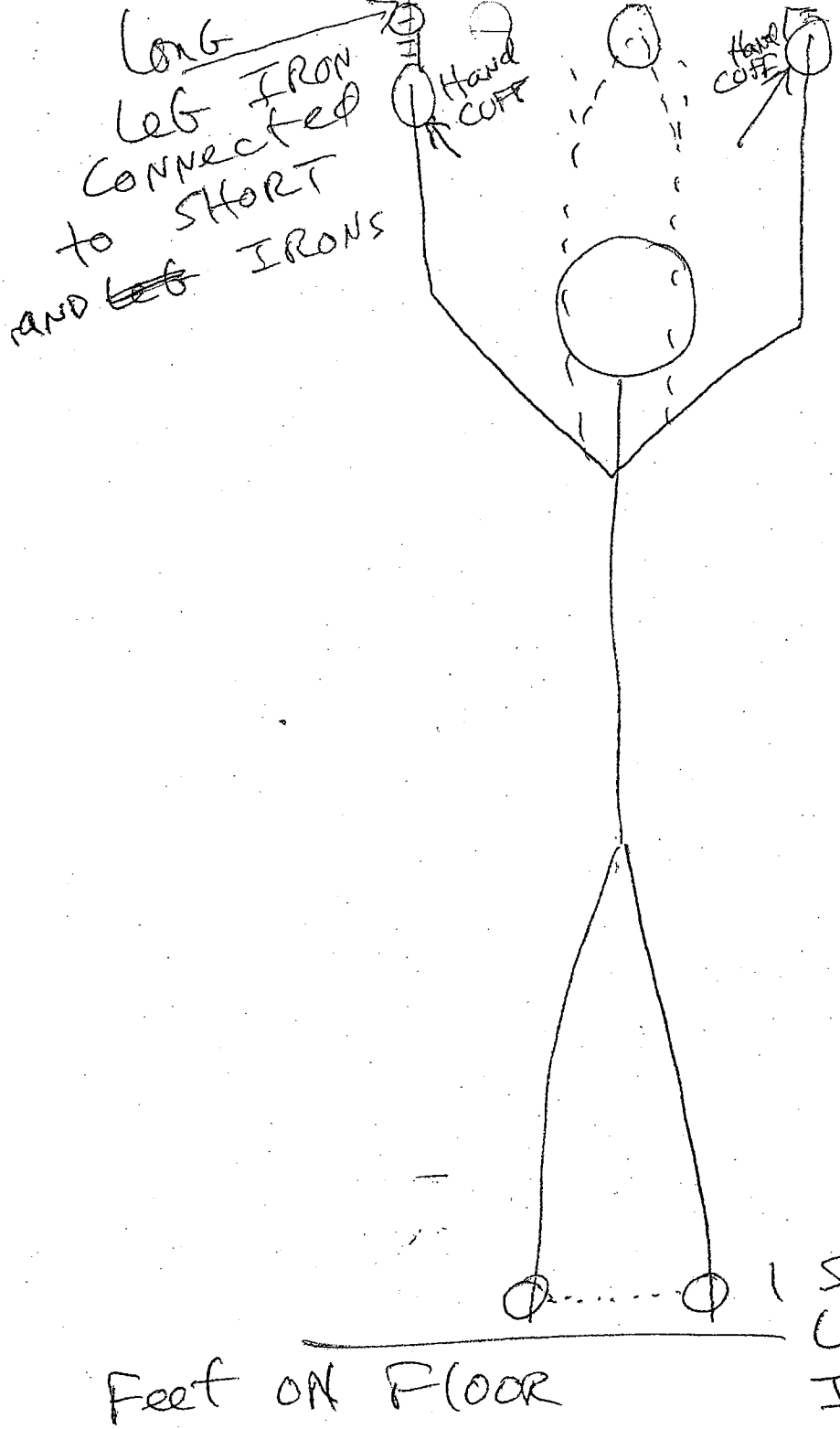
SA [redacted]
HQ, USAC[redacted] Sixth Street,
Fort Belvoir, VA 22060

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 229
1224



0134-02-CID369-235

0137-02-CID369-235

PUC 42

at TIME OF 15-30 COMMON PRONIAL STRIKES

Sketch BY SA [redacted] 0935
3 FEB 04
NOT TO Scale

FOR OFFICIAL USE ONLY
b2, b6, 7C

122

EXHIBIT 20

0134-02-CID369-23533

0137-02-CID369-23534

SWORN STATEMENT

File Number :
Location : Embassy Suites Hotel, Blue Ash, OH 45242
Date : 3 Feb 04 Time: 1237
Statement Of: [redacted] I
SSN : [redacted] Grade/Status: E-5
Org/Address : 377th Military Police Company, Cincinnati, OH

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes [redacted]

Q: What dates were you there and what were your duties?

A: I arrived in Afghanistan on 4 September 2002 and I left on about 10 March 2003. I was a team leader in 2nd Squad of 2nd Platoon of the 377th Military Police Company. When we initially arrived my platoon worked the night shift in the Bagram Control Point detention facility. We worked that until about the beginning of November when my platoon rotated out to gate duty. We returned to the facility between Christmas and New Year's Eve on 2002 and remained there until we left. [redacted]

Q: Did you guard either detainee that died during the period of time between October and December 2002?

A: No. [redacted]

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: No. [redacted]

Q: Did you witness any detainees receiving any type of corrective punishment?

A: Yes. If a detainee caused a problem in the common cell, they would come into the airlock and would be required to stand. When we initially go there and during the time when we were first in the facility, the detainees hands were placed through the airlock in such a way that the detainee could not sit down. When we came back into the facility, hand irons were no longer authorized to make a person stand. We used to use hoods to disorient detainees when we first started, but that changed to only using blacked out goggles when we returned to the facility from the gate duty. The second time we were in there was a lot different from the first time. Initially, MI used to dictate sleep deprivation which

FOR OFFICIAL USE ONLY

b6, 7c

STATEMENT OF SGT [redacted] TAKEN AT Embassy Suites, Blue Ash, OH; DATED 3 Feb 04; CONTINUED:
lasted for at least twenty-four hours. When we came back they had switched to a modified sleep program which was a little more lenient and allowed them to sleep more. When we first started, MI would have us put a guy through PT by having him run in place or something, but by the second time, that was no longer part of the discipline. The first time around the detainee would be cuffed to the isolation cell, but we weren't allowed to do that the second time around. [redacted]
Q: Were any detainees struck for any reason?
A: Yes, if a detainee resisted us during an escort, we would use either a Pressure Point Control Tactic (PPCT) or a common pronial strike to get them to comply. Any time somebody acted up or we had to use a common pronial strike, we were supposed to record it in the blotter. They didn't enforce that as heavily when we first started, but they were strict about it the second time. I estimate that I gave about five common pronial strikes on five different occasions over the four months that I worked in the facility [redacted]
Q: Do you have any information concerning either PUC that died?
A: No. [redacted]
Q: Did you hear from any MP's complain that either of the PUC's that died were troublemakers?
A: I did hear that they weren't real compliant and had caused some problems on both shifts, but that's all. [redacted]
Q: Did any of the other MP's appear to dislike the PUC's?
A: I don't think any of us liked them because of what had happened, but we knew we had a job to do and were professional about it because we knew not all of these guys were bad guys. [redacted]
Q: How did the MP's handle troublemakers?
A: A lot of times we would just yell at them to get their attention because they didn't like being yelled at. Depending on the situation, if they refuse to move on an escort, you kind of push on them to encourage them to move. If they absolutely refuse to move or try to strike an MP then a common pronial strike may be necessary or some type of wrist lock. If a person was in the regular cell causing a problem or if MI would request it, a detainee would be put into an isolation cell. [redacted]
Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?
A: No. [redacted]
Q: Where did you receive training on common pronial strikes and pressure point control tactics?
Exhibit: 230 INITIALS [redacted] PAGE 2 OF 5

STATEMENT OF SGT [redacted], TAKEN AT Embassy Suites, Blue Ash, OH; DATED 3 Feb 04; CONTINUED:
A: In our train up in New Jersey and squad level training and at MP school [redacted]
Q: Did you have any interaction with third platoon?
A: No, just at shift change. I stayed in the same tent as some of them, but we worked opposite schedules. I didn't have any problems with any of them. [redacted]
Q: Do you know who had anything to do with the eventual death of either detainee?
A: No. [redacted]
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: No. [redacted]
Q: How do you feel about the deaths of those two detainees?
A: I don't want anybody to die. If they had anything to do with 9/11 it wouldn't hurt my feelings. But our job was to safeguard them, we weren't there to be the judgment guys. I think it looks bad on the unit. [redacted]
Q: Who do you think caused the death of the detainees?
A: I honestly don't know. [redacted]
Q: Is there anyone that you think used excessive force with detainees?
A: No. I didn't see anything that I thought was excessive or not necessary. We didn't have that many troublemakers when we worked. Most of the detainees behaved well after the first week or two of being there. When they were first brought in, things were rough for them and everything, but it seemed like once they got past that, they were okay. [redacted]
Q: Did you hear anyone talk about their interaction with either PUC that died?
A: No, it was pretty hush-hush. [redacted]
Q: Do you think that the death of either of those detainees was deliberate? [redacted]
A: I wouldn't think it was deliberate. [redacted]
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: Whoever was on the control team for the escorts. [redacted]
Q: Why do you think someone would abuse a detainee?
A: We had guys spit on us or throw shit or piss on us. It made you want to beat the shit out of them, but we knew we couldn't do that. The opportunity would have been there during escort or any type of cell extraction [redacted]
Q: Where did you learn what was and was not acceptable treatment of the detainees?

FOR OFFICIAL USE ONLY

b6, 7c

STATEMENT OF SGT [redacted], TAKEN AT Embassy Suites, Blue Ash, OH; DATED 3 Feb 04; CONTINUED:
A: From our SOP and when we trained up at Fort Dix. The rules regarding excessive force did not change because we were there. Just like garrison in CONUS, you use the minimum force necessary to control the situation. [redacted]
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common pronial strikes?
A: I know they chained them because when I got there, detainees were cuffed with their hands above their head in the airlock. I didn't see them use common pronial strikes or PPCT. [redacted]
Q: What was your professional training and background outside of the military before deploying?
A: I was a manufacturing supervisor and a year and a half of Criminal Justice undergraduate work. [redacted]
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?
A: No. [redacted]
Q: Were any MP's using steroids during the deployment?
A: I know [redacted] and [redacted] used Androsterone poppers that they got online. [redacted]
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT/// [redacted]

STATEMENT OF SGT [redacted] TAKEN AT Embassy Suites, Blue Ash, OH; DATED 3 Feb 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 3rd day of February, 2004 at the Embassy Suites Hotel, Blue Ash, OH.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

WITNESS:

Exhibit: 230 INITIALS [redacted] PAGE 5 OF 5

FOR OFFICIAL USE ONLY

b6, 7C

1230

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 3 FEB 04
RANK: 2LT **SSN:** [redacted]
UNIT: 914 COMBAT SUPPORT HOSPITAL, Columbus, OH 43004

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES.

1. If yes, what dates and what were your duties?
SEP02 THRU FEB03, ASSIGNED AS SQUAD LDR FOR 2 SQUAD, 2 PLT, 377 MP Co.

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO.

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO.

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO. If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: NO. If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO.
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO. If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO. If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted]
Signature of Interviewee

FOUO

[redacted]
Signature/Sequence # of Interviewer

123

b2, b6, 7C

EXHIBIT 231

4b. How do you feel about the deaths of those two detainees?
SAD. UNDER THE CIRCUMSTANCES - WE HAD TO GO TO WAR.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: DO NOT KNOW.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: WOULD NOT THINK THE MAJORITY The unit that was there.

7. How do you feel about being interviewed concerning this issue?
IF IT WILL aleve the situation, I will do my PART TO get the MATTER SETTLED.

8. Do you think that the death of either of those detainees was deliberate?
NO.

9. If someone said that you physically abused either of those two detainees, is that person lying? YES.

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: ANYONE WHO WAS WORKING THERE. MP's, militar Intelligence unit, Secret Service.

11. Why do you think someone would do this? I DON'T THINK ANYONE WOULD DO THIS.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: YES. by CORPORAL PUNISHMENT, what IT TAKES TO CONTROL A SITUATION. NOTHING LIKE LASHINGS OR BEATINGS.

13. Why wouldn't you do something like this? A: I only USED AN OCCASSIONAL ARM BAR when I ASSISTED MOVING DETAINEES.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? I DON'T KNOW.

[redacted] - [redacted] 1238

Signature of Interviewee Signature/Sequence # of Interviewer

FOUO b2, b6, 7C

231
EXHIBIT

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO. If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? LASH BACK, ACT OUT. ~~OR~~

17. How do you think the results of the investigation will come out on you? GOOD.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes.
Please explain: I believe there was more than deliberate, malic hate related to these 2 people, I think there were medical: malnurishment, family history, ect. I don't think that anyone deliberately went out to beat them up.

19. Did you tell your family about this investigation? A: NO.

20a. Did you tell your family you were being interviewed regarding this investigation? A: NO.

20b. Did your family ask you if you were guilty? If so, what was your response? A: NO.

20c. Have you talked with anyone other than CID about this investigation? A: NO. If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO.

[redacted] 1233

Signature of Interviewee FOUO b2, b6, 7C Signature/Sequence # of Interviewer

EXHIBIT 23

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO.

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: YES.

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: I DON'T KNOW.

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: YES.

26. Do you think the FBI should get called in to help out on this investigation? A: NO.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: I TRUEFULLY THINK THA THERE WAS MORE GOING ON MEDICALLY WITH THE 2 INDIVIDUALS WHO DIED. THEY DIE JUST BECAUSE THEY WERE STRUCK, THEY HAD OTHER MEDICAL ISSUES WHICH CONTRIBUTED TO THE DEATHS.

28. BASED ON YOUR EXTENSIVE MEDICAL BACKGROUND, WAS THERE ANYTHING AT THE BAGRAM FACILITY OR THE TREATMENT OF THE DETAINEES WHICH CONCERNED YOU?

A: MEDICAL AID - SOME OF THE DETAINEES THAT CAME IN, PROBABLY NEEDED MEDICAL SUPERVISION BEFORE THEY CAME IN AN THEY ONLY RECIEVED CURSORY MEDICAL AID.

- NO CONCERN WITH STANDING RESTRAINT.

[redacted] [redacted] 123

Signature of Interviewee Signature/Sequence # of Interviewer

b2, b6, 7C

EXHIBIT 2

Exhibit 232

Page(s) 1235-1237 withheld

b2, b6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

PAGE 1 OF 1 PAGES

DETAILS

At 1710 hrs, 4 Feb 04, SA [redacted] and SA [redacted] interviewed **Mr. [redacted], (formerly SGT, 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237)** who was a member of 1st platoon, conducting operations at the Bagram Collection Point (BCP), Bagram, Afghanistan, between Aug 02 and Mar 03. [redacted] was advised of his rights for the offenses of Negligent Homicide, Cruelty/Maltreatment and False Official Statement. [redacted] waived his rights and made a statement detailing his observations relative to the treatment of both HABIBULLAH (PUC 412) and DILAWAR (PUC 421). [redacted] detailed his work history as a juvenile corrections officer. He also described knee strikes he witnessed [redacted] deliver on DILAWAR, about seven to eight hours prior to DILAWAR's death. [redacted] also detailed the manner in which he later discovered DILAWAR dead in the Isolation Cellblock. *(See Waiver Certificate and Sworn Statement of [redacted] dated 4 Feb 04, for additional details).*

AGENT'S COMMENT: At 1417 hrs, 31 Jan 04, SA [redacted] and SA [redacted] advised [redacted] of his rights for the offenses of Negligent Homicide, Cruelty/Maltreatment and False Official Statement. [redacted] waived his rights and made numerous statements/observations about his contact with HABIBULLAH and DILAWAR. [redacted] was unable to complete the interview at that time, due to a previous social commitment. He agreed to return and complete the interview on 4 Feb 04, at which time the results of both interviews were reduced to writing in the sworn statement listed above. *(See Waiver Certificate of [redacted] dated 31 Jan 04, for additional details).*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 4 Feb 2004 / EXHIBIT: 239

FOR OFFICIAL USE ONLY

b2, b6, 7C

0134-02-CID369-23533

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	2. DATE	3. TIME	4. FILE NO.
Embassy Suites, Cincinnati, Ohio	4 Feb 04 [redacted]	1710 [redacted]	0134-02-CID369-23533

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	616 Gholson
6. SSN [redacted] / 7. GRADE/STATUS: Civilian	Cincinnati, OH 45229

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: [redacted]egligent Homicide/Cruelty and Maltreatment/False Official Statement// [redacted]

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

1a. NAME (Type or Print) [redacted]	3. SIGNATURE OF INTERVIEWEE [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE HQ, USACIDC Fort Belvoir, VA 22060	
2a. NAME (Type or Print) [redacted]	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC Fort Belvoir, VA 22060

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOR OFFICIAL USE ONLY

Exhibit 27
1239

0104-02-CID369-23533

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
"Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(*For civilians not subject to the UCMJ*) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Embassy Suites Hotel, Cincinnati, OH 45242
Date : 4 Feb 04 **Time:** 1850
Statement of: [redacted]
SSN : [redacted]
Org/Address : [redacted] **Grade/Status:** Civ

I, [redacted] want to make the following statement under oath: I initially came in to speak with CID, in Cincinnati, OH on 31 Jan 04. I was unable to stay and complete the interview. This statement reflects a compilation of incidents we discussed on 31 Jan 04 and today, 4 Feb 04. I was advised of my rights both days and I made this statement freely, to assist in the investigation of the two deaths at the Bagram Collection Point (BCP), Bagram, Afghanistan, which occurred in Dec 02.

I came into the US Army Reserves as a 12B (Combat Engineer) in 1993. I was working in Juvenile Detention Center for Hamilton County, IN, full time. I worked with juveniles in the main confinement area for the first 18 months and rounded out my experience by working in the intake division and learning the administrative portion of the operation. I worked at the Detention Center, Hamilton County, between 1994 to Jan 01, mostly working in intake, where juveniles are processed into the facility. I got out of the reserves in Jan 99 and later (in Sep 2000), I was contacted by a recruiter to join the MPs at the 377th MP Company, which was local, here in Cincinnati. In Jan 01, I moved from the juvenile detention position, to a parole officer position, supervising adult prisoners who were released. I monitor prisoners' parole conditions and check on their progress in getting back into the community.

Q: How were you taught to handle confrontational or combative juveniles?

A: Talk to them and conduct verbal intervention first, then if you must get physical, we are taught "bushido" control techniques. It focuses on the wrists, arms and hands and controlling movement.

Q: Are there any circumstances under which you are permitted to strike juveniles in your custody?

A: To defend myself, you're not supposed to hit them. Only do what is necessary to get them off you, if attacked.

Q: Have you ever had to use physical force on juveniles?

A: Yes.

Q: Have you ever been the subject of an excessive force complaint?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 234
1241

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel,
DATED 4 Feb 2004, CONTINUED:

[redacted]

A: No, never.

On 20 Jun 02, my unit left Ohio to go to Fort Dix, NJ for Mobilization Training. We did a little training on about everything, we shot all the weapons, NBC, radio (SINCGARS), first aid and mine awareness. It was a wide variety of training to prepare us for deploying to Afghanistan. We also did crowd control training (acting as role players), land navigation. We completed training in a couple weeks, but were at Fort Dix, NJ until we shipped out to Afghanistan. I arrived in Afghanistan on 31 Aug 2002. I was assigned to 1st Platoon and we began working out on the gates. By the time we transitioned into the Bagram Control Point (BCP) and began working with detainees, the MP unit we relieved was gone. I don't recall which MP unit that was. We were trained by our own people on how to handle operations within the BCP.

Q: What did your training to working in the BCP consist of?
A: Mainly hands on, watching the platoon we were relieving escort people to the bathroom, conduct searches, write in the log book, feed the detainees. It was On the Job Training (OJT).
Q: What were you told to write in the log books?
A: Bathroom breaks, when they ate, when they saw medical, when they were interviewed, what MI directed about the detainees' treatment (hooding, standing up for sleep dep).
Q: What is "sleep dep"?
A: Sleep deprivation, they would tell us how many hours to let them sleep and how many hours they had to stay awake. It disoriented the detainees and made them more willing to talk.
Q: Were comments made in the logbook about strikes made?
A: Nope, cause you rarely had to strike someone. If they struck at you, you'd note he was combative.
Q: Did you do any MP specific training at Fort Dix?
A: Yes, self defense training. I remember going to a sand pit and learning throws and blows, some pressure point control techniques (PPCT).
Q: Do you remember who taught that training on PPCT?
A: I don't remember whom - specifically. It was someone from the unit, who either had experienced or volunteered to teach it. It did not come from the Army trainers at Fort Dix, NJ.
Q: Was the self-defense training a single training event or was it repeated (either at Fort Dix or once in country - Afghanistan)?
A: It may have been more than once at Fort Dix, but once we got into country, we did not have training time. We just worked.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 234
1242

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel,
DATED 4 Feb 2004, CONTINUED:

Q: Do you remember which unit you replaced and how long you trained alongside them?
A: I don't remember the unit we replaced. I started on the gates, so my training was on how to work gates. The platoons that worked in the Bagram Control Point got their training when they took over that job. I took over working in the BCP from another platoon (2nd) in my unit, so that was who trained me.
Q: When did you arrive in Afghanistan?
A: 31 Aug 02.
Q: When did you start working in the BCP?
A: I'm not for sure, I think it was mid to late Oct 02. I'm assigned to 1st Platoon and I think the platoon we replaced (the one who trained us) was 2nd platoon. We took over nightshift, which ran from 1930 to 0730 Bagram local time. Day shift was 3rd platoon.
Q: When you got trained in the facility, what instructions did you receive about the shackling of detainees?
A: Detainees were to be shackled with leg irons on their ankles, their hands cuffed in the front, and their heads were to be hooded for any movement.
Q: Did you routinely use belly chains to affix their hands to their waist?
A: No, the handcuffs were enough, when moved them, it was always by two MPS, so we had good control of them.
Q: What instructions were you given about shackling detainees in a standing position?
A: If they would not stand up when they were told to, then we would cuff them to the ceiling to keep them standing. We would use a leg chain, fixed to the ceiling and then affixed to the short (hand) cuffs.
Q: What was the purpose of making the detainee stand up?
A: So they wouldn't sleep, so they would be willing to talk to MI. MI directed us to keep them from sleeping for specified periods of time. They would write it on the status board, for example, one hour up, two hours down. This meant we had to keep the guy awake for one hour and he could lie down or sleep for two. MI wrote what they wanted on the status board and we did our best to comply with what MI wanted. It was documented on a dry eraser board. Possibly it would be in the logbook.
Q: What was documented in the logbook?
A: When they went to the bathroom, when they ate, when they took medicines, any issues with them acting out during the shift, stuff like that.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 234
1243

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, DATED 4 Feb 2004, CONTINUED:

Q: Was the MP response to behavioral problems documented in the logbook also?
A: Yes, SFC [redacted] would take the logbooks and compile them in a computer in the front (main) office of the BCP and make a report that went somewhere. I never saw the report. SFC [redacted] job was mostly administrative, recording who came in, who left, who went to GTMO and he kept everything he did very secret. He protected it very closely.
Q: Was the computer SFC [redacted] used a desktop or a laptop?
A: I wanna say it was a desktop.
Q: Were compliance blows recorded in the logbook?
A: I doubt it and I never remember reading it in the book. I knew the blows happened and I don't remember reading it.
Q: What do you remember about the first detainee who died (HABIBULLAH - PUC 412)?
A: The nightshift prior to the day he died, I was working (control or relief) in the BCP and SSG [redacted] was the Iso Guard. [redacted] was supervising the detainees in the downstairs Isolation Cells (I think it was called Iso #2, because it was the second one built). Iso #1 was built first and it was upstairs. [redacted] asked for some assistance to take HABIBULLAH down from restraints to go to the bathroom. He was hooded and I think his hands were affixed to the ceiling by some sort of chain, but I can't remember the configuration. I wanna say his hands were cuffed together. I remember him being a "big fish". He was someone of importance. I knew he had kicked [redacted] during in processing and I wanted to get a good look at him. I remember he was healthier; he was a little bit heavier than most Afghanis. He was well groomed, he came in with a group of other people and they were all in Isolation. He had an air of someone who was not a dirt farmer or a poor person. He seemed different than even the Afghanis we had working from day to day on the base.
Q: Did HABIBULLAH walk to bathroom on his own?
A: Yes, I think so. Someone else was with me escorting him, but I don't remember the trip to the bathroom, as much as taking him down from restraints and putting him back up. I seem to recall he was sort of out of it, from being standing up and without sleep so long. He walked funny, but was moving under his own power. He was probably real tired or maybe he was walking funny because he was hurt, but I didn't think that at the time. Now looking back it's possible he was injured at that time.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 234
1244

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, [redacted] 4 Feb 2004, CONTINUED:

Q: Could you observe his legs at all during the trip to the bathroom or at any other time?
A: No they were covered up.
Q: Did you ever see anyone strike HABIBULLAH (PUC 412)?
A: No.
Q: Did you ever hear of or read about anyone striking HABIBULLAH (PUC 412)?
A: That's not the sort of thing you write in a logbook. It's just not gonna happen.
Q: Do you remember hearing about anyone hitting HABIBULLAH?
A: No, I just remember that [redacted] did not hit him, when the detainee kicked him in the groin during in-processing.
Q: In your civilian position, do you record use of force against a juvenile or prisoner?
A: Oh, yes. We write a report and record the event as best we can.
Q: Were you given guidance on what to do, if force was used on detainees within the BCP?
A: I know they told us something about what to do. I don't recall what it was. Ask for assistance, call the SOG, don't try to handle it on your own, stuff like that.
Q: Why?
A: Because I know what I was going to do. I knew that I was going get help and handle the situation with the training I had.
Q: What were you told to do if a detainee assaulted you?
A: Protect yourself.
Q: How did you learn of the first death (HABIBULLAH)?
A: I was off the day he died. Some guys came in the tent, as I was waking up and they said a PUC died last night. When I went on shift that night, I found out it was one of the ones in Iso who had just come in. I figured out it was the guy who was the "big fish" from the night before.
Q: Did it surprise you that HABIBULLAH died?
A: Oh, yeah.
Q: Why?
A: It had never happened before. It was just surprising.
Q: When you placed HABIBULLAH back in restraints on did he say anything to you?
A: He was mumbling stuff, but I have no idea what he was saying.
Q: Did you notice if HABIBULLAH was sick, or ill in anyway?
A: He looked tired, he was on sleep deprivation so that was

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 234

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel,
DATED 4 Feb 2004, CONTINUED:

normal. He did not seem sick to me, but I had very limited contact with him.
Q: Do you remember if HABIBULLAH was coughing or spitting?
A: No, I can't recall. It was a very crude situation, we couldn't really know if someone was asking for us, unless it was on our list of Pashtun commands or directions. I remember one of the detainees spit a lot in his hood, but I can't recall if it was him.
Q: What did your list of Pashtun language commands have on it?
A: "Tashnob" which means bathroom, "sit down", "be quiet". Food was given regularly so there was no word for it. Water was given when they waived an empty water bottle at us.
Q: When working ISO Guard, were you supposed to check on the PUCs at regular intervals?
A: Yes, and no. I checked on them every 30 minutes or so. There was an SOP for it, I think I saw it, but I never read it. Each day the status board would be my guide for what I would do.
Q: How would you know if one of the detainees was asking for medical assistance?
A: Generally, it was by the tone of their voice and their insistence. We'd go get an interpreter and figure out what they were so insistent about, that would be the only way to know.
Q: What was the nature of your contact with DILAWAR (PUC 421) the second detainee who died?
A: You know it's been so long, but I have this mental image of SPC [redacted] One night I was Iso Guard in the upstairs Iso Cellblock, DILAWAR was doing something, mumbling or not holding his hands up high enough, so [redacted] and another MP (I can't remember who the other MPwas) went into the cell. I was standing in the doorway, DILAWAR was shackled up to the ceiling. [redacted] hit this guy pretty good (hard) with his knee in both legs. I remember him hitting on detainee's left side, he hit him five or six times that I saw. I just remember the look [redacted] gave me when he came out, which seemed like to me as if to mean *this is how you take care of business.*
Q: Do you recall being present when DILAWAR (PUC 421) would not put his hood down and SPC [redacted] delivered two common peroneal blows to get the detainee to stop fighting the hooding?
A: No, it may have happened, but I don't remember it. The thing I remember was [redacted] striking him, but it's possible [redacted] was working with him and [redacted] ruck him too. I know [redacted] had a partner, but there are just certain things you

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 234

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel,
DATED 4 Feb 2004, CONTINUED:

[redacted] remember and I felt sorry for the guy, because [redacted] was kicking on him.
Q: Why did you never deliver common peroneal strikes?
A: It just didn't do anything for me. I just wanted to get through the shift. I viewed it as unnecessary for me.
Q: How did you learn of DILAWAR's death?
A: Almost at the end of my shift, around 0530 or so, we were taking a guy to the bathroom from the end of the Isolation Cells where PUC 421 (DILAWAR) was confined. I had to walk by his cell on the way, to observe the escort guards take the other guy to the bathroom. DILAWAR was hanging limp in the chains, I thought he was sleeping, so I kicked the door and I could have sworn I got a response, a slight move of the head. I walked up and watched them shackle up a detainee and take him to the bathroom. A guy in the other side cells was talking or asking for something, so I dealt with him and when I returned, DILAWAR was still hanging there. I looked real close at him and called [redacted] We stood outside the cell and asked [redacted] "does he look all right to you?". [redacted] said he didn't look too good, so went in to check him. We took the hood off and uncuffed him and he was dead weight. He just dropped. [redacted] started CPR, mouth to mouth and I called SOG (SSG [redacted]. They carried him out on a stretcher and that was the last time I saw him. I had to stay in Iso and guard the rest of the prisoners.
Q: Did anyone strike DILAWAR that night?
A: That was the night [redacted] hit him, five or so times, earlier in the shift.
Q: How much time do you estimate elapsed between the time [redacted] struck DILAWAR and the time you found him unresponsive?
A: Seven to eight hours.
Q: Was DILAWAR standing restrained that whole time?
A: Yes.
Q: Was DILWAR hooded?
A: Yes.
Q: Did you check on him during the shift?
A: Oh, yeah. I'd check by seeing if he was shifting in his restraints, shuffling around, giving them water or taking them to the bathroom.
Q: Was he facing the door?
A: Yes, and he was like less than ten feet away through the door. You can actually see them breathing, shuffling and moving around.
Q: Was DILAWAR's body cold when you took him out of restraints?
INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 234

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel,
DATED 4 Feb 2004, CONTINUED:

A: No, not that I remember, but we were wearing long sleeved BDUs. The only thing that would have touched him were my hands. I don't remember him being cold.
Q: Was DILAWAR stiff when you took him out of restraints?
A: No, he was limp.
Q: Were his hands clinched?
A: I don't remember, I'm gonna say no, but I'm not sure.
Q: Were DILAWAR's open or closed when you took the hood off?
A: I think closed. I remember [redacted] opening an eyelid to look at his eyes. Then SSG [redacted] arrives with other people who start CPR and carry him out on a stretcher.
Q: Did you take anything out of DILAWAR's cell prior to CID arriving?
A: No, I think it was secured.
Q: Did you ever see any detainee with tape affixed to their head or used to hold on a hood or mask?
A: No.
Q: Did you strike DILAWAR?
A: No.
Q: Why do you think [redacted]hit DILAWAR?
A: I heard that he was very combative when he came in and it seemed to be a little revenge thing for the detainees being hard to handle. They liked to soften them up.
Q: Was there a particular group of people who hit detainees?
A: The young guys, it wasn't a unit type of thing, it was the ones who were immature.
Q: Do you know about the use of illegal drugs or steroids by 377th MPs while in Afghanistan?
A: Not drugs, but supplements. There was one big guys, called "Meat" who could bench 490 lbs and I heard started acting weird and he was told to stop taking it. The guy's name was SPC [redacted] I don't know what the weird stuff he was doing was cause he always seemed fine to me.
Q: How did you feel about DILAWAR's death?
A: It was more or less that he was the second one to die on our shift. I had no personal connection to him, I didn't now him, but it was unfortunate.
Q: Do you think the standing restraint and blows to his legs caused DILAWAR's death?
A: It could have.
Q: Did you feel any responsibility for the condition contributing to the death, as an NCO?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 234

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, DATED 4 Feb 2004, CONTINUED:

[redacted]

A: At that point it was too late, you can sit back now and see that we should have done things differently. It was like a war thing, us against them, we just did what we were trained to do.
Q: Who else delivered blows to DILAWAR?
A: I don't know, but it stands to reason other guys did.
Q: Would the leadership have known about the delivery of common peroneal strikes to detainees?
A: Yes, they would have had to. Everyone knew it happened, from the SOG to the platoon sergeant and platoon leaders.
Q: Do recall any receiving any guidance from the chain of command about striking detainees?
A: After the second death, we could not stand them up, strike them. I think it's a given you aren't supposed to hit them, but it was also a given that it happened.
Q: What did the platoon sergeants and platoon leaders do on a typical shift?
A: They sat in the Admin section near the front entrance of the BCP, sometimes they would walk around. They let us run the facility. I'm not even sure 1LT [redacted] was even there the night DILAWAR died.
Q: What do you think could have been changed that would have prevented the deaths?
A: Put them all in general population, only isolation provided enough privacy for blows to be delivered.
Q: Is there anything you wish to add to or delete from this statement at this time?
A: No.
//////////////////////End of Statement//////////////////////

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 234

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel,
DATED 4 Feb 2004, CONTINUED:

[redacted]

AFFIDAVIT

I, [redacted] 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]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of February 2004 at Cincinnati, OH 45242.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 234 12

37-02-CID369-23534

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	2. DATE	3. TIME	FILE NO.
Embassy Suites, Cincinnati, Ohio	31 Jan, 04	1417	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	616 Gholson
6. SSN [redacted] / 7. GRADE/STATUS: Civilian	Cincinnati, OH 45229

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the offense(s) of which I am suspected/accused Negligent Homicide/Cruelty and Maltreatment/False Official Statement// [redacted]

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES	OF INTERVIEWEE
1a. NAME (Type or Print) SA [redacted]	
b. ORGANIZATION OR ADDRESS HQ, USACIDC Fort Belvoir, VA 22060	
2a. NAME (Type or Print)	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC Fort Belvoir, VA 22060

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 80 EDITION OF NOV 84 IS OBSOLETE

b2, b6, 7C

EXHIBIT 235

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

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

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

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

EXHIBIT 235

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	0134-02-CID369-23533/0137-02-CID369-23534 PAGE 1 OF 1 PAGES

DETAILS

At 1505 hrs, 4 Feb 04, SA [redacted] interviewed **1LT** [redacted] **3/338th Infantry Regiment, Blacklick, OH** who was the Platoon Leader of 1st platoon, 377th Military Police Company, and worked in the Bagram Collection Point (BCP) at the time of the deaths. [redacted] provided a sworn statement describing the emergency medical treatment administered to PUC 412, who did not appear to have any signs of life. [redacted] instructed his platoon not to discuss either deaths and to bring any information they had to a Special Agent's attention. [redacted] stated a SJA officer told him that standing restraints were authorized to enforce discipline. *(See Sworn Statement of* [redacted] *dated 4 Feb 04, for additional details)*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 4 Feb 04 / EXHIBIT: 236

SWORN STATEMENT

File Number :
Location : Building 225, Camp Atterbury, IN
Date : 4 Feb 04 Time: 1505
Statement Of: [redacted]
SSN : [redacted] Grade/Status: O-2
Org/Address : 3/338th Infantry (TSB), Blacklick, OH 43004-9615

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes. [redacted]

Q: What dates were you there and what were your duties?

A: I got there in September 2002 and left in March 2003. I was a platoon for 1st platoon. I also assisted with supply and doing supply missions. I guess I was on orders as a Supply Officer. I made walkthroughs of the detention facility while I was there to make sure my platoon was functioning properly. I was in the facility quite a bit, but I didn't work a set schedule in the facility. My platoon rotated into the facility two months after we got there. [redacted]

Q: Did you guard either detainee that died during the period of time between October and December 2002?

A: Me personally, no. [redacted]

Q: Did you have any interaction with either detainee that died at all?

A: I never really saw them and I couldn't pick them out of a line up. I don't recall any specific interaction with them. The night that the first one died, they brought the detainee down to a inprocessing room and the guys came and told the RTO that they needed to call an ambulance. I asked what was going on and I went into that room where they were and saw them doing CPR on the PUC [redacted]

Q: Did the detainee appear to have any signs of life to you?

A: No, I remember telling SFC [redacted] that it didn't look good because the guys eyes were opened and they looked glassed over he had bile on his mouth on half of his face. I remember SGT [redacted] told me he looked into the cell and could tell that something was definitely wrong with the PUC and that was why he entered the cell to begin with. [redacted]

Q: Do you believe the detainee was already dead when they brought

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:
him into the room?
A: I don't know. When I went into the room and saw him I thought that if he was alive then, it would have been barely. I didn't participate in any of the life saving measures. I grabbed a notebook and started taking notes of what was going on. [redacted]
Q: Do you recall any of the soldiers taking any blood pressure measurements or pulse measurements?
A: I don't recall. I think I would have remembered if they were doing that and I don't. [redacted]
Q: Did you interview or were you present during any interviews with either detainee during this time frame?
A: No [redacted]
Q: Did you witness either detainee that died receive any type of corrective punishment?
A: No. [redacted]
Q: Were any detainees struck for any reason?
A: We had some that were restrained. We had a guy that attempted to commit suicide and was restrained. We worked night shift and for the most part at night when we were on, the detainees were asleep. We did have one detainee lunge after a doctor during inprocessing and we did a one arm takedown of that guy. There were no blows during that time. I know that common pronial strikes were used extremely sparingly. [redacted]
Q: Did either PUC that died cause any trouble during the shifts that you worked?
A: I recall one of the PUC's that died was kicking on the cell door on one occasion. He was restrained more towards the back of the cell so that he couldn't kick on the door. I don't recall any other problems. [redacted]
Q: How exactly was he restrained?
A: There was wire on the ceiling of the isolation cell. He was cuffed to the ceiling with leg irons to his wrists with his arms above his head. I believe he had leg irons on his feet, too. I think he may have had a belly chain around his waist that was attached to his leg irons somehow so that he couldn't kick the door. [redacted]
Q: Did you see the first PUC alive at any point during your shift the night he died?
A: I don't know; I know I made my rounds, but I don't always look in all the cells in isolation. [redacted]
Q: Was that the only time that either detainee was restrained in isolation?

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:
A: No. Military Intelligence had some people that they wanted to stay awake. The MP's made sure that the detainees stayed awake by standing. MI's SOP indicated that if the guy would not stand on his own, he would be restrained in such a way so as to make them stand. I would guess that both detainees were in standing restraints for five or six hours total in 24 hours. [redacted]
Q: Did you ever see MI's SOP?
A: No. I think our company commander and their company commander got together and worked that out. We were told to assist them as much as possible [redacted]
Q: Were soldiers required to check on the condition of detainees on a periodic basis?
A: I think the minimum for isolation was twenty minutes. They should check at least every twenty minutes. [redacted]
Q: Do you believe soldiers actually checked on the detainees every twenty minutes?
A: Yes. When I would do spot checks, I would peak in and just about every time I walked in the isolation cell guard would be on one end or the other of the row of cells walking [redacted]
Q: Did you do any spot checks on the night either detainee died?
A: I must have, but I don't specifically recall. If I was in the facility myself or SFC [redacted] would walk around at least once an hour. [redacted]
Q: Did any MP's complain that either of the PUC's that died were troublemakers?
A: I think [redacted] told me one of them was, but I don't recall which one of the two. He said that the PUC was always being noncompliant by yelling or trying to talk to the other cells. I know one of them did a lot of spitting, and would try and spit on the MP's as they walked by the isolation cell. [redacted]
Q: Did any of the MP's appear to dislike the PUC's?
A: Nothing that I saw. They weren't happy they were deployed for the most part, but they weren't necessarily unhappy with the PUCs.
Q: How did the MP's handle troublemakers? [redacted]
A: We had an escalation of discipline for the different types of noncompliance. They started at the low end which was the detainee would be made to stand for a certain amount of time (10 to 30 minutes); the next time would be stand for double the amount of time (20 to 60 minutes); the third time they could be handcuffed to be made to stand if that was necessary, but in order to do that they had to contact the sergeant of the guard to get his go ahead as a measure of checks and balances. I don't know that anybody [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:
ever went past that. Down in general population, if they had to stand, they had to stand with hoods on so they couldn't be looking on. We switched that from hoods to blacked out goggles on one point. On a couple of occasions when I did a walkthrough, they had guys standing in the sallyport of the general population restrained through the airlock, and I made a comment to a sergeant of the guard that I wanted that changed. [redacted]
Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?
A: Before the deaths, no. I felt that we were doing everything that we needed to do and I was comfortable with what we were doing. After the deaths, I heard about some of the guys from third platoon that had problems. Either 2LT [redacted] or SFC [redacted] told me that SGT [redacted] had done two or three common pronial strikes on the same inmate and I was uncomfortable with that. Once the CID investigation started, we were told not to talk about the incidents, so I didn't hear anything else. [redacted]
Q: Have you been trained on common pronial strikes and pressure point control tactics?
A: At the unit, yes, and in my civilian job. I am a [redacted]
Q: Did you ever utilize those tactics on a PUC?
A: No. [redacted]
Q: Did you ever have to use any force on a PUC?
A: I assisted on walking new PUC's in several times during inprocessing, but I didn't really use force. The guys would be blindfolded so they had to be assisted when they walked. [redacted]
Q: Do you know who had anything to do with the eventual death of either detainee?
A: No [redacted]
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: I heard several times that SGT [redacted] was really concerned about a common pronial strike he had administered on one of the detainees. I heard [redacted] was real upset, too, because he was in isolation both of the times the detainee died. He was the one who ended up doing CPR on the first guy that I saw. [redacted]
Q: How do you feel about the deaths of those two detainees?
A: It shouldn't have happened. I thought quite a bit about it wondering if I could have done something different, but I can't think of anything. I walked around a lot, but we also had MP's that should have known what could and could not be done. I never [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:
saw anything that gave me any indication that something improper was going on because I wouldn't have stood for it. I wouldn't have allowed anything improper to happen. [redacted]
Q: Who do you think caused the death of the detainees?
A: I honestly wouldn't believe that any of my guys would do something like that. I don't have any idea who would do that. I never thought much about it because I assumed the guys died of natural causes [redacted]
Q: Do you think that the death of either of those detainees was deliberate?
A: No. [redacted]
Q: If someone said that you physically abused either of those detainees is that person lying?
A: Yes [redacted]
Q: Who do you think would have had the best opportunity to physically abuse either detainee?
A: Whoever was working in isolation would have had an opportunity. BCB
Q: Why do you think someone would abuse a detainee?
A: Frustration, maybe. It boggles my mind. If my guys were abusing detainees, I should have been able to see something and didn't [redacted]
Q: What was your assessment of SPC [redacted] duty performance and well-being?
A: I thought that he was doing well. He wasn't a super achiever, but he did what Specialists should be able to do. He never complained to me about anything. [redacted]
Q: Was SPC [redacted] ever involved in any type of misconduct?
A: Not that I'm aware of. [redacted]
Q: What was your assessment of SPC [redacted] duty performance and well-being?
A: His duty performance was good. I believe he went home on emergency leave while we were there. He seemed to be constantly concerned with what was going on at home. He wasn't overly preoccupied with it, but I think he was having some problems, but I don't remember what it was [redacted]
Q: How well do you know 2LT [redacted]
A: Not really. [redacted]
Q: Did you ever hear of or see 2LT [redacted] interact with detainees?
A: I don't recall him interacting with detainees. He seemed to be always working on admin tasks in the facility like NCOER's and thing [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:
Q: Were you aware of 2LT [redacted] being involved in any type of misconduct with detainees?
A: I remember thinking he had a low opinion of the detainees but I can't think of any specific comment he made. I don't recall hearing anything about 2LT [redacted] being involved in any use of force type issue.
Q: Did 2LT [redacted] ever mention any incidents that occurred when he was involved in a repatriation mission with detainees?
A: I remember he said that they had to change their weapons policy because it used to be that when you were getting ready to land the helicopter wherever these guys were going to be let loose at, the soldiers would lock and load their weapons and put the weapon on safe in case they landed in a hot zone. 2LT [redacted] said they had to change their policy because on one occasion a detainee wet himself because he saw all the soldiers locking and loading and he thought he was going to be executed. [redacted]
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: No. [redacted]
Q: Why wouldn't you abuse a detainee?
A: They are people just like everyone else. For the most part, those guys were farmers that were in the wrong place at the wrong time and most of them were repatriated. [redacted]
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: They need to be prosecuted. [redacted]
Q: Under what circumstances were you given direction that a common pronial strike or pressure point control tactic could be applied?
A: To gain compliance or regain compliance from a detainee. [redacted]
Q: Where did you learn what was and was not acceptable treatment of the detainees?
A: We had classes at Fort Dix, I believe, on the Geneva Convention. When we got into Afghanistan, we got information from the offgoing company from the relief in place. By the time, I got in country, though, the other company was already gone. I would periodically ask my guys and they could [redacted] brief me on what their duties were on their positions. [redacted]
Q: Was the facility SOP readily available for your soldiers?
A: Yes, there was copy in the TOC that they could get and there was an SOP for every duty position at the duty station. [redacted]
Q: Did the SOP dictate when common pronial strikes could be applied?

STATEMENT OF [redacted], TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:
A: No.[redacted]
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common pronial strikes?
A: I know they used standing restraints because that is where we learned how to do the restraints. I don't know if they used PPCT or common pronial strikes[redacted]
Q: What was your professional training and background outside of the military before deploying?
A: Bachelor's degree in Police Administration; an Associate's Degree in Military Science; I attended the Corrections Academy for the state of Ohio; I went to the Ohio Police Officer's Training Academy. Counting corrections and law enforcement I have five years of experience.[redacted]
Q: Did you ever see the PUC's legs underneath their clothing?
A: Just during inprocessing when they disrobed.[redacted]
Q: Do you recall seeing either PUC's that died during inprocessing?
A: I don't recall.[redacted]
Q: Did you ever observe any bruises or injuries on either PUC that died?
A: No. I went to the hospital when the first PUC died and I did see a bruise about the size of my palm on the guy's thigh.[redacted]
Q: Did either PUC that died appear ill to you at any time?
A: Not that I was aware of, no.[redacted]
Q: Did you observe either PUC that died in pain?
A: No.[redacted]
Q: Were you present when the second PUC that died was receiving emergency medical treatment?
A: No, I was in my tent sleeping and a soldier ran into the tent, turned on the light and said that another PUC was sent to the hospital and he looked dead or didn't look good. I believe SFC [redacted] went to the hospital on that one.[redacted]
Q: Did you observe either PUC that died eat or drink anything during your shift?
A: I wasn't around very often when they were distributing food. I wasn't around when either of those detainees were eating or drinking.[redacted]
Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common pronial strikes?
A: The commander knew of all those things. Everybody knew about standing restraints. The two Provost Marshals of the Joint[redacted]

STATEMENT OF [redacted], TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:
Operations Center (JOC) was aware of that, I'm sure. They would come around the facility from time to time, and guys would be in standing restraints at the time. I believe they knew about common pronial strikes, too, but I think they believed as I did, that they were only used sparingly. There was a SJA officer, MAJ [redacted] who had a desk with the rest of the MP's at the JOC that would come down and visit from time to time and he was fully aware of all things going on in the facility. I specifically remember a conversation with the SJA officer about standing restraints and he said that was the only discipline we could administer if they refused was some type of standing restraints. [redacted]
Q: Were you aware of any MP's using excessive force with detainees?
A: No. [redacted]
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?
A: No. After the second death, a CID agent told us that they didn't want this issue discussed amongst anyone in the facility, so I put out in guardmount that the soldiers should not talk about either incident and if they had anything to say about it, they should talk to a CID agent. [redacted]
Q: Were any MP's using steroids during the deployment?
A: I know that [redacted] was using some stuff that he ordered out of a magazine and several guys that were lifting weights were doing that. But I don't think anyone was using steroids. [redacted]
Q: Do you think the Bagram Control Point was run effectively?
A: I would have thought so before we started talking. [redacted]
Q: Do you believe your soldiers received adequate training in detainee operations?
A: No, we didn't have hardly any training in detainee operations. The training we got was geared towards Bosnia and Kosovo. They didn't have anything pertaining to Afghanistan. [redacted]
Q: Did you have clear guidelines on how the facility should be run?
A: No, I don't recall ever hearing from anybody on how the facility should be run. The SOP was vague pertaining to everything. A lot of how the place should be run came from Military Intelligence. [redacted]
Q: Are you aware of any soldiers being counseled for mistreatment of a detainee?
A: I never had to do that. I remember talking to SFC [redacted] about what to do about a soldier who was forcing detainees to move [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:
faster than what they needed to be moving. I told him to put it in a counseling statement. I think he ended up counseling two of our guys on it, but I don't remember who the soldiers were. [redacted]
Q: Was there a status board maintained near the isolation cells?
A: There was one in each of the isolation areas, yes. The status board showed the detainee number; if he was out of his cell, where he was at; if he was being restrained at the direction of MI, it would have a start time and an end time on the status board. [redacted]
Q: Was the status board wiped clean before any outside personnel or agencies arrived?
A: I don't know. I am not aware of any policy to wipe the boards clean. [redacted]
Q: Do you have any photos, notes or records pertaining to the Bagram Control Point?
A: No, all of it was left there. [redacted]
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT/// [redacted]

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:

AFFIDAVIT

I, [redacted] 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]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of February, 2004 at Camp Atterbury, IN

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

ARTICLE 136 (b) (4) UCMJ
(Authority To Administer Oaths)

WITNESS:

Exhibit: 237 INITIALS [redacted] PAGE 10 OF 10

FOR OFFICIAL USE ONLY

b6, 7C

1263

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0134-02-CID369-23533/0137-02-CID369-2353

PAGE 1 OF 1 PAGES

DETAILS

At 1020 hrs, 5 Feb 04, SA [redacted] interviewed **SFC** [redacted] **3/338th Infantry Regiment, Blacklick, OH** who was the Operations Sergeant, 377th Military Police Company, with duty in the Joint Operations Center (JOC) at the time of the deaths. [redacted] entered the facility occasionally to check on the status of PUC(s) in isolation for the JOC. [redacted] provided a statement describing his observations of DILAWAR (PUC 421) while in standing restraints in an isolation cell in the Bagram Collection Point (BCP). It was determined hoods were not to be used on the detainees; however, DILAWAR was wearing a hood because he continually spit at the guards. [redacted] stated DILAWAR appeared limp after being in standing restraints for more than seven hours. *(See Sworn Statement of* [redacted] *dated 5 Feb 04, for additional details)*

At 1457 hrs, 5 Feb 04, SA [redacted] interviewed **SFC** [redacted] **3/338th Infantry Regiment, Blacklick, OH,** who was the Platoon Sergeant of 1st platoon, 377th Military Police Company, and worked in the BCP at the time of the deaths. [redacted] provided a statement detailing the emergency medical treatment administered to both HABIBULLAH (PUC 412) and DILAWAR (PUC 421) on the night of their deaths. [redacted] stated both PUC(s) were consistently noncompliant with facility rules and guard's instructions. [redacted] stated he would not permit any type of misconduct or abuse of the detainees. When [redacted] learned SPC [redacted] 377th Military Police Company, Cincinnati, OH 45237, twisted the handcuffs of a detainee during an escort, he had [redacted] removed from the facility and reassigned to an administrative job outside of the facility. *(See Sworn Statement of* [redacted] *dated 5 Feb 04, for additional details)*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 5 Feb 04 / EXHIBIT: 238

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

1264

SWORN STATEMENT

File Number :
Location : Building 225, Camp Aterbury, IN
Date : 5 Feb 04 Time: 10:20 hrs
Statement Of: [redacted]
SSN : [redacted] Grade/Status: E-7
Org/Address : 3/338th Infantry Regiment, Blacklick, OH

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?
A: Yes. [redacted]
Q: What dates were you there and what were your duties?
A: I was there from September 2002 and left in March 2003. I worked as the Operations NCO. I ran detainee operations such as flights, picking them up, repatriation, coordinating with the Joint Operations Center. I was in the detention facility nearly every day to get out of the office, but my duties rarely required me to be in the facility. [redacted]
Q: Did you guard either detainee that died during the period of time between October and December 2002?
A: No. [redacted]
Q: Did you interview or were you present during any interviews with either detainee during this time frame?
A: No. [redacted]
Q: Did you witness any detainees receiving any type of corrective punishment?
A: No. I did see one of the second detainee that died in standing restraints in an isolation cell. A few times we would go in to give a report back to the Joint Operations Center (JOC) on individuals who were being combative or causing trouble. When I saw the detainee, it wasn't on the day he died because I happened to be off on both days that a detainee died. It seems to me that the day that he died, he was in a different isolation booth than when I had seen him.I think he had a hood on at the time because he was spitting on one of the guards. We were told about three or four months in that we weren't supposed to use hoods anymore, but they had a hood on this guy because he was spitting. I was going into the facility from time to time to determine why we were doing whatever Military Intelligence told us to do because it was unclear who was running the facility, the MP's or MI. Our job [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:

should have been only to house the detainees, we shouldn't have been involved in doing whatever MI wanted to do to select detainees. If anybody went into isolation, the JOC wanted to know about it. They would ask about individual PUC's after the first PUC died because the JOC wanted to know about activity in the isolation cells on a day to day basis. I never witnessed any MP's struggling with detainees or any situation when a common pronial strike was necessary or used. [redacted]

Q: Were any detainees struck for any reason?

A: Not just for no reason. Most of the people were real nice people. I think I could have walked into any one of the cells without a weapon or any other security and been fine. I can't recall anybody giving somebody an okay to use a common pronial strike. I had heard that common pronial strikes were used on the two that died. The situation dictated when the strikes could be used. [redacted]

Q: Are you aware of either PUC that died causing any trouble?

A: I heard that they were combative. I heard somebody got kicked by one of them, but I don't know any details. [redacted]

Q: Did you see the first detainee that died in standing restraints?

A: I can't remember who was what, so I am going to say no. The first PUC that died caught everyone by surprise, so I don't remember much about the first PUC that died. But after he died, we were obviously more concerned and attentive to PUC operations so I can remember more about him. [redacted]

Q: Did any of the MP's appear to dislike the PUC's?

A: One on one, maybe. Overall, I don't think so. I don't think there was a complaint about all of them. But they may have individuals they had problems with. [redacted]

Q: How did the MP's handle troublemakers?

A: MI dictated everything to us. We didn't personally have any problems with them. MI would tell us to have them standing up. Once we had them standing up, then trouble might start because the detainee may become noncompliant and one thing led to another. After the first death, if they became noncompliant, there really wasn't nothing that could be done about it. After the first death, common pronial strikes were only to be used in self defense. After the first death, a lot of the treatment of the detainees began to change. [redacted]

Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?

FOR OFFICIAL USE ONLY

b6, 7C

0137-02-CID369-235

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:
A: No.[redacted]
Q: Have you been trained on common pronial strikes and pressure point control tactics?
A: Before we left, we did some unit training on those tactics.[redacted]
Q: Did you ever utilize those tactics on a PUC?
A: No.[redacted]
Q: Did you ever have to use any force with a PUC?
A: No.[redacted]
Q: Do you know who had anything to do with the eventual death of either detainee?
A: Not really. I heard the only one who was really nervous about it was SGT [redacted]
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: No.[redacted]
Q: How do you feel about the deaths of those two detainees?
A: If somebody would have got hit like they got hit and nobody died, I don't think anyone would have had a problem with it. There is no way that somebody should be in restraints and get beat to the point of death. There is no way we should have had a problem in there with death because somebody hit somebody.[redacted]
Q: Who do you think caused the death of the detainees?
A: That I don't know. I would only be going on hearsay and I heard that [redacted] was nervous about it, but that's all I really know.[redacted]
Q: Do you suspect anyone caused either detainees death?
A: At the time, I wasn't thinking about it. It was something that happened. I don't know who caused the detainees death.[redacted]
Q: Do you think that the death of either of those detainees was deliberate?
A: No.[redacted]
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: MI would grab someone and take them upstairs and we don't know what was going on up there. They could have done it, I don't know.[redacted]
Q: Why do you think someone would abuse a detainee?
A: Because they were combative.[redacted]
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: No.[redacted]
Q: Why wouldn't you abuse a detainee?[redacted]
Exhibit: 239 INITIAL: [redacted] PAGE 3 OF 7

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:

A: I wasn't part of the operation of the facility. I didn't have that much interaction with the detainees [redacted]

Q: What do you think should happen to a person who mistreated or caused the death of a detainee?

A: If it was intentional, that would be whatever somebody decides. I couldn't say, I'm not a prosecutor. [redacted]

Q: Under what circumstances were you given direction that a common pronial strike or pressure point control tactic could be applied?

A: If a person was launching at or about to strike a person or if they are resisting the application of restraints or if somebody was trying to get out of their cell, then those techniques could be applied. [redacted]

Q: Where did you learn what was and was not acceptable treatment of the detainees?

A: Just by heart. What you felt. [redacted]

Q: Did you ever see a SOP for the detention facility?

A: We all handed down one and the unit before us handed down one. I don't think there is any doctrine on handling anything other than EPW's and stuff like that. [redacted]

Q: Did you see any SOP's regarding the application of common pronial strikes or any other use of force?

A: I don't think I recall seeing anything like that. [redacted]

Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common pronial strikes?

A: I know they used the standing restraints at the airlock in the general population, but the isolation cells weren't built until we got there. I don't know if they were using PPCT or common pronial strikes. [redacted]

Q: What was the maximum amount of force that could be applied to a detainee who was being defiant?

A: I couldn't tell you without some type of weapon. That was a platoon level operation. [redacted]

Q: What did you believe caused the death of the first detainee when you came to work the day after his death?

A: I was hearing that they all had weak vital signs when they came in the facility. They were tired and wore down. Half or more were on drugs, so I thought it was natural causes. [redacted]

Q: What did you believe caused the death of the second detainee when you came to work the day after his death?

A: We kind of thought the other one died of natural causes, too. But, we also heard about some blows being delivered to the second guy; however, no one was pointing fingers because we figured, hey, [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:
it happens. [redacted]
Q: What was your professional training and background outside of the military before deploying?
A: I am a pipe fitter. [redacted]
Q: Did you ever see the legs of either PUC that died underneath his clothing?
A: No. [redacted]
Q: Did you ever observe any bruises or injuries on either PUC that died?
A: No. [redacted]
Q: Did either PUC that died ever appear ill to you?
A: Seems like the second one when I went into the isolation booth was a little ill, but I didn't think nothing of it. It just seemed like he was limp. I thought he was just standing so long that he didn't want to do anything or look at you. [redacted]
Q: How long do you think the PUC had been in standing restraints when you saw him?
A: I would say probably more than seven hours. [redacted]
Q: Did you ever observe either PUC that died in pain?
A: After the second PUC died, looking back I can say he was probably in pain. Looking back, he probably wasn't limp because he was tired, he was probably in pain. [redacted]
Q: Do you have any idea why he would have been in pain?
A: Looking back, I heard that somebody had used common pronial strikes on the guy and that was probably why he was in pain. But I don't know who did the strikes or anything about it. [redacted]
Q: Do you have any idea what type of emergency medical treatment either PUC received on the day they died?
A: No, I wasn't there. [redacted]
Q: Beyond the company level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT, and common pronial strikes?
A: The JOC knew about it all. That would have been MAJ [redacted] who was the Provost Marshal for detainee operations, I think. I think there was a SJA lawyer in the JOC, but I don't remember his name. I don't recall who all was in there. I am not sure if anyone was aware of the common pronial strikes, but I know everyone knew about the standing restraints and sleep deprivation, including the base commander. [redacted]
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?
A: No. [redacted]

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:

Q: Do you think the soldiers had adequate training and guidance pertaining to use of force and treatment of detainees?

A: No. I don't think the Army had defined what these people's status was. EPW was one thing, but these weren't EPW's. [redacted]

Q: Are you aware of any MP's using excessive force?

A: No. [redacted]

Q: Did you ever hear of any soldiers pulling a weapon on a detainee during a repatriation mission?

A: No. I heard about a detainee that shit on himself when he [redacted] heard soldiers locking and loading because he had a hood on and didn't know what was going on.

Q: Were soldiers using steroids during the deployment?

A: Not that I know of. [redacted]

Q: Are you aware of any soldiers being counseled for how they treated the detainees?

A: No. [redacted]

Q: Do you know anything about status boards that were maintained in isolation areas?

A: Yes, it showed if someone was talking, if someone had to stand, it would show how long they were supposed to be up. [redacted]

Q: Was the status board wiped clean before the International Committee of the Red Cross or any other agencies arrived?

A: No, I don't think ICRC was even allowed back there. They weren't supposed to even see the isolation cells. I think they only went back there one time so that they could see the improvements we were trying to make. [redacted]

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

A: No.///END OF STATEMENT/// [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:

AFFIDAVIT

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

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of February, 2004 at Camp Atterbury, IN

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

FOR OFFICIAL USE ONLY

b6, 7C

SWORN STATEMENT

File Number :
Location : Building 225, Camp Atterbury, IN
Date : 5 Feb 0[redacted] Time: 1457
Statement Of: [redacted]
SSN [redacted] Grade/Status: E-7
Org/Address : 3/338th Infantry Regiment, Blacklick, OH

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes [redacted]

Q: What dates were you there and what were your duties?

A: I got there at about September 2002 and I left at about 29 March 2003. I was a Platoon Sergeant for 1st Platoon. When we first got there, our platoon was doing entry control points at the gates. We rotated into the facility about two and a half months later and we worked night shift. As a Platoon Sergeant, I checked on the soldiers at their posts, made sure they got chow and had commo. I had a daily briefing every day at the Provost Marshal's Office regarding threats, procedures and whether VIP's would be entering the facility. [redacted]

Q: Did you guard either detainee that died during the period of time between October and December 2002?

A: No, I was NCOIC, so I moved throughout the facility checking on my soldiers and ensuring there was no problems with the soldiers. I also assisted with inprocessing of detainees. [redacted]

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: No. [redacted]

Q: Did you witness either detainee receiving any type of corrective punishment?

A: I can't remember which one it was, but one of them grabbed at SSG [redacted] and SSG [redacted] struck the detainee in his rib area one time with his hand to make him release. It was extremely dangerous for the detainee to grab SSG [redacted] because he was the floor NCOIC, and as such carried a 9mm pistol. SSG [redacted] another MP and I then took the detainee to the isolation area since he was being noncompliant [redacted]

Q: How often did detainees receive commoń pronial strikes?

Exhibit: 240 INITIALS [redacted] PAGE 1 OF 9

FOR OFFICIAL USE ONLY

b6, 7c

1272

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:

A: I never saw anybody get a common pronial strikes while I was there. I did not condone common pronial strikes because I work in a hospital and I know that would hurt after a period of time. I am pretty sure I told the soldiers not to use common pronial strikes. [redacted]

Q: Did either PUC that died cause any trouble that you are aware of?

A: My troops told me both were constantly noncompliant and would spit and yell at the soldiers. I had heard that one of them flipped a third platoon soldier. I just heard they were constantly noncompliant. We had a few detainees that were noncompliant. Other than the incident I described with SSG [redacted] I don't think I saw either detainee cause any other trouble. [redacted]

Q: Were either detainees that died placed into standing restraints?

A: Yes, from what I understand, a couple times both were noncompliant by spitting at the soldiers or kicking at the soldiers. They were put into the standing restraints each of those times. According to the unit that was there before us, a detainee could be placed into standing restraints for an hour for the first offense, another hour for the second offense, and then after that it was up to the guard's discretion. I never saw it in an SOP, though. Sometimes, they would be in standing restraints when we came on shift from something they did on the previous shift. We would document when a person was put into standing restraints and for how long in a ledger. Sometimes MI would dictate when someone was to be in an isolation cell, with or without standing restraints, and sometimes they were put in there for being noncompliant. There was a status board in the isolation areas and one on the main floor. It would tell what time they were up, what time they would go down and what the infraction was that they did. [redacted]

Q: Were the status boards wiped clean before the International Committee of the Red Cross or any other visitors arrived?

A: I couldn't tell you because we were on night shift and there weren't visitors during night shift. [redacted]

Q: Did any MP's complain that either of the PUC's that died were troublemakers?

A: No, they sometimes complained that PUC's were non-compliant. If we had somebody that was being noncompliant we would give them verbal instructions. We didn't have interpreters when we worked

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF [redacted], TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:
so we would get a PUC that spoke English to [redacted]s out. We had asked for interpreters, but never got them [redacted]
Q: Did any MP's appear to dislike the PUC's?
A: Nobody liked the PUC's. On one occasion, I saw [redacted] walking a PUC and twist the cuffs to cause the PUC pain. When I saw that, which was after the two deaths, I had him removed from the facility and he no longer worked there [redacted]
Q: How did the MP's handle PUC's who were noncompliant?
A: It depended on the situation. During inprocessing, the PUC's weren't necessarily noncompliant, but they wouldn't understand what we were telling them so we would have to motion to them or even push them down to the ground to get them to sit. If a PUC is refusing to do what they were told, they would be put into the airlock if they were in general population. If they continued to be a problem, they would be escorted to an isolation cell where they would only be placed into standing restraints with their hands above their head if they continued to be noncompliant. [redacted]
Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?
A: I didn't have any problems with anything they did.
Q: Have you been trained on common pronial strikes and pressure point control tactics? [redacted]
A: We did some training on it at Fort Dix. I never did it and I never saw anybody use it. I think me and [redacted] told them not to use the common pronial strikes [redacted]
Q: Why didn't you want soldiers using the common pronial strike?
A: I didn't think it was necessary. We had enough MP's to have them do what we wanted them to do. I didn't think it was necessary. With a two man es[redacted]ere shouldn't be any reason for a common pronial strike. [redacted]
Q: Do you know who had anything to do with the eventual death of either det[redacted]ee?
A: No. [redacted]
Q: Did anyone tell you who might have had anything to do with the death of either detainee?
A: No. I heard that somebody did do common pronial strikes on one of the PUC's, but I don't remember who it was. I heard that they had to use common pronial strikes to get the guy out of the cell for an interrogation [redacted]
Q: How do you feel about the deaths of those two detainees?
A: I wish I knew what caused it. I felt fairly sure that it wasn't nothing that happened because of my shift. I have a pretty good

FOR OFFICIAL USE ONLY

b6, 7c

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:
belief that it wasn't anything that we did. I would hope that it didn't have nothing to do with other shifts. [redacted]
Q: Who do you think caused the death of the detainees?
A: I don't know. When we first talked to CID there, they said the guy may have had a heart attack or blood clot. We were doing a really good job in the facility and I was impressed with our soldiers, so I was upset that the PUC's died on our shift. I felt better when I heard it was probably natural causes. [redacted]
Q: Is there anyone that you know well enough that you feel is above suspicion and would not have abused a detainee?
A: I don't think anybody in my platoon would do something like that. The one problem I saw, which was [redacted] I took care of that and put him out of the facility. I put him to work in the post commander's office because I wouldn't put up with it. I don't know most of the people in third platoon well enough to speak for them. [redacted]
Q: Do you suspect anyone caused the detainees death?
A: No. [redacted]
Q: Do you think that the death of either of those detainees was deliberate?
A: No [redacted]
Q: Who do you think would have had the best opportunity to have physically abused either detainee?
A: I can't say. I don't think anybody would do it. Anybody would have the same capability as everyone else. [redacted]
Q: Why do you think someone would abuse a detainee?
A: I don't think they would. [redacted]
Q: Did you ever think about abusing a detainee, even though you didn't go through with it?
A: No [redacted]
Q: Why wouldn't you abuse a detainee?
A: It's not the right thing to do. I treat people like I want to be treated. [redacted]
Q: What do you think should happen to a person who mistreated or caused the death of a detainee?
A: I can't pass judgment on them. It's not my place. [redacted]
Q: Under what circumstances were you given direction that a common pronial strike or pressure point control tactic could be applied?
A: I don't think we were ever given direction on that. When they gave us the course, they told us about the pressure points and common pronial strikes, but they didn't say when it would or would

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF [redacted], TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:
not be appropriate [redacted]
Q: Where did you learn what was and was not acceptable treatment of the detainees?
A: After the second PUC passed, we were told that PUC's could no longer be restrained to the ceiling and it made me wonder if it was ever appropriate in the first place. I didn't know if that had something to do with a blood clot or whatever because I had no idea people were using common pronial strikes to that effect. I can't remember if there was paper SOP written on how the detainees were to be treated of it was just passed down. The SOP talked about how the guards were supposed to be set up [redacted]
Q: Did you ever see a SOP for the facility?
A: I can't remember if I did or didn't. I think I saw one that was written by a Lieutenant Colonel or Major [redacted]
Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common pronial strikes?
A: I know they did standing restraints. I am assuming they told second platoon who was in the facility when we first arrived in country. I had not heard anything about PPCT or common pronial strikes by the other unit [redacted]
Q: What was your professional training and background outside of the military before deploying?
A: I worked in the Psychiatric Ward of a hospital as a Psychiatric Technician for eighteen years, which included locked units [redacted]
Q: Did you ever see the legs of either PUC that died underneath his clothing?
A: I think I saw one of them when they were in the morgue, but I can't remember if I saw bruises or not. [redacted]
Q: Did you ever observe any bruises or injuries on either PUC that died?
A: I can't remember. [redacted]
Q: Did either PUC that died ever appear ill to you?
A: One of the PUC's had something wrong with one of his eyes that I noticed during inprocessing. I think it was the second one. It was a different color than the other one, I think. [redacted]
Q: Did you ever observe either PUC that died in pain?
A: No. [redacted]
Q: Do you have any idea what type of emergency medical treatment either PUC received on the day they died?
A: On the first PUC that died, I was in the facility with LT BUELTERMAN and somebody called over the radio and said that they were having a problem in one of the isolation cells and so we went

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF [redacted], TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:

there. When we got there, the PUC was laying on the floor and SPC [redacted] was trying to get the pulse. [redacted] looked at the eyes to see if they were dilated. I think [redacted] said that he didn't think he had a pulse and the eyes were not dilated. I think we moved the PUC into the front foyer area. [redacted] and I can't remember who else kept trying to get a pulse and checking the pupils. Somebody said they thought they had a faint pulse. We called for an ambulance and we waited about 20 to 25 minutes to get there. We didn't have any medics or doctors on site; we only had our combat lifesavers there. During that time, myself and LT [redacted] were writing the details down in the green log books because we knew it would be important. I don't remember if anyone quoted a pulse or blood pressure to me. When the doctor did arrive, he looked at the PUC and said, "He's dead. He's been dead for awhile. [redacted]

Q: Did the doctor say anything like, "you better have your paperwork straight"?

A: I don't remember him saying that. [redacted]

Q: Did the PUC appear to have any signs of life when you first arrived to the cell?

A: When I first walked up, I thought he was dead because his eyes were open and he wasn't moving and I didn't see his chest rising or falling. [redacted]

Q: Did anyone give CPR to the first PUC that died?

A: No, we didn't have any face shields in the facility. The medical facility inside was inadequate. [redacted]

Q: What type of emergency medical treatment did the second PUC that died receive? [redacted]

A: On the second PUC that died, SGT [redacted] called for SSG [redacted] over the radio. I think SSG [redacted] and maybe SPC [redacted] were saying that they thought they had a problem and [redacted] and [redacted] had started CPR on the PUC. [redacted] was doing mouth to mouth without a mask and [redacted] was doing chest compressions. We moved the PUC to the main foyer area and the guys continued CPR while we waited for the ambulance. The ambulance got there a lot quicker for the second one. I think medics arrived for this PUC and I don't remember if they made any comments about the PUC's condition. I don't recall if either of the guys said anything about a pulse or a blood pressure. [redacted]

Q: Did the second PUC appear to have any signs of life when you first arrived to his cell?

A: I think I saw a chest rise and fall on him. I didn't check for

FOR OFFICIAL USE ONLY

b6, 7c

STATEMENT OF [redacted], TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:
pulse or anything because [redacted] and [redacted] were doing that. [redacted]
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?
A: No [redacted]
Q: Were any MP's using steroids during the deployment?
A: I know some guys were using muscle building powder stuff that you can buy in the health food places [redacted]
Q: Other than [redacted] are you aware of any soldiers being counseled for their treatment of detainees?
A: Not that I know of. [redacted]
Q: Were you aware of 2LT [redacted] being involved in any mistreatment of the detainees?
A: No. [redacted]
Q: What was your assessment of SPC [redacted] duty performance and well-being?
A: He is a good troop. I think he should have been promoted a long time ago, but he doesn't get promoted because he can't pass a PT test. I think he is a professional who does a good job. I am not aware of him having any personal problems. [redacted]
Q: Was SPC [redacted] ever involved in any misconduct?
A: Not that I saw or heard. [redacted]
Q: How often were the guards required to check on the well being of the PUC's in isolation?
A: Approximately every fifteen minutes [redacted]
Q: Do you think the soldiers were diligent in performing those checks?
A: I think so. When I walked around, I saw people making rounds and checking on the detainees. I think soldiers would notice if a detainee was not moving. [redacted]
Q: Was SPC [redacted] responsible for guarding the first PUC that died on the night he died?
A: He was responsible for isolation on the first floor and I think that is where that PUC was. [redacted]
Q: Do you recall anything that would have kept CAMMACK busy and prevent him from checking on that PUC before he was discovered dead?
A: No. [redacted]
Q: What was your assessment of SPC [redacted] duty performance and well-being?
A: He was doing a good job as far as duty performance. He had some problems at the beginning of the deployment because of a death in the family. He did what he was supposed to do. I didn't
Exhibit: 248 INITIALS [redacted] PAGE 7 OF 9

b6, 7c

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:
see him do anything wrong with the prisoners. [redacted]
Q: Were you aware your soldiers were giving common pronial strikes to detainees?
A: No. I didn't have a clue. If I would have known, I would have stopped it. Just like with [redacted]
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT// [redacted]

Exhibit: 240 INITIALS [redacted] PAGE 8 OF 9

FOR OFFICIAL USE ONLY

b6, 7c

STATEMENT OF [redacted] TAKEN AT Building 225, Camp Atterbury, IN; DATED 5 Feb 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 9. 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 oaths, this 5th day of February, 2004 at Camp Atterbury, IN.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

WITNESS:

Exhibit: 240 INITIALS [redacted] PAGE 9 OF 9

FOR OFFICIAL USE ONLY

b6, 7C

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-235

DETAILS

At 0903 hrs, 5 Feb 04, SA [redacted] interviewed **SGT [redacted] 377th Militar Police (MP) Company, 1600 Seymour Avenue, Cincinnati, OH 45237** who was assigned to 1st platoon, working within the Bagram Collection Point (BCP), during the timeframe of both deaths. *(See Sworn Statement of [redacted] dated 5 Feb 04 for additional details).*

At 1205 hrs, 5 Feb 04, SA [redacted] interviewed **Mrs. [redacted] (formerly SPC, 377th MP Company, Cincinnati, OI 45237),** who was assigned to Headquarters platoon as a supply specialist. She did not attend muc of the unit training, to include the training related to peroneal strikes. [redacted] arrived in Afghanistan during Oct 03 and only stayed for about 30 days. She completed the remainder of her deployment at Fort Dix, NJ, due to medical issues. [redacted] tated SFC [redacted] MP Company, Supply Sergeant, signed for the all computers and property within the BCP. *(See PU Questionnaire of [redacted] dated 5 Feb 04, for additional details).*

At 1810 hrs, 5 Feb 04, SA [redacted] nterviewed **SGT [redacted] Echo Compan 1/330th Regiment, 84th Division, USAR, Fort Wayne, IN (formerly of the 377th MP Company, 16 Seymour Avenue, Cincinnati, OH 45237)** who was a member of 2nd platoon, conducting operation at Bagram, Afghanistan, between Aug 02 and Mar 03. [redacted] stated he transitioned to working the gates in Nov 02 and was not working in the BCP when the deaths occurred. [redacted] denied knowledge of or participation in any abuse or physical force against detainees. *(See PUC Questionnaire of [redacted] dated 5 Feb 04, for additional details).*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 5 Feb 2004 / EXHIBIT: 241

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Cincinnati, OH 45242
Date : 5 Feb 04 **Time:** 0903
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** SGT/USAR
Org/Address : 377th MP Company, 1st Platoon, Cincinnati, OH

[redacted], [redacted] want to make the following statement under oath: I was asked by CID to answer some specific questions, which I was told were the result of mistaken identity, I answered these questions to clarify that I absolutely did not engage in any physical abuse of detainees, while stationed in Afghanistan, during Dec 02.

Q: What position were you working in the Bagram Collection Point during early Dec 02 when the two detainees died?

A: I was promoted to SGT in early December 02. Once that happened I only worked the position of Floor Sergeant. Before that time I did work Iso Guard, but I never abused, hit or kicked a detainee and I never witnessed anyone do so. I did hear rumors that members of 3rd platoon abused detainees.

Q: Why would someone say you might have abused or struck a detainee?

A: I get confused with another guy in the unit, SPC [redacted] who is also in my platoon. We are both clean cut, white men, who wear our hair short and we are fair skinned. People say we look alike.

Q: What if any contact have you had with [redacted] in the past month?

A: I don't hang out with him, but oddly enough, after I was interviewed by CID on 22 Jan 04), [redacted] called me three times, that following week. He called a couple times when I was not there. He didn't leave messages but he came up on the caller ID. Finally, he got a hold of me on 3 Feb 04, [redacted] told me he'd been in to talk with CID three times and he was done talking to them. He told me that he was asked to take a polygraph. He said he was working with PMO (working the road) when the deaths happened. I think he was feeling me out and he was pretty much telling me what he had said and he asked me what I had said.

Q: Was [redacted] in the BCP during the time of the deaths for any reason to your knowledge?

A: I wanna say yes, but I don't know for sure. I think he was, but I'm not 100%. If you had the logbook, that would tell you.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

D672

EXHIBIT 242

1282

STATEMENT OF SGT [redacted] TAKEN AT Embassy Suites Hotel, Cincinnati, OH, DATED 5 Feb 04, CONTINUED:

[redacted] It had everything in it, dates, times, movements, personnel, activities.

Q: What do you recall about the computer SFC [redacted] transcribed all the logbook entries into?

A: I'm pretty sure it was a Dell desktop, which was connected to the SIPRNET. It was dark, either black & grey or black & silver. I'm pretty sure we signed the computers, hand irons, leg irons, and other equipment over the unit who relieved us. It was part of 3rd ID from Fort Stewart, GA. I want to say the 211th MP Company.

Q: Did [redacted] ask you to cover for him or change your story to CID?

A: No, he made it clear he wasn't going to talk anymore until he had talked to JAG. I think he was just trying to see what I had said to CID. I told him I was honest and told CID everything I could remember. Most of the conversation was him talking and me nodding and saying "uh, huh". He woke me up, I had just returned from a vacation to the Bahamas and it was a long trip. It was around 0800 and I don't even know why I answered the phone except that when someone from the unit calls it might be about a call up.

Q: Are you and [redacted] close?

A: Not in my opinion, he's an acquaintance, not a close friend. I'd have a beer with him, but our families don't mingle. For him to call me, it's relatively rare. Three times in one week, that's pretty outlandish.

Q: Did [redacted] tell you he'd been asked about hitting a detainee?

A: Yes, he was asked the same basic questions as me. Did you strike a detainee? Did you see anyone strike a detainee? We agreed that most of what I knew was rumors about 3rd platoon.

Q: What information do you have if any about the use of dietary supplements or workout performance enhancing pills or drugs?

A: I know a lot of the guys in 3rd platoon and [redacted] from my platoon were using Hydroxycut, protein shakes and "andro-stackers". The andro stackers were a small pink triangular pill and I only personally saw [redacted] taking them. When he went to the gym, he'd walk by and I'd see him sorting his pills. Him and his workout out buddies talked about going to drugstore.com and buying them.

Q: Where did [redacted] get the little pink triangular pills?

A: I can't say for sure. He could have brought them with him. We had a pretty stringent customs inspection on the way over and

INITIALS [redacted]

FOR OFFICIAL USE ONLY

606, 7C

EXHIBIT 242

1283

STATEMENT OF SGT [redacted] TAKEN AT Embassy Suites Hotel, Cincinnati, OH, DATED 5 Feb 04, CONTINUED:

[redacted]ither they were legal, he had a prescription for them or he hide them and they weren't found.
Q: What was [redacted] mood like when he took andro?
A: It wasn't so much when he took them, so much as when he missed them or missed working out. If [redacted] missed a workout or missed his pills, he would get edgy, short tempered.
Q: Did you ever see him lose his temper?
A: No. He'd be short with people. He wouldn't joke, he was just not himself.
Q: Other than [redacted] has anyone else from the unit contacted you to talk about the investigation?
A: The first day I was called in, we were all at the unit and joking about who had to go first, but nothing of substance was discussed and no one else has called me up to talk about it.
Q: Is there anything you wish to add to this statement?
A: I know [redacted] was not the only person taking supplements. I myself took Hydroxycut but I stopped using it because of the way it made me feel. I couldn't tell you the names of those other people, but [redacted] s the only who showed me the pills.
Q: Anything else?
A: No, that's it.
//////////////////////End of Statement//////////////////////

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 242

1284

STATEMENT OF SGT [redacted] TAKEN AT Embassy Suites Hotel, Cincinnati, OH, DATED 5 Feb 04, CONTINUED:

[redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 5th day of February 2004 at Cincinnati, OH 45242.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7c

EXHIBIT 242
128

PUC QUESTIONAIRE

NAME [redacted] **DATE:** 5 FEB 04
RANK: CIV **SSN:** [redacted]
UNIT: 495 LINDEN AVENUE, WOOD LAWN OH, 45215

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES.

1. If yes, what dates and what were your duties?
SEP 02 UNTIL THE END OF OCT 02. WHEN THE UNIT ARRIVED IN AF I ONLY STAYED FOR 30 DAYS. I WORKED IN SUPPLY. OCT 02-JUN 03 I FORT DIX, NJ.

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: YES. If yes, explain: MY OFFICE WAS OFF TO ONE SIDE OF THE MAIN FLOOR, I would The DETAINEES IN THE main holding cells. I would have no idea who the detainees who died were.

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO.
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO. If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] [redacted]

Signature/Sequence # of Interviewee FOUO Signature/Sequence # of Interviewer 1280

ha. No. 7C

EXHIBIT 2

4b. How do you feel about the deaths of those two detainees? I FELT IT WAS WRONG THAT IT HAPPENED. I DON'T FEEL A REAL REMORSE because we were there doing our JOB.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I DON'T KNOW. I HEARD A that it happened DURING 3RD PLATOONS WATCH.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: NO.

7. How do you feel about being interviewed concerning this issue? I feel OK about it.

8. Do you think that the death of either of those detainees was deliberate? I really can't answer that because I don't know. I would hop

9. If someone said that you physically abused either of those two detainees, is that person lying? YES.

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: Anybody in the company because they guarded E-6 and below.

11. Why do you think someone would do this? ANGER, REVENGE, I don't it happened intentionally, maybe because they used too much

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO.

13. Why wouldn't you do something like this? A: ITS NOT MY NATURE. I w not kill anybody because I don't WANT TO go to JAIL.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? I think they should get punished., IF they MILITARY maybe loose their service career. but not go to jail.

[redacted] [redacted] 128

Signature of Interviewee FOUO Signature/Sequence # of Interviewer

ha.hg.7e

EXHIBIT 243

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO. If yes, explain (See sworn statement) I DID NOT go through all the MP TRAINING, I was not an MP. I don't Know about any KICKS to the leg.

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? If they tried to or hit the person who was guarding them.

17. How do you think the results of the investigation will come out on you? OK, because I KNOW I DIDN'T DO ANYTHING.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: NO.
Please explain:

19. Did you tell your family about this investigation? A: NO.

20a. Did you tell your family you were being interviewed regarding this investigation? A: NO.

20b. Did your family ask you if you were guilty? If so, what was your response? A: N/A.

20c. Have you talked with anyone other than CID about this investigation? A: ~~YES~~ NO If yes, who? I SPOKE WITH SF[redacted] when she came to FT DIX IN EARLY JAN 04. She told me 2 DETAINEES HAD DIED ON 3RD PLATOON'S WATCH AND THERE WAS AN INVESTIGATION.

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO.

[redacted] FOR [redacted]
Signature/Sequence # of Interviewer

b2, b6 57C

1288

EXHIBIT 24

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: They wouldn't

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: Yes.

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: all of them.

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: Yes.

26. Do you think the FBI should get called in to help out on this investigation? A: No.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO.

I left the unit and Reserves in OCT 03. I have not real seen anyone since then.

SFC [redacted] would sign for the computer in the BCT.

[redacted] FOUO Signature/Sequence # of Interviewer [redacted] 28

b2.b6.7C

EXHIBIT 243

0134-02-CID369-23

0137-02-CID369-23

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 5 FEB 04 @ 1810h

RANK: SGT/E-5/USAR **SSN:** [redacted]

UNIT: E Co, 1/330TH REGIMENT, 84TH DIV, INSTITUTIONAL TRAINING
FORT WAYNE, IN

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES

1. If yes, what dates and what were your duties?
30AUG02 - MAR03, MP, 2ND PLATOON - EPW operations/resettlement
SEP/OCT - NIGHTS @ BCP; NOV/DEC - GATES; JAN - MAR 03 - DAY @ BCP

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: YES - I guarded lots of detainees in Sep/Oct

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: ~~YES~~ NO If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] [redacted] 1290

Signature of Interviewee Signature/Sequ... Interviewer

b2, b6, 7C

EXHIBIT 244

4b. How do you feel about the deaths of those two detainees?
I DON'T KNOW HOW THEY DIED. I DIDN'T KNOW THE CAUSE
BUT IF IT WAS FROM NATURAL CAUSES. THEY SHOULD ASCERTAIN
THAT AND EXONERATE ANYONE WHO IS SUSPECT. SEE IF THEY SHOU
HAVE BEEN ON MEDICATION AND IF IT WAS GIVEN

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I don't have a clue

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: JUST ME AND SSG Robert POPE (C
but he did not deploy w/us.

7. How do you feel about being interviewed concerning this issue?

NO PROBLEM W/ IT AT ALL

8. Do you think that the death of either of those detainees was deliberate?
NO, I THINK IT WAS AN ACCIDENT
→ THE LANGUAGE BARRIER MADE IT HARD TO KNOW IF THEY WERE HURT/

9. If someone said that you physically abused either of those two detainees, is that person lying? YES

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: ISO, IT'S A ONE MAN POST

11. Why do you think someone would do this? FRUSTRATION

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO

13. Why wouldn't you do something like this? A: BECAUSE THEY COULD ALL BE INNOCENT - I'M NOT THEIR JUDGE

14. What do you think should happen to a person who mistreated or caused the death of a detainee?

[redacted] DUO [redacted] 129

Signature of Interviewee Signature/Sequence # of Interviewer

b2, b6, 7C

EXHIBIT 244

a. Please explain: IF PROVEN, THEY SHOULD BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

~~STRIKING AN MP~~ JW

THEY SHOULD NOT BE STRUCK AT ALL! [redacted]

17. How do you think the results of the investigation will come out on you?

I'LL FADE INTO THE BACKGROUND - I HAD NOTHING TO DO WITH IT

18. Do you think the person who did this would deserve a second chance under any circumstances? A: NO
Please explain:

19. Did you tell your family about this investigation? A: YES

20a. Did you tell your family you were being interviewed regarding this investigation? A: YES

20b. Did your family ask you if you were guilty? If so, what was your response? A: YES, I TOLD THEM "NO" I WASN'T ON SHIFT I KNOW NOTHING ABOUT IT AND I DON'T WANT TO KNOW NOTHING ABOUT I

20c. Have you talked with anyone other than CID about this investigation? A: NO If yes, who? _____

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO

[redacted] FOUO [redacted] 129

Interviewee Signature/Sequence # of Interviewer

62.bce.72

EXHIBIT 244

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO - NONE AT ALL

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: YES

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: 0%

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: YES

26. Do you think the FBI should get called in to help out on this investigation? A: YES

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A:

ALL I CAN SAY IS THERE WAS A LOT OF FRUSTRATION WITH THE LANGUAGE BARRIER. THERE WAS A LOT OF YELLING + SCREAMING COMING FROM THE INTERROGATION ROOM, IT CAME FROM UPSTAIRS WHERE MI + ISO WERE. THE FAMILIES OF THOSE MEN HAVE MY CONDOLENCES

[redacted] Signature of Interviewee

FOUO

[redacted] Signature/Sequence # of Interviewer

b2, b6, 7C

129

EXHIBIT 244

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23

PAGE 1 OF 1 PAGES

DETAILS

At 1315 hrs, 5 Feb 04, SA [redacted] interviewed **SFC J[redacted] Humane Resources Command, Walter Reed Medical Facility, Washington, D.C (formerly of the 377th Military Police Company, USAR, Cincinnati, OH 45237).** [redacted] rovided a statement related h job while deployed with the 377th MP Company to Afghanistan was to manage the Tactical Operations Center (TOC). [redacted] ept records on the detainees who were housed at the Bagram Collection Point (BCP). The records consisted of medical information, biographical data, and the overall status of detainees housed within the BCP. The status of each detainee would be kept in a ledger book provided to static locations within the facility. The MPs at those posts annotated movements, medical treatment provided, and significant incidents which took place. [redacted] notice the soldiers of the 377th were not logging everything and he requested more care be given to recor keeping. [redacted] was present in the BCP when both deaths occurred. He called the hospital the ni of both deaths. On both occasions, the ambulance arrived to the in-processing area of the BCP an medical personnel loaded HABIBULLAH (and later DILAWAR) for transport. The ambulance crew immediately confirmed both men were dead. After the deaths [redacted] visited [redacted] nd aske if [redacted] ought he[redacted] was "going to be in trouble" for what happen with the two detainees. [redacted] explained he was present for both deaths and felt he may be blamed. (*See Sworn Statement of [redacted] dated 5 Feb 04, for additional details).*

AGENT'S COMMENT: At 1030 hrs, 6 Feb 04, SA [redacted] interviewed [redacted] He was shown case file documents, which appeared related to the in-processing of HABIBULLAH and DILAWAR. [redacted] verified the typed documents with annotated times and status reports were related to HABIBULLAH [redacted] stated the typed the entries were transcribed from notes inside of military notebooks (logbooks) kept at static points within the BCP. Soldiers kept notes of the movements of the detainees, significant encounters the soldiers had with the detainees, and the detainees overall status. He provided documents detailing the last known location of the SIPR computer, the field saf and file cabinets where documents pertinent to HABIBULLAH and DILAWAR were kept when the 377th MP Company manned the BCP.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE	DATE: 6 Feb 04 / EXHIBIT: 245

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7c

SWORN STATEMENT

File Number :
Location : CID Office, Walter Reed, Washington, D.C.
Date : 5 Feb 04 Time: 1435-1657 hrs
Statement of: SFC [redacted]
SSN : [redacted] Grade/Status: SFC/E-7
Org/Address : Human Resource Command, Walter Reed, Medical Facility, Washington, D.C.

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

When I first came into the military I joined the Air Force around 1973. I was a canine patrol for four years. During the four years, I received training in antiterrorism and my primary mission was to protect nuclear weapons. I left the military in 1977 and joined the U.S. Army in 1978. I went to 15H, Artillery, school and was stationed in Korea. In 1992, I left the military and drove a truck for an oil company. I had several other duties with the oil company, which is based out of Ohio. I joined the Army Reserves in Apr 2001 and was assigned to the 377th, Military Police Company, Cincinnati, OH. Since I had the Military Police MOS from the Air Force, the Reserves used it as my primary MOS. I didn't have any further training in the Military Police arena to be awarded the MOS of 31B.

My primary mission with the 377th MP Co was to support personnel. During annual training at Fort Riley, KS, around Aug 2001, the 377th MP Co, received training on guarding and securing a water treatment facility. A few months prior to being deployed to Afghanistan, the 377th MP Co, received training on cuffing techniques, take-downs, pressure points, peronial strikes, and cell extraction procedures. Different NCO's within the 377th, taught the courses. The training was held on both a company and platoon level, but Bloomington, IN, was not present during the training provided to the members of the Cincinnati, OH area. I personally have no idea what type of training was provided to 3rd platoon, Bloomington, IN, but they were supposed to be providing training consistent with the training provided to 1st and 2nd platoons, Cincinnati, OH. I was not involved in the training for 1st and 2nd platoon, but I observed the training they received. The pressure point and peronial strike training was provided by the police officers from the platoons that were NCO's. I did not observed what the trainers put out on when the tactics could and could not be administered.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 246

106, 7C

129

STATEMENT OF [redacted], TAKEN AT Walter Reed, CU
DATED 5 Feb04, CONTINUED:

I was activated sometime in the middle of June 2002, where we went to Fort Dix, NJ, for training. During the training we received from Fort Dix, we received Common Task Training (CTT) training from the cadre at Fort Dix. The cadre also provided training on how to search vehicles for gate guard missions. On one occasion, we did a mock-up of a detention facility, where the Military Policeman was responsible for the security and daily task of a detention facility. This training occurred for two days while at Fort Dix, NJ. I was running the Tactical Operations Center (TOC) for the operation at Fort Dix.

I arrived in Afghanistan around the end of Aug 2002, because I stayed behind in Germany to make sure all of the equipment was delivered properly. I was not present during the hand over by the National Guard unit out of North Carolina or South Carolina. I don't remember the name of the unit, but it was either out of North Carolina or South Carolina. From the time I arrived until Mar 2003, I had the same job while at the Bagram Collection Point, Afghanistan. My job was to man the TOC and provide support for in processing of the detainees.

Q: Do you remember either of the detainees that died?
A: Yes, I saw them both before and after their deaths.

Q: What type of interaction did you have with the two detainees?
A: I never had any interaction with the two detainees personally, but I would gather information from all of the sources that would either in-process the detainees or bring the detainees into the facility. I remember talking to the doctor on both HABIBULLAH and DILAWAR, at which time the doctors said that both detainees had no medical concerns. I would also check the cells of all of the detainees anywhere from two to four times a night. During my rounds I saw several detainees cuffed to the ceiling isolation cells. This was a form of punishment, until Head Quarters said not to administer this type of punishment. It was also used to keep detainees awake for interrogation purposes. Both HABIBULLAH and DILAWAR stayed in isolation cells the entire time they were in the facility.

Q: Did you document any of the in processing procedures while at the collection point?
A: Yes, when we arrived to the Bagram Collection Point (BCP), the area was a mess and there was no order. We re-arranged the

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 246

b6, 7C

1291

STATEMENT OF [redacted], TAKEN AT Walter Reed, CID
DATED 5 Feb 04, CONTINUED:

in processing area and began documenting the detainees that came into the facility. I would document biographical information, injuries, and information concerning their capture. I documented the information on a computer located in the TOC. The information was saved to the SIPR computer under the C: drive.

Q: Describe the SIPR computer?
A: I believe that it was either a Compaq or Dell computer, Black and gray in color, it was a tower configuration, attached to a 15" monitor. The computer had a DVD drive, one CDR drive, and a 3 ½ disk drive. The computer was wiped out by the relieving MP Co. I know this because the Commander of the relieving MP Co, called and asked if the 377th MP Co, had a back-up disk with the information on it. I did not save the information, because it was classified, but as I mentioned I saved it on the hard drive of the computer described above.

Q: Was there any other documentation of the in processing?
A: After the information was collected and input into the SIPR computer, I printed out copies and placed them in the detainee records area. The records from about detainee 240 up to around 512 had significant information concerning their behavior and in processing. As I worked on collecting the information on the detainees, I improved and gathered more detailed information on them. Both Mr. DILAWAR and Mr. HAIBULLAH have in their folders capture information, health data, photographs, finger print cards, and the inventory sheet on their property. The detainee's records are maintained in the TOC of the BCP. There was another computer in the TOC off to the left in the northwest corner of the room. It was unsecured and was used mainly for troops to email home. The computer I was describing above, which had the detainee data on it was located directly in front, after entering the front door. It was located in the northeast corner of the TOC.

Q: Where in the TOC are the files on the detainees?
A: When you walk into the TOC the file cabinets are on the left side of the room, in the southwest corner. The file cabinets are four drawer, metal construction, regular office filing cabinets. I believe they were off white in color.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b47c

EXHIBIT 246

STATEMENT OF [redacted], TAKEN AT Walter Reed, CU
DATED 5 Feb 04, CONTINUED:

Q: Did you ever update the information on the detainees during their stay at the BCP?
A: Yes, I would constantly update the information if new medical concerns arose. The hospital also maintained records on the detainees, I believe.

Q: Did you ever have to update Mr. HABIBULLAH's or Mr. DILAWAR's records?
A: I don't know.

Q: Do you remember either Mr. HABIBULLAH or Mr. DILAWAR receiving medical attention for injuries?
A: Yes, I think Mr. HABIBULLAH received medical attention for his cuffs that were digging into his wrist and one of them received medical attention during rounds for bruising. Medical rounds became more important after the two detainees died.

Q: Did you hear or see anything pertaining to the treatment of any detainee that made you feel uncomfortable?
A: Yes, not one of the detainees that died, but another detainee was brought in who was a "real big shot." They were making him do the "Macarena," the dance.

Q: Did you see or hear of any detainees being physically harmed?
A: No.

Q: Did you hear or see of any detainees who received common peronials?
A: Yes, when Mr. HABIBULLAH was fighting the MP's when he was being brought into the facility. When he was fighting the MP's, they delivered several common peronials to control his behavior.

Q: What was your impression of 1st platoon?
A: They were pretty professional and they seemed to have good moral.

Q: What was your impression of 2nd platoon?
A: They complained a lot, but for the most part I thought they were good.

Q: What was your impression of 3rd platoon?
A: I think the best way to explain them is "Cowboy's." There was professionalism about them, but it seemed they were looking

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 246

66.7e

STATEMENT OF [redacted], TAKEN AT Walter Reed, CU
DATED 5 Feb 04, CONTINUED:

for excuses to wail on someone. Their mannerism and the way they carried themselves was aggressive.

Q: Did you have anything to do with documentation of the interactions between the MP's and the detainees in the facility?
A: Yes. In the general population area there was a military notebook and in the isolation cell areas there was a military notebook. The logbooks were not always accurate, because the MP's were not documenting all of the interactions with the detainees. Prior to the deaths of the detainees, I was documenting every major incident with the detainees and MP's. After the deaths of the two detainees, I began to document every move between the detainees and the MP's. The military notebooks that were used for documentation purposes were placed in a field safe in the TOC area. The relieving unit took over the items, so I have no idea of their current whereabouts.

Q: Describe the field safe and its whereabouts?
A: The field safe is an Olive Drab (OD) color, which contains one drawer in the middle. The field safe is about a foot and a half in height and about two feet deep. It was located in the TOC area on the right, against the east wall of the room.

Q: Did anyone act unusual after the deaths of the detainees?
A: SPC [redacted] came up to me, after the death of the two detainees and asked me if I thought he was in trouble, because he was present during the death of both detainees. Also, SGT [redacted] did not like the first detainee, Mr. HABIBULLAH, because he kicked SGT [redacted] in the groin area. This incident occurred during the in processing of the Mr. HABIBULLAH.

Q: Did you see either Mr. HABIBULLAH or Mr. DILAWAR right before or after their deaths?
A: Yes, I saw Mr. HABIBULLAH when I was doing my rounds for the night. I saw him shackled to the ceiling in the isolation cell. I don't remember whom exactly, but there were two MP's present when I saw Mr. HABIBULLAH hanging from the ceiling. I know SPC [redacted] was one of them, but I can't place the second. They told me that Mr. HABIBULLAH was unresponsive and I told them to get the Sergeant of the Guard (SOG). I went back to the TOC and a few minutes later someone told me to call an ambulance. I contacted the hospital and told them that we needed an ambulance at the BCP for an unresponsive detainee. Mr. HABIBULLAH was

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 246

129

STATEMENT OF [redacted], TAKEN AT Walter Reed, C
DATED 5 Feb 04, CONTINUED:

then brought out of the isolation cell on a litter and down to the in processing area. When I saw him lying on the litter he looked dead to me. His eyes were rolled back in his head, but someone said that he still had a pulse. The ambulance arrived and the paramedics said that he was dead, when they loaded him into the truck. The hospital called about twenty to twenty-five minutes later and confirmed that Mr. HABIBULLAH was dead.

On Mr. DILAWAR, one of the MP's came up to me and said that we have to call an ambulance, because we have another one. I ran up to the isolation to confirm that another detainee had died. I saw Mr. DILAWAR lying on the floor, motionless. I ran back to the TOC and called an ambulance. The next time I saw Mr. DILAWAR he was on a litter in the in processing room. The MP's were giving him CPR. The ambulance arrived and the paramedics said again, before he was even loaded, he was dead.

Q: Is there anything else significant you would like to add to this statement?
A: Yes, both SPC [redacted] and 3rd platoon were very nervous after the death of both detainees. They were visibly shaken over the ordeal.

Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////End of Statement//////////////////////

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 246

13c

0137-02-CID369-2353

0134-02-CID369-2353

STATEMENT OF [redacted] TAKEN AT Walter Reed, DC
DATED 5 Feb 04, CONTINUED:

AFFIDAVIT

I, SFC [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 37. 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]ement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this day of November 2002 at West Point, NY 10996.

[redacted]

(Signature [redacted]ng

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 246

130

Exhibit 246

Page(s) 1302 withheld.

Exemption(s) b2.

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0134-02-CID369-23533/0137-02-CID369-235

PAGE 1 OF 1 PAGES

DETAILS

At 1715 hrs, 6 Feb 04, SA [redacted] interviewed **SSG (Retired [redacted] 413A Sal Boulevard, Trenton, OH 45067 (formerly of 377th Military Police Company, Cincinnati, OH 45237),** who was 1st Squad Leader, 1st Platoon, with duty as the NCOIC of the Bagram Collection Point (BCP) during the deployment. [redacted] stated he never utilized common peroneal strikes or pressure point control tactics nor did he witness any other Military Police use the tactics. [redacted] forbid his platoon from using the tactics as the detainees were so frail, strikes would not be necessary to enforce compliance. *(See Sworn Statement of [redacted] dated 6 Feb 04, for additional details)*

At 1845 hrs, 6 Feb 04, SA [redacted] and SA [redacted] interviewed **SPC [redacted]** who was assigned to 1st platoon, working within the BCP, during the deployment. [redacted] had n direct knowledge regarding the deaths and only repeated rumors she had heard from other witnesse (information which is documented from direct sources elsewhere in the investigative file). *(See PUC Questionnaire of [redacted] dated 6 Feb 04, for additional details)*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 6 Feb 04 / EXHIBIT: 247

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2 b6 7R

1303

SWORN STATEMENT

File Number :
Location : Embassy Suites Hotel, Blue Ash, OH
Date : 6 Feb 04 Time: 1715hrs
Statement Of: [redacted]
SSN : [redacted]
Org/Address : [redacted] Grade/Status: E-6 Retired

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes.

Q: What dates were you there and what were your duties?

A: I was there from August 31, 2002 through March 18, 2003. I was 1st Squad Leader for 2nd platoon. When my platoon was in the facility, I was usually the NCOIC of the facility because SFC [redacted] had other things to do. My platoon was on the night shift for the first couple of months within the facility, then we moved out to gate, and we worked in the facility on day shift for the last couple of months.

Q: Did you guard either detainee that died during the period of time between October and December 2002?

A: No. When these incidents occurred our platoon was on the gates.

Q: Did you witness either detainee that died receiving any type of corrective punishment?

A: I have no idea who they were, so I can't say.

Q: Were any detainees given common pronial strikes or any other types of blows when your platoon was in the facility?

A: No. Everybody had a different style of doing things. When I was on, I told my guys that the detainees were frail. I told them there was no reason to strike these guys because we should be able to grab hold of them and make them do what we want them to do.

Q: Were detainees placed into standing restraints while you were on shift?

A: There was only one individual that was in standing restraints while we were on shift. The guy was already in standing restraints when we came on shift as per Military Intelligence's directions. I don't recall any one in standing restraints, but I do recall us requiring detainees to stand, but restraints weren't

Exhibit: 248 INITIALS [redacted] PAGE 1 OF 5

b6, 7C

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 6 Feb 04; CONTINUED:

necessary. There were times when we came on shift when detainees were in standing restraints. Whenever I first came on shift, I would check to see if any detainees were in standing restraints and if anyone was, I would determine why they were in standing restraints. If no one knew why they were in restraints, I would have them taken down [redacted]

Q: Did any MP's complain that either of the PUC's that died were troublemakers?

A: No [redacted]

Q: Did any of the other MP's appear to dislike the PUC's?

A: Initially, I would say the entire company disliked the PUC's based on the events that led to us being in Afghanistan. But once we started doing our job, our attitudes changed because we realized they were people. I told my guys that these guys weren't terrorists until it was proven they were terrorists. Any one of these guys may be released the very next day, so I wanted to make sure that if they left they didn't feel like they were mistreated by us [redacted]

Q: How did your platoon handle troublemakers?

A: We didn't really have any troublemakers. We had a guy with mental problems, but we just went with the flow with him. I didn't see a whole lot of troublemakers. Most of the detainees were scared [redacted] because of the fact that they were in there. There were NOT any acts of violence toward our guys [redacted]

Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?

A: When we were doing our walkthrough with the unit that we were relieving was doing things like putting shaving cream on a PUC's face and stuff like that. Nothing physical, just stupid stuff. I told my guys not to buy into that stuff and to not act like they acted. When guys would talk in general population, the policy was to put the detainee in an airlock and handcuff their hands through the bars. I thought that was a waste of time [redacted]

Q: Did the unit prior to yours utilize standing restraints, common pronial strikes or Pressure Point Control Tactics (PPCT)?

A: I know they used standing restraints. I never witnessed or heard them talk about common pronial strikes of PPCT [redacted]

Q: Have you been trained on common pronial strikes and pressure point control tactics?

A: Yes, at Fort Dix before deployment and I received some training as part of my corrections training for the state of Ohio [redacted]

Q: Did you ever utilize those tactics on a PUC?

Exhibit: 248 INITIALS [redacted] PAGE 2 OF 5

b6, 7C

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 6 Feb 04; CONTINUED:

A: No[redacted]

Q: Do you know who had anything to do with the eventual death of either detainee?

A: No[redacted]

Q: Did anyone tell you who might have had anything to do with the death of either detainee?

A: I heard that SGT [redacted] used common pronial strikes on these guys. [redacted] was so much bigger than the PUC's, there should have been no reason for common pronial strikes. His name is the only one that was floating around the company when they were talking about these guys having died. Our platoon was working the gates, but we heard about that when we came off the gates[redacted]

Q: Did you ever witness anyone using excessive force with a detainee?

A: No[redacted]

Q: How do you feel about the deaths of those two detainees?

A: I don't wish death on anyone and since I have no idea who they were, their death is no different than if I found out about someone dieing in a car crash in Iowa. I thought it was unfortunate that they died while in our care[redacted]

Q: Who do you think caused the death of the detainees?

A: I don't think it was any individual. It might have been a collective. If someone is at fault for this death, I doubt it would be just one person[redacted]

Q: Do you think that the death of either of those detainees was deliberate?

A: No[redacted]

Q: Who do you think would have had the best opportunity to have physically abused either detainee?

A: The third platoon was a tad cocky. My platoon and 1st platoon had a lot of Army and law enforcement experience. It seemed like 3rd platoon was inexperienced and hard headed[redacted]

Q: Why do you think someone would abuse a detainee?

A: I don't think anyone would abuse a detainee on purpose. If someone was abused, I imagine it was ignorance[redacted]

Q: Under what circumstances were you given direction that a common pronial strike or pressure point control tactic could be applied?

A: It could be applied as a level of force as unarmed self defense. We were not taught to use the tactics to stop a guy from yelling or something like that[redacted]

Q: Where did you learn what was and was not acceptable treatment of the detainees?

Exhibit: 248 INITIALS [redacted] PAGE 3 OF 5

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 6 Feb 04; CONTINUED:
A: There was no specific place in the military that you learn from other than some classes or manuals. I came in with a corrections point of view and knew what was acceptable and was not acceptable. I am sure anyone who is in law enforcement knew what was acceptable especially once we learned that the detainees were persons under custody and not terrorists [redacted]
Q: What was your professional training and background outside of the military before deploying?
A: Before I deployed I was in corrections for seven years [redacted]
Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?
A: No [redacted]
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT// [redacted]

STATEMENT OF SSG [redacted] TAKEN AT Embassy Suites Hotel, Blue Ash, OH; DATED 6 Feb 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ [redacted]ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6th day of February, 2004 at Blue Ash, OH.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: a248 INITIALS _____ PAGE 5 OF 5

FOR OFFICIAL USE ONLY

b6, 7c

1308

0137-02-CID369-23
0134-02-CID369-235

PUC QUESTIONAIRE

NAME: [redacted] DATE: 6 FEB 04
RANK: [redacted] SPC SSN: [redacted]
UNIT: 1ST PLT, 377 MP Co - COLUMBUS, OH.

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES.

1. If yes, what dates and what were your duties?
WORKED GATES UNTIL MID/LATE OCT. - MOVED INTO FACILITY - THROUGH ALL POSITIONS. - STAYED IN FACILITY UNTIL MARCH

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO YES. GUARDED DURING TIME THEY WERE IN FACILITY - DON'T SPECIFICALLY

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement) THEY WOULD BE TO STAND BY MI - DON'T RECALL PUC'S BEING CHAINED. THE RULES CHANGED - HAD TO ENFORCE STANDING RESTRAINT. (CHAINED ABOVE HEAD WITH HANDS, THEN RULE CHANGED).

2c. Did you interact in any way with either detainee? A: YES If yes, explain: ONLY FEEDING THEM, OR TAKING THEM TO BATHROOM. REQUIRED TO WALK WITH EYES COVERED - WERE GOGGLES OR HOOD.

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: YES.
If yes, please explain: HEARD MI MAY FORCE HYDRATE - HEARD THEY MADE THEM DRINK WATER, DON'T KNOW HOW THEY DID THAT

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: ~~YES~~ NO If yes, explain (see sworn statement).
RUMOR (NON-SPECIFIC) WAS THAT THERE WAS A BOOTPRINT ON THE KIDNEY & OF THE DETAINEES. THE PRINT WAS MATCHED [redacted] NOT MP'S, - THE MATCH WAS NOT [redacted] ISSUE.

[redacted] Signature of Interviewee

[redacted] Signature/Sequence # of Interviewer

130

02.06.7C

EXHIBIT 249

4b. How do you feel about the deaths of those two detainees? WE WERE TOL NO DEATHS TOOK PLACE UNTIL WE TOOK OVER FACILITY - WONDERED WE HAD SOMETHING to do with the DEATH. Never saw anyone STR HIT OR ABUSE ANY PUC'S.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: NO.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: NO ONE FROM MY PLATOON, DO KNOW ABOUT MI, The doors were always closed.

7. How do you feel about being interviewed concerning this issue?

MAKES ME SUSPICIOUS, OUR COMMAND TOLD US it was not our fau

8. Do you think that the death of either of those detainees was deliberate? NO.

9. If someone said that you physically abused either of those two detainees, is that person lying? YES.

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: MI -

11. Why do you think someone would do this? Just having to be there - Phones/internet always down. Being away from home - hardship.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO.

13. Why wouldn't you do something like this? A: NOT NATURED TO DO something like that.
Anything that happens with the PUC's would be a reflection of me.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Same punishment AS AT home (USA)

[redacted] FO[redacted]

Signature of Interviewee

Signature/Sequence # of Interviewer

1310

b2 b6.7C

EXHIBIT 24

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: Yes. If yes, explain (See sworn statement) only in extreme cases -

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
Lashing out - Trying to get your weapon. - never saw anyone act up or recieve a common peroneal strike.

17. How do you think the results of the investigation will come out on you?
I didnt do anything - I'm not worried about it.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes.
Please explain: I dont think they should have done this.

19. Did you tell your family about this investigation? A: no.

20a. Did you tell your family you were being interviewed regarding this investigation? A: Yes

20b. Did your family ask you if you were guilty? If so, what was your response? A: no.

20c. Have you talked with anyone other than CID about this investigation? A: no If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: no.

[redacted] OUO [redacted] 1311
Signature of Interviewee Signature/Sequence # of Interviewer
b2, b6, 7C
EXHIBIT 249

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: YES

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: Don't know.

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: YES.

26. Do you think the FBI should get called in to help out on this investigation? A:

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO.

Don't KNOW IF I WAS WORKING OR There when 1st Puc DIED.

I was working night of the Death of 2D Puc - I was in upstairs ISO - only saw ambulance arrive AND TAKE Puc OUT on STRETCHER.

[redacted] FOUO [redacted]

Signature of Interviewee

Signature/Sequence # of Interviewer

131

b2.b6.7c

EXHIBIT 249

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0137-02-CID369-23534
0134-02-CID369-23533

DETAILS

INTERVIEW OF WITNESSES:

About 1040, 7 Feb 04, SA [redacted] and SA [redacted], interviewed **SFC [redacted] Supply Sergeant, 633rd Quartermaster Battalion, 11880 Mosteller Road, Sharonville, OH 45241 (Formerly assigned to the 377th MP Company, Cincinnati, Ohio)**, to provide clarification of information she had previously provided to CID. [redacted] provided a sworn statement in which she described an incident in which [redacted] held a detainee suspended the floor and yelled at him. [redacted] stated [redacted] held the detainee by either his arms or clothing and held him at eye level to himself [redacted] The detainee was significantly smaller in stature than [redacted] and his feet were not touching the floor during the incident. (See statement fc details)

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted]

ORGANIZATION

HQ, USACIDC
Fort Belvoir, VA 22060

SIGNATURE

[redacted]

DATE

7 Feb 04

EXHIBIT

250

FOR OFFICIAL USE ONLY

b2. b6. 7C

131

0137-02-CID369-23
0134-02-CID369-23

SWORN STATEMENT

File Number :
Location : [redacted] Outcalt US Army Reserve Center, 11880 Mosteller Road, Sharonville, OH 45241
Date [redacted] February 2004 **Time:** 1040hrs
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** SFC
Org/Address : 633rd Quartermaster Bn, 11880 Mosteller Road, Sharonville, OH 45241

[redacted] want to make the following statement under oath: I am making this statement to clarify information I had previously provided to CID in a sworn statement related to the death of two detainees at the Bagram Collection Point. While I was working as the unit Supply Sergeant, I was moving company equipment from one side of the facility to the other. I had two soldiers from the ADAG helping me with the forklifts. The soldier's CDR and 1SG showed up at the back door checking up on their soldiers. I briefly spoke with them to reassure them that I was taking care of their soldiers. I turned to walk back to the boxes and saw SGT [redacted] with a PUC. He had the PUC off the floor either by his clothes or by his arms, yelling at him. I then turned around and saw that the CDR and 1SG was still standing in the door. I told them that they had to leave. I then turned back around and SGT [redacted] had already put the PUC down. I called SGT [redacted] over to me and told him that he was wrong for what he had done. He said that the PUC did something to him. I told SGT [redacted] that he was still wrong and not to do that again. SGT [redacted] agreed and nothing more was said about it.

Q. Where was the company equipment located within the facility in relation to the PUC holding areas?
A. It was right next to the general population holding cells on the main floor of the BCP.
Q. What does ADAG stand for?
A. I have no idea. It has something to do the storage area for equipment when it is flown into the theater. They were the unit who had forklift operators and equipment to assist me in moving the company supplies from one side of the building to the other.
Q. Describe how SGT [redacted] was holding the PUC off the floor?
A. He either had him by his shirt or by his shoulders and was holding the PUC at eye level to him (SGT [redacted] The PUC's feet were off the ground.
Q. Did SGT [redacted] hold the PUC around the neck during this incident?

INITIA[redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 257

1314

STATEMENT OF [redacted] TAKEN AT Dudley M. Outcalt US Army Reserve Center, 11880 Mosteller Road, Sharonville, OH 45241, DATED 7 February 2004, CONTINUED:

[redacted] No.
Q. Did it appear that SGT [redacted] was choking the PUC?
A. No.
Q. Can you identify which PUC SGT [redacted] was holding at the time of the incident?
A. No.
Q. When did this incident take place?
A. When we first arrived in country. It was during the first month or so; the company we had replaced was no longer working within the facility.
Q. Did the Commander or 1SG from the ADAG unit observe the incident with SGT [redacted] holding the PUC?
A. I cannot say yes or no, because it all happened so fast, from where they were standing, they could have.
Q. What was there reaction when you informed the Commander and 1SG that they had to leave the facility?
A. They said OK and left the facility.
Q. Can you identify the Commander and 1SG from ADAG?
A. I recall there was a 1LT and a 1SG, but I cannot recall their names.
Q. Was SGT [redacted] injured by the PUC?
A. I don't know.
Q. Was the PUC injured by the handling of SGT [redacted]
A. I don't know that either.
Q. Do you know if any medical personnel examined the PUC after the incident?
A. I don't know.
Q. Why did you tell SGT [redacted] e was wrong for what he had done by holding the PUC off the floor?
A. Because you just don't do that to anybody. I don't see the PUC, with as small as he was, being able to do anything to make SGT [redacted] old him and yell at him. When I looked at SGT [redacted] he did not look hurt.
Q. What was SGT [redacted] reaction when you spoke with him regarding the incident?
A. He was irritated that I said anything to him.
Q. Was there any other incident involving any personnel within the BCP that made you uncomfortable?
A. Yes, my 1SG decided that she wanted to take over the supply and maintenance ordering. She altered the signature cards and removed myself and the soldier working for me from the signature

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 257

STATEMENT OF [redacted] TAKEN AT Dudley M. Outcalt US Army Reserve Center, 11880 Mosteller Road, Sharonville, OH 45241, DATED 7 February 2004, CONTINUED:

[redacted]s and replaced our names with other soldiers within the unit.

Q. Did you observe any MP personnel strike any of the PUC's?
A. No.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////////End [redacted]atement//////////////////////////

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 257

1316

[redacted]EMENT OF [redacted], TAKEN AT Dudley M. Outcalt US Army Reserve Center, 11880 Mosteller Road, Sharonville, OH 45241, DATED 7 February 2004, CONTINUED:

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 7th day of February 2004 at Dudley M. Outcalt US Army Reserve Center, 11880 Mosteller Road,

[redacted]

(Typed Name of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

[redacted]

(Signature of Witness)

[redacted]

(Printed Name of Witness)

HQ, USACIDC

(Unit of Assignment)

INITIA[redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 257

1317

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0137-02-CID369-23534
0134-02-CID369-23533

DETAILS

INTERVIEW OF WITNESSES:

About 1000, 7 Feb 04, SA [redacted] interviewed **1LT [redacted] Platoon Leader, 377th MP Company, Cincinnati, Ohio,** regarding his knowledge of the treatment and interaction between the MP's, Mr. HABIBULLAH and Mr. DILAWAR, who were detained at the Bagram Collection Point (BCP), Bagram, Afghanistan. [redacted] stated he was th Platoon Leader for Second Platoon during his deployment with the 377th MP Company between 31 Aug 02 and 1 Mar 03. [redacted] related he did not guard nor have any interaction with either HABIBULLAH or DILAWAR. [redacted] denied any knowledge or involvement in any physical strik to either HABIBULLAH or DILAWAR. (See questionnaire for details)

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
[redacted]	DATE: 7 Feb 04 / EXHIBIT: 252

1 FEB 77

b2, b6c 7c

0137-02-CID369-235
0134-02-CID369-235

PUC QUESTIONAIRE

NAME: [redacted] DATE: 7 FEB 04
RANK: 1LT SSN: [redacted]
UNIT: 377th MP Co, Cincinatti, Ohio

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: yes

1. If yes, what dates and what were your duties?
31 Aug 2002 - 1 March 2003 Platoon Leader 2nd Platoon 377th MP Co

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: NO If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] FOUO [redacted]

Signature of Interviewee Signature of Interviewer

EXHIBIT 253

4b. How do you feel about the deaths of those two detainees?

It is unfortunate that they died

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I don't Know.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: I don't think any of my soldiers would have done it

7. How do you feel about being interviewed concerning this issue?

I think it is a good thing for the army to do to clear this up.

8. Do you think that the death of either of those detainees was deliberate?

NO

9. If someone said that you physically abused either of those two detainees, is that person lying? yes

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: Someone on the night shift

11. Why do you think someone would do this? I don't Know.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO

13. Why wouldn't you do something like this? A: Against regulations and Counter to my morals

14. What do you think should happen to a person who mistreated or caused the death of a detainee? They should be court martialed

[redacted]

Signature of Interviewee

FOUO

06.7C

[redacted]

Signat[redacted]e # of Interviewer 132C

[illegible]-253

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? I can't think of any

17. How do you think the results of the investigation will come out on you?
I think it will find I didn't have anything to do with any of it.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: yes
Please explain: If they served whatever their punishment was, they should possibly be allowed to serve in another MOS.

19. Did you tell your family about this investigation? A: yes

20a. Did you tell your family you were being interviewed regarding this investigation? A: I might have. I don't remember

20b. Did your family ask you if you were guilty? If so, what was your response? A: No

20c. Have you talked with anyone other than CID about this investigation? A: No If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: Not that I can think of.

[redacted] OU [redacted]

Signature of Interviewee Signat[redacted]

b2.b6.7C

EXHIBIT 253 132

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: poly graph - yes Hyphnosis - No

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: 3% or less

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: yes

26. Do you think the FBI should get called in to help out on this investigation? A: No

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No

[redacted] [redacted]

Signature of Interviewee FOUO [redacted] of Interviewer

b2, b6, 7C

EXHIBIT 253

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-2

PAGE 1 OF 1 PAGES

DETAILS

Between 1014 and 1617 hrs, 7 Feb 04, SA [redacted] interviewed **1LT [redacted] Headquarters, 15th Psychological Operations Battalion (PSYOPS BN) (USAR), 1600 Seymour Avenue Cincinnati, OH 45237 (formerly of the 377th MP Company).** [redacted] was advised of his legal rights for the offenses of Aggravated Assault, Cruelty/Maltreatment of Subordinates and Negligent Homicide. [redacted] waived his rights and authored a sworn statem detailing his observations as the 3rd Platoon Leader, 377th MP Company, during the deployment t Afghanistan. [redacted] detailed questioning by CPT [redacted] of all Platoon Leaders and Platoon Sergeants about "illegal PUC beatings" after the first death [redacted] then singled out members 3rd Platoon to question further about abuse of detainees. [redacted] explained an incident, which occurred on a repatriation mission. A detainee became frightened by [redacted] chambering a rou while approaching a hot landing zone and defecated on himself, apparently interpreting [redacted] as a hostile intent. [redacted] adjusted practices after that incident to ensure detainees were not a to observe MPs chamber rounds during approaches to LZ(s). He denied he abusing detainees an indicated he had no knowledge other members of his platoon abused detainees. *(See Waiver Certificate and Sworn Statement of [redacted] dated 7 Feb 04, for additional details).*

AGENT'S COMMENT: During the conduct of the interview, prior to completion of his sworn statement, [redacted] requested to phone his wife to discuss the matter and his actions with her. H was permitted to make the phone call in the presence of SA [redacted] after which he continued the interview and ultimately provided the above referenced statement.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 7 Feb 04 / EXHIBIT: 254

1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7c

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 0134-02-CID369-23

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	2. DATE	3. TIME	4. FILE NO.
Embassy Suites Hotel, Cincinnati, OH 45237	7 Feb, 04[redacted]	1014	0134-02-CID369-23

5. NAME *(Last, First, MI)*	8. ORGANIZATION OR ADDRESS
[redacted]	Headquarters, 15th Psyops Battalion
6. SSN: [redacted] / 7. GRADE/STATUS: 1Lt/O-2	US Army Reserve, 1600 Seymour Avenue, Cincinnati, OH 45237

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/~~accused~~ Aggravated Assault, ~~False Official Statement~~, Cruelty/Maltreatment of Subordinates, Negligent Homicide/////

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE: HQ, USACIDC, 6010 Sixth Street, Ft Belvoir, VA 22060 (703)806-0299	4. SIGNATURE OF INVESTIGATOR [redacted]
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR: HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

b2, b6, 7C FOUO

EXHIBIT 132 255

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a militar lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately to lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Embassy Suites Hotel, Cincinnati, OH 45242
Date : 7 Feb 04 **Time:** 1559
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** 1LT/O-2
Org/Address : Headquarters Company, 15th Psychological Operations Battalion, Cincinnati, OH 45237

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

I joined the Army Reserves in 1999. I have a Bachelor's Degree in English and a Master's Degree in Education. I was a high school English teacher for about 2.5 years before becoming a Police Officer for the City of Norwood (Ohio) Police Department in Jan 2001. I was trained by the Cincinnati Police Department's Police Academy, from Jan 01 to Jun 01. They taught us Pressure Point Control Techniques (PPCT) as part of self-defense in the academy. That was my first exposure to PPCT training. We were also taught weapons qualification, proper [redacted] weapon procedures, defensive driving, constitutional law, etc… I also have received training on authorized strike areas of the body, using a ASP (extendable baton) by both CPD and NPD.

I only used force on a detainee once at the Ba[redacted] Collection Point (BCP). In late Nov 02 or early Dec 02, a detainee (I can't tell you which one) was being escorted back to the holding area after in-processing. One of my soldiers (I think it was SPC [redacted] was slammed into a door and then pinned to the ground by the detainee. Myself and a group of other soldiers came to [redacted] aid and I delivered, I think three either palm-heel or closed-fist strikes to the detainee's thigh. CPT [redacted] was present and witnessed the incident. After the event, I informed the Commander, and I did a Memorandum for Record (MFR) on the incident. I am almost certain that the detainee was seen by the doctor (who I believe was COL [redacted] and returned to the BCP in (as far as I know) good health. I believe the MP who was pinned down also saw COL [redacted]. The details of the event would be in my MFR, which was filed in the detainee's file. I can't recall all the details, since it's been over a year now.

About a week after I finished the MP Officer Basic Course (OBC), I got notified my unit was being called up. We did four days of reserve drill (13-16 Jun 02) where we did Soldier Readiness Processing (SRP), equipment packing, and Family Readiness processing, which was all completed in Bloomington,

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 255
1326

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, DATED 7 Feb 04, CONTINUED:

[redacted]IN. We then moved to Cincinnati, to join up with the main body of the 377th. The 377th moved together on buses to Fort Dix, NJ. Our active duty orders started, I think the 17th of June 2002. We went to Fort Dix, NJ. We did SRP again, weapons training and then a day or two at a mock Enemy Prisoner of War Facility. We validated as a unit around mid Jul 02 and didn't ship out until the end of Aug 02. After validation, we also did other miscellaneous training (Land Navigation, Squad Movement). We also did one day of PPCT training. I think we did one day of training at McGuire AFB with the USAF Ravens. They taught us shackling techniques for transport on the Guantanamo Bay Naval Base (GTMO) flights. Our unit also offered everyone the chance (over two days) to visit the site of the World Trade Center (WTC), New York City, NY.

Q: Do you remember who taught the PPCT training at Fort Dix, NJ?

A: I believe it was SPC [redacted] and SPC [redacted]

Q: Were you present at the training?

A: Yes, all the platoons were present for training. I believe almost everyone was present, but I can't recall for certain who specifically was or was not there.

Q: Did the PPCT include instructions on common peroneal strikes?

A: I think so.

Q: Was the training just the physical application of the techniques or when to employ it?

A: Just the physical application. I don't recall any instruction on when to use it.

Q: What guidance did the unit get relative to use of force or rules of engagement?

A: I don't recall any training on that. We got a briefing on Afghanistan which was just on the country, temperatures, terrain. Nothing sticks out like scenario training or shoot/don't shoot, like training you would receive in the police academy.

I arrived in Afghanistan at the end of Aug 02 and my platoon assumed duties as dayshift inside the BCP, in early Sep 02. We executed a battle handoff with the 211th MP Company. I think the battle handoff was about four days of working alongside a counterpart inside the facility. I was participating in the transition with the 1LT (something that started with an [redacted] from the 211th. One thing we reviewed was detainee property accountability. The battle handover was not

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 255

132

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, DATED 7 Feb 04, CONTINUED:

[redacted]

very well planned. I learned the "repat" (repatriation) mission from an NCO from the 211th, which required that I attend flight briefings usually in the morning (typically, around 0000Z or 0100Z). There were no Op Plans given for any of the repat missions. At the flight briefings, I would establish contact with the pilots of the supply birds and advise them of the number of detainees I needed to drop off and where. Sometimes they would know we were riding with them, sometimes they didn't. If they didn't know about the repat mission, the flight OPS section would make phone calls to their higher, and the situation was usually straightened out. Eventually, we got the kinks worked out. I do remember briefing the PMO (a black MAJ) on the mission because he attended one of the missions with us. While I was at the flight briefings, the SOG at the BCP was processing the detainees for release. MI would come down and read the detainee instructions and information on a sheet, which covered what happened on 9-11. Each detainee got a new set of clothes (typical Afghan clothing) and we returned any seized property to them, which they signed for. We would put it into a garbage bag for them. Then dependant on the time of the flight, we kept them in the holding area sitting on a cot, until we left. For transport to the airfield, the repat team put goggles (with their Bagram Temporary Number written on tape on them), sound resistant ear-muffs, and would flexi-cuffs their hands in front of them. We would load them onto trucks and load them onto the birds. We would sit them on the seats or the floor of the helo.

Q: Do you recall an incident wherein a detainee defecated on himself during repat transport?

A: Yes. We routinely cleared with the aircraft crew chief of [redacted] "locking and loading" our weapons, about a minute out from the landing zone (LZ). We had a huge problem with detainees getting airsick. We started putting their goggles up on their foreheads during the flight, showing them their country as we flew. I thought it helped with the airsickness. We had to keep our weapons pointed down, at the aircrew's instruction, so "locking and loading" was done with the weapons pointed at the floor of the helo. I usually carried a shotgun. On this particular trip, after we landed, I could smell that someone had defecated. We discussed the incident and decided it was not the best course of action to let them see us "lock and load" because they might think we were going to shoot them. From that mission on, about five minutes out, we'd put their goggles back on, so that they

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 255

132

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, DATED 7 Feb 04, CONTINUED:

[redacted] would not see us "lock and load" our weapons. I can still remember the man from the incident. He was an older gentleman.
Q: Did you point your weapon at the forehead of this man?
A: No. I wouldn't do that.
Q: What was the typical frequency of repat missions?
A: Three to four a week, sometimes multiple missions in different directions a day, or multiple aircraft in a single day. There had to be MPs on both aircraft. I got soldiers from other platoons in addition to mine for help. We usually used two MP's per detainee.

At the end of Nov 02/early Dec 02, we began transitioning to the gates (outside the facility). We shifted about a team or a squad at a time and the transition took roughly a week to complete. I was not working in the BCP when either death happened. They happened on nightshift and I don't remember the second one as much as the first. The first one, I remember 1LT [redacted] coming into our tent and waking up CPT [redacted] The following morning we were told a PUC died. I believe the second one happened about a week later.
Q: What was your job, when you were in the facility and where did you work?
A: My job was the Dayshift Officer in Charge (OIC). For roughly the first 45 days, I worked in the In-processing Room, working out all the problems with the accountability of detainee property. Later I worked in a room on the first floor, in the back of the facility, near the weight lifting room.
Q: What did you typically do on a shift?
A: In the beginning it was mostly repat missions, then it was mostly property. I was also the designated Fire Marshal and Force Protection Officer. I wrote, with the help of SFC [redacted] the Fire Evacuation Plan (for getting all the PUCs out of the facility safely in the event of a fire). As Force Protection Officer, I was charged with duty of finding ways to upgrade the facility for detainee holding (e.g., building the wall at the front of the facility, building a new holding area, putting cages around the "shit" buckets). I was also the chief liaison for the International Committee of the Red Cross. I worked with them to make detainees available for private interviews. They usually came in once a week for about 4-6 hours. After the ICRC had finished their interviews, they would speak with me and the JAG officer (he was a Major, but I can't remember his name) to work out any issues that arose.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 255

b6, 7C

132

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, DATED 7 Feb 04, CONTINUED:

Q: What type of other events were within the scope of your duties?
A: I was the dayshift OIC, so I listened to the radio and walked around the facility. I escorted the ICRC. I also worked most of the in-processing events. I oversaw those events, but SFC [redacted] or the SOG handed out the duty assignments. I sat in with the MPs, MI, Doctors, Interpreters and CITF. We helped with DNA collection and property collection and accountability. Most of the in-processing came through on dayshift. I also was the principal person to escort VIP's around the facility. I would show them the in-processing room, the general population area, and the isolation areas. I would also answer any questions they would have concerning operations.
Q: Did you ever see any 377th soldiers deliver strikes or blows to individuals in Isolation Cells, who were restrained?
A: No.
Q: Prior to today, did you ever hear about any 377th soldiers delivering strikes or blows?
A: No, but I do recall CPT [redacted] calling in all Platoon Leaders and Platoon Sergeants and asking us if any of us knew about "illegal PUC beatings". Everyone said no. He held SFC [redacted] and myself after the meeting and asked us again. I again told the commander no. The commander had me and SFC [redacted] go out and get select individuals from the gates so that he could talk to them. The only one I remember specifically was SSG [redacted]. It concerned me, because it felt like my platoon was being singled out. The commander, 1SG [redacted], SFC [redacted] and myself were there when [redacted] was questioned. The commander also questioned other individuals, but I cannot remember who they were.
Q: Did [redacted] admit any wrong doing to the Cdr?
A: Not that I recall, because if he did it would have been handled right there.
Q. Were you present during an incident when SGT [redacted] was struck by a PUC during in processing?
A. Yes. About the end of Nov 02, I was in the in-processing area. The PUC was standing in his designated location (yellow box) and SGT [redacted] was informing him of the facility rules. I saw the PUC's leg raise forward and strike SSG [redacted] in the groin area. SSG [redacted] bent over and took a step back. He raised his finger toward the PUC and said something to the effect of, "You just kicked me in the nuts". SGT [redacted] did not strike the PUC at all. I cannot recall the exact actions of the

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 255

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, DATED 7 Feb 04, CONTINUED:

other MP's who were assisting SGT [redacted] but I know for a fact they did not strike the PUC. If they had struck the PUC, the incident would have been reported to the commander.

Q. Describe the problem your unit was experiencing related to the PUC property accountability?

A. When we first got there, we assumed the property from the 211th MP Company. The property was unsecured. It was in boxes with the individual numbers, but there was no real accountability of the property. There was property listed on the property documents that was not present within the boxes. Myself, SFC [redacted] and I believe SGT [redacted] went through all of the boxes. There was not a very thorough accountability of the property by the unit before us. We went through each property sheet and identified which individuals who were presently located within our facility and accounted for their property. We inventoried each property accountability sheet and made new property accountability sheets with the PUC identification numbers. We made individual files for each PUC (for those who were there before we assumed control and for those now in our facility). I think the medical records and also any other documents (e.g., the 2059's) were maintained within these files. During the November 02 time period, we moved all of the detainee property boxes to a secure area, which we kept locked.

Q: Were you aware of the use of steroids by any member of the company?

A: No. I remember SPC [redacted] got sick, while working at one of the Entry Control Points (ECP). I was told that he had diarrhea from taking some sort of dietary supplement. I do remember that we were told the supplements were being sold at the PX. I want to say the substance was creatine. The commander knew that SPC [redacted] was sick from some sort of dietary supplement since I notified him about a soldier being sick. From what I recall, CPT [redacted] told the entire company, not to use creatine or dietary supplements anymore.

Q: Did you work out with any soldiers from the 377th?

A: Sometimes with 1LT [redacted], but not with my platoon. I worked out before shift in the early mornings, then I would run, shower, then go to the flight briefings for repat missions or other duties that I did. This often happened well before most of my soldiers got up for work. They tended to work out after shift.

Q: Did you ever live with your platoon?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 253 | 35

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, DATED 7 Feb 04, CONTINUED:

[redacted]

A: For about five days when we first arrived, we were in Tier 1 housing (GP Medium tents). CPT [redacted] had Platoon Leaders and Platoon Sergeants move into the HQ tent. When then moved to Tier 3 housing, several months later. I lived with the three officers from the unit. Later, 1SG [redacted] moved into the tent at an end separated from us by a wall.
Q. What do you mean by the term "lock and load"?
A. Chambered a round into my weapon.
Q. While conducting the repatriation missions, when you would approach the landing area, did the PUC's being repatriated observe you loading your weapons?
A. On that one incident yes. As far as I can remember, we always had the goggles up. But after that incident, we would keep them down.
Q. Did you have your weapon pointed towards one of the PUC's when you chambered a round?
A. No.
Q. Where was your weapon pointed when you chambered a round?
A. I cannot recall exactly at this time. When I was on the aircraft, we were constantly reminded to keep the weapons pointed down. Based on my law enforcement training as well as my military training, I am certain that I pointed the weapon down. On the aircraft, the PUC's were usually seated to my left, towards the front of the aircraft. In order for me to load my weapon pointed towards a PUC, I would have had to raise my weapon and point it towards the front of the aircraft and the pilots. I am certain I would not have done this. It goes against everything I am trained to do. Plus, it would be extremely dangerous for the aircraft crew.
Q. Do you recall an incident involving the display of a Confederate Flag within one of the unit tent areas?
A. Yes. I believe SFC [redacted] brought up the issue of the flag. He was residing within the E-7 (SFC) tent along with the other E-7's assigned to the unit. I am not sure who owned the flag. When the issue was brought to my attention I informed SFC [redacted] to remove the flag. I told him that other people had made a complaint of the flag. The flag was removed to the best of my knowledge, and there were no other issues related to this.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////////End of Statement//////////////////////////

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 255

133

STATEMENT OF [redacted] TAKEN AT Embassy Suites Hotel, DATED 7 Feb 04, CONTINUED:

[redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted] 7FEB07 1617
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7th day of February 2004 at Cincinnati, OH 45242.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

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

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 255

133

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0137-02-CID369-23534
0134-02-CID369-23533

DETAILS

COORDINATION WITH UNIT COMMANDERS:

About 0910, 13 Feb 04, SA [redacted] coordinated this investigation with **1SG** [redacted] **and CPT** [redacted], both assigned to **428th Military Police (MP) Company, South Bend, Indiana,** regarding the involvement of several soldiers under their command whom had deployed to augment the 377th MP Company to Bagram, Afghanistan during 2003.

INTERVIEW OF WITNESSES:

About 0920, 13 Feb 04, SA [redacted] interviewed **SPC** [redacted] **428th Military Police (MP) Company, South Bend, Indiana**, regarding her knowledge of the treatment and interaction between the MP's, Mr. HABIBULLAH and Mr. DILAWAR, who were detained at the Bagram Collection Point (BCP), Bagram, Afghanistan. [redacted] had deployed as a force augmenter with the 377th MP Company. [redacted] stated she was assigned to MP duties outside the BCP when HABIBULLAH and DILAWAR were processed into the facility. She returned to working within the BCP after the death of HABIBULLAH and several days prior to the death of DILAWAR. She did not recall having interacted or guarded DILAWAR prior to his death. (See questionnaire for details)

About 1257, 13 Feb 04, SA [redacted] interviewed **SGT** [redacted] **428th MP Company, South Bend, Indiana**, regarding his knowledge of the treatment and interaction between the MP's, Mr. HABIBULLAH and Mr. DILAWAR, who were detained at the Bagram Collection Point (BCP), Bagram, Afghanistan. [redacted] had deployed as a force augmenter with the 377th MP Company. [redacted] provided a sworn statement in which he detailed witnessing an unidentified detainee receive peroneal strikes from unidentified MP's within the Isolation Cell area of the BCP. The strikes were administered when the detainee refused to cooperate with the MP's and stand as he had been instructed. [redacted] did not observe anyone strike or mistreat HABIBULLAH or DILAWAR. (See statement for details)

About 1257, 13 Feb 04, SA [redacted] interviewed **SPC** [redacted] **428th MP Company, South Bend, Indiana**, regarding his knowledge of the treatment and interaction between the MP's, Mr. HABIBULLAH and Mr. DILAWAR, who were detained at the Bagram Collection Point (BCP), Bagram, Afghanistan. [redacted] had deployed as a force augmenter with the 377th MP Company. [redacted] provided a sworn statement in which he stated he was not assigned to the BCP when HABIBULLAH was brought into the facility and subsequently died. He did not recall any interaction or contact with DILAWAR. [redacted] detailed an incident in which an unidentified detainee within the Isolation Cell assaulted SPC [redacted] who was the on-duty Isolation Guard. The

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
[redacted]	DATE: 13 Feb 04 / EXHIBIT: 256

1 FEB 77

b2, b6, 7c

DETAILS

detainee struck SPC [redacted] with his fist on her face. [redacted] stated he responded to the cell, pushed the detainee against a wall and then the cell was re-secured. (See statement for details)

About 1257, 13 Feb 04, SA [redacted] interviewed **SPC [redacted] 428th M Company, South Bend, Indiana,** regarding his knowledge of the treatment and interaction betwee the MP's, Mr. HABIBULLAH and Mr. DILAWAR, who were detained at the Bagram Collection Point (BCP), Bagram, Afghanistan. [redacted] had deployed as a force augmenter with the 377th MP Company. [redacted] stated due to an injury, he worked within the BCP as the Radio Telephone Operator (RTO) and had limited contact with the detainees [redacted] stated he was assigned to gate duties during the time period HABIBULLAH was confined within the BCP. [redacted] stated he had no significant contact with DILAWAR and did not observe anyone strike or mistreat DILAWAR. (See questionnaire for details)

About 1257, 13 Feb 04, SA [redacted] interviewed **PFC [redacted] 428t MP Company, South Bend, Indiana,** regarding his knowledge of the treatment and interaction between the MP's, Mr. HABIBULLAH and Mr. DILAWAR, who were detained at the Bagram Collection Point (BCP), Bagram, Afghanistan. [redacted] had deployed as a force augmenter with t 377th MP Company. [redacted] stated due to having received non-judicial punishment at the beginning of the deployment, he was assigned duties in the unit motor pool and supply activity. [redacted] did not have contact with detainees within the facility and did not observe any mistreatment of detainees. (See questionnaire for details)

COORDINATION WITH UNIT COMMANDERS:

About 1715, 13 Feb 04, SA [redacted] briefed **CPT [redacted] and 1SG [redacted] 450th MP Company, Nashville, TN,** who were preparing to deploy to Afghanistan with their company to assume the MP mission at Bagram, Afghanistan. SA [redacted] discussed lessons learned with them related to the handling of detainees and operation of the BCP.

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
[redacted]	DATE: 13 Feb 04 / EXHIBIT: 256

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 13 FEB 04
RANK: SPC **SSN:** [redacted]
UNIT: 428 MP COMPANY

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES.

1. If yes, what dates and what were your duties?
29-30 AUG - ARRIVED IN AFGHANISTAN - 2D PLT - WORKED IN FACILITY - OCT - MOVED TO GATES THRU DEC
DEC - ROTATED INTO FACILITY - DAY SHIFT - COUPLE DAYS PRIOR TO 2D DEATH

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO - WAS WORKING GATE DURING TIME THE DETAINEES WERE IN. PROCESSED. WORKED GATES DURING TIME FRAME OF #12 DEATH. ROTATED TO FACILITY COUPLE OF DAYS PRIOR TO DEATH OF #21, DON'T RECALL GUARDING HIM.

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO.

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO. If yes explain (see sworn statement) CORPORAL PUNISHMENT, PHYSICALLY/MENTALLY ABUSED.

2c. Did you interact in any way with either detainee? A: NO. If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NEGATIVE.
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO. If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO. If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO. If yes, explain (see sworn statement)

[redacted] FOUO [redacted] 1335
Signature of Interviewee b2,b6,7C Signature/Sequence # of Interviewer
EXHIBIT 257

4b. How do you feel about the deaths of those two detainees?
SAD. IT IS AS BAD AS ANYONE ELSE DYING. IF THEY HAD MEDICAL ISSUES, WE SHOULD HAVE BEEN ABLE TO EXAMINE THEM MORE TO PROVIDE THE MEDICAL CARE OR HOSPITALIZE THEM IF NECESSARY.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: HONESTLY DON'T KNOW - DON'T KNOW WAS WORKING.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: DIDN'T GET TO KNOW THEM ON A PERSONAL LEVEL - I WAS CROSS TRAINED TO THE UNIT. ONLY KNEW THEM ON A PROFESSIONAL LEVEL, NOT PERSONAL.

7. How do you feel about being interviewed concerning this issue?
I EXPECTED IT. THINGS HAVE TO BE INVESTIGATED. I WAS PART OF THE COMPANY.

8. Do you think that the death of either of those detainees was deliberate?
DON'T KNOW. NEVER WORKED WITH 412, DON'T RECALL EVER WORKING WITH 421.

9. If someone said that you physically abused either of those two detainees, is that person lying? YES.

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: ANY MP OR MI WORKING IN THE FACILITY.

11. Why do you think someone would do this? COLD HEARTED. DON'T KNOW. SOMEONE WOULD BEAT SOMEONE JUST TO BEAT THEM.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO.

13. Why wouldn't you do something like this? A: I PUT MYSELF IN THEIR SHOES AND I TRIED TO TREAT THEM. THE WAY I WOULD WANT TO BE TREATED.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? THERE SHOULD BE AN INVESTIGATION. DEPENDING ON CIRCUMSTANCES. LEGAL ACTION FROM THERE.

[redacted] 133

Signature of Interviewee [redacted] Signature/Sequence # of Interviewer Exhibit

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO. If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows? I don't see wha they would do to receive blows. Some resisted when we went move them, but we used minimum force necessary.

17. How do you think the results of the investigation will come out on you? I would have no involvement on either board.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes.
Please explain: People make mistakes. They should still be Reprimanded because it was still wrong.

19. Did you tell your family about this investigation? A: NO.

20a. Did you tell your family you were being interviewed regarding this investigation? A: NO.

20b. Did your family ask you if you were guilty? If so, what was your response? A: N/A.

20c. Have you talked with anyone other than CID about this investigation? A: Yes. If yes, who? SPC [redacted] 547th MP, told me she was being interviewed and I may be contacted.

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO.

[redacted] [redacted]

Signature of Interviewee

Signature/Sequence # of Interviewer

133
Exhibit

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NOT TO MY KNOWLEDGE.

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: YES.

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: DONT KNOW.

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: YES. BETTER TO TELL THE TRUTH NOW RATHER HAVE TRUTH COME OUT LATER

26. Do you think the FBI should get called in to help out on this investigation? A: NO.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: YES.

I ROTATED POSITIONS WITHIN THE BCP. THERE WERE TIMES WHEN I WAS ASSIGNED TO GUARD THE ISOLATION CELLS. WHEN I WAS THE ISO GUARD, I DID NOT GET DIRECTLY INVOLVED IN HANDLING/SHACK THE DETAINEES. I NEVER SAW OR HEARD OF ANYONE STRIKING DETAINEES. I WAS ATTACHED TO THE UNIT FOR DEPLOYMENT. I DID MAKE ANY CLOSE FRIENDS.

I did shackle detainees in ISO. They would stick their hands out the window and then turn around and put their feet by a little door at the bottom of the cell door.

[redacted] [redacted] 13.

Signature of Interviewee

Signature/Sequence # of Interviewer Exhibit

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Building 5913, Fort Dix, NJ 08640
Date : 13 February 2004 **Time:** 1157
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** SGT/USAR
Org/Address : 428th Military Police Company, South Bend, Indiana

I, [redacted] want to make the following statement under oath: I was in the process of going to active duty and I was provided an opportunity to deploy with the US Army Reserve 377th Military Police Company, Cincinnati, Ohio, during their deployment to Bagram Air Base, Afghanistan. I met with the unit and I came to Fort Dix, NJ during June 2002 for pre-deployment training. I went through the training with the unit and ultimately we deployed as a unit to Afghanistan. I arrived with the unit in Afghanistan on either 30 or 31 Aug 02. We went through various country briefings and then we began our transition with the MP Company who was due to rotate from their assignment. I cannot recall the unit designator of the MP Company we were replacing. Between Aug 02 and Nov 02, I worked within the Bagram Collection Point (BCP) facility on the night shift. My duties included floor guard, over watch, Isolation Guard and then we had a guard position, in addition to administrative duties. While I was working within the facility as a guard, I observed members of the 377th MP Company deliver peroneal strikes with their knees to a detainee. The incident occurred shortly after we initially began working within the facility. I was working on the main floor as a rotator. I heard yelling coming from the area of the Isolation Cells. I went upstairs to the isolation cell area. I went to the first cell on the left as you entered the Isolation Cell area upstairs. I believe it was cell number one. The door to the cell was open and I observed two MP's inside the cell and there was one MP at the cell door. The MP's inside the cell were trying to get the detainee to stand, because the Military Intelligence personnel had directed that this specific detainee was to remain standing. The MP's would grab the detainee and attempt to stand him up, at which time the detainee would collapse back to the floor of the cell. He was refusing to stand on his own. I do not recall any identification information related to the detainee, but he was conscious. He kept talking to the MP's in a language other than English. I don't recall a translator being in the area. The MP's inside the cell were trying to hold the detainee in a standing

INITIALS [redacted]

133

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 258

STATEMENT OF [redacted] TAKEN AT Building 5913, Fort Dix, NJ 08640, DATED 13 February 2004, CONTINUED:

[redacted] position. He would not stand on his own. While they were holding the detainee, the MP on the left struck the detainee with his knee into the thigh or hip of the detainee. The detainee yelled out in pain. When I saw that happen, the MP's told me they did not need any other assistance. I left the Isolation Cell area and went about my other duties. Within a couple of weeks, I was moved from the night shift and I began working during the day shift as a carpenter within the facility. During Nov 02, 2nd Platoon was in the process of rotating out to perform security duties at the installation gates. I requested to be rotated from the facility with the platoon so I could also work the gates. During Jan 03, I rotated back to duties within the BCP as a member of the guard force. I preformed the same guard force duties as I had previously worked. By this time, two deaths and taken place within the facility and there were numerous changes which had been made to how we were conducting daily operations. The International Red Cross (ICRC) was within the facility on a regular basis. The practices of shackling detainees in a standing position were no longer conducted. We would still shackle detained to the doors with their hands at waist level, but not above their heads. The Military Intelligence (MI) personnel were also unable to direct us what to do with regard to the treatment of detainees. If they wanted to restrict the sleep pattern of a detainee or provide/restrict privileges, then MI had to enforce those things themselves. I left the facility about the middle of March 03 when I re-deployed with the unit to the United States.

Q. During your pre-deployment training at Fort Dix, were you trained in the application of a common peroneal strike?

A. Yes.

Q. Who taught this training?

A. The lanes trainers.

Q. Was this training taught by the unit members or the US Army Military Assistance Training Team from Fort Dix, NJ?

A. The Military trainers from Fort Dix, NJ.

Q. Under what conditions were you trained to use or employ the common peroneal strike?

A. As a step taken within the use of force. One of the steps you use to employ use of force.

Q. Were there limitations as to when you could or could not deliver a peroneal strike?

A. I think they said when deemed as necessary.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

66.7C

EXHIBIT 258

0137-02-CID369-2

STATEMENT OF [redacted] TAKEN AT Building 5913, Fort Dix, NJ 08640, DATED 13 February 2004, CONTINUED:

Q. When was the time period you observed the 377th MP deliver the peroneal strike to the detainee?
A. I think it was the end of Sep or early Oct, during the night shift. I cannot recall the specific date and time.
Q. Was the detainee resisting or fighting the MP in a way, which made you believe the MP was defending himself?
A. The detainee was resisting.
Q. Do you believe the action of the detainee warranted being struck with a peroneal strike to the thigh?
A. No.
Q. Why don't you believe the strike was necessary?
A. He was just resisting by refusing to stand, he was not trying to fight or escape at the time.
Q. Describe the detainee who received the strike?
A. I don't memorize faces, especially those of the detainees. I don't recall anything specific, other than he wore an orange issued suit. I don't even recall the numbers.
Q. Describe the MP who delivered the strike to the detainee?
A. He was verbally abusive to the detainee, giving him directives in a high voice. The MP's kept pulling him up trying to make him stand. The MP was a [redacted] I don't recall many specifics about him at all.
Q. You have reviewed photographs of the members assigned to the 377th MP Company during the time period of the deployment to Afghanistan. Can you identify the MP who delivered the strike to the detainee in the Isolation Cell?
A. No. I can recall numerous MP's who were in the area of the Isolation Cells on a regular basis, but specifically who delivered the blow, I cannot recall.
Q. Did you observe any other MP's physically strike a detainee in any other way?
A. No.
Q. Did you form any close relationships with the members of the 377th MP Company during the deployment?
A. A few, but when I returned to the Unites States, I did not maintain contact with them.
Q. Did you hear rumors or information related to members of the 377th MP Company or anyone else physically striking detainees?
A. No.
Q. Did you work within the facility when PUC 412, who CID has identified as Mr. HABIBULLAH was brought into the facility and housed within the Isolation Cells?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 258

STATEMENT OF [redacted] TAKEN AT Building 5913, Fort Dix, NJ 08640, DATED 13 February 2004, CONTINUED:

[redacted]

A. I don't even recall when they were brought in. If they were brought in during December 2002, I was working on the gates and was not working within the facility.
Q. Did you work within the facility when PUC 421, who CID has identified as Mr. DILAWAR was brought into the facility and housed within the Isolation Cells?
A. I don't even recall when they were brought in. If they were brought in during December 2002, I was working on the gates and was not working within the facility.
Q. Did you ever observe or hear of anyone physically striking Mr. HABIBULLAH?
A. No I have not.
Q. Did you ever observe or hear of anyone physically striking Mr. DILAWAR?
A. I don't know if it was him or not, just the blow I had previously describes. I do not know which detainee that was.
Q. Did you have any contact with Mr. HABIBULLAH?
A. Never.
Q. Did you have any contact with Mr. DILAWAR?
A. I don't even know which one he was.
Q. During your training and experiences as an MP, were any of your assigned duties or training tailored to the handling or care of detained individuals or EPW's?
A. During pre-deployment training at Fort Dix, they gave us a class in the application of shackles.
Q. When you used the term "Lanes" trainer, what does that mean?
A. Whatever the task was for the unit to train on for that day. The Lane Trainer was the individual who provided the training.
Q. During your training at Fort Dix, NJ, were you trained on the handling and care of detained individuals?
A. Not too specifically no. Just how to walk them and hold onto them while walking with them as a two-person MP team.
Q. Did the unit provide any additional training, preparing you to handle and care for detainees?
A. No. The training we received was by the unit we were replacing.
Q. Do you recall which unit you replaced in Afghanistan during Aug 02?
A. I don't remember the name of the unit, no.
Q. During your training by the unit you were replacing, were you instructed that the application of peroneal strikes was a common practice?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 258 134

STATEMENT OF [redacted] TAKEN AT Building 5913, Fort Dix, NJ 08640, DATED 13 February 2004, CONTINUED:

[redacted]. I would not say common, but they spoke about it that they had used it. I don't recall them going into any details.
Q. While at Fort Dix, NJ, or during your deployment in Afghanistan, were you provided a copy of a book with a blue cover which the 377th MP Company Chain of Command had compiled related to your mission and execution of that mission?
A. Yes.
Q. Did you read the manual?
A. Yes.
Q. What did the manual dictate related to using force with detained individuals?
A. Minimal force
Q. Based on the rules of engagement and use of force policy effective at the time of your deployment to the BCP, when could you use force?
A. When your life was in danger or to save the life of a fellow soldier.
Q. What is your civilian occupation?
A. I am a supervisor at Tecumseh products, which makes air conditioning products for businesses.
Q. Had you heard of a peroneal strike prior to your deployment training at Fort Dix, NJ?
A. Negative.
Q. Were there any other terms used for the administering of a pronial strike?
A. That is the only name I know of.
Q. Have you ever heard of a compliance blow?
A. No.
Q. Did you administer a pronial strike or in any other way strike any individuals under US control, while assigned as an MP to the BCP?
A. No.
Q. Besides what you have already described within this statement, do you have any knowledge of anyone else administering a pronial strike or in any other way striking any individuals under US control, while assigned as an MP to the BCP?
A. No.
Q. What was the policy related to the medical care for the PUCs?
A. Whenever they needed medical care, there was a doctor on call. There was also a medic assigned within the facility.
Q. Were you told by anyone that either detainee who died asked to see a doctor?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 258

b6; 7C

134

STATEMENT OF [redacted] TAKEN AT Building 5913, Fort Dix, NJ 08640, DATED 13 February 2004, CONTINUED:

[redacted]

A. No.
Q. Was it normal for detainees within the Isolations Cells to slump in their restraints?
A. Yes.
Q. When you observed a detainee slumping in his restraints, could you tell if he was conscious or not?
A. Yes, most generally by looking at his eyes or they would be chanting. There would be some other movement. They would move around a lot.
Q. When did you hear about the death of Mr. HABIBULLAH?
A. I heard about both the deaths when I went to the facility for the morning meal. The MP's were talking about the deaths.
Q. Did you discuss with anyone what you would or would not say if you were questioned about the deaths?
A. No.
Q. Do you know who caused the death of HABIBULLAH?
A. No, I don't.
Q. Did you cause the death of HABIBULLAH?
A. No.
Q. Do you know who caused the death of Mr. DILAWAR?
A. No.
Q. Did you cause the death of Mr. DILAWAR?
A. No.
Q. Was there anything else in the facility that made you uncomfortable?
A. No.
Q. Is there anything you wish to add to or delete from this statement at this time?
A. No.
//////////////////////End of Statement//////////////////////

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 258

b6, 7C

13

STATEMENT OF [redacted] TAKEN AT Building 5913, Fort Dix, NJ 08640, DATED 13 February 2004, CONTINUED:

[redacted]

AFFIDAVIT

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

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13th day of February 2004 at Fort Dix, NJ

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 258 13

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Building 5913, Fort Dix, NJ 08640
Date : 13 February 2004 **Time:** 1957
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** SPC/USAR
Org/Address : 428th Military Police Company, South Bend, Indiana

---

I, [redacted] want to make the following statement under oath: I joined the US Army reserves on 6 Sep 01 and I was assigned to the 428th Military Police (MP) Company, which is located in South Bend, Indiana. I attended basic and Advanced Individual Training as a MP. I have remained employed at United Parcel Service (UPS) where I load trucks. On 17 Jun 02, I deployed with the 377th MP Company for pre-deployment training at Fort Dix, NJ. The deployment was for our follow on assignment in Afghanistan. The unit went through various military training classes taught by the training staff at Fort Dix, NJ. The unit experienced difficulty in obtaining aircraft to support our deployment, so the unit conducted training classes within each platoon. The training consisted of various tasks, first aid, and other classes that I cannot recall at this time. We deployed to Afghanistan and arrived there on 30 Aug 02. Between 30 Aug 02 and 2 Oct 02, I worked with second platoon on the night shift within the BCP. We rotated the duties within the facility, which included control, floor guard, Isolation Guard, Radio Telephone Operator (RTO), Front Gate Guard, Relief Guard and an Administrative guard position. I rotated through those positions during my assignment within the facility. Between 2 Oct 02 to 5 Dec 02, I worked the Entry Control Points (ECPs) for the installation. During that time, I did not have any contact with any of the detainees within the facility. Between 5 Dec 02 and 5 Mar 03, I worked the day shift within the facility and worked a two days on duty and one day off duty. I did not have any contact with the first detainee who dies. That was BT 412, whom CID has told me was named Mr. HABIBULLAH. I was working on the gates at the time he was brought into the facility and subsequently died. I heard about the death of Mr. HABIBULLAH on the 5th or 6th of Dec 02. I understand he died during the night shift. During MP Guard Mount SFC [redacted] informed us that the detainee had died. I don't recall if there was nay conversation as to why the detainee had died or who had caused the death. During the period of the death of PUC 421, whom CID has identified to me as Mr. DILAWAR, I was assigned to the facility, however, I worked the day shift and I was not in the

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 259

b6, 7C

1340

STATEMENT OF [redacted] TAKEN AT Building 5913, Fort Dix, NJ 08640, DATED 13 February 2004, CONTINUED:

[redacted] facility at the time of his death. I recall he had been held in Isolation Cell 1 in the upstairs Isolation Cells. I think they referred to the area as Isolation Block 2, Cell 1. Because he died within the facility, he stands out and that is why I can recall more about him than other detainees. While working on the day shift within the facility, after 5 Dec 02, I do not specifically recall having any contact with Mr. DILAWAR. I do recall that he was not one of the English speakers. I do not recall anyone striking Mr. DILAWAR with a peroneal strike. I do recall that while I worked the night shift and the day shift, MP's administered peroneal strikes to detainees within the facility on the rare occasion when a detainee would become aggressive and noncompliant. One of the escorting guards delivered a common peroneal strike to the detainee to regain control of them. This happened maybe once a week that I observed. I do not recall if the incidents involved the same detainees or different detainees. The incidents would normally take place within the hallway and also prior to moving the latrines inside the building, there were a couple incidents outside the building when a detainee was struck.

During the first month I worked within the facility on the night shift, SPC [redacted] was working as the Isolation Guard. I believe I may have been assigned as a Control Guard. For reasons I do not know, SPC [redacted] entered ISO cell 6 in the upstairs Isolation Cell Block (Cell block 2, Cell 6). I believe I heard SPC [redacted] either report on the radio or she yelled that she needed assistance in the Isolation Cell. I was the first MP to respond. The detainee was un-cuffed and was holding onto the sleeve of SPC [redacted] with his left hand. I entered the cell and I pushed the detainee against the wall of the cell, which broke his grasp of SPC [redacted] SPC [redacted] told me that the detainee had struck her on the face. I recall that she had a mark on one of her cheeks, which bruised later. I do not recall the identification number of the detainee involved in this incident. Additional MPs arrived in the Isolation Cell. Once the MPs arrived, we backed out of the cell and re-secured the cell door. We talked to Military Intelligence about the incident and possible punishment for the detainee.

Q. During your pre-deployment training at Fort Dix, were you trained in the application of a common peroneal strike?
A. Yes.
Q. Who taught this training?
A. I don't remember the instructor's names.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 259

1347

STATEMENT OF [redacted] TAKEN AT Building 5913, Fort Dix, NJ 08640, DATED 13 February 2004, CONTINUED:

[redacted]

Q. Was this training taught by the unit members or the US Army Military Assistance Training Team from Fort Dix, NJ?
A. The Military trainers from Fort Dix, NJ.
Q. Under what conditions were you trained to use or employ the common peroneal strike?
A. When you loose control of a detainee, a detainee is resistive or non-compliant.
Q. Were there limitations as to when you could or could not deliver a peroneal strike?
A. No.
Q. When was the time period you observed the 377th MP deliver the peroneal strike to the detainee he was escorting?
A. It happened both on night shift and day shift. I cannot recall the specific date and time. It was normally one common peroneal and the detainee would understand I guess.
Q. Was the detainee resisting or fighting the MP in a way, which made you believe the MP was defending himself?
A. Yes, resisting, but I would not say attacking the MP.
Q. Do you believe the action of the detainee warranted being struck with a peroneal strike to the thigh?
A. According to our training, I do.
Q. Did you observe any other MP's physically strike a detainee in any other way?
A. Not that I recall.
Q. Did you form any close relationships with the members of the 377th MP Company during the deployment?
A. Not really.
Q. Did you hear rumors or information related to members of the 377th MP Company or anyone else physically striking detainees?
A. No.
Q. Did you ever observe or hear of anyone physically striking Mr. HABIBULLAH?
A. No.
Q. Did you ever observe or hear of anyone physically striking Mr. DILAWAR?
A. No.
Q. Did you have any contact with Mr. HABIBULLAH?
A. Not at all.
Q. Did you have any contact with Mr. DILAWAR?
A. I had contact with him when I escorted him to the latrine and to interrogation sessions with MI.

STATEMENT OF [redacted] TAKEN AT Building 5913, Fort Dix, NJ 08640, DATED 13 February 2004, CONTINUED:

[redacted] Q. During your training and experiences as an MP, were any of your assigned duties or training tailored to the handling or care of detained individuals or EPW's?
A. During pre-deployment training at Fort Dix, they gave us training related to escorting detainees.
Q. Did the unit provide any additional training, preparing you to handle and care for detainees?
A. The 377th went over handling detainees, escorting procedures. There were several members of the 377th who were employed within corrections and they taught classes on movement of detainees.
Q. Do you recall which unit you replaced in Afghanistan during Aug 02?
A. 211th MP Company.
Q. During your training by the 211th MP Company, were you instructed that the application of peroneal strikes was a common practice?
A. I do not recall.
Q. While at Fort Dix, NJ, or during your deployment in Afghanistan, were you provided a copy of a book with a blue cover which the 377th MP Company Chain of Command had compiled related to your mission and execution of that mission?
A. Yes.
Q. Did you read the manual?
A. Yes.
Q. What did the manual dictate related to using force with detained individuals?
A. I do not recall.
Q. Based on the rules of engagement and use of force policy effective at the time of your deployment to the BCP, when could you use force?
A. When a detainee is resisting and non-compliant, that includes the use of pressure points.
Q. Had you heard of a peroneal strike prior to your deployment training at Fort Dix, NJ?
A. Never hear of it before that.
Q. Were there any other terms used for the administering of a pronial strike?
A. Not that I am aware of.
Q. Have you ever heard of a compliance blow?
A. No.
Q. Did you administer a pronial strike or in any other way strike any individuals under US control, while assigned as an MP to the BCP?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 259

1349

STATEMENT OF [redacted] TAKEN AT Building 5913, Fort Dix, NJ 08640, DATED 13 February 2004, CONTINUED:

[redacted]A. Not with a common peroneal. The only thing I remember was pushing the detainee off SPC [redacted]
Q. Besides what you have already described within this statement, do you have any knowledge of anyone else administering a pronial strike or in any other way striking any individuals under US control, while assigned as an MP to the BCP?
A. No.
Q. What was the policy related to the medical care for the PUCs?
A. We had a medic that was assigned to the 772nd MP Company who was assigned to the facility. If the problem was beyond the medic, a doctor would either come from the hospital, or we would take them to the hospital.
Q. Were you told by anyone that either detainee who died asked to see a doctor?
A. No.
Q. Was it normal for detainees within the Isolations Cells to slump in their restraints?
A. Sort of.
Q. When you observed a detainee slumping in his restraints, could you tell if he was conscious or not?
A. You could tell if a detainee was standing on his own, if he was not, he would be suspended by the chains.
Q. When did you hear about the death of Mr. DILAWAR?
A. To the best of my knowledge, both the deaths occurred during the night shift. It was either the morning after it happened or the next day at guard mount briefing.
Q. Did you discuss with anyone what you would or would not say if you were questioned about the deaths?
A. No.
Q. Do you know who caused the death of HABIBULLAH?
A. No, I don't.
Q. Did you cause the death of HABIBULLAH?
A. No.
Q. Do you know who caused the death of Mr. DILAWAR?
A. No.
Q. Did you cause the death of Mr. DILAWAR?
A. No.
Q. Was there anything in the facility related to the treatment of the detainees that made you uncomfortable?
A. No.
Q. Is there anything you wish to add to or delete from this statement at this time?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 259

1350

STATEMENT OF [redacted] TAKEN AT Building 5913, Fort Dix, NJ 08640, DATED 13 February 2004, CONTINUED:

[redacted]

A. No.

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

[redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 13th day of February 2004 at Fort Dix, NJ [redacted]

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 259

b2, b6, 7c

1351

34-02-CID369-235
0137-02-CID369-23

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 13 FEB 04
RANK: SPC **SSN:** [redacted]
UNIT: 428 MP COMPANY -

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: ~~NO~~ YES.

1. If yes, what dates and what were your duties?
31AUG-OCT WORKED IN FACILITY, NIGHTS - OCT-DEC - ~~FACILITY DAYS~~ GATES - DEC - MAR (7) DAY FACILITY. BECAME INJURED + WORKED MOSTLY AS RTO. - LIMITED OR NO CONTACT WITH DETAINEES.

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: YES. I DID NOT HAVE ANY CONTACT OR INVOLVEMENT WITH? WAS WORKING THE GATES. I MAY HAVE BEEN A RELIEF GUARD IN ISO DURING THE TIME 421 WAS. ~~I believe~~

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO.

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO. If yes explain (see sworn statement) ABOVE + beyond NOR punishment.

2c. Did you interact in any way with either detainee? A: YES. If yes, explain: only to do cell checks, walking through, NOT TALKING TO THEM.

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO.
If yes, please explain: nothing out of the ORDINARY.

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO. If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO. If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO If yes, explain (see sworn statement)

[redacted] FOUO [redacted]

Signature of Interviewee 62.66.72 Signature/Sequence # of Interviewer

135

4b. How do you feel about the deaths of those two detainees?
UNFORTUNATE

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I was only ever told a heart Att

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: NO.

7. How do you feel about being interviewed concerning this issue?
Doesn't bother me one BIT.

8. Do you think that the death of either of those detainees was deliberate?
NO.

9. If someone said that you physically abused either of those two detainees, is that person lying? YES.

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: night shift because there would be less people in the facility.

11. Why do you think someone would do this? have NO IDEA.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO.

13. Why wouldn't you do something like this? A: The only time I could see them being punished was if they attacked an MP.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? Military UCMJ. The offense of Death is a whole [redacted] You are looking at [redacted] there.

[redacted] FOUO [redacted]

Signature of Interv[redacted] Signature/Sequence # of Interviewer

1353

a. ~~Please explain:~~

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO. If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
If you were moving a detainee and he acted up and you needed to regain control of him.

17. How do you think the results of the investigation will come out on you?
Fine.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: not up to me to decide.
Please explain:

19. Did you tell your family about this investigation? A: NO.

20a. Did you tell your family you were being interviewed regarding this investigation? A: NO.

20b. Did your family ask you if you were guilty? If so, what was your response? A: N/A.

20c. Have you talked with anyone other than CID about this investigation? A: No. If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: no.

FOUO

[redacted] 35

Signature of Interviewee b2, b6, b7C Signature/Sequence # of Interviewer

FOUO - 260

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: NO.

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: SURE.

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: DON'T KNOW.

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: YES.

26. Do you think the FBI should get called in to help out on this investigation? A: DON'T CARE.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO.

FOUO

[redacted] Signature of Interviewee

[redacted] Signature/Sequence # of Interviewer

PUC QUESTIONAIRE

NAME: [redacted] **DATE:** 13 FEB 04
RANK: PFC **SSN:** [redacted]
UNIT: 428 MP COMPANY.

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES.

1. If yes, what dates and what were your duties?
27-28OCT02 - NOV - MOTORPOOL NOV-MAR - WORKED IN SUPPLY ~~ADDITN~~

2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO.

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO.

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO. If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: NO. If yes, explain: _____

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO.
If yes, please explain: _____

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO. If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO. If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO. If yes, explain (see sworn statement)

[redacted] FOU [redacted] 1356
Signature of Interviewee b2,b6,7C Signature/Sequence # of Interviewer

4b. How do you feel about the deaths of those two detainees?
BAD THING THAT happened. SHOULD NOT HAVE happened.

---

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I WOULD NOT KNOW.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: Everyone is capable, no matter wh They are.

7. How do you feel about being interviewed concerning this issue?
MAKES sense it is happening.

---

8. Do you think that the death of either of those detainees was deliberate?
NO.

9. If someone said that you physically abused either of those two detainees, is that person lying? YES.

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: I WOULD NOT KNOW.

11. Why do you think someone would do this? Revenge, get back for Sep 11.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO.

13. Why wouldn't you do something like this? A: inhumane. Against Geneva / Hague Convention.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? IF IT WAS ACCIDENTIAL, then it is AN ACCIDE
If NOT - do it by the book, THAT IS THE LAW.

[redacted]

Signature of Interviewee [redacted] Signature/Sequence # of Interviewer

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: I was never told. If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?
SPIT on them, punch or bite. Not being compliant.

17. How do you think the results of the investigation will come out on you?
Won't affect me.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: Yes.
Please explain: IF IT WAS ACCIDENTAL AND NOT intentional.

19. Did you tell your family about this investigation? A: NO.

20a. Did you tell your family you were being interviewed regarding this investigation? A: NO

20b. Did your family ask you if you were guilty? If so, what was your response? A: N/A.

20c. Have you talked with anyone other than CID about this investigation? A: NO. If yes, who?

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: They don't like me or they are out to get me.

[redacted]

Signature of Interviewee

b2.b6.7E

Signature/Sequence # of Interviewer

EXHIBIT

1351

26

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: MAD AT ME ABOUT GOING AWOL

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: YES.

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: DON'T KNOW, I NEVER SAW IT

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: OF COURSE NOT.

26. Do you think the FBI should get called in to help out on this investigation? A: NOT FEDERAL.

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: NO.

[redacted] FOU[redacted]

Signature of Interviewee [redacted] Signature/Sequence # of Interviewer

0134-02-CID369-23533

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0137-02-CID369-2353

PAGE OF PAGE

DETAILS

About 0945, 19 Feb 04, SA [redacted] and SA [redacted] interviewed SSG [redacted] Co, 142 Military Intelligence (MI) BN, Utah National Guard, Orem, Utah, at which time he provided a Sworn Statement detailing his experiences while assigned to the Bagram Collection Point (BCP), Afghanistan. SSG [redacted] related he was deployed to Afghanistan with the 519th MI BN, Fort Bragg, NC from July 2002 to Jan 2003. W deployed with the 519th MI, he was assigned as an interrogator within the BCP. SSG [redacted] primary job was to interrogate detainees, and to collect and analysis intelligence information concerning the people of Afghanistan. SSG [redacted] never had direct contact with either detainee, Mr. DILAWAR or Mr. HABIBULLAH. SSG [redacted] never personally used unorthodox methods during interrogations; however, he was disturbed when witnessing others in his u use them. It was becoming the norm for interrogators to use aggressive tactics initially rather than going through the steps of progression for harsher techniques (See Sworn Statement of SSG [redacted] for details).

TYPED AGENT'S NAME AND SEQUENCE NUMBER
SA [redacted]

ORGANIZATION
HQ, USACIDC
Fort Belvoir, VA 22060

SIGNATURE [redacted]

DATE 24 Feb 04

EXHIBIT 262

CID FOR [redacted] IAL USE ONLY

1 FEB 77

Ltr. 60.75

1360

0134-02-CID369-23!
0137-02-CID369-2

SWORN STATEMENT

File Number :
Location : Fort Huachuca, CID
Date : 19 Feb 0[redacted] **Time:** 09[redacted]
Statement of: SSG [redacted]
SSN : [redacted] **Grade/Status:** E-6/SSG
Org/Address : D Co, 142 MI BN, UT, National Guard

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

I joined the Army National Guard in Aug 1997. I went to Basic training in 1998, from there I went to the Defense Linguist Institute (DLI), Monterey, CA, where I studied Arabic. Around Mar 2000, I went to Ft. Huachuca and graduated from the Military Intelligence (MI) School in Jul 2000. Afterwards, I worked for the Utah National Guard as a translator, until Jul 2001. Around Jul 2002, I was deployed with A Co 519th MI, Fort Bragg, NC, to Afghanistan to support the Operation Enduring Freedom. There were six of us from the Utah National Guard who did certification training at Ft. Carson, CO, on Common Task Training (CTT), and did some additional training at Fort Bragg, NC. From Fort Bragg we went to Afghanistan for our mission. The unit arrived in Afghanistan around Jul 2002, at which time we relieved a Military Intelligence (MI) Reserve Unit. I don't remember the exact unit, but I believe they were out of New England. For the first couple weeks, our unit went through a train up, where we trained with the leaving unit from New England. The leaving unit provided tips on how to retrieve information from the detainees. The leaving unit taught us different techniques such as "Safety Positions," how to talk with the local people of Afghanistan, and how to interact with the Military Police (MP). In the beginning, everyone one the MI personnel in our unit would report for work sometime around 0700, at which we would be briefed on what was to transpire for the day. During the briefing we would also go over what was done the day prior. There were times we had a lot of information to go over and there were other times we had very little due to the lack of activity going on in the Bagram Collection Point (BCP). SSG [redacted], Platoon Sergeant, 519th MI, was in charge of disseminating information, his title was Non-Commission Officer-in-Charge (NCOIC) of the facility for the MI. The people who attended the briefings were 1LT/CPT [redacted] the interpreters, the interrogators, Defense Intelligence Agency (DIA), CID, SJA, and other members of the

INITIA[redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 263
1361

STATEMENT OF [redacted], TAKEN AT Ft. Huachuca CID
DATED 19 FEB 04, CONTINUED:

facility. 1LT [redacted] was the interrogator Platoon leader. After the briefings we would prep and plan for our interrogations, which we would conduct in accordance with our schedule. During the interrogations there were times I would be alone with the detainees and there were times that I would be with other interviewing personnel. The MI interrogators would then have their plans approved by SSG [redacted] The interrogators from all of the agencies to include CIA, FBI, CID, and MI would then go to the interrogation booths to conduct interviews. About two months after we arrived, SSG [redacted] changed the shifts of our workday in two 12-hour shifts. In the beginning, our unit went with whatever the former unit did prior to our arrival. Slowly changes were made to make the operation more efficient. The changes of the shifts allowed us to best use the assets of the facility. The shifts were broken down into two teams, with five members on each. After the death of the two detainees, we had to change the operation around, because everyone who had contact with the two detainees who died were removed from the facility. Prior to the death of the two detainees, my job consisted of both doing analysis and interrogations/translating. SSG [redacted] assigned me to do more interrogations/translating after the death of the two detainees. Towards the end of the deployment, some of the interrogators came back into the facility, but others were to remain doing screening of contractors and working out of the A Co, Headquarters. The unit left Afghanistan sometime toward the end of Jan 2003.

Q: SA [redacted] and SA [redacted]
A: SSG [redacted]

Q: Did you ever see anyone or hear of anyone who did anything that made you feel uncomfortable?
A: SPC [redacted] would always use the screaming technique. We were taught several different techniques, but she would always revert to that tactic. She was recently married and had some issues with her marriage. Another time some [redacted] took the pants off of a detainee. In the booth there was a female, I told the SPC to put the detainees pants back on. I don't remember the [redacted] but he had a [redacted] and around [redacted] The [redacted] was also in the 519th MI unit.

Q: Did you see anything else that made you feel uncomfortable?
INITIAL: [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 263
1362

STATEMENT OF [redacted], TAKEN AT Ft. HUACHUCA, AZ
DATED 19 FEB 04, CONTINUED:

A: I personally did not like the manner that some of the interrogators handled themselves.

Q: What do you mean by the way they handled themselves?
A: I didn't like the amount of aggressive techniques that were used. It seemed some of the interrogators always used these techniques.

Q: Who resorted to only using theses techniques?
A: [redacted] and others. It seemed to be a trend that the MI interrogators were leaning towards.

Q: Did you use any unorthodox methods to gather information from the detainees?
A: I used the rules that were taught in the schoolhouse and established in the facility.

Q: Did you ever use any physical means to gather information from the detainees?
A: No. I would move them in positions, remove their chairs and engaged in Physical Fitness (PT) with the detainees. I use to go on the ground next the detainees and do push-ups with them. The reason I would do PT with the detainees was to show I was stronger and to exert control. I would use a number of techniques, none of which were physically aggressive in nature.

Q: Did you ever witness, hear of, or participate in any physical confrontations with the detainees?
A: One time I heard that an MP engaged in physical contact with a detainee, who was attempting to escape. The detainee broke the arm of the MP, while they were fighting. The MP was with the first MP Co who was at the facility.

Q: Who was on the team you were assigned to while at the facility?
A: I moved around so much from interrogations to analysis that I was not assigned to any specific team.

Q: Did you ever have any contact with the two detainees, Mr. DILAWAR or Mr. HABIDULLA, who died?
A: No, everyone who had contact with them was removed from the facility shortly after their deaths.

INITI[redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 263
1263

STATEMENT OF [redacted], TAKEN AT Ft. Huachuca, AZ
DATED 19FEB04, CONTINUED:

Q: Who was removed from the facility after their deaths?
A: [redacted] all but one of the contract translators, and some others that I don't recall at this time.

Q: What were the rules of the facility regarding the detainees, as far as care?
A: You have to house them, feed them, provide them with medical care and any other basic life necessities that are provided to the U.S. Forces has to be extended to the detainees.

Q: Is there anything you wish to add to this statement?
A: No.
////////////////////[redacted]nt////////////////////

INITIA[redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 263
12/4

STATEMENT OF [redacted], TAKEN AT Ft. Huachuca, AZ
DATED 19 FEB 04, CONTINUED:

AFFIDAVIT

[redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT, WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this day of 19 Feb 2004 the Fort Huachaca, CID Office, Sierra Vista, AZ

[redacted]

(Typed Name of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 263

1365

0137-02-CID369-23534

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER **0137-02-CID369-23534**
0134-02-CID369-23533

DETAILS

INTERVIEW OF WITNESSES:

About 1807, 29 Feb 04, SA [redacted] and SA [redacted] interviewe **MAJ [redacted], 48th Combat Support Hospital, Fort Meade, Maryland,** regarding h knowledge of the medical treatment and subsequent documentation of treatment related to detain within the Bagram Collection Point (BCP), Bagram, Afghanistan. [redacted] provided a sworn statement in which he stated during his deployment with the 48th CSH, he served in the capacity o the Patient Administrator. [redacted] stated he was unable to recall the specific disposition of the records related to the treatment of HABIBULLAH (PUC 412) and DILAWAR (PUC 421), however, recalled having provided copies of the records to the Bagram CID Agents at the time of the incider [redacted] related he had no direct knowledge of any nursing notes or other medical reports relat to the death of HABIBULLAH and DILAWAR. He stated the records were consolidated and forwarded to the patient administrator, Landstuhl Regional Medical Center (LRMC), for final disposition. (See statement for details)

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 29 Feb 04 / EXHIBIT: 204

1 FEB 77

FILE NUMBER: 0134-02-CID369-23533
0137-02-CID369-23534
LOCATION: Fort Meade Resident Agency (CID), BLDG 588, Fort Meade, MD 20755
DATE / TIME: 29 Feb 04 / [redacted] 1807
STATEMENT OF: [redacted]
SSN: [redacted]
GRADE/STATUS: MAJ O-4/ AR
ORGANIZATION/ADDRESS: 48th Combat Support Hospital, Fort Meade, MD 20755

[redacted], want to make the following statement under oath:
I was commissioned through the Army ROTC program on 12 May 85. I attended the Medical Service Corps, Officer Basic Course (OBC) from Feb- May 1986 at Fort Sam Houston, TX (FSHTX). I attended the Patient Administration Course (PAD) at FSHTX and graduated with the training needed to become a patient administrator in the early nineties. I first performed the duties of Patient Administrator during my tenure with the 309th Medical Group for a total of three years. I became the Chief of Patient Administration for the 48th Combat Support Hospital (CSH) in the beginning of 2000. I am currently Chief of PAD for the 48th CSH, located at Fort Meade MD. The Patient administrator is responsible for overseeing the keeping of medical records, line of duties (LODs), and the records custodian of death reports that occur in the hospital. I am also responsible for overseeing the tracking of all inpatients seen in the hospital as well as securing the patients' personal effects during their stay in the hospital.

The 48th CSH attended annual training at Fort McCoy, WI, in Aug of 2002 where we were interviewed and observed by members of the U.S. Army Reserve (USAR) command as well as COL [redacted] from the 44th Medical Command (MEDCOM) based out of FT Bragg, NC. Upon completion of our annual training, we received notification of possible mobilization in Oct 2002 at which time I put together the PAD team consisting of three active component enlisted soldiers as well as one U.S. Army Reserve (USAR) enlisted soldier. The three active component soldiers were attached to our unit from Walter Reed Medical Center. The last week of Oct 2002 all five members of the PAD section designated to go to Afghanistan, attended a one-week PAD pre-deployment course at FSHTX that trained us for the mission specific tasks for Operation Enduring Freedom. In the first two weeks of Nov 2002 all soldiers trained and qualified on all of the required deployment tasks at Fort Dix NJ as part of a mandatory annual training directed by COL [redacted] This training consisted of NBC qualification, 9mm and M16 weapons qualification, and other CTT tasks we needed to train on to be considered validated for deployment. We received mobilization orders to report to the 48th CSH for home station MOB on 21 Nov 02. We preceded to the CONUS Replacement Center (CRC), Fort Benning, GA. While at the CRC we received our clothing and equipment issue as well as threat briefings and completed the Soldier Readiness Processing (SRP) to obtain our final validation as a unit for deployment to Bagram, Afghanistan. We received movement orders to report to Warner Robins Air Force Base to take a C17 to Germany and on to Afghanistan. The trip from CRC to Afghanistan began on the 30th of Nov 02 at approximately 2300 until we reached Bagram Afghanistan at 0900 Bagram local time on 3 Dec 02. I was in Bagram for 188 days as the Task Force 44 (TF44) Medical Regulating Officer and Chief of PAD for the 48th CSH. My duties included overseeing the tracking of all patients into the hospital and out of the hospital to include AIREVAC of patients to Landhstuhl GE. I also oversaw the proper keeping of the patient medical records for inpatients and sick call procedures. I was also involved with

STATEMENT OF [redacted], TAKEN AT Fort Meade Resident Agency, Building 588, Fort Meade, MD 20755, DATED 29 Feb 04, CONTINUED.

ensuring the appropriate paperwork was completed for deceased individuals and further ensured that those individuals were transferred to the care of U.S. Army Mortuary affairs. I was also tasked with the duty of keeping the CJTF-180 Surgeon, COL [redacted] formed of all medical situations through the use of the casualty status reporting system.

I know that the incident pertaining to the death of PUC 412, who CID has identified to me as Mr. HABIBULLAH, occurred prior to the arrival of the 48th CSH in Bagram and the documentation would have gone to either CPT [redacted] TF-44 Medical regulating Officer/Chief PAD for the 339th CSH, or to SGT [redacted] PAD NCOIC, 339th CSH. I also know that a casualty status report was sent to COL [redacted] o the effect that PUC 412, Mr. HABIBULLAH was deceased. That report would have documented the findings of the 339th Physicians during the treatment time in the Emergency Medical Treatment (EMT) area where Mr. HABIBULLAH was seen, after being transported there by an ambulance. I was never present for the autopsy, but I did provide an area in the PAD for the Medical Examiner for the European Theater of operations, Germany, to finalize her report.

I believe it was the 10th of December 2002 that the MPs brought in PUC 421, which CID has identified to me as Mr. DILAWAR to the 48th CSH EMT area for treatment of a life threatening situation where I observed the Medical Doctors (MD) and nursing staff attempting to revive the individual. The medical staff succeeded in reviving the individual for a short period of time, to the best of my knowledge it was approximately three minutes. During this time they were able to obtain a heartbeat and the patient turned asystolic again at which point they were unable to revive the patient and he died. At that point in time I initiated the DA Form 3894, Hospital Report of Death, to be completed by the attending physician and signed be myself as the Chief, PAD. I also initiated a DD Form 2064; Certificate of Death (overseas) was signed by the attending physician. Both the DA and DD Forms were turned over to the CID Special Agent and copies were provided to Mortuary Affairs per Standard Operating Procedures (SOP) of the 48th CSH. I then personally oversaw the movement of the deceased to an isolated area within the Intensive Care Unit (ICU) number 2, which was not in use during our tenure at Bagram. I guarded the body in ICU number 2, until CID and Mortuary Affairs removed the body from the hospital premises. During that time, in ICU number 2, I observed no bruising on the body of the individual prior to placing a white blanket completely over the body as was required by the SOP. At that point, three MPs and the CID Agent were present while waiting for Mortuary Affairs. There were two male MPs and one female MP present. To the best of my recollection, one of the male MPs mentioned that this had probably occurred because the deceased had been standing too long. Approximately thirty minutes after, the CID Special Agent and Mortuary Affairs removed the body from the hospital and the CID agent took with him the paperwork, consisting of the DD Form 2064, and DA Form 3894. I initiated a casualty status report immediately to report the death of the person under control and the physicians report on the death of the individual to COL [redacted] n his roles as both the Task Force-44 Commander, and the CJTF-180 Surgeon. This information was sent from PAD to COL [redacted] e-mail address at the TF-44 TOC as well as the CJTF-180 Joint Operations Center (JOC). Approximately 14 Dec 02, the medical examiner from Germany returned to the PAD area to complete the paperwork on the autopsy of PUC 421, Mr. DILAWAR, who had died on what I believe to have been the 10th of Dec 02.

Prior to departure of the 48th CSH from Bagram Afghanistan, the PAD division boxed up all inpatient records for the 339th CSH and shipped them according to ERMC circular no. 25-400, Retirement of Records for storage at Bensheim, Germany. Please [redacted] t the 339th CSH

STATEMENT OF [redacted] TAKEN AT Fort Meade Resident Agency, Building 588, Fort Meade, MD 20755, DATED 29 Feb 04, CONTINUED.

was unable to complete the shipment so that the 48th CSH had to do it for them. The inpatient records were placed in white official records boxes and listed on a Standard Form 135, which listed of the records as to how they were grouped and how many records were sent for storage. The transition of these records to Mr. [redacted] at the Lundsthul Regional Medical Center (LRMC), Lundsthul, GE occurred approximately in the beginning of May 2003. Subsequently, the inpatient records and sick call records in official white records boxes for the 48th CSH, were sent as the second group of records to Mr. [redacted] approximately in the beginning of Jun 2003. All records were retired and stored in the official white records boxes according to ERMC 25-400 and Army Regulation 40-66 governing the handling of medical records. To the best of my knowledge, Mr. [redacted] sent all of the records the 48th CSH, PAD section, sent him on to the trauma registry, which is located at FSHTX for data entry and analysis into the trauma registry database. The final retirement of all of the records from the 339th CSH and 48th CSH will be Bensheim Germany under the control of the Lundsthul Regional Medical Center.

Q: SA [redacted] and SA [redacted]

A: MAJ [redacted]

Q: What is a Line of Duty?

A: Is a process initiated to determine whether a soldiers' injury was incurred in the line of duty and that no illegal activities contributed to that injury.

Q: What is COL [redacted] position at 44 MEDCOM, Ft. Bragg, NC?

A: He was the Chief of Staff and it is my understanding that he has subsequently moved on to a job at the Armed Forces Medical Intelligence Center at Fort Detrick, MD.

Q: What was COL [redacted] position or relationship to the 48th CSH during your deployment to Bagram, Afghanistan?

A: He was the task force-44 Medical Commander and CJFT-180 Surgeon. The 48th CSH Commander reported directly to him as the task force Commander (OIC).

Q: Who is COL [redacted]

A: COL [redacted] is the current commander of the 48th CSH located at Fort Meade, MD.

Q: What is the SRP process?

A: That is the soldier readiness process that makes sure that you have all aspects of your personnel file and medical records in the proper order for deployment.

Q: What is AIREVAC?

A: AIREVAC is short for Aero Medical Evacuation, which is the transfer of patients from one hospital to another using the aircraft of the U.S. Air Force.

Q: Did you discuss any issues related to the medical records of Mr. HABILULLAH with either CPT [redacted] or SGT [redacted]

A: To the best of my knowledge, I did not discuss where their medical records were or the disposition of them were because we had not started our right hand seat ride at that point, so there was no exchange of information per say. Knowledge of the situation came about from CPT [redacted] telling me that the situation had occurred, but no information was given to me as to what had been done with the records.

Q: To what unit is CPT [redacted] currently assigned?

A: 48th CSH, Patient Administration Section. He lives in Columbia, MD. After he was passed up for promotion he got out of the Army active component. His cellular telephone number is [redacted]

Q: To what unit is SGT [redacted] currently assigned?

STATEMENT OF [redacted] TAKEN AT Fort Meade Resident Agency, Building 588, Fort Meade, MD 20755, DATED 29 Feb 04, CONTINUED.

A: To the best of my knowledge he is with the 339th CSH. The portion of the hospital that drills in Erie PA. I do not know if he is still with that unit.

Q: what is the EMT area?

A: It is the Emergency Medical Treatment area, which is the equivalent of the Emergency Room of the hospital. It is the first area the patient is brought to for treatment.

Q: What does it mean when a patient turns asystolic?

A: Or goes into Asystole which means that the person shows no signal on the Electro-Cardiogram (EKG), which is represented by a flat line. The heart is not showing any electrical impulse.

Q: who was the attending physician during the death of PUC 421, Mr. DILAWAR?

A: To the best of my ability, I do not remember, I would have to check the hospital certificate of death to see who signed it.

Q: What is the name of the MP who made the statement related to the death of PUC 421, Mr. DILAWAR, being caused by him standing too long?

A: I do not remember the name of the MP who made that statement, however a CID agent was present at the time the incident took place.

Q: Would you recognize the MP if you observed a photograph of him?

A: Possibly, but I am not certain that I could be 100% positive.

Q: Describe the MP who made the statement who stated the death of Mr. DILAWAR may have been caused by his standing too long?

A: He was a [redacted] male [redacted] I believe it was maybe [redacted] I think he was [redacted] I'd guess about [redacted] I don't remember if maybe he had some [redacted] or something like that, I don't remember. I don't remember the color of his eyes. He was wearing BDUs and they were sanitized, which means that the ranks are removed and the nametapes were covered with tape.

Q: We are now showing you photographs of members assigned to the 377th MP Co., do you recognize any of these individuals as the MP who made the comment pertaining to Mr. DILAWAR'S death?

A: I'm sorry I cannot conclusively identify anyone of those individuals as being the one who made that statement.

Q: What does ERMC stand for?

A: European Regional Medical Command.

Q: Where would "nursing notes" made by the attending nurse be maintained in the medical records?

A: The nursing notes for an inpatient would be maintained in the inpatient record jacket, however the death of an individual in the EMT area would be recorded as a CRO (Carded for Record Only) and those records from the EMT area would have been placed in the filing system for the sick call area.

Q: would the nursing notes have been forwarded with those records you forwarded to Mr. [redacted]

A: If the nursing notes exist, then yes there is a high probability that they would be in the 6-foot by 1.5-foot plywood box that contained the records from the sick call area which includes the outpatient and CRO records from the EMT area.

Q: Do you know who the point of contact at the Trauma Registry, FSHTX is?

A: To the best of my knowledge I do not. I believe the rank of the individual is a full bird COL [redacted] from the Medical Corps.

STATEMENT OF [redacted], TAKEN AT Fort Meade Resident Agency, Building 588, Fort Meade, MD 20755, DATED 29 Feb 04, CONTINUED.

Q: Did your office ever release the medical records of the persons under control who were about to be sent to Guantanamo Bay, Cuba to the MPs?
A: To the best of my knowledge, the answer is no.
Q: Did you ever see any of the detainees being restrained in a standing position in the airlock, or sally port?
A: To the best of my knowledge, the answer is no.
Q: Did you ever see any of the detainees being restrained in a standing position in the isolation cells?
A: To the best of my knowledge, the answer is no.
Q: Did you ever witness any of the detainees being physically abused?
A: To the best of my knowledge, the answer is no.
Q: Did your treatment facility ever treat any detainees for physical abuse?
A: Not that I am aware of.
Q: Did your treatment facility ever treat any of the detainees for any type of suspicious bruising?
A: To the best of my knowledge, the answer is no.
Q: Do you recall any PUCs requesting medical treatment for bruising?
A: To the best of my knowledge, the answer is no.
Q: While you were within the BCP facility, or at any other time, were you aware of any PUCs who had been struck by guard force or other U.S. forces?
A: To the best of my knowledge, the answer is no.
Q: Do you recall either Mr. HABIBULLAH (PUC 412) or Mr. DILAWAR (PUC 421) being treated for any medical conditions besides when they were brought to the EMT area and subsequently declared deceased?
A: To the best of my knowledge, the answer is no.
Q: Did any other PAD personnel who worked for you have any contact or dealings with either PUC 412 or PUC 421?
A: To the best of my knowledge, the answer is no.
Q: Do you know who caused the death of PUC 412, Mr. HABIBULLAH or PUC 421, Mr. DILAWAR?
A: No I do not.
Q: Did you ever hear anyone discussing the physical abuse of any of the detainees at the Bagram Collection Point?
A: No I did not.
Q: Did any of the PAD section team deal with either of the two detainees?
A: No, I handled that myself. Primarily due to sensitive nature of the situations.
Q: Are you aware of any plan to conceal or alter details surrounding either of the detainee's deaths?
A: No, not at all.
Q: Do you have anything else to add to this statement?
A: No I do not. ////////////////////////////End of Statement//[redacted]

STATEMENT OF [redacted] TAKEN AT Fort Meade Resident Agency, Building 588, Fort Meade, MD 20755, DATED 29 Feb 04, CONTINUED.

AFFIDAVIT

I, [redacted], have read or have had read to me this statement which begins on Page 1 and ends on page 6. I fully understand the contents of the entire statement made by me. The statement is True. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat 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 oaths, this 29th day of February 2004, while at the Fort Meade Resident Agency (CID), Building 588, Fort Meade, MD 20755.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

WITNESS:

[redacted]

SA [redacted]
HQ, USACIDC
Fort Belvoir, VA 22060

EXHIBIT 265 INITIALS [redacted] PAGE 6 OF 6 PAGES

0137-02-CID369-23534

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23

PAGE OF PAGE

DETAILS

At 0945, 1 Mar 04, SA [redacted] and SA [redacted] interviewed **CPT [redacted] U.S. Army Reserve Command, Fort McPherson, GA 30330**, who was the commander of the 37 Military Police Company from May 00 through May 02. [redacted] referred to certain members of 3 Platoon as the "Testosterone Gang" for their potential to be more aggressive. Enemy Prisoner of W (EPS) operations was not a part of the 377th Military Police Company's Mission Essential Task List (METL), so training was not conducted on the direct care of EPW's. *(See Sworn Statement of [redacted] dated 1 Mar 04, for additional details)*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 1 Mar 04	EXHIBIT 266

1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7c

1373

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : [redacted]heraton Gateway Hotel, Atlanta, GA 30337
Date [redacted] 1 Mar 04 **Time:** 1242 [redacted]
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** CPT/USAR
Org/Address : US Army Reserve Command, Fort McPherson, GA 30330

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

Q: What was your position in Jan 2002? How long did you hold that position?

A: I was the Commander of the 377th MP Company. I served in that capacity from May 2000 to May 2002. [redacted]

Q: When the 377th MP Company was called up or alerted what was your belief the mission would be?

A: We were told in Jan 02 that we would be mobilized within 7 days to go to GTMO to work with Enemy Prisoners of War (EPWs). [redacted]

Q: What type of training did you direct the 377th to complete in preparation for the deployment?

A: At the beginning we thought we only had 7 days till mobilization so we only had time to pack up the unit. After we sat there for a month or so I tried to refocus training anticipating we may not go to GTMO but to a more dangerous part of the world. One involving chemicals. I tried to realign training to focus on Chemical training as well as continue training on EPW operations. Training was difficult as all of our equipment was packed up. I finally decided to unpack so that we could properly train. BN required the company to attend LANES training in either March or April so we tried to refocus for that. If memory serves tasks included securing the perimeter, gate access and other external guard company operations. [redacted]

Q: What (if any) conversations did you have with CPT [redacted] about the deployment mission?

A: None in particular regarding the actual deployment. I did tell him to call me for any help or questions. [redacted]

Q: Did you (as a commander) have any concerns about members of your former unit guarding detainees?

A: No. [redacted]

Q: To your knowledge, were any members of the 377th overly aggressive or did you ever observe the excessive use of force by anyone during training or at drill?

A: I had to relieve [redacted] of his weapon and send him to psych evaluation during our Bright Star trip. Certain members

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 267

1374

STATEMENT OF CPT [redacted] TAKEN AT Sheraton Gateway Hotel, Atlanta, GA, DATED 1 Mar 04, CONTINUED:

of 3d platoon, which I called the Testosterone Gang, I cannot remember all of the names, but SPC [redacted] and possibly SGT [redacted] could have the potential to be more aggressive. I can't remember any more names, but I am sure I could recognize the soldiers.

Q: What was the unit mission during Bright Star and what were the dates of the deployment?

A: We were sliced to the 720th MP Bn, 377th Theater Support Command and we did a number of jobs assigned to us. Those tasks included running radar, site security, gates, personal securi[redacted] that type of stuff. We were in Egypt from 7 - 31 Oct 2001[redacted]

Q: Did you conduct any mission specific training with the unit, prior to them deploying?

A: Yes, we did some training using mock detainees. We had belly chains and cuffs. The training centered on how to move someone who could not see, safely. I even acted as a role player. My soldiers were firm and tough with me, but never abusive.[redacted]

Q: Was running an EPW Camp part of the unit METL?

A: No, we were a guard company, our mission w[redacted] exterior security, guard towers, perimeter security.[redacted]

Q: How would you assess the unit's ability to perform the mission of running an EPW Camp?

A: We trained to our METL. When we were called up for GTMO, we palletized our equipment and it wasn't available for training. I accepted that we would get mission specific training at the Mobilization site. We were not trained to handle EPWs directly (feeding, clothing, health and welfare, etc.). More than faith in training, I had faith in my soldiers ability to learn and master any task. I never had any indication or concern they would not be able to learn and execute any mission, given training and supervision.[redacted]

Q: Have you ever heard the term compliance blow?

A: No.[redacted]

Q: Have you ever heard the term common peroneal strike?

A: Not until today.[redacted]

Q: Based on your observations of the 377th MP Company soldiers, it is your opinion they knew striking a restrained person was unlawful or an excessive use of force?

A: Yes. All soldiers should know better or know to question behavior they thought might be wrong[redacted]

Q: How did you learn about the deaths of two detainees at Bagram inside the facility run by the 377th MP Company?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 267

1375

STATEMENT OF CPT [redacted] TAKEN AT Sheraton Gateway Hotel, Atlanta, GA, DATED 1 Mar 04, CONTINUED:

A: Several soldiers, upon return to CONUS talked to me about it. I had been sporadically told of the unit morale issues and other issues within the company from the time the company mobilized at Fort Dix to return to CONUS.[redacted]
Q: Did anyone share with you the specific details of the deaths or admit to harboring any feelings of guilt regarding their involvement?
A: No, I had heard prisoners had died, while restrained, but no one ever expressed to me their direct involvement. SSG [redacted] and 1SG [redacted] expressed remorse over the loss of life.[redacted]
Q: Is there anything you wish to add to this statement?
A: No.[redacted]
//////////////////////End of Statement//////////////////////[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 267

1376

STATEMENT OF CPT [redacted] TAKEN AT Sheraton Gateway Hotel, Atlanta, GA, DATED 1 Mar 04, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _4_. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(S[redacted]t)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1st day of March 2004 at Atlanta, GA.

[redacted]

(S[redacted]nistering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

WITNESSED [redacted]

SA [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7c

EXHIBIT 267

1377

0137-02-CID369-23534

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23

PAGE OF PAGE

DETAILS

At 0940, 2 Mar 04, SA [redacted] and SA [redacted] interviewed **MAJ [redacted] Headquarters, 30th Engineer Brigade, Charlotte, NC 28208,** who was the commander of the 21 Military Police (MP) Company (CO) while they were deployed to Afghanistan from Feb 02 through Aug 02. The 211th MP CO initially operated a detention facility in Khandahar until Jun 02, then was moved to the Bagram Collection Point (BCP) from Jul 02 through Aug 02. [redacted] tated of the approximately 200 detainees that entered the BCP, only 3-5% caused any problems at all. Detainees who continually caused a problem were made to stand in the airlock with shackles on, but the shackles were not fastened to fixed objects. [redacted] tated standing restraints were never used by the 211th MP CO and no detainees were ever abused. *(See Sworn Statement of [redacted] dated 2 Mar 04, for additional details)*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 2 Mar 04	EXHIBIT 268

1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7c

1378

SWORN STATEMENT 0137-02-CID369-23534

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Embassy Suites Hotel, Charlotte, NC 28217
Date : 2 Mar 2004 **Time:** 1109
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** MAJ/O-4
Org/Address : Headquarters, 30th Engineer Brigade, 4240 West Boulevard, Charlotte, NC 28208

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

Q: What were the dates of the 211th MP Company's deployment to Bagram Air Base, Afghanistan?

A: Initially, when we (211th MP Company) got to country in Feb 02 and we were assigned to Khandahar and it was a completely different operation. It was a large facility and mostly out of doors. Bagram was much smaller and a different type of facility. The two facilities were totally different. Most of the High Value Targets (HVT) went to Bagram. Both Bagram and Khandahar were already in operation for sometime when we got there. I got notified in Apr/May 02, that we'd might be taking over the Bagram Collection Point (BCP) and I sent a platoon up there to assess the situation in May 02. One platoon went up in Jun 02, by Jul 02 we had taken over the operation. We ran the facility until late Aug 02, when the 377th MP Company relieved us. [redacted]

Q: What were the primary functional differences between the operations at Khandahar and Bagram?

A: The concentration of personnel, the indoor nature of the BCP. The escort procedures were different at the BCP, those differences were based on directives from the Joint Intelligence Force (JIF). The JIF was a conglomeration of multiple services and civilian police agencies. They instructed us on varying treatment based on the interrogation approaches they were using. [redacted]

Q: What was your position within the 211th MP Company?

A: Company Commander. [redacted]

Q: What was a typical day at Bagram like for you?

A: PT, morning meeting with other staff officers (at the Base Commander's Office). We had other missions (entry control points, perimeter security, control of the facility, etc.). I'd rotate out and check on all my perimeter MPs. We also had escort duty picking up captured detainees and later a few repatriation missions. It varied from day to day. [redacted]

Q: How much time typically would you spend in the facility?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 269

1379

STATEMENT OF CPT [redacted], TAKEN AT Charlotte, NC, DATED 2 Mar 2004, CONTINUED:

A: It tended to be based on what the biggest issue was for that day. Sometimes I was outside to tend to other missions. If there were a lot of detainees coming into the BCP, then I would be there. I spent a good deal of time in the BCP each day when nothing else was going on. [redacted]
Q: What was the 211th MP Company's mission at Bagram?
A: To run the facility and interface with and/or support the intelligence community. I also wrote the SOP and mediated disagreements between MPs and the JIF. My primary concern was safe escorting guidelines. [redacted]
Q: Were Isolation Cells in existence during your tour at the BCP, Bagram?
A: There was no Iso Cell. There were a couple of holding cells to put detainees awaiting interrogation. The max time someone spent up there was 4 or so hours. [redacted]
Q: To what degree were the MP operations influenced by MI requests regarding detainees?
A: They would make requests, for instance, if MI wanted someone on sleep deprivation, they would ask us to put them in the airlocks so they (MI) could more easily keep the detainee awake. [redacted]
Q: How did MI keep detainees awake?
A: They would come by every so often and wake them up, verbally. [redacted]
Q: Did MI ever make requests to you that you had problems with?
A: No, the only conflicts arose when they would want someone immediately and would request the MPs to break our internal rules about the number of personnel escorting a detainee. I told them we had to escort folks according to our TTPs and that meant they (MI) waited until we had the appropriate number of MPs were present to safely escort a detainee. We had no major points of friction. I watched some interviews (for maybe 15-20 minutes) and saw the same basic approaches used in law enforcement (good cop/bad cop) but certainly no physical abuse or mistreatment at all [redacted]
Q: Did you ever interview or interrogate a detainee?
A: No, just the basic in-processing questions, kind of like standard booking procedure at a police station. We only did this piece with the whole team of doctors, interrogators, security MPs, were present [redacted]
Q: What were your procedures for dealing with unruly, combative or non-compliant detainees?
A: We'd segregate them in the airlock first, then maybe apply some handcuffs to them or put a hood on them. [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 269

1380

STATEMENT OF CPT [redacted] TAKEN AT Charlotte, NC, DATED 2 Mar 2004, CONTINUED:

Q: Were detainees ever handcuffed to a fixed object within the airlock?
A: Not that I recall. It was not allowed. Cuffing someone to a fixed object is fraught with problems and would probably only be done if you had no other choice and then only until you could figure out a better fix. There was never any need for it. It was a much smaller population and we had a lot more control over detainees. [redacted]
Q: What did you use for punishment with folks who did not obey the rules?
A: The most drastic thing you had to do to these guys was isolate them from the others. They were very social people and taking them out of the general population was a pretty major thing. The longer they were there, the better behaved they were. We never had much of a problem out of the detainees. One guy tried to escape, by slipping through the whole in the latrine and another grabbed a female MP. Both were segregated from their peers and that was their punishment. Of the entire population in the BCP during our tour (maybe 200 detainees) we only had problems with maybe 3%-5% of them. [redacted]
Q: What happened in those instances?
A: The one who grabbed the female MP, she stepped away from him and that was basically it. He was in the airlock and then some of the MPs came back and yelled at him, scared him pretty good, but no one ever touched him. The other guy who tried to escape, we had to call out the QRF and they caught him at the back of the facility. There was a scuffle, the detainee got a broken nose, one MP got a fractured hand, both men were seen by medics immediately. The detainee was treated and released back into the facility. The MP got a soft cast and was returned to duty. We wrote statements and reported the event to the Base Ops (LTC [redacted] and COL [redacted]
Q: Are you familiar with the term "compliance blow" or "common peroneal strike"?
A: Yes, if you are talking about pressure point compliance techniques (PPCT). All of my MPs received training on that type of blow or strike, during our tour in Afghanistan my whole unit got self-defense training from CPT [redacted], US Army MP School and those blows were among the training we got [redacted]
Q: What (if any) rules for the use of force guidance did you receive relative to the treatment of detainees?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

06.7c

EXHIBIT 269
1381

STATEMENT OF CPT [redacted] TAKEN AT Charlotte, NC, DATED 2 Mar 2004, CONTINUED:

A: We used the standard use of force continuum, using the minimum force necessary and using the lowest level of force required. [redacted]
Q: What guidance were the 211th MPs given about the use of compliance blows?
A: They were authorized under non-compliant circumstances, for an escape attempt or problem during escort. They were to be used only to bring the detainee under control and only for that reason. [redacted]
Q: To your knowledge, were compliance blows ever applied by 211th MP Company soldiers?
A: Only during the escape attempt I described earlier. My unit received non-lethal self-defense training while in theater and this included the use of PPCT. [redacted]
Q: What guidelines were in place upon the 211th MP Company's arrival relative to shackling detainees to fixed objects?
A: The only time that would have happened was prepping them for movement (putting their hands through the fence to get cuffed for movement) or for temporary security (until more MPs could be summoned). [redacted]
Q: At any time during your deployment, did the 211th MP Company, have occasion to chain any detainee to the ceiling?
A: No, absolutely not. [redacted]
Q: Did the temporary holding cells have any type of ceiling?
A: No they were just plywood walled rooms, with high walls. There was no top, the building had a real high ceiling. I suppose the detainees could have tried to climb out, but there was an MP guarding them. [redacted]
Q: Did MI ever give direction to MPs to keep detainees awake?
A: They wanted to, but I would not allow it. My policy is the MPs were there for security and not interrogations. I told MI, that when they wanted to do sleep deprivation, it was their job to do it. [redacted]
Q: How did you maintain control at the BCP?
A: We kept them slightly off balance. We would wake them up at odd hours with a boom box (loud music) and conduct shake-downs and searches. Sometimes we moved detainees around to different general population cells, just to keep them guessing. We relied on the mental piece, more than any physical manipulation of detainees. [redacted]
Q: What modifications did you make to existing policy during your deployment, relative to the treatment of detainees?

INITIAL: [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 269

1382

STATEMENT OF CPT [redacted], TAKEN AT Charlotte, NC, DATED 2 Mar 2004, CONTINUED:

A: We wrote the SOP. It addressed the positions MPs held and what each job description was. It detailed bathing procedures, feeding procedures, guard mount and shift change procedures. We had a working document upon arrival, but we pretty much revamped it and gave it a lot more detail. I was very proud of what we handed off to the 377th MP Company. [redacted]
Q: Did your SOP contain language addressing punishing detainees for infractions of the rules, which included standing restrained in the airlock for 30 minutes and 60 minutes?
A: Yes, we would make them stand in the airlock with their hands cuffed, but they were not shackled to the airlock itself. The only time we shackled someone to the metal structure itself was to effect a transfer (put your hands through the bars, affix handcuffs and then move them outside with the appropriate number of guards). My SOP may have said "punish by standing in the airlock restrained" but it was not by chaining them in a standing position. It was to stand up while handcuffed. We did not chain people to the metal structure to punish them [redacted]
Q: How did the "right seat ride" occur, what were the [redacted] procedures?
A: The first day, they got a tour (a platoon at a time) and then we doubled up the guard shift. One of the 377th MP soldiers worked alongside one of mine, shadowing them. Gradually, through out the right seat ride, the 377th MP Company soldiers became the primary guards with our guys watching and advising. Gradually, we transitioned down to just a few folks in the BCP, while the rest of the unit palletized equipment and prepared to leave. [redacted]
Q: Did your unit receive a pre-existing SOP regarding detainee operations upon arrival?
A: Yes, from one of the MP Company at Fort Drum, NY. It was not up to my standards. Maybe it's just me, but I want a lot of detail in my SOP. [redacted]
Q: Did your soldiers ever apply a "common peroneal strikse"?
A: Possibly during the escape attempt. It might have occurred at that time (if ever). [redacted]
Q: Were any of your soldiers ever counseled for use of force?
A: No, our record speaks for itself. We had to use force a couple times at Khandahar. We never hurt anyone, certainly never killed anyone and any time force was applied it was documented in sworn statement. [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 269

1383

STATEMENT OF CPT [redacted], TAKEN AT Charlotte, NC, DATED 2 Mar 2004, CONTINUED:

Q: Based upon your training and the guidance provided by Army doctrine, was it acceptable for 211th MP(s) to strike a restrained detainee?
A: No, absolutely not. What can they do to you? Even if they break away from you, restrained, what can they do? They aren't going very far, they'll probably fall over pretty quick. [redacted]
Q: Did you ever have any discussions with SJA about treatment of detainees?
A: Yes, but I keep returning to the TTPs we put in place at Khandahar. That was were we spent most of our time. The JAG was from the 101st SJA Office. He was there when we got our non-lethal training from USAMPS. He reviewed my SOP. He was the ICRC liaison. I can't recall his name, he was a CPT. [redacted]
Q: What (if any) conversations did you have with CPT [redacted] Cdr, 377th MP Company, the unit who relieved you in Aug/Sep 2002?
A: I talked with him via SIPR, I think we had one secure telephone call. We gave them our SOP. I sent back a training packet for them. The feedback we provided was about items they should bring, lessons we had learned. We did an outstanding "right seat ride" with the 377th going over all the positions. We did a 48 hour mission prep for a movement to GTMO and showed them most things they needed to know. I felt good about leaving. There really wasn't anything we left unresolved, with the possible exception of their grasp of the computer database we used. They were a bit weak in those skills, but I felt they could learn it. They had a lot of corrections folks and seemed to rapidly catch on and assume the duties inside the BCP. [redacted]
Q: Several members of the 377th MP Company made comments that 211th MP taught them to use common peroneal strikes/compliance blows and to rough up detainees. Do you believe that occurred and if not, why would they say it did?
A: I do not believe my soldiers were rough with the detainees, they were firm and disciplined. If I had to guess I'd say when someone gets in trouble, they point the finger at someone else. [redacted]
Q: In your view is it appropriate for any MP (including a company commander like yourself) to have one on one interviews, meetings and/or interrogations with a detainee? Would it be permissible to have chow with or cigarettes with detainees?
A: No, absolutely not. It's divisive and there is no reason for it. It isn't in my job description or duties. Pulling any detainee out and treating them differently destroys discipline [redacted]

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 269
1284

STATEMENT OF CPT [redacted] TAKEN AT Charlotte, NC, DATED 2 Mar 2004, CONTINUED:

and leads to problems. It is tantamount to fraternization. It's totally outside the scope of my job or any other MPs.
Q: During your right seat ride, did you have any discussions with the 377th MP Cdr about his interaction with MI? [redacted]
A: You know it's really hard to develop an impression of a person in just a couple days. I did tell him not to let MI run his facility. I reinforced with him that MPs had to be strong and not get sucked in by MI. Our job is to run the facility and you have to stay focused on what your mission was and do just that. [redacted]
Q: Was it your opinion the detainees got more or less violent during your tour?
A: At Khandahar it was more obvious, they were much more serious bad guys earlier in our tour. But towards the end, the detainees were from smaller ops and they were very compliant. When you walked in my facility, you could hear a pin drop. [redacted]
Q: Is there anything you wish to add to this statement?
A: No. [redacted]
//////////////////////End of Statement//////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 269
1285

STATEMENT OF CPT [redacted] TAKEN AT Charlotte, NC, DATED 2 Mar 2004, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 2nd day of March 2004 at Charlotte, NC.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

WITNESSED BY:

SA [redacted]

HQ, USACIDC, 6010 6th Street, Inv Ops Div
Ft Belvoir, VA 22060

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 269
1386

0137-02-CID369-23534

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0137-02-CID369-23534
0134-02-CID369-23533

DETAILS

INTERVIEW OF WITNESSES:

About 1947, 2 Mar 04, SA [redacted] and SA [redacted] interviewed **SPC [redacted] 772nd Military Police Company, Taunton, Massachuse** regarding his knowledge and activity as the Medical Specialist assigned to support the treatment c detainees within the Bagram Collection Point (BCP), Bagram, Afghanistan. [redacted] ovided a sworn statement in which he stated during his deployment with the 3rd Platoon, 772nd Military Polic (MP) Company, his platoon was identified to remain at Bagram, Afghanistan, while the remainder the unit moved forward to Kabul, Afghanistan. [redacted] stated in addition to supporting the 3rd Platoon, 772nd MP Company operations, he also conducted daily sick call support to the detainees within the BCP. This included routine visits to the detainees within the Isolation Cells. [redacted] related he could not recall having observed or treated bruises on either HABIBULLAH or DILAWAF He denied having observed any acts related to the treatment of the detainees, which he considere be inappropriate. Additionally, he denied any knowledge of any detainees having been physically struck. (See statement for details)

About 1930, 2 Mar 04, SA [redacted] was provided a memorandum which [redacted] stated he ha prepared while deployed in Afghanistan. The memorandum documented the physical condition of three detainees who had been transferred to the BCP from Kandahar, Afghanistan. The memorandum documented allegations by the detainees they had been injured by American Forces while detained in Kandahar, Afghanistan. There was no further identification of the individuals othe than "American Forces". The memorandum was seized as evidence as documented on the DA For 4137, Evidence/Property Custody Document (EPCD), Voucher number 0004-04. (See EPCD and memorandum for details)

AGENT'S NOTE: The memorandum had a printed security classification of "Secret", which [redacted] related he had placed on the document. Upon return to HQ, USACIDC, SA [redacted] oordinated this document with the Chief, Security Branch, USACIDC, who determined there was no official classification authority which assigned the "Secret" classification to the document and the document contained no classified information. The classification of the document was changed to "For Official Use Only".

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
[redacted]	DATE 2 Mar 04	EXHIBIT 270

SWORN STATEMENT

~~0137-02-CID369-2~~

FILE NUMBER: 0134-02-CID369-23533
0137-02-CID369-23534
LOCATION: [redacted]
DATE / TIME: 2 Mar 04 / [redacted]
STATEMENT OF: [redacted]
SSN: [redacted]
GRADE/STATUS: E-4 SPC/ IRR
ORGANIZATION/ADDRESS: 772 Military Police Company, Taunton, MA

I [redacted] want to make the following statement under oath:
I enlisted on 22 November 1997 as a Combat Medic. I attended basic training at Fort Leonard Wood, MO from Aug of 1998 until 22 October 1998. Upon graduating basic training I reported to Fort Sam Houston, TX for Advanced Individual Training (AIT) from the end of October 1998 until Jan 1999. Upon graduation I reported to my National Guard unit the 772nd Military Police (MP) Company, Taunton, MA, where I was assigned and served as the Medical Specialist for 3rd Platoon. Then I attended regular weekend drills one weekend a month and two weeks a year until our deployment to Afghanistan.

Sometime in the early part of June 2002 the 772nd received notification that we were getting activated to deploy. It was never officially put out to the soldiers where we deploying to, however we all knew we were going to Afghanistan. We reported for active duty on 7 July 2002, and headed up to Fort Drum, NY on 9 July 2002 to receive our pre-deployment training. All of the training we received in NY was geared towards the MPs. Some of the training included, call for fire; weapons qualification; weapons familiarization with various weapons; movements; very minimal unarmed self-defense training, which was conducted by two of the civilian police officers in our unit. While at Fort Drum I don't recall attending any kind of training involving the peroneal strike or a compliance blow. For the most part we spent from July to about August 2002 at Fort Drum, NY, primarily waiting to deploy to Afghanistan.

We left Fort Drum, NY on 13 August 2002 and landed in Germany, awaiting transportation to Afghanistan. We left Germany on 17 August 2002 and landed at the Bagram Air Field on either 17 or 18 August 2002. I was deployed to Afghanistan from Aug 02 to Feb 03. I was assigned to Bagram to entire time we were deployed. When the 772nd MP Co. first arrived in Bagram my platoon, 3rd platoon, was selected to remain at Bagram while the rest of the Co. was assigned to Kabul. My primary responsibility while at Bagram was to be a Medic to the 3rd Platoon, 772nd MP Co., as well as to support other missions [redacted] medic. It was an informal agreement between the chain of command that ~~we were~~ I was still assigned to the 772nd MP Co. performing ~~our~~ duties to support the 377th MP Company, who was responsible for running the Bagram Collection Point (BCP). When at the BCP from roughly 0800 hrs local Bagram time to about 1000 hours local Bagram time I conducted sick call procedures. I also conducted sick call from about 1800 local Bagram time to about 2000 hrs local Bagram time. For the sick call it was pretty much the same thing everyday. Different detainees had prescribed medications from the Doctors, COL [redacted] LTC [redacted], and there were others whose names I cannot recall. Most of the prescriptions that the detainees received were for prescription antacid. There were a few others but again, for the most part the primary complaint the detainees reported during sick call was upset stomach caused by the change in their diet. There were a few others who required other types of medical attention due to injuries sustained prior to their arrival at the BCP. I went from cell to cell using a prescription listing to ensure that I [redacted] provide the right

detainee with the prescribed medication. While I was at the cells if the detainees would report additional complaints, I would provide them with aspirin and anything else within my abilities and scope of responsibility. If a detainee had a complaint outside my scope of responsibility, I would inform one of the doctors and we would see the detainee for treatment. When I conducted sick call I always took an interpreter with me to ensure that I could communicate with the detainees. If there were any English-speaking detainees I would call them to me to assist. I started at the ground floor in the general population and worked my way up to each of the isolation cell. When the isolation cells were added downstairs I conducted sick call at those cells prior to moving to the upstairs isolation cells. The Isolation cells downstairs were added approximately three quarters of the way through my tour in Afghanistan. When I conducted sick call in the isolation cells, I would specifically ask the guard if there was anyone who had made any medical complaints that I needed to be made aware of. If the guard gave me someone who had reported something to them, that detainee would get priority. If the guard had no complaints to report, I would go through each individual isolation cell and check on each detainee. When the Military Intelligence (MI) personnel were interrogating a detainee, and they were made aware of a medical complaint, they would come to me directly and I would attend to the detainee accordingly. Sometimes the MI personnel would call me to sort of befriend the detainee to sort of make them feel better by giving a band-aid or showing them that we were concerned for their welfare. After the death of the second detainee as a reaction, someone in the chain of command directed that a medic be present overnight at the BCP in case someone needed to be cared for. Usually the medical individual who slept at the BCP at night was gone by the time I arrived for duty at about 0800 local Bagram time. However, if there was someone or something that I needed to care for the outgoing medic would leave the complaints written in the sick call book along with the care they provided so that I could continue to either care for the detainee or further monitor their progress. This procedure was the same when we had to leave instructions to the doctors or if the doctors had directions for something they wanted the medics to do for the detainees. Additionally, some of the detainees refused to drink water as a result of a cultural belief. Others were dehydrated. In these instances, when the detainees refused to drink water I would administer a fluids by using an intravenous (IV) injection to re-hydrate them. I would continue to monitor fluid intake into the detainee until their blood pressure returned to normal. When I administered an IV for a detainee I would either use lactated ringers' (LR) solution or normal saline (NS).

When the first detainee, PUC 412, whom CID has identified as Mr. HABIBULLAH, I remember an MP came to my tent to wake me up. I cannot remember who the MP that woke me up was. He told me that PUC 412, Mr. HABIBULLAH was unresponsive and not breathing. At that point I told him that he needed to call an ambulance and just get the detainee to the hospital. I also told him, "What are you getting me for," because it was over my head. I felt that he should be wasting time waking me up when he should have immediately called for an ambulance and have the detainee care for by a medical doctor who could do a lot more for the detainee than I could in a situation like that. I went into work the next day and followed my usual morning routine for sick call. And I delivered medications just as I would have any other day. I did hear at some point that the detainee had officially passed away, but I cannot remember specifically when that was. No one was talking about it, the death of Mr. HABIBULLAH, in terms of what caused the death.

When the second detainee, PUC 421, whom CID has identified as Mr. DILAWAR, I do not remember any thing at all. I think the reason I do not remember too many details about

either of the two detainees is mostly because they were both at the BCP for such a short time; and for the most part we received hundreds of detainees while I was there who needed medical treatment for injuries sustained prior to arriving at the BCP.

Q: SA [redacted] nd SA [redacted]

A: SPC [redacted]

Q: How far from the BCP was your tent located?

A: I'd say for the first three months roughly, it was maybe 500 yards away, by thanksgiving we moved to the new tents, which were located by the airfield.

Q: Did you ever administer an IV to either of the two detainees that died?

A: I don't remember any medical treatment to either of them since they were there for such a short period of time. But any treatment that I may have given them would have been documented in the medical section logbooks.

Q: What is Lactated Ringers and what is it used for?

A: It's an IV fluid that is used to restore electrolytes, blood sugar, and fluids to the patient.

Q: Did you ever witness anyone physically abuse the detainees?

A: No.

Q: Did you ever witness any of the MPs administer peronial strikes to a combative detainee?

A: No.

Q: Did you ever witness any of the MPs administer peronial strikes to a restrained detainee?

A: No.

Q: Did you ever see any of the chain of command present at the BCP during any altercations involving the detainees?

A: there was a detainee who was mentally retarded and at times he would become noncompliant, and there was an NCOIC on the floor.

Q: Did any of the detainees ever become combative with you?

A: No.

Q: Did you ever see any of the detainees in a standing restraint position in either the air lock or the isolation cells, if so, please describe the position or positions that you witnessed?

A: I witnessed the detainees handcuffed to the wall of the airlock. The cuffs would be run through the slats of the air lock and cuffed to the detainee in such a manner that their hands were level with their heads.

Q: Did you ever hear any rumors of detainee abuse at the BCP?

A: No.

Q: Did you ever hear any rumors about the use of steroids by either the MP or MI personnel?

A: No.

Q: Did anyone ever complain to you about the treatment of detainees at the BCP?

A: No.

Q: Earlier you stated that you felt that eventually a detainee would die at the BCP, please explain your comment?

A: I figured that the death was bound to happen, since the average age of an Afghani is about fifty years of age, and many of them were about that old when they were brought into the BCP. I kind of thought that it would be only a matter of time before one of the detainees would die as a result of stress or other complications to their health.

Q: There was an incident involving a physical altercation between Mr. HABIBULLAH and some of the MPs in the air lock where Mr. HABIBULLAH received and injury to the bridge of

his nose, do you recall the incident, and do you recall treating Mr. HABIBULLAH for this injury?

A: I do not remember ever treating PUC 412, Mr. HABIBULLAH, for that injury.

Q: Did you provide any treatment or medications to Mr. HABIBULLAH?

A: Not that I can remember.

Q: Did you provide any treatment or medications to Mr. DILAWAR?

A: Not that I can remember.

Q: Were you present during the inprocessing medical screening of Mr. HABIBULLAH and Mr. DILAWAR?

A: I would have to say yes.

Q: What were your responsibilities during the medical inprocessing screening?

A: I checked them for physical characteristics such as moles, tattoos, scars, cuts, bruises, etc. I obtained their medical history, through the use of an interpreter. I'd document if they were on any medications and if they had undergone any surgeries in the past.

Q: Did Mr. HABIBULLAH make any specific medical compliant that you treated?

A: Not that I can remember, if I did it would be documented somewhere. I don't know how accurate the record keeping process was after I left the BCP, but while I was there it was all documented.

Q: Did Mr. DILAWAR make any specific medical complaint that you treated?

A: Not that I can remember, if he did, I reacted to it by administering to it and it should be documented somewhere.

Q: Did you treat either Mr. HABIBULLAH or Mr. DILAWAR for bruises while they were housed within the isolation cells?

A: Not that I can remember.

Q: Did any detainees report the MPs or other U.S. forces were abusing them?

A: No.

Q: Did you treat any detainees for bruising, which they claimed was caused by being struck by U.S. military forces?

A: Some of them complained during the inprocessing, that the forces that captured them stuck them. But once they were at the BCP they never complained of any guard striking them.

Q: Did you ever observe any U.S. personnel strike a detainee?

A: No.

Q: Do you recall treating Mr. HABIBULLAH for an injury to his nose, which was re-injured during a scuffle with the MPs?

A: Not that I recall. I treated a number of lacerations or wounds that needed bandages, but none that were detainee specific.

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

A: No. ////////////////////////////End of Statement// [redacted]

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted]02122, DATED 2 Mar 04, CONTINUED.

AFFIDAVIT

I, [redacted] have read or have had read to me this statement which begins on Page 1 and ends on page [redacted] 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 oaths, this 2nd day of March 2004, while [redacted]

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

WITNESS: [redacted]

SA [redacted]
HQ, USACIDC
Fort Belvoir, VA 22060

EXHIBIT 271 INITIALS [redacted] PAGE 5 OF 5 PAGES

FOR OFFICIAL USE ONLY

b6, 7C

0134-02-CID369-23

fouo

~~SECRET~~

0137-02-CID369-23

772 Military Police Company

14 September 2002

MEMORANDUM FOR RECORD

SUBJECT: Physical Condition of Detainees from Kandahar Air Field, Afghanistan

1. Upon the medical screening of the 11 PUCs brought to the Bagram Airfield IDF on 11 September 2002 by way of Kandahar Airfield, three PUCs numbers 327, 328, and 330 claimed to have been beaten by American forces while detained in Kandahar.
2. [redacted]'s injuries were as follows:
   A. Large abrasion on the lower right scapula
   B. Large abrasion on the anterior right deltoid.
   C. States he was beaten on 7 September 2002.
3. [redacted]'s injuries were as follows:
   A. Laceration on left side of forehead.
   B. Laceration on the bridge of the nose.
   C. The laceration above the left eye displayed signs of swelling and infection.
   C. States he was beaten 9 September 2002.
4. [redacted] injuries were as follows:
   A. Abrasion lower left scapula.
   B. Abrasion lower left Latissimus Dorsi muscle.
   C. Abrasion Lower left ribs.
   D. Claims he was beaten on 9 September 2002.
5. The claims of the PUCs were translated by a certified Pashtu interpreter employed by the Department of Defense.

[redacted]
SPC, ARNG

Spc [redacted]

FOUO

b6, 7C

1393

EXHIBIT 272

0137-02-CID369-235
0134-02-CID369-23

CIOP-SC

16 June 2004

MEMEORANDUM FOR SA [redacted]

SUBJECT: Memorandum Dated 14 September 2002 Subject Physical condition of detainees from Kandahar Air Field, Afghanistan 772 Military Police Company signed by SPC [redacted]

1. SPC [redacted] stated that the information on the above subject memo was classified SECRET.

2. In reviewing the information as Chief Of Security for USACIDC. The information on the Memorandum is not classified based on no classification authority or markings. The above subject Memorandum is **FOR OFFICEAL USE ONLY LAW ENFORCEMENT SENSITIVE.**

3. Point of contact is the undersigned at DSN 656-0285/6 Comm. (703) 806-0285/6.

[redacted]

CHIEF OF SECURITY
USACIDC

FOUO

EXHIBIT 272
1394

0137-02-CID369-23534

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23

PAGE / OF / PAGE

DETAILS

At 1054, 6 Mar 04, SA [redacted] interviewed **CPT [redacted] Commander, 377th Military Police Company, Cincinnati, OH 45237.** [redacted] was advised of rights for the offenses of Dereliction of Duty, False Official Statement and Fraternization. [redacted] waived his rights and admitted he had numerous conversations with two Iraqi detainees at the Bagram Collection Point, Afghanistan, which typically last thirty minutes to an hour. [redacted] stat the conversations were not a part of his duties. [redacted] denied he knew soldiers in his unit struc detainees while in standing restraints. *(See Waiver Certificate of [redacted] dated 6 Mar 04, for additional details)*

At 1130, 6 Mar 04, SA [redacted] interviewed SA [redacted] interviewed [redacted] was again advised of his rights for the offenses of Dereliction of Duty, False Official Statement and Fraternization. [redacted] waived his rights and provided a sworn statement admittir he knew detainees were being struck while in restraints when they were not compliant with facility rules during prisoner escorts, but denied he knew detainees were struck while in standing restraint [redacted] stated he was unsure where the practice of standing restraints originated. *(See Waiver Certificate and Sworn Statement of [redacted] dated 6 Mar 04, for additional details)*

AGENT'S COMMENT: At the conclusion of his interview, [redacted] was record fingerprinted.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 6 Mar 04	EXHIBIT 273

0134-02-CID369-23
37-02-CID369-235

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	2. DATE	3. TIME	4. FILE NO.
Clarion Hotel & Suites, 5901 Pfeiffer Road, Cincinnati, OH 45242	6 Mar 04 [redacted]	1059 [redacted]	-CID369-

5. NAME *(Last, First, MI)*	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company Cincinnati, OH 45237
6. SSN [redacted]	7. GRADE/STATUS CPT/O-3

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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:

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

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

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

- or -

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

[redacted] 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 [redacted]
1a. NAME *(Type or Print)*	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	[redacted]
2a. NAME *(Type or Print)*	TYPED NAME OF [redacted] SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC Fort Belvoir, VA

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO b6,7c 1396

PART II - RIGHTS WARNING PROCEDURE 0134-02-CID369-235

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a militar lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately to lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer, If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

0137-02-CID369-23534

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

0134-02-CID369-23533

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

LOCATION: CINCINNATI, OHIO DATE: 6 May 04 TIME: 1130
FILE NUMBER: 0137-02-CID369-23534-5H9B
NAME (Last, First MI): [redacted] SSAN: [redacted] GRADE / STATUS: CPT
ORGANIZATION OR ADDRESS: 377TH MP CO, US ARMY RESERVES, CINCINNATI, OHIO, 45237

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: **False Swearing regarding Negligent Homicide; Dereliction of duty.**
Before he/she [redacted]e any questions about the offense(s), however, he/she made it clear to me that I have the following righ[redacted]

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

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.
5. COMMENTS: Have you been advised of your legal rights and requested legal counsel in the past 30 days? NO

[redacted]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.

Witn[redacted]
Signature of Wi[redacted]
SA [redacted]

Witness# 2
Signature of Witness

[redacted]
111th Military Police Battalion (CID)
Fort Hood, TX 76544

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

FOR OFFICIAL USE ONLY

b6, 7C

1398

EXHIBIT 225

SWORN STATEMENT 0137-02-CID369-23534

0134-02-CID369-23533

FILE NUMBER: 0134-02-CID369-23533
0137-02-CID329-23534
LOCATION: Clarion Hotel & Suites, 5901 Pfeiffer Road, Cincinnati, OH 45242
DATE / TIME: 6 Mar 04 [redacted]
STATEMENT OF: [redacted]
SSN: [redacted]
GRADE/STATUS: CPT O-3/ AR
ORGANIZATION/ADDRESS: 377th Military Police Company, Cincinnati, OH 45237

I, [redacted] want to make the following statement under oath:
Q: Did you have any conversations with any Prisoners Under Control that were detained at the Bagram Collection Point in Afghanistan during your deployment from Aug 2002 through Mar 2003?
A: Yes, there were two detainees there that were Iraqi refugees that had been detained by the United States for over a year. The two detainees spoke some English. One spoke English better than the other. The two detainees were already in the facility when my unit took control of the facility from the 211th Military Police Company. The Defense Human Intelligence Services (DHS) gave them preferential treatment in the form of smoke breaks and were generally treated better overall. They weren't leg cuffed, they were only handcuffed. They were allowed to wear a gray Afghan robe over their orange jump suit. They shared an isolation cell together. They were provided paper, pencils and pens and some reading material like magazines. I was under the assumption that they were treated different because they weren't the same as the other PUC's. They were Iraqi refuges. In December 2002, the DHS personnel that had been interacting with the two detainees by giving them smoke breaks and preferential treatment (an Air Force LT and CPT) left the facility and no longer returned to provide the preferential treatment. I took the initiative to continue to give these guys preferential treatment and I would go give these guys a smoke break when I was off duty and we would talk for usually thirty minutes, but no more than an hour. We would talk about their families, what Iraq was like, Islam and theology and things like that. One of the guys told me he was a doctor and a Shiite religious leader in southern Iraq and had over 100,000 followers. He said he had spent a year in one of Sadaam Hussein's prison's and had one of his ankles broken while there. I don't know if that is true, but I saw the big knot on his ankle. We talked about democracy and that we shared a love for democracy. The two detainees said they wanted to return to Iraq to assist in a new Iraq since we all believed the next Gulf War was certain to happen. I started to work with the International Committee of the Red Cross to arrange the release of these detainees. I also sent an email to General [redacted] about the two detainees and the fact that they may be useful to our efforts in Iraq after I had returned from the deployment. I never heard anything back from the General. [redacted]
Q: Did the detainees ever offer to compensate you in any way for your treatment of them or your efforts to have them freed?
A: They did drawings and were nice to me, but they didn't have anything to give. They never offered services or guaranteed me money or anything like that. [redacted]
Q: Did you ever receive anything from the detainees?
A: I got a couple pictures they drew and I still have them somewhere at home. [redacted]
Q: What type of preferential treatment did you give the two detainees?
A: We maintained the treatment they had before. I took them on smoke breaks. [redacted]
Q: Did anyone else take the detainees for smoke breaks?

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF [redacted] TAKEN AT THE Clarion Hotel & Suites, 5901 Pfeiffer Road, Cincinnati, OH 45242, DATED 6 Mar 04, CONTINUED.

A: I don't know for sure, but I think so. [redacted]
Q: Were your conversations with the detainees a part of your duties?
A: No. I felt bad for the guys and I enjoyed talking to them. [redacted]
Q: Were the detainees released while you were there?
A: Yes, we released them to the United Nations HCR in Kabul. I don't recall what HCR stood for. I had heard they were going to be given an apartment and some money to reestablish their life in Kabul. [redacted]
Q: Who directed their release?
A: I don't know, I think General [redacted] was the authorizing authority. The process for their release was ongoing before I got there. [redacted]
Q: Do you remember the PUC numbers or names of the two detainees?
A: I want to say the doctor was [redacted] something, but I'm not sure. I don't remember their names. [redacted]
Q: Where did these conversations take place?
A: I would usually take them into the shower room and we would sit and smoke a couple of cigarettes and talk. [redacted]
Q: Were you ever directed or ordered to give these detainees preferential treatment?
A: No. [redacted]
Q: When did you begin having conversations with these detainees?
A: From Jan 03 until their release in late Feb 03; about four or five times a week. Most of the breaks were only 15 minutes. Some may have stretched to a half hour or an hour. [redacted]
Q: Were you attempting to derive intelligence or information from the detainees during these conversations?
A: No. [redacted]
Q: Did you know that your soldiers struck detainees that were restrained?
A: Yes, I knew some detainees got struck when they were restrained while being transported when the detainees refused to cooperate. I remember being told on several occasions that a detainee had to be struck or subdued and I would assume the detainees were restrained at the time because the detainees were restrained in most situations in which the MP's were involved with them. [redacted]
Q: Did you know that your soldiers struck detainees while they were in standing restraints?
A: No, I did not know that. If someone told me that they struck a detainee when they were chained up, I would have assumed they were posing a threat to the MP and that is why it happened. If they did not pose a threat, they should not be struck at all. [redacted]
Q: Did you call a meeting in which you told platoon sergeants and platoon leaders that illegal beatings needed to stop?
A: After the first PUC's death, I got the platoon sergeants and platoon leaders together and asked if there had been any illegal PUC beatings and if anyone had broken the rules of engagement. Nobody acknowledged that illegal beatings were going on and they said that it was not happening. I went over the rules of engagement again with them. We had meetings all the time about issues, and this was just part of one of those meetings. It was not a specific meeting because of the death. [redacted]
Q: Did you have suspicions at that time that illegal beatings had gone on?
A: No, I just asked that just because a detainee had died in our custody. If someone described an illegal act to me and I realized it was an illegal act, I would have acted upon it. [redacted]
Q: Did anyone tell you at any time that they believed illegal beatings of detainees were taking place?

STATEMENT OF [redacted] TAKEN AT THE Clarion Hotel & Suites, 5901 Pfeiffer Road, Cincinnati, OH 45242, DATED 6 Mar 04, CONTINUED.

A: Several days after the second detainee's death, 1SG [redacted] told me that soldiers had possibly illegally beaten a detainee. I told her that was CID's business and they were investigating, but 1SG [redacted] said that she thought that people were trying to cover it up. She had heard that before the second detainees deaths, SGT [redacted] punched a detainee that was chained up. I went and got SFC [redacted] or 1LT [redacted] or maybe both of them and asked them if they knew anything about this. They said no, so we went to CID and talked to SA [redacted] to make sure he knew about it. SA [redacted] said he already knew about it and that it was being handled. [redacted]

Q: Other than that incident, did anyone tell you or did you have any reason to believe that anything illegal was taking place inside the Bagram Collection Point?

A: No. [redacted]

Q: Where did the concept of standing restraints come from?

A: I am not 100% sure. I thought that it came from the 211th MP Company, but I could be wrong. It may have been something we came up with, but I think I recall seeing people in standing restraints during the RIP, and I am pretty sure that was the way we were trained during the RIP. At that time, I was not aware that shackling someone to a fixed object was unauthorized [redacted]

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

A: When I was previously interviewed by SA [redacted] I may have incorrectly answered a question regarding knowledge of a soldier striking a detainee while restrained. My original assumption was that she meant fully restrained and unable to pose a threat, in which a strike would have been illegal and I had no such knowledge. If the question meant any type of restraint at all, I was aware of detainees being struck while in some form of restraints when they resisted an MP and were being combative [redacted]

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

A: No. ///End of Statement/// [redacted]

STATEMENT OF [redacted] TAKEN AT THE Clarion Hotel & Suites, 5901 Pfeiffer Road, Cincinnati, OH 45242, DATED 6 Mar 04, CONTINUED.

0134-02-CID369-2353

AFFIDAVIT

I, [redacted], have read or have had read to me this statement which begins on Page 1 and ends on page 4. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[redacted]
([redacted]tement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6th day of March 2004, while at the Clarion Hotel & Suites, 5901 Pfeiffer Road, Cincinnati, OH 45242.

[redacted]
([redacted]ring Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

FOR OFFICIAL USE ONLY

b6, 7C

Exhibit 276

Page(s) 1403 - 1405 withheld

b2, b6, 7C

0137-02-CID369-23534

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0137-02-CID369-23534
0134-02-CID369-23533

PAGE 1 OF 1 PAGE

DETAILS

INTERVIEW OF WITNESSES:

About 1810, 6 Mar 04, SA [redacted] interviewed **Mr.** [redacted] who provided clarification of facts he had previou provided to CID in a sworn statement dated 27 Oct 03. [redacted] observed photographs of unit members assigned to Company A, 519th Military Intelligence (MI) Battalion, who had deployed to Bagram, Afghanistan between Nov 03 and Dec 03. [redacted] dentified several individuals who he stated had been at the BCP during the time of the deaths of Mr. HABIBULLAH and Mr. DILAWAR. He identified [redacted] as the supervisor of the MI interrogators, and CPT [redacted] as the commande of the interrogators. He also identified three MI interrogators, SGT [redacted] SPC [redacted] and SPC [redacted] who were described within his statement as having assaulted or mistreated detainees. These individuals were identified within the statement as well as on photographic identification page signed by [redacted] (See statement and photographic identification pages for details)

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 6 Mar 04	EXHIBIT 277

1 FEB 77

FOR OFFICIAL USE ONLY

b2.b6.7c

1406

0034-02-CID369-2353

0137-02-CID369-2353

SWORN STATEMENT

File Number : 0137-02-CID369-23534
Location : [redacted]
Date : [redacted] March 2004 **Time:** 18.10.
Statement of: [redacted]
SSN : 351-68-6227 **Grade/Status:** Civ
Org/Address : [redacted]

I, [redacted] want to make the following statement under oath: I am providing this statement to clarify information I had previously provided to Special Agent [redacted] US Army CID. I have been shown photographs of the individuals assigned to Company A, 519th Military Intelligence Company, Fort Bragg, NC. After reviewing the photographs, I recognize several of the individuals with whom I worked and associated while I was an Interpreter during interrogations of detainees at the Bagram Collection Point (BCP). I recognize the individual whom CID informed me was known as [redacted] as the supervisor for the interrogators. I also recognize the lady whom CID has identified as CPT [redacted] She was in charge of the interrogators and was a very nice lady. I recognize the female soldier whom I had identified as [redacted] within the statement I provided to CID on 27 October 2003. She would stand behind detainees and place her arms under theirs, pulling their arms upward while she interlocked her fingers behind their heads. She would also make the detainees kneel on the floor holding their hands over their heads during the interrogation. When they were unable to hold their hands up, She would grab their arms and force them above their heads. I also recognize two other soldiers who worked as a team during the interrogations. CID has identified these individuals to me as SPC [redacted] nd SPC [redacted] I recalled one incident after having spoken with SA [redacted] during my last statement, which involved these individuals. SPC [redacted] and SPC [redacted] were interrogating a detainee. They forced the man to roll across the room and then ordered him to roll over and over back across the room. When the detainee reached SPC [redacted] and SPC [redacted] SPC [redacted] ordered the detainee to kiss his boots. He continued this activity and also ordered the detainee to kiss the boots of SPC [redacted] This was very degrading for Afghan men. I was present as the interrogator and witnessed SPC [redacted] and SPC [redacted] forcing detainees to place their backs against a wall and slide down the wall until they were positioned as if seated without a chair. This is a very painful position and difficult to maintain for any period of time. When the detainees would

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 278

1407

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted] DATED 6 March 2004, CONTINUED:

slide to the floor, they would be picked back up and placed back in the position by the MI interrogators.

Q. During your previous statement, you describe the MI Interrogators "Holding onto people" however could not provide any names to identify these individuals. I am now showing you photographs of some members assigned to Company A, 519th MI Company. Do you recognize any individuals within the photographs?

A. As I documented in the statement, I recognize SGT [redacted] CPT [redacted] SPC [redacted] and SPC [redacted]

Q. Besides what you have documented within this statement, are you aware of any other activity by anyone assigned to the MI Interrogators, which you feel was inappropriate?

A. No.

Q. Were the MP's present in the interrogation rooms when you observed the Military interrogators using the techniques you described?

A. No. That was not the policy at the time. They would bring the detainee to the room and then they would leave.

Q. Are you aware of anyone being struck by the Military Police Guards within the BCP?

A. I have not seen this personally.

Q. Do you know if PUC 412, whom CID has identified for you as Mr. HABIBULLAH, was struck by any of the MP Guards within the BCP facility?

A. No.

Q. Do you know if PUC 421, whom CID has identified for you as Mr. DILAWAR, was struck by any of the MP Guards within the BCP facility?

A. No, I did not see this at all.

Q. Is there anything you wish to add to the statement?

A. No.

/// END OF STATEMENT ///[redacted]

INITIAL[redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 278

1408

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted] DATED 6 March 2004, CONTINUED:

NOT USED [redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 [redacted] this 6th day of March 2004 at Chicago, ILL.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Title 5, Section 303, USC

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 278
1409

0134-02-CID369-2353

0137-02-CID369-23534

[redacted]

Individual whom I recognize as being involved in the interviews of detainees along with SPC [redacted]. He forced A detainee to roll back and forth across the floor then kiss the boots of the MI interrogators. He would also make detainees sweep the floor multiple times as well as force them to position themselves against t[redacted] as if seated without using a chair. This individual has been identified to me as SPC [redacted] Company A, 519th MI Battalion.

NAME: [redacted] DATE: 6 March 2004

Signature: [redacted]

WITNESS: SA [redacted] DATE: 6 March 2004

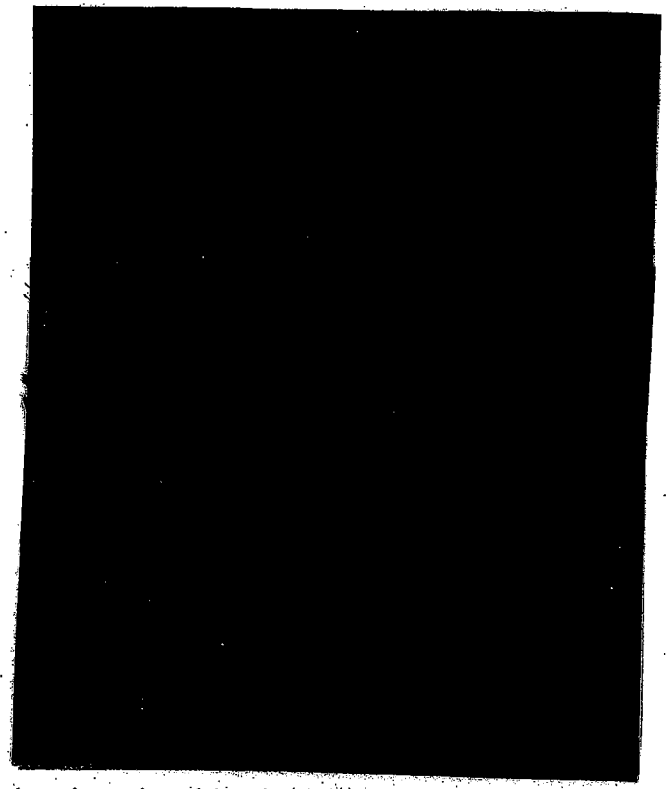
ORGA[redacted], Investigative Operations, 6010 6th Street, Fort Belvoir, VA 22060

Signatu[redacted]

FOUO

1410

EXHIBIT 278



Individual whom I recognize as being involved in the interviews of detainees along with SPC [redacted] He was present When SPC [redacted] forced a detainee to roll back and forth across the floor then kiss the boots of the MI interrogator. He would also make detainees sweep the floor Multiple times as well as force them to position themselves against the wall as if seated without using a chair. This individual has been identified to me as SPC [redacted] Company A, [redacted] 9th MI Battalion.

NAME: [redacted] DATE: 6 March 2004

Signature: [redacted]

WITNESS: [redacted] DATE: 6 March 2004

ORGA[redacted]C, Investigative Operations, 6010 6th Street, Fort Belvoir, VA 22060

Signature: [redacted]

FOUO

EXHIBIT 278

0137-02-CID369-235

0134-02-CID369-2353
0137-02-CID369-23531

Individual whom I recognize and had previously identified as [redacted] with my statement dated 27 Oct 03. This Individual has been identified to me as SGT [redacted] Company A, 519th MI Battalion.

NAME: [redacted] DATE: 6 March 2004

Signature: [redacted]

WITNESS: SA [redacted] DATE: 6 March 2004

ORGAN[redacted]gative Operations, 6010 6th Street, Fort Belvoir, VA 22060

Signatu[redacted]

FOUO

1412

EXHIBIT 278

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23

DETAILS

At 1300, 7 Mar 04, SA [redacted] interviewed **Mr. [redacted] (formerly CPL [redacted] 377th Military Police Company, Cincinnati, OH 45237),** who was assigned to 2nd Platoon, working within the Bagram Collection P (BCP), during the deployment. [redacted] stated he was working the gates and was not inside the BCP from November through December 2002. *(See PUC Questionnaire of [redacted] dated 7 Mar 04, for additional details)*

At 1334, 7 Mar 04, SA [redacted] interviewed **SGT [redacted] 377th Military Police Company, Bloomington, IN 47401,** who was assigned to 3rd Platoon, working within the B during the deployment. [redacted] was advised of his rights for Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner and Wrongful Use of a Controlled Substance, which he invoked by indicating he did not want to be questioned or say anything, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 7 Mar 04, for additional details)*

AGENT'S COMMENT: At the conclusion of his interview [redacted] was record fingerprinted.

At 1747, 7 Mar 04, SA [redacted] and SA [redacted] interviewed **SSG [redacted] 377th Military Police Company, Cincinnati, OH 45237,** who was assigned to 1st Platoon, working within the BCP during the deployment. [redacted] was advised of his rights for Aggravated Assault, Negligent Homicide and Cruelty and Maltreatment of a Prisoner, which he invoked by requesting leg counsel, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated Mar 04, for additional details)*

AGENT'S COMMENT: At the conclusion of his interview, [redacted] was record fingerprinted.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 7 Mar 04	EXHIBIT 279

0137-02-CID369-2

0134-02-CID369-235

PUC QUESTIONAIRE

NAME: [redacted] DATE: 7 MAR 04
RANK: CIV SSN: [redacted]
UNIT [redacted]

The US Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between Oct and Dec 2002? A: YES

1. If yes, what dates and what were your duties?
ARRIVED 28 or 29 Aug 02 L-FT 19 About 19 Mar 03. WORKED AT PMO FOR MAJORITY OF TIME WHEN 2nd PLATOON WAS IN FACILITY; WOR GA
2. Did you guard either detainee during the period of time between Oct and Dec 2002? A: NO

2a. Did you interview or were you present during any interviews with either detainee during this time frame? A: NO

2b. Did you witness either detainee receiving any type of corporal punishment? A: NO If yes explain (see sworn statement)

2c. Did you interact in any way with either detainee? A: NO. If yes, explain:

2d. Did you hear or see anything pertaining to the treatment of either of those two detainees that you felt uncomfortable with? A: NO.
If yes, please explain:

3. Did you participate in any type of corporal punishment or any compliance blows to either detainee? A: NO. If yes, stop and advise of rights.

4. Do you know who had anything to do with the eventual death of either detainee? A: NO. If yes, explain (see sworn statement)

4a. Did anyone tell you who might have had anything to do with the death of either detainee? A: NO. If yes, explain (see sworn statement)

[redacted] FOUO [redacted]
Signature of Interviewee Signature/Sequence # of Interviewer
hm hr 70 1414

4b. How do you feel about the deaths of those two detainees?
THEY SHOULDN'T HAVE DIED. IF THEY WERE BEATEN TO DEATH FOR NO REASON, THEN THAT'S WRONG.

5. Who do you think did this? *Now let me say this, if you only have a suspicion, it is important for you to provide that information here, even though you may be wrong. This will be kept confidential and it will not be reported to that person.* Who do you think did it? A: I DON'T KNOW.

6. Is there anyone you know well enough that you feel is above suspicion and would not do something like this? A: I CAN'T SEE ANYONE DOING THIS

7. How do you feel about being interviewed concerning this issue?
I'LL DO WHAT I CAN. IF I KNEW SOMETHING I WOULD TELL YOU

8. Do you think that the death of either of those detainees was deliberate?
NO.

9. If someone said that you physically abused either of those two detainees, is that person lying? YES.

10. Who do you think would have had the best opportunity to have physically abused either detainee? A: ANYONE COULD ON THE TOP FLOOR.

11. Why do you think someone would do this? TO PUNISH THEM OR KILL THEM WE HAD GOOD GUYS, I DON'T THINK ANYONE WOULD DELIBERATLY TRY TO KILL THEM.

12. Did you ever think about giving corporal punishment to a detainee, even though you didn't go through with it? A: NO.

13. Why wouldn't you do something like this? A: I HAVE BEEN IN LAW ENFORCEMENT FOR 13 YEARS. I TREAT PEOPLE THE WAY I WANT TO BE TREATED.

14. What do you think should happen to a person who mistreated or caused the death of a detainee? IF YOU DO SOMETHING WRONG OR SCREW UP YOU HAVE TO SUFFER THE CONSEQUENCES

[redacted] FOUO [redacted]

Signature of Inter[redacted] Signature/Sequence # of Interviewer

b2.b6.7C

1415 [illegible] 280

a. Please explain:

15. Is there any reason you have been told a detainee could be given corporal punishment or given compliance blows? A: NO. If yes, explain (See sworn statement)

16. What do you believe a detainee might do that should result in their receiving corporal punishment or compliance blows?

I HAVEN'T HEARD OF EITHER OF THOSE.

17. How do you think the results of the investigation will come out on you?

I'M CLEAR.

18. Do you think the person who did this would deserve a second chance under any circumstances? A: YES
Please explain:

I BELIEVE EVERYONE DESERVES A SECOND CHANCE

19. Did you tell your family about this investigation? A: YES

20a. Did you tell your family you were being interviewed regarding this investigation? A: YES

20b. Did your family ask you if you were guilty? If so, what was your response? A: MY WIFE ASKED, AND I TOLD HER I WASN'T INVOLVED

20c. Have you talked with anyone other than CID about this investigation? A: NO. If yes, who? _____

20. Is there any reason why someone would say that you were involved in the deaths of those two detainees? Now, I'm not saying you did this, but is there is any reason why someone would say you were involved? A: NO.

[redacted] TOUC [redacted]

Signature of [redacted] Signature/Sequence # of Interviewer

22. Can you think of any reason why someone would name you as a suspect in this investigation? A: No.

23. If it becomes necessary, would you be willing to undergo hypnosis and a polygraph to verify your truthfulness pertaining to this investigation? A: No.

24. What percentage of MP's, Guards, Correction Officers or interrogators do you think engage in this type of punishment? A: As FAR As I'm KNOW, NO

25. If you were involved in either death of those two detainees, would you tell the truth about it now? A: YES

~~26. Do you think the FBI should get called in to help out on this investigation?~~ A: _____

27. Do you have anything to add at this time, or any information you might have heard that could help to resolve this investigation? A: No.

[redacted] FOUO [redacted]

Signature of Interviewee Signature/Sequence # of Interviewer

1417 280

037-02-CID369-2351

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0134-02-CID369-235

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	2. DATE	3. TIME	4. FILE NO.
Reserves Center, 520 South Woodcrest Dr., Bloomington IN 47401	7 Mar, 04	1334	-CID369-

5. NAME *(Last, First, MI)*	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN: [redacted] / 7. GRADE/STATUS: SGT/E-5	520 South Woodcrest Dr., Bloomington IN 47401

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agen and wanted to question me about the following offense(s) of which I am suspected/~~accused~~: [redacted]orngful Use of a Controlled Substance; Aggravated Assault; Negligent Homicide; and Cruelty and Maltreatmen of A Prisoner, [redacted]

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [redacted]
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC Fort Belvoir, VA

Section C. Non-Waiver

1. I do not want to give up my rights: [redacted]

☒ I do not want to be questioned or say anything.

[redacted] ORN STATEMENT *(DA form 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881, NOV 80 EDITION OF NOV 84 IS OBSOLETE

b6, 7C FOIA

1418 EXHIBIT 2

0127-02-CID369-23534

PART II - RIGHTS WARNING PROCEDURE

0134-02-CID369-23533

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a militar lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately to lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

0154 02 CID 369 ...
37-02-CID369-235

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	2. DATE	3. TIME	4. FILE NO.
377th Military Police Company, Cincinnati, OH	[redacted] 7 Mar, 04	[redacted] 1747	-CID369-

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company Cincinnati, OH

6. SSN	7. GRADE/STATUS
[redacted]	SSG/E-6

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agen and wanted to question me about the following offense(s) of which I am suspected/accused Aggravated Assault; Negligent Homicide; Cruelty and Maltreatment of a Prisoner///

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:

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

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

[redacted] *(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.

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)* SA [redacted]	
b. ORGANIZATION OR ADDRESS AND PHONE HQ, USACIDC Fort Belvoir, VA	4. [redacted]
2a. NAME *(Type or Print)*	[redacted] OR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC Fort Belvoir, VA

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. [redacted]

AT[redacted]TIFICATE TO ANY SWORN STATEMENT *(DA form 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO 1420 EXHIBIT 28

0134-02-CID369-235

~~0137-02-CID369-235~~

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a milita lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately t lawyer before, during, and after questioning and to have a lawyer present witl you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23

DETAILS

At 1500 hrs, 22 Mar 04, SA [redacted] interviewed **SPC [redacted] 272nd Military Police (MP) Company, Mannheim, Germany, APO AE 09086 (formerly, SGT with the 377th MP Company (USAR), 1600 Seymour Avenue, Cincinnati, OH).** [redacted] was advise of his rights for the offense of Assault and Battery, which he elected to waive and author a written statement. [redacted] described the struggle in the airlock (sally port) of General Population Ce #2, during which he assisted in subduing DILAWAR (PUC 421) with other 377th MPs. He also recounted a latrine visit, during which he escorted DILAWAR, but the detainee did not even attemp use the latrine. [redacted] estimated the length of time DILAWAR was kept in "standing restrair (chained to the ceiling) was collectively about 2 ½ days. *See Waiver Certificate and Sworn Statem of [redacted] dated 22 Mar 04, for additional details.*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 22 Mar 04 / EXHIBIT: 283

1 FEB 77

0134-02-CID369-235

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 0137-02-CID369-2

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 ic
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and r
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. [redacted]	3. [redacted]	4. FILE NO.
Mannheim, GERMANY APO AE 09086	22MAR04		0134023

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	272ND MP Company, 95TH MP BN APO AE 09086
6. SSN [redacted]	7. GRADE/STATUS E4/SPC/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 Comm as a Special Agent and wanted to question me about the following offense(s) of which I suspected/accused: Assault/Battery [redacted]

Before he/she asked me any questions about the offens[redacted], however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject othe UCMJ* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with m 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 t 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 witl 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 lawy will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, 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 an 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. SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC, 6010 Sixth Street Ft. Belvoir, VA 22060

Section C. Non-waiver

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

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

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Mannh[redacted] Germany APO A[redacted]9086
Date : 22 [redacted] 2004 T[redacted]:00 - 19:16
Statement of: [redacted]
SSN : [redacted] **Grade/Status: SPC/E-4/AD**
Org/Address : 272nd Military Police Company, 95th MP Battalion, APO AE 09086

I, [redacted] want to make the following statement under oath: I made a previous statement to CID after having been advised of my rights on 23 Dec 02 and I'm making this statement to clarify certain aspects [redacted] that statement. I've been advised of my rights today (22 [redacted]04) and I elected to waive those rights and make this stat[redacted]nt voluntarily.

Q: What is your experience in the military prior to this deployment?

A: I joined the USAR on 23 Mar 2000. I was assigned to 377th MP Company from May - Sep 2000 and went to drill as a Pre-Basic soldier. I got there around the same time CPT [redacted] did. I was her driver and her RTO. I went to Basic Training (from Oct 2000 to Feb 2001). At basic, the drill sergeants asked who wanted to stay on active duty and I did, but my unit newsletter said we were going to Operation Brightstar in Oct 2001. So I stayed in the reserves cause I wanted to see more than one duty station and thought seeing Egypt would be cool. Then we went to Brightstar, our mission was Entry Control Points and had a blast. It was 27 days and the day we left for the Brightstar mission was 7 Oct 2001 - the day they started the bombing in Afghanistan. CPT [redacted] was great, we all thought we might get diverted Afghanistan. We got info that we might be going to Afghanistan. CPT [redacted] and 1SG [redacted] alked us through our concerns and we all came home safe. In Dec 01, we got called up and in Jan 02 we crated our equipment for the GTMO mission. Then we were told to stand down, I was bummed I wanted to go to Afghanistan. A couple months before we got mobilized we got a new commander, CPT [redacted] I heard his civilian job was MI. No one really knew him and we didn't know what to expect. Some of the former infantry types groused about having a female commander and female 1SG, but it was typical guy stuff. We got called up in Jun 02 for Afghanistan. CPT [redacted] was a commander within our Bn and we had previously been on a weekend drill where his Bn was running a confinement facility. The whole thing was screwed up and at that time, we commented that we never wanted him as a commander, but that was who we got.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 284
1424

STATEMENT OF [redacted] TAKEN AT Mannheim CID, DATED 22 [redacted] CONTINUED:

Q: Did the unit dynamics change with the leadership change?
A: Yes, it was really bad timing. We did not have time to train or gel as a unit. CPT [redacted] used to come down and BS with us troops and although some of the NCOs didn't like it, she knew us all and we felt closer as a unit. She also got us really high speed training. Once we got to Fort Dix, the training situation was much more lax. It was cool, because we trained a few things in the morning and be on the beach for the afternoon. But I know that under CPT [redacted] we would have worked and trained a lot harder, but she always got us super training with the units where we did AT. She was very ingenious about getting the best out of us at training, we worked harder, but learned more. CPT [redacted] didn't do much with us, so we all liked it, because we had loads of time off. I got out when we got back, there was so much screwed up stuff on this deployment. Bad pay problems, admin was screwed up, soldiers were messing around with other soldiers and there was some issue with the 1SG ordering things from supply and trading it with other units [redacted]
Q: Did you get out of the unit because of the deployment issues?
A: Yes and I wanted to be in the regular Army, but our unit really screwed up things, like my pay. I stayed on in Afghanistan with the 118th MP Company after my unit redeployed, because I liked the Army. It took the 118th MP Company two days to fix my pay problems. I also didn't like the attitude and lack of discipline in the reserves, so I switched over to the Regular Army. My goal is to be an SF soldier. [redacted]
Q: What specifically do you recall about operations within the BCP, during Dec 02?
A: The way I saw it was the MP mission was to support the MI mission. They (MI) dictated detainees were to stand hooded and segregated for the first 24 hours, after their initial interview. If the detainee spilled his guts during the initial interview, they could go straight to general population. But 99% of the time, they went on sleep deprivation. This was to disorient them and make them more susceptible to interrogations, MI decided how much sleep a detainee got and it depended on the detainee's level of cooperation. The way it normally worked was after in-processing, MI directed where the detainee served his Iso. Sometimes it was in an isolation cell (first or second floor) or in an airlock of the general population. The object was to isolate and disorient the detainee. They were handcuffed, hooded and told to stand. There was a language

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 284

STATEMENT OF [redacted] TAKEN AT Mannheim CID, DATED 22 [redacted], CONTINUED:

barrier so it was hard for us to communicate and we did not have an interpreter, assigned to the MPs. The interpreters were most often employed in interrogations. A lot of our communication with the detainees was physically directing them or using "charades" (physically demonstrating) what we wanted them to do. Sometimes this would not work and we used the couple English speakers in general population of detainees to translate. Sometimes even that did not work.

Q: What do you mean by "physically directing" them?

A: For instance, if the guy was lifting his hood, we would tell him "no". If that didn't work, we'd then enter the airlock and physically pull down the hood and tell them again forcefully "no". If that failed, we use either an interpreter or an English speaking detainee and explain the issue. If we just couldn't get the detainee to comply, we'd tell MI, they'd take them for an interview and when they came back the problem would usually be fixed. Sometimes the detainees would just not do what they were told, this happened with regard to standing usually at the end of the 24 hour initial standing isolation period.

Q: What happened when the detainee refused to stand any longer and did this happen with either of the men who died?

A: The only one I know about was the second detainee who died (DILAWAR - PUC 421). I was working control (the escort shift). My job was to escort detainees wherever MI wanted them, take detainee to the latrine and rove the whole facility. This guy (PUC 421) had been standing for awhile and must have been near the end of the dictated 24 hour period. He was in Airlock #2, which is the sally port connected to General Population. He was tired and would not stay standing no matter what we tried. We knew at this point the only way to keep him standing was to chain him in a standing position. SSG [redacted] and SPC [redacted] were already in the airlock trying to get the detainee to stand. The detainee was trying to roll himself up into a ball and they had to pick him up in order to get his hands high enough to chain. At first I considered going inside the airlock, but there was no room for me. [redacted] and the detainee made the airlock pretty full. So I grabbed a set of long cuffs (leg irons) and climbed up on the side of the airlock. My goal was to feed the cuffs down through the top of the cell and they could cuff him to the open cuff or if they could get his hand high enough I could cuff him. They never got his hand high enough for me to get a cuff on him. He was hooded, so I'm not sure if he saw what we were planning, but he just crouched down

FOR OFFICIAL USE ONLY

bc, 7e

EXHIBIT 284
1426

STATEMENT OF [redacted] TAKEN AT Mannheim CID, DATED 22 [redacted]04, CONTINUED:

and pulled his hands into his chest. When the detainee pulled his hands down, his elbow knocked [redacted] into the concertina wire. It was a bad scene, and we were just going to get people hurt. SSG [redacted] was trying to get into the airlock to assist and I said something like "just get him out of there". There was a pile of people, so I reached in and grabbed "orange" (the color of the PUC jumpsuit). We had to get control of the situation, the inside door of the airlock (the one the detainees used to get into the chamber) was only secured with 550 cord. The longer the wrestling match went on, the greater the chance for the other detainees in general population to get agitated and potentially make a bad situation worse. The way I saw it, getting him the main floor inside a secure facility was a better position to gain control from. I didn't want it to turn into a riot control or crowd issue. The longer it went on the greater the potential for the general population to decide to exploit the disturbance. When I pulled, the rest of the group came out and onto the floor, the detainee landed on his front side and I landed on the floor to one side of him and [redacted] landed on the other. [redacted] and [redacted] stayed on their feet, one of them shut and locked the cell and the other tried to control the detainees feet. Then we piled on the detainee and tried to get him calmed down and prevent him from struggling. I remember us saying "calm down". Then we saw blood and checked everyone for injuries. We found that none of us were bleeding and checked the detainee and saw that he was bleeding from his nose. Everything stopped and we got him something to put on his nose and stop the bleeding. We called a medic qualified MP (I'm not sure which one) to check him out and we sent someone for a stretcher. We discussed it and realized it would be useless to try and wrestle him upstairs. We decided to strap him to the stretcher and take him up to isolation. I seem to remember it was just a regular nosebleed. The bleeding stopped and we re-hooded him and cuffed him to the stretcher, which he did not fight and took him upstairs to Isolation Block #1 (second floor), Cell #1 (the cell right next to where the MP in Iso Cell sits. We set him down and tried to decide what to do with him. There was a discussion about taking him off the stretcher and I decided that would cause another fight, so we left him cuffed to the stretcher. We undid the leg shackles from the stretcher because the way he was cuffed made them dig into his ankles. His legs were still cuffed, just not to the stretcher. His feet were on the [redacted]nd. His hands were still cuffed to the

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 284
1477

STATEMENT OF [redacted] TAKEN AT Mannheim CID, DATED 22[redacted], CONTINUED:

stretcher and he was backed up to the rear of the cell. The stretcher was between him and the wall. The stretcher itself was cuffed to the hesco ceiling and the PUC was cuffed to the stretcher. He stayed like that for about an hour and he was laying against the stretcher. Laying against the stretcher was not achieving the standing that MI directed, so I made the decision to take him off the stretcher and move him forward. So we [redacted] and I think SGT [redacted] went in and moved him. I reasoned that if he became combative, he was already in Iso and would not be inciting the other prisoners, so we could handle him. As it happened, he did not struggle at all, he complied and we chained him up with his hands straight up in the air over his shoulders. We left the cell and went back to my other duties. That was the last contact I had with him on that shif[redacted]

Q: Did anyone hit the detainee during that time period?

A: Not after we hit the floor. If he was struck at all it would have to be in the airlock during that wrestling match, but I did not see real well, I think [redacted] delivered one or two common peroneal strikes inside the airlock[redacted]

Q: Did you ever strike DILAWAR (PUC 421) during the struggle or at any other time?

A: No, I had physical contact with him during the struggle and wrestling on the floor, but there were no deliberate blows or strikes and I never struck him any other time[redacted]

Q: Did you see anyone else strike DILAWAR (PUC 421) once he was restrained in the Iso Cell?

A: No. When we took him off the stretcher and he was compliant. The next day (next shift) I worked, I took him to the bathroom with SGT[redacted]

Q: Did you ever hear about anyone strike this or any other detainees?

A: I heard about MPs in 3rd Platoon being more physical with detainees. I heard they were rougher and more forceful. They were known as 'Corn Fed" and had the physical size and strength to bully detainees into complying. I also heard that MI had them help MI with a couple interrogations. I heard that 3rd Platoon threatened to stick a broomstick up a detainee's ass unless he told MI what they wanted to know. The detainee refused, until the MPs got a stick and pulled his pants down, then detainee got scared and supposedly confessed. It was gossip, a rumor, it was alleged the information lead to a bunch more arrests and we were going to get a Presidential Unit Citation, which I think was bull. I don't remember what

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 284
1429

STATEMENT OF [redacted] TAKEN AT Mannheim CID, DATED 22 [redacted] CONTINUED:

detainee it was supposed to be, which MI people or MPs (beyond 3rd platoon) [redacted] supposedly involved. I frankly think it was just gossip [redacted]

Q: How much time elapsed between the struggle in the airlock and the time that the detainee died?

A: We went off shift (nights 1930-0730 local). Days was worked by 3rd Platoon, from 0730-1930 local, then we came back on shift that night and he was found hanging in the cell near the end of that night shift. We were on twelve hour shifts. So I think he was standing for about roughly 24 hours, in the airlock. But he was standing in Iso for roughly 36 hours after the airlock event before he was found dead. If you add that up, it's about 2 ½ days, which seems long. I thought that MI would put him on a sleep dep schedule after his interrogation, which would mean he should have been down part of the time. Although every time, I saw him he was standing. I think by the time of the airlock incident, he had been in the BCP for about one day, I seem to recall this because he was supposed to stand in the airlock for the first 24 hours of his stay in the BCP and the struggle within the airlock occurred near the end of that time [redacted]

Q: To your knowledge, did DILAWAR (PUC 421) remain standing in the Iso Cell from the time you put him there until the time of his death?

A: More or less, with the exception of laying on the floor and laying on the stretcher, during transport. He stood the whole time [redacted]

Q: Why?

A: That was what MI told us to do. MI directed us what to do, by placing entries on the status board under each PUC number. There were status boards each Iso Block and on the floor. The status boards were dry eraser boards and there were annotations for sleep deprivation. The notations were how many hours the detainee was to stand and then how long they could rest for. This varied for different detainees [redacted]

Q: What were the circumstances under which you took DILAWAR to the bathroom?

A: Either the detainee would ask to go to the bathroom or the guard would ask "tashnob" (which is Pashtun for bathroom). Most of the time, if you asked they would say "yes" because it meant they got to get out of restraints. Some of the detainees would pee in their water bottles and we had the interpreters explain to them, they could not pee in their cells because it was a hygiene issue. When the detainees asked to go to the bathroom,

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 284

1429

STATEMENT OF [redacted] TAKEN AT Mannheim CID, DATED 22[redacted]04, CONTINUED:

the Iso Guard would call both control MPs for escort. We had a two person rule for transport or escort, because the detainees had to move everywhere hooded and we needed one person for each arm to prevent escape or injury. DILAWAR walked down the hall, down the stairs, all the way across the general population area and into the bathroom, under his own power. Usually, we would undo the short handcuffs (leaving the long cuffs on their hands and feet). This gave them freedom of movement to do their business, but allowed for maximum control. We let them go behind a curtained off area (green wool blanket), for privacy, but we could still see their feet and head. He went behind the blanket and sat down. I never saw him pull his pants down. We were standing outside the curtain for a good five to ten minutes, way longer than it takes a detainee to go. So finally, we thought, what is he doing in there and opened the curtain to find DILAWAR just sitting there with his pants on. We asked him what are you doing? He motioned to his seat, indicating to me that he wanted to sit longer. This was not uncommon and contrary to the directed course of treatment (standing). We asked him if he needed to go. We knew his legs were tired, he had been standing for a long time. This was a fairly common method of resting for detainees. We never got a look at his legs cause he never went to the bathroom. The conversation went back and forth in broken Pashtun, us asking "tashnob" and him saying "ney or no". Then he got to his feet and he walked out and we put his cuffs and hood back on and started walking him through general population and he just stopped walking. He did not trip, he did not fall, he just quit and I remember thinking "you son of a bitch". We had no choice but to carry him, he just became deadweight. [redacted] and I hitched our arms up under his armpits and carried him the rest of the way. He did not fight with us he just refused to walk. We got back to the 2nd floor Iso and we put him back in his restraints. He didn't help us, but he didn't fight either. Once he figured out where he was, he stood on his own. He grabbed the arm chains with his hands and crossed his legs, so he was resting one leg and standing on the other. I viewed that as sort of cocky. It seemed like him trying to get around the treatment MI directed [redacted]

Q: What happened during MI interrogation sessions with detainees?

A: I have no idea. They did not want us inside during the interrogations [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 284
1430

STAT[redacted] OF [redacted] TAKEN AT Mannheim CID, DATED 22[redacted], CONTINUED:

Q: You mentioned earlier that if you could not get a detainee to cooperate, as a last resort you'd talk to MI and after MI talked with the detainee the behavior was adjusted. To what do you attribute that change in behavior?
A: I think they were bribing them. Several detainees got special privileges f[redacted] changing their behavior or giving up information to MI[redacted]
Q: Do you believe MI ever used physical force during interrogations?
A: Every once in awhile you would hear a table flying and when you picked up a detainee you'd see a broken cot or broken table. I never saw a detainee come out of an interview bleeding or bruised. The detainees showered every Thursday (I think) and we saw them stripped down then. I never saw any bruises on detainees. I know MI screamed a lot, especially this one female interrogator who had [redacted] When she screamed at the detainees, you could h[redacted]ar it through the whole facility, I don't remember her name[redacted]
Q: Did either of the det[redacted]nees who later died make it to the weekly shower session, where you could have observed any bruising?
A: No they didn't make it to shower da[redacted]
Q: Where did you learn to chain detain[redacted]s to the ceiling?
A: My platoon started out working the gates, we relieved another platoon from our company who taught us how to work in the BCP. When I began working in the BCP, I saw prisoners cuffed to the ceiling of the cells and airlocks. It was common practice and that was how I learned what was acceptable.[redacted]
Q: Did practices with regard to shackling a detainee in a standing position or sleep deprivation change when anyone visited the facility?
A: No, everything stayed the same. I never saw anything change[redacted]
Q: Where any changes made when ICRC visited?
A: No. ICRC wanted to just roam around the facility and take out PUCs arbitrarily. It would never work, the effect would have been too disruptive. It had to be structured and we told them so. I've read in the paper that we didn't feed PUCs or let them visit ICRC and that's not true at al[redacted]
Q: Did you have any contact with HABIBULLAH (PUC 412)?
A: I once looked in on him. He was in Isolation Block #2 (on the first floor). He was in Cell #7, the largest iso cell in the facility at the time. He was facing the door and was cuffed

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 284
1431

STATEMENT OF [redacted] TAKEN AT Mannheim CID, DATED 22 [redacted]04, CONTINUED:

in a standing position. His hands were affixed to the ceiling and they were together above his head, and he was hooded. I went to look at him because I had heard he was a VIP and I wanted to see who he was. I heard he might have been related to someone big. I never actually saw him until the day he died. I was on a re-pat mission and came into the facility (the BCP) and he was on the floor. Someone was doing CPR on him. I never guarded him and never had any involvement with him at al[redacted]
Q: Did you ever have an opportunity to deliver a common [redacted] peroneal strike or compliance blow and did not do so?
A: I had no reason to strike anyone. The only reason to do that was if they were a threat to you. They were always shackled and there were always more of us than them. We had a two man rule minimum, sometimes more. The detainees never had freedom of movement and could not harm us. If you do your job right and prepare for movements, ther[redacted] no reason to strike anyone and I always did my job right[redacted]
Q: Did you receive training on common peroneal blows?
A: Just where to strike on the body, but not when to strike[redacted]
Q: Did you observe any behavior in the BCP, which you felt was unlawful, or that made you feel uncomfortable?
A: No, I did not. A saw a couple movements by another platoon, which I felt did not use the proper or safe number of MPs, but nothing illegal, just ill advised. Our platoon was run by the best NCOs and our Plat[redacted] Leader (1LT [redacted]) was a civilian cop and knew his stuff[redacted]
Q: Were you ever told or did you know that chaining a prisoner to a fixed object were contrary to army doctrine?
A: No, today was the first time I heard that[redacted]
Q: After the struggle the airlock, do you recall which medic saw the detainee for his nosebleed?
A: I think it was someone on our shift, [redacted] is an EMT, [redacted] was a Medic before he became an MP. [redacted] and [redacted] are civilian police officers and any of them could have made the call. I know it was not [redacted] because he was working upstairs. I know it was not SPC [redacted] the BCP Dayshift medic. Because it was not a serious injury, not life [redacted]reatening, so we would not have woken up the dayshift medic[redacted]
Q: Is the[redacted] anything you wish to add to t[redacted] statement?
A: No[redacted]
//////////////////////////End of S[redacted]ment//////////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 284
1432

STATEMENT OF [redacted] TAKEN AT Mannheim CID, DATED 22[redacted]4, CONTINUED:

AFFIDAVIT

I, [redacted] 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]tement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of March 2004 at Mannheim, Germany.

[redacted]

([redacted]tering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 284
1433

0134-02-CID369-23533

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0137-02-CID369-2353

PAGE 1 OF 1 PAGES

DETAILS

At 1320, 24 Mar 04, SA [redacted] interviewed **Mr. [redacted] (formerly SPC [redacted] 377th Military Police Company, Cincinnati, OH 45237),** who was member of 1st Squad, 1st Platoon, while deployed with his unit in Afghanistan. [redacted] did not specifically recall guarding either detainee that died. [redacted] denied he ever utilized a common pronial strike on any detainee. [redacted] was summoned to the inprocessing room within the facility on the night the first detainee died and saw the detainee on a stretcher. [redacted] stated the detainee appeared dead to him at that time because he was cold to the touch. [redacted] stated SPC [redacted] appeared very distraught and was running about the room hysterically. [redacted] stated [redacted] appeared to have "lost his mind" when they deployed to Afghanistan and became a compulsive liar.

AGENT'S COMMENTS: [redacted] declined to provide any type of written statement or complete a PUC questionnaire.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 24 Mar 04 / EXHIBIT: 285

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

1434

0137-02-CID369-23534

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0134-02-CID369-23533

PAGE 1 OF 1 PAGES

DETAILS

At 1500, 25 Mar 04, SA [redacted] advised **CPT** [redacted] **377th Military Police Company, Cincinnati, OH 45237,** of his legal rights for Dereliction of Duty, Negligent Homicide and False Official Statement, which he waived. [redacted] provided a sworn statement in which he stated the practice of standing restraints and sleep deprivation were utilized with regularity at the Bagram Collection Point, which was well known by the Provost Marshal and Staff Judge Advocate. [redacted] did not seek or receive any guidance pertaining to detainee operations after the first detainee death, but some policies were changed by the Provost Marshal after the second death [redacted] removed 1SG [redacted] 494th Military Police (MP) Detachment, Terre Haute, IN, (formerly 377th Military Police Company, Cincinnati, OH 45237) from operations within the Bagram Collection Point due to negative performance. [redacted] provided a copy of the counseling statement he gave to [redacted] on 6 Mar 03. *(See Waiver Certificate and Sworn Statement of [redacted] dated 25 Mar 04, and Summary of Counseling of [redacted] dated 6 Mar 03, for additional details)*

At 1844, 25 Mar 04, SA [redacted] advised **SPC** [redacted] **377th Military Police Company, Cincinnati, OH 45237,** of his legal rights for Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner and False Official Statement, which he waived. [redacted] provide a sworn statement in which he denied he witnessed any guard give a detainee approximately fifteen common pronial strikes. *(See Waiver and Sworn Statement of [redacted] dated 25 Mar 04, for additional details)* ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 25 Mar 04	EXHIBIT 286

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

1435

037-02-CID369-235

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0134-02-CID369-23533

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	2. DATE / TIME / FILE NO.
[redacted]	25 March 200[redacted] 1500 [redacted]
5. NAME (Last, First, MI) [redacted]	8. ORGANIZATION OR ADDRESS 377th Military Police Company
6. SSN [redacted] / 7. GRADE/STATUS CPT	Cincinnati, OH

PART 1 - 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: Dereliction of Duty, Negligent Homicide, False Official Statement

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

[redacted]not have to answer any questions or say anything.

[redacted]ing I say or do can be used as evidence against me in a criminal trial.

[redacted]r 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 [redacted]ng 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 [redacted]nted for me before any questioning begins.

[redacted]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)*	[redacted]
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)*	[redacted]SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR USACIDC, 6010 6th Street Ft. Belvoir, VA 22060

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO b2, b6, 7C 1436 EXHIBIT 287

0134-02-CID369-2355
0137-02-CID369-2353

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

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

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

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

FOUO

1437 ... 287

0034-02-CID369-2353
0137-02-CID369-235

SWORN STATEMENT

File Number :
Location :
Date : 25 Mar 04 Time: 1721
Statement Of:
SSN : Grade/Status: CPT
Org/Address : 377th Military Police Company, Cincinnati, OH 45237

I, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Who was the Provost Marshal?

A: There were two Provost Marshals that worked detainee operations. When I arrived, it was MAJ , who I think was with the 18th MP Brigade. Then MAJ relieved MAJ and I am pretty sure he was also 18th MP Brigade. There was a base Provost Marshall who was MAJ who was from the 211th MP Battalion, New York National Guard

Q: Did any of the Provost Marshals visit the facility?

A: Yes, all of them had visited the facility. The two detainee operations Provost Marshals visited on a weekly basis. The base Provost Marshal would visit maybe on a monthly basis.

Q: What did they do when there?

A: The two detainee operations Provost Marshal would usually come talk to me and we would walk around the facility as we talked. They would talk about physical improvements to the facility, sometimes we would talk about MI/MP relationships or the politics involved. Often, we talked about accountability of detainee property which was a pretty big issue. They would often visit when the International Committee of the Red Cross (ICRC) was there, so issues pertaining to the treatment of the detainees was often brought up by ICRC. The ICRC would interview the detainees and they would bring up some issues the detainees had such as the amount of fruit they get, number of blankets, not being let outside, things like that. The deputy base JAG would often be there, too. I referred to him as the detainee operations JAG. He would be there negotiating with ICRC about things we could or could not do for the detainees. I don't remember his name, but he worked in the JOC with the detainee operations majors. I think he may have been from Fort Bragg, but I don't know. There were two different ones that rotated out similar to how and did. They were both in their and both majors.

Exhibit: 287 INITIALS PAGE 1 OF 13

FOR OFFICIAL USE ONLY

b6, 7C 1438

STATEMENT OF [redacted], TAKEN AT [redacted]
[redacted] DATED 25 Mar 04; CONTINUED:

Q: Did the Provost Marshals look at all areas of the Bagram Collection Point (BCP) to include general population, isolation, and the Military Intelligence interviews?
A: Yes, generally they did. They didn't look at every single space that we ever have on every visit. They would see general population, the isolation cells and they would walk through the MI operations center and talk to the MI folks [redacted]
Q: Did the Provost Marshals see PUC's in standing restraints?
A: My guess is yes because they were that way quite often, especially early in the rotation. I can't say for positive that they saw them, but logic tells me yes. We wouldn't have changed the way the PUCs were restrained just because they were coming in there. The only time that changed was after the policy changed after the second death. [redacted]
Q: Was standing restraints or sleep deprivation ever discussed with the Provost Marshals or did they ask questions about it?
A: Sleep deprivations was definitely discussed with the detainee operations Provost Marshals because Military Intelligence would want us to do stuff like keeping a PUC up an hour and then down an hour and that was a manpower issue for us that was brought up to them. We discussed the fact that we did different things to assist MI by keeping the PUC's awake by making them stand up or talking to them. I don't know for sure if standing restraints was discussed before the deaths, but we were ordered to quit using standing restraints after the second death, so they must have known in order to tell us to stop doing that. The base Provost Marshal never involved himself with much of anything to do with detainee operations. [redacted]
Q: What guidance did you seek or receive from superiors or higher HQs after the 1st death?
A: I did not seek any guidance after the first death. After the death, MAJ [redacted] asked what happened and we described what we knew that the PUC collapsed and we called the ambulance. My understanding at the time was that we didn't have anything to do with the death of the PUC, so after the first detainee death was reported, we were basically just told to go about our mission. The first death wasn't made into a big deal. After the second death, it became a big deal. It was like what is going on here? Since the deaths were so close together, I am not sure exactly when policies started changing, but we changed how the PUCs were hooded and restrained to try and prevent any further deaths. MAJ

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted] DATED 25 Mar 04; CONTINUED:
[redacted] was the one who directed the policy changes. I don't know for sure who he cleared it with, but he sat side by side with JAG in the JOC, so I assume that is who he consulted. [redacted]
Q: What guidance did you seek or receive from superiors or higher HQs after the 2d death? (From whom? Do you know who they cleared it with?)
A: I believe the changes that occurred with the hooding and the restraints took place after the second death, but it may have been after the first. I can't be sure because they were so close together. [redacted]
Q: Was there any other guidance sought or received beyond those two policy changes?
A: No, any other guidance or policies that changed were a result of the upgrading of physical improvements, which allowed us to do things like take the detainees outside. There were no other policy changes that were a result of the deaths that I remember. [redacted]
Q: Describe your interaction with Military Intelligence while deployed.
A: My understanding when I took over was that I was the confinement facility commander. And I understood that MI borrowed a portion of my facility to do their business. I still maintained access control to the facility, whether that be MI or whoever. I was to provide security and aid to MI for interrogation purposes. In other words, if MI wanted a prisoner, they would coordinate with us and we would bring the PUC to the interrogation room, stand guard either inside or outside the door of the room and we would escort the PUC back to the cell. We were to help MI out as best we could without violating any of the security procedures we understood as proper rules of engagement and acceptable treatment of Prisoners of War and Geneva Convention stuff. There were several detainees at various times that were treated differently than other detainees. MI would let us know who they are and why they were being treated that way and it was usually because they were providing good intel so they got better treatment or in a few cases, they were not even detainees, they were refugees of a sort. When I first became the commander there, there was basically a MI platoon that ran their operations there, headed by a CPT [redacted] The rank structure was such that I was senior to them, which was helpful. Halfway through the operation, a Lieutenant Colonel, LTC [redacted] who was assigned to oversee the MI interrogations which created some problems with what we did or did not do for MI. There were a few times that he would want things done a certain

FOR OFFICIAL USE ONLY

b6, 7C

1440

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted] DATED 25 Mar 04; CONTINUED:

way and I would think differently so we would have to seek guidance from the JOC to determine what would be done. It threw an extra loop into the whole process of running the facility [redacted]
Q: How often did issues have to be sent to JOC for resolution?
A: When the LTC initially showed up, it was about a weekly basis then it went to about every other week. I don't remember every issue that came up, but one of the issues was detainee property. When a person was taken from the field, a MI packet was sometimes put into the PUC's belongings which we would take up on a evidence voucher. Sometimes MI would want the packets faster than we could process them, so we tried to get the field units to not put the MI packets in with PUC property. We worked out a resolution where MI was present during the inventory of the items so they could get the MI packet faster. One issue involved the LTC taking a weapon through the facility which we did not want. [redacted]
Q: What did you coordinate/discuss?
A: I probably talked to either CPT [redacted] or the NCOIC on an every other day basis. Things that were coordinated were the access of the MI personnel in our facility, where they could or could not go; procedures for tasking an MP to transport or move a prisoner to an interview or do some operation like sleep deprivation because often a soldier with a sterile interview would ask our MPs to do stuff which caused some problems, which we addressed. We would go over the process for directing MP's on a monthly basis because they had some rotation in their unit, too. Other issues were treatment and transportation of prisoners, what they could or could not give the prisoners, and weapons in the facility. The coordinations were typically informal, but once a month we would have a formal meeting to discuss issues. I didn't associate with MI outside of work. They lived in a separate area of the base, so I didn't interact with them outside of the facility. We were friendly, but I don't know any of them personally and I haven't made any contact with them since so I would say I am not a friend. A couple times during the whole stay there was a couple of picnics we had that MI, the MPs, CID and various people that worked in that general area would have a cookout and we would all talk [redacted] outside of work. They were usually hosted by the MI people [redacted]
Q: What guidance were you given about your role in relation to MI?
A: I don't remember what guidance was given. I'm sure there was some given, but I don't recall it being a lot and if it was, I don't remember it. CPT [redacted] told me about the relationship he had with MI and I tried to stay within the same guidelines that he

FOR OFFICIAL USE ONLY

b6, 7c 1441

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted] DATED 25 Mar 04; CONTINUED:

had done. He told me that we ran the facility and that we provided the room for MI and that MI had to talk to detainees in the rooms and not in the cells. Stuff like that. The only thing I can definitely remember MAJ [redacted] told me is that I was told that security was paramount to the facility and that I can't let anyone compromise the security. I had to be sure there was controlled access and no escapes or intrusions [redacted]

Q: Were you ever uncomfortable with how MI did things?

A: I was never uncomfortable with what MI did with detainees inside the interviews because I never noticed or saw anything that caused me to worry what they were doing. I heard some screaming in an interview before, but I never saw a detainee come out of an interview injured or in a bad state of health so I had no reason to think anything wrong was going on. [redacted]

Q: Did you report info on daily PUC discipline to higher headquarters before or after the 1st PUC death?

A: I don't think we ever reported general detainee discipline to higher. If something was noticeably important, I might call higher and let them know an event occur. The one event I remember is when a detainee was being escorted by SGT [redacted] and maybe another soldier and the detainee, pulled a stunt and flipped over him and basically racked him and was probably delivered some use of force to restrain him. I called MAJ [redacted] and told him about that. There may have been a couple of other events like that. We kept the white board that showed offenses and what the punishment was and that was always available for anyone to see. If we reported every act of discipline, we would be calling higher hourly. [redacted]

Q: Several soldiers indicate that you said they were on "new ground" and that they were making law by guarding unlawful combatants. Did you ever say anything like that?

A: Yes, I believe I said something like these are detainees and not POW's and that the Geneva Convention generally applies but this is a new category of combatants or whatever and a lot of law or procedures are under review or being developed for this certain scenario. I told them that the PUC's were not actually POW's but we were to treat them as though they were. I don't recall ever using the term unlawful combatant. I'm not sure what unlawful combatant means [redacted]

Q: Did anyone ever describe the PUC's as "unlawful combatants" to you?

STATEMENT OF [redacted] TAKEN AT 5405 Splitrock Drive, Riverside, OH 45424; DATED 25 Mar 04; CONTINUED:
A: No.[redacted]
Q: What did JAG lawyers tell you about the legal status of the PUCs?
A: I don't remember exactly, but basically what I just described and told my soldiers. They are detainees and are not POW's, but they were generally to be treated in accordance with the Geneva Convention and Prisoner of War doctrine. I don't remember which JAG told me that. The first deputy JAG when I first got there, but I don't remember his name.[redacted]
Q: What did the JAG lawyers tell you about the treatment of PUCs?
A: Just that they were to be treated as a EPW even though they were not Prisoners of War. We were told to definitely not call them that, for whatever reason.[redacted]
Q: Did any JAG lawyers visit the facility?
A: The Deputy JAG would visit on about a biweekly basis. The full bird Colonel JAG came by about once a month and he walked and talked with MAJ [redacted] or whoever was the Provost Marshal at the time. The Colonel would come by whenever a high level dignitary came by such as President Bush's highest level expert of prisoners of war or whatever you want to call them. He had a bunch of generals with him and the JAG Colonel came, too.[redacted]
Q: Who was the JAG Colonel?
A: I don't remember the name, but he was a white male, about 6'1"; I think he was also from Ft. Bragg. Most of the people in the JOC were from the 18th Airborne Corps.[redacted]
Q: What did they do when they were there?
A: We didn't change anything before they came, so they saw everything. We may have done a police call, but the prisoners were left chained up the way they were. They looked at most of the areas, including general population, the isolation area, and the MI area. I would give them a brief on things that went on in our area, and then we would get to the MI area and the MI commander would take over. They saw everything.[redacted]
Q: Was standing restraints or sleep deprivation ever discussed with JAG lawyers or did they ask questions about it?
A: I don't recall. It's highly likely, but I don't specifically recall.[redacted]
Q: Did you ever seek clarification on use of force issues with PUCs?
A: I don't recall ever seeking guidance for exactly that, but the rules of engagement and the detainee SOP was available for both higher and us at the same. I believe we all saw eye to eye on

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted] DATED 25 Mar 04; CONTINUED:
what the rules were, but I don't specifically call seeking any clarification on use of force, but I am sure it was discussed at some point especially after the second death. [redacted]
Q: Where were the ICRC inspectors allowed to go within the facility?
A: They could go to see general population and isolation rooms. They couldn't talk to any detainees in either location, but a list was provided to them by JAG of who they could talk to that day. We would take the detainee to a room where ICRC would interview them and we would wait outside of the room. Generally, any detainee that had been there long enough to receive an international service number saw ICRC. They didn't go into the MI operations office and they didn't go into the MP operations center. Everything else they could see. [redacted]
Q: Were you aware that the isolation cell status boards may have been changed for ICRC visits?
A: It was understood that when ICRC came, we would erase any operational information on the status board which was any information that we deemed ICRC did not need to know. That would include sleep deprivation information, which detainees were being treated favorably or unfavorably. But, the detainees would tell the ICRC about the sleep deprivation, so they knew about it. I don't recall if anyone told me to make the changes to the status board. [redacted]
Q: Who was the unit First Sergeant?
A: 1SG [redacted]
Q: What were her duties during the deployment to Afghanistan?
A: Her duties were motor pool, supply and admin. Specifically not operations, neither gate or detainee operations. Her actions and abilities were lacking in Fort Dix and I thought the responsibility would be too much for her to handle. I also had t[redacted] extra E-7's assigned to the facility, by luck, so one was the daytime and one was the night time operations NCO's for the facility. In Fort Dix, 1SG had a number of dental issues so she wasn't ever present for formations or company business. She had foot problems so she couldn't get around. NCO's told me they didn't like the way she did business and basically were going to mutiny if she was left in charge. In hind sight, I wished I would have got rid of her sooner. Once we got in country, she still had a hand in operations, but she started making major mistakes in Afghanistan that made me think she should not be the right person to be there. She didn't seem to have a very good knowledge of MP

FOR OFFICIAL USE ONLY

b6, 7e

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted] DATED 25 Mar 04; CONTINUED:

operations. I thought it was best for the company to not have her around to cause more problems with operations. One of the first things she did in country, she ordered a lot of unnecessary equipment without my knowledge under the wrong DODAC's which my supply sergeant caught, plus she took two trips to Germany which she told me was for medical problems. I assumed it was a legitimate medical problem and later found out it was to remove [redacted] ~~two different~~ tattoos. She wanted to go a third time, but when I found out I said she wasn't going. I have an unsigned copy of a counseling statement that I gave her there that I can provide to you.[redacted]

Q: Did you tell her to stay out of the BCP?

A: I don't believe I told her to stay out of the BCP, but I did tell her to not interfere with operations unless it was a safety issue or a soldier issue. In fact, I encouraged her to come to the BCP and work in the main office with me. She was always runnin[redacted]round Bagram doing personal stuff and things for her own gain.[redacted]

Q: Did she have any detention facility experience to your knowledge?

A: Not to my knowledge, no.[redacted]

Q: What exactly could you see from your office in the BCP?

A: Nothing. It was a totally controlled office. Windows were bordered up and there was a door that led to the immediate entry area of the BCP. I couldn't see detainees at all from within my office, but that was done intentionally because we didn't want detainees seeing our operations.[redacted]

Q: Describe a typical day? (Tour facility? Gen pop? Iso? Meetings? With whom?)

A: A typical day for me was to wake up, dre[redacted]d go to the BCP. I would get there about an hour before the [redacted] shift change. I would see how the night went and talk to the soldiers about how it went. I would see what was hot on the email. We would have a leaders meeting right before shift change which consisted of myself, the platoon leaders or platoon sergeants, the motor sergeant, the supply sergeant and the first sergeant. We would discuss all varieties of company business. Shift change would then occur and then I would have to go the Battle Update Brief at the Dragon Headquarters. That would be all the company leadership and up from the base would be at this meeting ran by COL [redacted] That would last about an hour to an hour and a half. The base Provost Marshal would be there but not the detainee

FOR OFFICIAL USE ONLY

b6, 7C

1445

STATEMENT OF [redacted], TAKEN AT [redacted] DATED 25 Mar 04; CONTINUED:

Provost Marshal. After the brief, I would leave and might see one of our checkpoints on the way back to the BCP or I might stop by the JOC or the Provost Marshal's Office if there were some things to coordinate. I walked everywhere because I gave my vehicle to Supply, but distances weren't great anyways. I would go back to the company operations office and would sit there most of the day or at different times I might get up and tour the facility or my checkpoints. Probably half the day [redacted] there in my office coordinating things and emailing thi[redacted]nd various company business. The next shift change would occur and I would usually leave a half hour to an hour after the night shift change. I would sometimes go around and talk to soldiers in the BCP and then I would go back to my hooch. [redacted]

Q: Did you monitor logbook entries?

A: I periodically once or twice a week when I walked around the facility, I would pick up the logbook and glance through them. [redacted]

Q: Did you ever see any PUC's in standing restraints?

A: Yes. [redacted]

Q: What was your understanding of standing restraints and how it was supposed to be used?

A: My understanding was that when the detainee was first inprocessed, they were brought into the airlock and would be hooded or physically restrained for the purpose of interrogation purposes and to understand the demeanor or disposition of the detainee to be sure the detainee wasn't going to be combative or talk before they were interrogated. That would last an hour or two at the most depending on how fast the initial interrogations would proceed. In addition to that, if a prisoner was being unruly or breaking the rules, the Sergeant of the Guard could administer a punishment of bringing the PUC into the airlock or isolation and hood them and shackle them, maybe to a fixed object maybe not, depending on how the detainee was acting. They would get this for like a half hour for the first offense, an hour for the second offense, and if there was a third offense, it was up to the sergeant of the guard to determine the amount of time. All this was tracked on the status board so [redacted] any change of guards could see the status of the detainees. [redacted]

Q: Did you know that sleep deprivation was going on?

A: Yes [redacted]

Q: Did you know how your soldiers enforced sleep deprivation? (chaining to the ceiling? When did you know?)

A: I knew of a couple of techniques that [redacted] were told by MI. My

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted] DATED 25 Mar 04; CONTINUED:

understanding from MI was that the detainees were entitled to 4 hours of sleep a day and/or 8 hours of rest but the time didn't have to be consecutive so one of the techniques was up an hour down an hour, which might be done for a whole day or maybe half a day. Other times they might do something like down fifteen minutes, up a half hour. They could vary the length. I knew the PUC's were chained to the ceiling, but I don't know if that was to keep the PUC's awake because I believe you can sleep while you are in standing restraints. But I can see them putting them into standing restraints and yelling at them or things of that nature, sure. [redacted]

Q: Did you ever seek medical or legal guidance on sleep deprivation?

A: I can't recall specifically, but it seems to me that I told or asked higher about what you can and can't do along the lines of sleep. If I recall correctly, I was never told that doing any of those things was wrong. [redacted]

Q: During the 15-6, you indicated that shackling hands above heads was the "procedure", how did that procedure develop? Exactly who said that it should be the procedure.

A: My understanding is that's the way that we were taught from the 211th MP Company, the ones we relieved. [redacted]

Q: The commander of the 211th MP Company said they did not use that procedure.

A: That's just my best guess, I would have to ask my Lieutenants about what they were taught. I believe that was what was taught, but I could be wrong. [redacted]

Q: Who knew about or approved the procedure?

A: I knew about it. I believe both MAJ [redacted] and MAJ [redacted] knew about it. I believe the JAGs as well knew about it. I don't recall them ever saying it wasn't okay. [redacted]

Q: Who monitored how much sleep a PUC had?

A: I don't know if anybody specifically monitored how much sleep any PUC got, except for, perhaps, those who were on sleep deprivation. Detainees who weren't on sleep deprivation could sleep anytime they wanted. The ones under sleep deprivation was monitored by the guard who was the one issuing it or the sergeant of the guard. If sleep deprivation occurred, they were supposed to coordinate with the sergeant of the guard at the minimum. [redacted]

Q: During the 15-6, you said a PUC was required to get 6 hours of sleep per day, where did that requirement come from?

A: If I said it was 6 hours at that time, then that's what it was,

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted] DATED 25 Mar 04; CONTINUED:

but I believe that guidance came from MI. My statement above should be six then. I probably remembered better then. [redacted]

Q: How did your unit meet that requirement?

A: As I said, detainees could sleep anytime they wanted to so there was no monitoring of their sleep habits except for the ones that MI specifically asked us to have on sleep dep and it was monitored on the status board with when it started and when it was projected to be finished. [redacted]

Q: What was the requirement if MI ordered sleep deprivation?

A: If MI ordered it, the guard giving the sleep deprivation and the sergeant of the guard monitored it because MI would have to coordinate with the sergeant of the guard to have it administered [redacted]

Q: After the first death, which soldiers did you remove from the facility?

A: After the first death, no soldiers were removed. Not a lot changed after the first death. [redacted]

Q: After the second death, who did you remove from facility?

A: After the second death, I was advised by MAJ [redacted] that approximately six to eight people from first platoon were to be rotated out to the gates temporarily until some preliminary investigation occurred. I don't remember specifically which soldiers they were, but they were first platoon. They were on the night shift at the facility. They were removed for approximately a week or two and then they were allowed to come back. MAJ [redacted] ordered that because both deaths occurred on that shift. It was a preliminary precautionary measure. They weren't the whole shift, but I'm not sure how they were selected. I assume they were the sergeant of the guard and the guards that were working in the general area where the death occurred. MAJ [redacted] decided after a couple of weeks that they could come back to the facility. I don't know why he determined they could come back in. [redacted]

Q: Why was [redacted] removed from the facility? (based on what info, from where did that info come?)

A: I don't remember the specifics, but I think it was disciplinary thing for him like being late or not shaving him. He was generally not a good soldier, so I think SSG [redacted] decided to remove him [redacted]

Q: Did he get removed for twisting a detainee's handcuffs?

A: I don't recall being told specifically that he twisted a detainees handcuffs, but he may have said that. [redacted]

Q: What did 1SG [redacted] report to you about an incident involving SGT Driver punching a restrained detainee?

STATEMENT OF [redacted] TAKEN AT [redacted] DATED 25 Mar 04; CONTINUED:

A: She believed that an illegal PUC beating may have occurred. I believe my response was something like that is CID's job to investigate, not ours. She said something to the effect that I think someone is trying to cover it up and said something like SGT [redacted] may have been involved and they are trying to hide it. I called a couple platoon sergeants and platoon leaders in and asked them if they knew anything about it and they said they did not. So, three or four of us went to see SA [redacted] at CID and told him about it and he said he already knew about it and SGT [redacted] already admitted to it. So, we dropped it. [redacted]

Q: Did you hear any other details about this incident from anybody else?

A: Not at that time. The incident has been talked about through many of these CID interviews and stuff, so I can't quite keep clear if or when this incident came out or if it is the same incident as others described. I simply don't know. I didn't pursue to investigate the matter during the CID investigation [redacted]

Q: You told the poly examiner that you had been told some of the compliance blows delivered to PUCs had to be called illegal use of force.

A: Every interview I have had with CID, I have learned of new things that occurred. Up until June, I didn't think we had anything wrong. When I talked to Chief [redacted] in January, she told me about some of the illegal things that had happened like compliance blows. So, I may have said something about knowing this stuff occurred from what I heard from CID at one interview or another. [redacted]

Q: In your statement during the 15-6 investigation, you used the term [redacted] To what uses of force did that term apply?

A: Beat down would be the same as delivering a compliance blow or restraining an unruly detainee. Basically, when use of legal force was necessary. [redacted]

Q: Were you aware that your soldiers were using compliance blows regularly, if not excessively?

A: No, I did not know [redacted]

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

A: No.///END OF STATEMENT/ [redacted]

0137-02-CID369-2
0134-02-CID369-23

STATEMENT OF [redacted] TAKEN AT [redacted]
[redacted] DATED 25 Mar 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 13. 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 oaths, this 25th day of March, 2004 at 5405 Splitrock Drive [redacted] OH 45424.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

WITNESS:

Exhibit: 287 INITIALS [redacted] PAGE 13 OF 13

FOR OFFICIAL USE ONLY

b6, 7C

1450

0137-02-CID369-2
0134-02-CID369-23

Department of the Army
377th Military Police Company
APO AE 09354

AFRC-CMN-MPFB

6 March 2003

MEMORANDUM FOR RECORD

SUBJECT: Summery of Counseling of 1SG [redacted]

1. This counseling is to put in writing some of your negative performance during this deployment. It is not meant to say your performance has been all negative. You have received a number of generally positive counselings. I have not clearly documented the things you have done wrong. Some of the comments below require you to sign either you agree or disagree with the statement with space to justify your answer.

2. During our mobilization time at Ft Dix you created a negative atmosphere between you and the five E-7s in this company. Your intentions may have been good but your methods of communication and actions have created a bad command relationship with our leadership team. They may make mistakes and do something's differently than you desire but you must find a way to teach them without creating a bad work environment.
Thoughout the early part of the deployment you continued to create a bad relationship between yourself and the key leaders. You refused to take their corrective criticisms, listen or work with them. I instructed you to have E-7 meetings and you didn't until our last two months. I have protected you and back you when needed. This negative atmosphere still exists in this unit today. I have tried to give you opportunities to fix it and I believe you have tried. Either you lack the ability or the damage has been too great.

3. Within our first month in theatre you ordered many unnecessary items such as 100 pillows, many candles, Leatherman tools and several other items. You did this without my knowledge and also ordered it under the wrong DODACs. You may at times feel the need for items. You should seek the guidance of the supply sergeant or the commander.

I agree with the above statement. _____

I do not agree with the above statement. _____
Why not.

FOUO

1451

EXHIBIT 28

4. You did on or about Oct-Nov 02 take two trips to Germany to have laser surgery to remove tattoos from you legs. You did the under the pretence of a medical issue and would not clarify it with me. I therefore thought it was a female thing and let it occur. This was deceitful and wrong. This unit was not deployed to a theatre of war to get free cosmetic surgery done. You were planning on another appointment to which I refused to let you go.

I agree with the above statement. _____

I do not agree with the above statement. _____
Why not.

5. You have often failed to lead by example. You built yourself a connex living quarters that had air conditioning and a ceiling fan while others including myself were crammed together into a dirty old tier one tents. You also had soldiers mainly from the motorpool work even during duty hours to help build your small apartment. After you got kick out of your connex, you refused to have your quarters with other females including NCOs. I ended up giving you one eight of a tent to which you once again built into an empire. I told you I did not what phone or computer lines run into the tent area but you did anyway.

6. You have consistently treated the motorpool section like they were your personal servants especially SPC [redacted] They many not refuse to do as you as and may even seem willing but the whole company including the motorpool feels you have miss used them.

7. You as well as a few others in leadership have in the past bad mouth other leaders in our unit to our junior soldiers. All three leaders were counseled on this. I have not heard or seen any of this since I counseled you. Leaders do not talk bad about other leaders to the soldiers.

8. Your overall performance has been marginally satisfactory. You have done some very good things during this deployment but you have made some mistakes that a 1SG should not make. With the proper attitude and training(1SG school) you could do a much better job.

You may write in your comments and use the back side if needed.

[redacted]
CPT, MP
Commanding

0134-02-CID369-235
0137-02-CID369-23

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 [redacted]	2. DA [redacted]	3. [redacted]	4. FILE NO.
5. NAME (Last, First, MI) [redacted]	8. ORGANIZATION OR ADDRESS 377th Military Police Company Cincinnati, OH		
6. SSN [redacted]	7. GRADE/STATUS SPC		

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: Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner, False Official Statement

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

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE [redacted]
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC, 6010 6th Street Ft. Belvoir, VA 22060

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO b6, 7C

1453 EXHIBIT 28

PART II - RIGHTS WARNING PROCEDURE 0134-02-CID369-235

THE WARNING

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

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

a. "You do not have to answer my questions or say anything."
b. "Anything you say or do can be used as evidence against you in a criminal trial."
c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

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

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

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

0137-02-CID369-2
0134-02-CID369-23

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES:	Your social security number is used as an additional/alternate means of identification to facilitate fil[redacted]
DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYM[redacted]	3. TI[redacted]	4. FILE NUMBER
[redacted]	25 MAR 04	1915	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	SPC

8. ORGANIZATION OR ADDRESS
377th Military Police, Cincinnati OH

9. [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: DID YOU WITNESS ANY MP's GIVE A PUC ANY TYPE OF PHYSICAL STRIKE:

A: As I recall, the only physical blow(s) that were given to a PUC was an incident that was either discussed with me or witnessed by me. The incident was a long time ago and I can not remember whether it was discussed with me or if I witnessed the incedent. The incident involved SPC [redacted] as I recall. The physical blows inv[redacted] in the incident were common peronial strikes, approxim[redacted] 3 (three) [redacted]

Q: WHY DID [redacted] GIVE THE BLOWS?

A: I do not know [redacted]

Q: DO YOU KNOW WHY SOMEONE WOULD SAY YOU WERE PRESENT WHEN APPROXIMATELY FIFTEN BLOWS WERE GIVEN TO THE [redacted] PUC?

A: I do not know why someone would say I was present if I wasn't present. I would say that I would remember an incident such as the one described to me. I do not rem[redacted]ber such an incident or any incident even remotely simil[redacted]

Q: DO YOU RECALL ANY PUC'S RECEIVING ANY BLOWS WHEN YOU WERE VISITING WITH [redacted]

A: N[redacted]

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

A: N[redacted]

END OF STATEMENT

10. EXHIBIT	[redacted]KING STATEMENT.	PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT ____ DATED ____

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

FOUO

DA FORM 2823, DEC 1998 — DA FORM 2823, JUL 72, IS OBSOLETE — USAPA V1

1455 EXHIBIT 2

STATEMENT OF _____ TAKEN AT _____ DATED 0134-02-CID369-23

9. STATEMENT *(Continued)*

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of March, 2004

[redacted]

(Signature of Person Administering Oath)

_____

ORGANIZATION OR ADDRESS

SA [redacted]

(Typed Name of Person Administering Oath)

_____

ORGANIZATION OR ADDRESS

ART 136(b)(4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING ST[redacted]

PAGE 2 OF 2 PAGES

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0137-02-CID369-23534

DETAILS

At 0738, 30 Mar 04, SA [redacted], obtained a cleansing statement from **SPC** [redacted] **377th Military Police Company, Cincinnati, OH 45237,** regarding a statement he provided on 29 Jan 04, in which he made potentially incriminating statements and was not advised of his legal rights. SA [redacted] was advised [redacted] of his legal rights for the offenses c Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner and False Official Statement, which he waived and provided a sworn statement. [redacted] admitted he struck the secon detainee who died at the Bagram Collection point two times, which caused the detainee to cry out "Allah, Allah, Allah." Numerous members of the 377th Military Police Company thought the detainee' cries were funny and applied over one hundred common pronial strikes to the detainee to hear him cry. [redacted] wisted the handcuffs of a detainee who refused to walk to inflict pain and cause the detainee to walk. *(See Waiver Certificate and Sworn Statement o [redacted] dated 30 Mar 04, for additional details)*///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 30 Mar 04	EXHIBIT 290

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7c

1459

1134-02-CID369-233

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	2. DATE	3. TIME	4. FILE NO.
377th Military Police Company, Cincinnati, OH	30 MAR 04	0738	

5. NAME (Last, First, Middle)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company Cincinnati, OH 45237
6. SSN: [redacted]	7. GRADE/STATUS: SPC

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: Aggravated Assault, Negligent Homicide, Cruelty & Maltreatment of Prisoner/Fail

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

[redacted] not have to answer any questions or say anything.

[redacted]ing I say or do can be used as evidence against me in a criminal trial.

[redacted] *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 du[redacted]estioning. 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 [redacted]ted for me before any questioning begins.

[redacted] 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 spe 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 SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC 6010 6th Street, Ft. Belvoir, VA 22060

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 b6, 7C EOUO 1458

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

0134-02-CID369-23
0137-02-CID369-23

SWORN STATEMENT

File Number :
Location : 377th Military Police Company, Cincinnati, OH
Date : 30 Mar 04 Time: 0920
Statement Of:
SSN : Grade/Status: E-4
Org/Address : 377th Military Police Company, Cincinnati, OH 45237

I, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

CLEANSING STATEMENT: At 0738, 30 Mar 04, SA advised me that I had made potentially incriminating admissions in a Sworn Statement I provided on 29 Jan 04 though I was not advised of my legal rights. I understand that those admissions can not be used against me, and I have now been advised of my rights, which I have waived and now want to provide this statement.

Q: Why did SFC remove you from the Bagram Collection Point during your deployment to Afghanistan?

A: For one, I was bored working there and when you are sitting in a place so long doing the same thing over and over, you want to do something different. Since we had another mission for me, he let me go work with the Command Sergeant Major of the entire base. I can't remember his name. I had done this same mission in Kosovo, in which I guarded prisoners and local patrols from August 2001 through May 2002 with the 391st Military Police Company from Columbus, OH.

Q: Didn't SFC remove you from the facility for twisting the handcuffs of a prisoner?

A: No, I can not recall. I was escorting a detainee back to the cell after he had talked to Military Intelligence. The prisoner refused to keep walking, and I pushed his handcuffs forward so that he would move. After I put the detainee in his cell, SFC told me not to do it again and that if he ever caught me doing again, I would be punished. He put me on the front desk of the facility as a result of this and a couple days or so later, I moved to work with the Command Sergeant Major.

Q: When did this incident occur?

A: I can't remember dates.

Q: Was it before any detainees had died?

A: I believe this incident occurred between the first and the second deaths. I know I was still assigned to the Bagram Collection Point when the first one died, but I was off duty when he died. I know I was already working for the Command Sergeant

FOR OFFICIAL USE ONLY

b6, 7C

1459

STATEMENT OF SPC [redacted] TAKEN AT 377th Military Police Company, Cincinnati, OH; DATED 30 Mar 04; CONTINUED:
Major when the second prisoner died. [redacted]
Q: Why did you twist the handcuff of that detainee?
A: To get him to move forward. [redacted]
Q: Did that action cause the prisoner any pain or discomfort?
A: It would be more of a discomfort because he ended up moving [redacted]
Q: Was the twisting of handcuffs an authorized practice?
A: Yes, I was trained on it here and in New Jersey by NCO's who are active in the police force [redacted]
Q: Why was SFC [redacted] upset with you for twisting the handcuffs?
A: He was upset because he knew I could do better and use better communication skills. SFC [redacted] was trying to make sure we were all careful so no one would do anything that could seem like abuse of a detainee. I didn't know that twisting the handcuffs was wrong until he demonstrated it to me. SFC [redacted] put the handcuffs on me and twisted them to show me what it felt like. It wasn't cool. I have known SFC [redacted] for a long time and I viewed him as a father/brother figure. [redacted]
Q: Do you have any idea which detainee you did this to?
A: No [redacted]
Q: Had you ever twisted the handcuffs of a detainee before this incident?
A: No [redacted]
Q: What exactly was your mission while you were in Kosovo?
A: My company was guarding Albanian, Serbian and other known terrorists. It was an outdoor facility that was quite a bit different from the facility we ran in Afghanistan. I don't remember the name of the camp or city where we were at. Things ran really smooth there because the MP's were in charge at the facility. Afghanistan didn't run as smooth because MI and the MP's were constantly bumping heads. SPC [redacted] and I volunteered for that deployment. We also conducted local patrols while we were there [redacted]
Q: Did any prisoners die at the facility in Kosovo while you were deployed there?
A: No, the majority of them ended up being freed.
Q: Did you ever have to twist the handcuffs of a detainee at that facility [redacted]
A: No, we didn't even use handcuffs there. The people there were not the violent type [redacted]
Q: Did you ever have to use any type of physical force with a detainee there?

FOR OFFICIAL USE ONLY

b4, 7C

1460

STATEMENT OF SPC [redacted], TAKEN AT 377th Military Police Company, Cincinnati, OH; DATED 30 Mar 04; CONTINUED:
A: No.[redacted]
Q: Did your unit in Kosovo utilize common pronial strikes?
A: No.[redacted]
Q: Did you ever use a common pronial strike while deployed to Afghanistan?
A: Yes. I was told by someone from MI that I needed to lower the handcuffs of one arm of the second detainee that died. They didn't say why, they just told me to, so I went in there to do that and I gave him water, which he drank some. He then spit in my face and started kicking me so I gave him two common pronial strikes. That is the only time I touched him. He then became noncombative and I gave him some more water and then left[redacted]
Q: Which leg did you strike?
A: I struck his right leg with my right knee[redacted]
Q: When did this occur?
A: Within a couple days of him arriving to the facility[redacted]
Q: Do you recall the PUC number of this detainee?
A: No, I don't[redacted]
Q: Was the detainees hands still in restraints when you gave the strikes?
A: Yes[redacted]
Q: Was the detainees feet or legs restrained in any way?
A: Yes, he had leg irons on.[redacted]
Q: Did the detainee's kicks actually connect with you?
A: Yes, he kicked my right shin, just below the knee[redacted]
Q: Did you receive any medical treatment after the incident?
A: No[redacted]
Q: Did you give a common pronial strike on any other occasion to any detai[redacted]
A: No.[redacted]
Q: How did the detainee react to the common pronial strike?
A: He screamed out "Alah, Alah, Alah", and my first reaction was that he was crying out to his god. Everybody heard him cry out and thought it was funny. [redacted] and [redacted] were there when this happened and they thought it was funny, too. It became a kind of running joke and people kept showing up to give this detainee a common pronial strike just to hear him scream out Alah. I know [redacted] and the majority of first platoon came by and gave him a common pronial strike just to hear him cry out because it was funny. When shift change came about, 2nd Platoon heard about it and things went downhill from there. I am pretty sure nearly all of second platoon did it, too. And I know 3rd

FOR OFFICIAL USE ONLY

b6, 7C

1461

STATEMENT OF SPC [redacted], TAKEN AT 377th Military Police Company, Cincinnati, OH; DATED 30 Mar 04; CONTINUED:
Platoon did it, too. On the next day, [redacted] and I went to the detainee's cell because he was making some noise. I opened up the cell and [redacted] and [redacted] went into the cell and each gave him one common pronial strike, and he cried out "Allah" again. I stood by the cell when it happened. We then left. [redacted]
Q: How many strikes do you believe the detainee received in all?
A: I don't even know. It went on over a twenty-four hour period and I would think it was over 100 strikes. [redacted]
Q: Are you saying that every platoon in your company gave common pronial strikes to this detainee to hear him scream out "Allah"?
A: Yes [redacted]
Q: Did you witness these strikes?
A: I witnessed a lot of 1st platoon do it, and I heard about others doing it. I witnessed 3rd platoon personnel doing it when I was working on the catwalk in the facility and I saw them going into his cell and heard the detainee cry out "Allah." I know I saw [redacted] and [redacted] and other people that I can't remember. In most places in the facility, you could hear when it would happen because the guy would scream Allah so loud. [redacted]
Q: Did any platoon sergeants or platoon leaders know about this?
A: I don't know. I told SFC [redacted] that same day what I had done and about what was going on and during a guardmount before we assumed shift he told 1st platoon to quit using common pronial strikes and all of 1st platoon stopped. I don't know if any of the other platoon sergeants or platoon leaders knew about it. [redacted]
Q: Do you know if CPT [redacted] knew about these incidents?
A: I don't know [redacted]
Q: When did SFC [redacted] give this briefing at guardmount?
A: It was two days after I had given the first strike [redacted]
Q: Do you know if the detainee received any injuries from these strikes?
A: Two days after I had done the first strike, the second detainee had a bruise on his left leg. I saw the bruise because his pants kept falling down while he was in standing restraints. It was about the size of a quarter. Over a certain time period, I noticed it was the size of a fist. [redacted]
Q: Do you know if anyone received any type of corrective actions for these strikes?
A: I don't know [redacted]
Q: Do you know if anyone was relieved from the facility for these strikes?

FOR OFFICIAL USE ONLY

b6, 7C 1462

STATEMENT OF SPC [redacted] TAKEN AT 377th Military Police Company, Cincinnati, OH; DATED 30 Mar 04; CONTINUED:
A: Nobody was. Even when I was working for the Command Sergeant Major, I still worked in the facility from time to time when they needed me. [redacted]
Q: What was your professional training and experience before the deployment?
A: I have worked at a pizza parlor and a factory. I have worked at Summit Behavior Healthcare since 1999, which is a psychiatric hospital, where I work as a nurse assistant. I entered the Active Army in 1994 as a Field Artilleryman. I was Honorably Discharged in 1997 and then joined the Reserves right after that as a Military Policeman, which I have done since then. I received two weeks of training as a Military Corrections Specialist in 1999. [redacted]
Q: Did you have any interaction with the first detainee that died?
A: No. [redacted]
Q: Was any other detainee treated in a similar fashion as the second detainee that died and cried out "Allah" after every strike?
A: No, he was the only one [redacted]
Q: Do you have anything to add to this statement?
A: I know I did not cause the death of that detainee [redacted]
Q: Do you have anything else to add to this statement?
A: No.///END OF STATEMENT// [redacted]

STATEMENT OF SPC [redacted] TAKEN AT 377th Military Police Company, Cincinnati, OH; DATED 30 Mar 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 30th day of March, 2004 at Cincinnati, OH 45237.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 291 INITIALS [redacted] PAGE 6 OF 6

FOR OFFICIAL USE ONLY

b6, 7C

1464

0134-02-CID369-23533

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0137-02-CID369-23534

DETAILS

On numerous occasions between 23 Mar 04 through 31 Mar 04, SA [redacted] attempted to arrange interview of **Mr** [redacted] **(formerly SPC** [redacted] **377th Military Police Company, Cincinnati, OH 45237).** SA [redacted] numerous messages on his answering machine and with his spouse; however, [redacted] refused t return any phone calls, which appears to indicate [redacted] has no intention of participating in any further interviews.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060	
SIGNATURE	DATE 31 Mar 04	EXHIBIT 292

0134-02-CID369-23533

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0137-02-CID369-23534

DETAILS

At 0958, 6 Apr 04, SA [redacted] advised **SPC** [redacted] **342nd Military Police Company, Fort Riley, KS 66442,** of his legal rights for Aggravated Assault, Negligent Homicide and Cruelty and Maltreatment of a Prisoner, which he waived. [redacted] provided a sworn statement in which he denied any knowledge of an incident in which a detainee was struck by Military Police to hear the detainee cry out "Allah". [redacted] further denie any further knowledge of detainee abuse or maltreatment than he provided in his previous sworn statement. *(See Waiver Certificate and Sworn Statement of* [redacted] *dated 6 Apr 04, for additional details)*///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 6 Apr 04	EXHIBIT 293

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7c

1466

137-02-CID369-235

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 Fort Riley CID Office, Fort Riley, KS 66442		2. DATE 6 Apr 04	3. TIME 09:59
5. NAME (Last, First, MI) [redacted]		8. ORGANIZATION OR ADDRESS 342nd Military Police Company Fort Riley, KS 66442	
6. SSN [redacted]	7. GRADE/STATUS SPC		

PART 1 - 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: Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner

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:

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

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

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

[redacted] 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 spe 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 INVESTIGATOR
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)* SA [redacted]	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC, 5010 Sixth Street Ft. Belvoir, VA 22060

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO

1467 EXHIBIT

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a militar lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

0137-02-CID369-2
0134-02-CID369-23

SWORN STATEMENT

File Number :
Location : Fort Riley CID Office, Fort Riley, KS 66442
Date : 6 Apr 04 Time: 1022
Statement Of:
SSN : Grade/Status: E-4
Org/Address : 342nd Military Police Company, Fort Riley, KS 66442

I, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Do you recall an incident in which a detainee was struck multiple times by various Military Police for amusement because he cried out "Allah" after every blow?

A: No.

Q: When you were removed from the Bagram Collection Point after being struck by a truck to work RTO, did you ever re-enter the facility where the prisoners were held?

A: Yes, to use the kitchen and to go to supply. I would pass through the facility to get to those places

Q: When were you removed from the facility?

A: I became the RTO on 2 December 2002. My platoon was working gates at the time, so I was removed from the gate. The last time I worked in the where the prisoners were was in November of 2002

Q: Did you attend the shift change briefings within the facility as RTO?

A: Yes, I attended the shift change from nights to days because I worked the day shift.

Q: Do you recall SFC giving a briefing in which he stated he knew common pronial strikes were being overused and needed to stop?

A: Yes, it occurred after the first death but before the second death. He stated it came down from command that there would be no more hands on punishment unless it was really deemed necessary. Before, we were able to give common pronial strikes if they didn't comply with verbal commands, but now we had to stick with just a whole lot of verbal

Q: Did you hear of any guards striking a detainee just to hear him say, "Allah"?

A: No.

Q: Do you know if either of the detainees that died received more common pronial strikes than was normal?

A: No

Q: Do you recall any additional instances in which a detainee was

FOR OFFICIAL USE ONLY

b6, 7c

STATEMENT OF [redacted] TAKEN AT Fort Riley CID Office, Ft. Riley, KS 66442; DATED 6 Apr 04; CONTINUED:
given a common pronial strike or was mistreated that were not mentioned in your Sworn Statement on 30 Jan 04?
A: No. [redacted]
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT/// [redacted]

037-02-CID369-235
0134-02-CID369-235

STATEMENT OF [redacted] TAKEN AT Fort Riley CID Office, Ft. Riley, KS 66442; DATED 6 Apr 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]nt)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6th day of April, 2004 at Fort Riley, KS.

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 294 INITIALS [redacted] PAGE 3 OF 3

FOR OFFICIAL USE ONLY

1491

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23

PAGE / OF / PAGES

DETAILS

At 1309 hrs, 31 Mar 04, SA [redacted] interviewed **SSG [redacted] Bra Battery, 5/113th Field Artillery, (formerly of the 211th MP Company), North Carolina National Guard (NCNG), 2000 Silas Creek Parkway, Winston-Salem, NC 27103.** [redacted] was deployed in support of Operations Enduring Freedom (OEF) from 26 Dec 01 to 11 Oct 02 and ser as the NCOIC of the Bagram Collection Point, Afghanistan, assisting in the formulation of the BCP Standard Operating Procedure (SOP). [redacted] authored a written statement detailing the training provided by the 211th MP Company to the 377th MP Company during the Relief in Place (R Sep 02. He had a generally poor impression of the 377th MP Company leadership and methodolo [redacted] made specific observations related to the conduct of training sessions with the 37 MPs and indicated none of the abusive behaviors discovered during the conduct of this homicide investigation were practiced or trained by 211th MPs. *See Sworn Statement of* [redacted] *da 31 Mar 04, for additional details..*

At 1130 hrs, 7 Apr 04, SA [redacted] interviewed **MAJ [redacted] Headquarte and Headquarters Detachment (HHD), 503rd MP Battalion, Fort Bragg, NC 28310.** [redacted] w the CJTF-180 Provost Marshal and directly responsible for detainee operations at the Bagram Collection Point, until his rotation out of theater in Nov 02. [redacted] admitted he participated in the formulation of the BCP SOP and he acknowledged some practices were in contravention to Army doctrine (for example hooding, standing restraint as punishment and sleep deprivation), but he add he did know where MI derived their authority to conduct sleep deprivation. [redacted] stated he had no knowledge that 377th MP personnel chained detainees in a standing position to achieve sleep deprivation nor that they were left chained standing for prolonged periods of time. [redacted] also described CPT [redacted] 377th MP Company Commander, as severely incompeten and unable to lead. [redacted] rotated out of theater before the deaths and had no direct knowledge related to either DILAWAR or HABIBULLAH. *See Sworn Statement of* [redacted] *dated 7 Apr 04, fo additional details.*

At 1200 hrs, 7 Apr 04, SA [redacted] interviewed **1LT [redacted] 42nd MP Compan Fort Bragg, NC 28310 (formerly of the 21st MP Company).** [redacted] and SFC [redacted] were listed as the escorts for DILAWAR during his 5 Dec 02 trip from Khandahar, Afghanistan to the BCP [redacted] and [redacted] switched off trips and never traveled together, although both their names were on most paperwork. [redacted] stated he did 15-20 missions between Khandahar and Bagram, but could not recall specific details of this trip nor even if he was on it. [redacted] stated he only dealt with 1LT [redacted] 377th MP Company, during his trip and although he was inside the BCP on many occasions, he observed no chaining and no striking detainees or blows being delivered to detainees by anyone. [redacted] did not billet with 377th soldiers during his visits to Bagram either.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 8 Apr 2004	EXHIBIT 295

FOR OFFICIAL USE ONLY

b2, b6, 7C

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Winston-Salem, North Carolina
Date [redacted] 1 Mar 04 **Time:** 1309
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** SSG/E-6/AD
Org/Address : Bravo Battery, 5th Battalion, 113th Field Artillery, North Carolina National Guard (NCNG), 2000 Silas Creek Parkway, Winston-Salem, NC 27103

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

Q: Discuss your background in military, training and deployment experience.

A: I was in the Active Army for nine years as an MP. I had training in Traffic Accident Investigations, Military Police Investigation, and a Physical Security Specialist, with at least two years experience in each specialty. I left the service and had about a five year break before joining the National Guard in 1996 as an MP, with the 211th MP Company. I just recently took a position with the Field Artillery, to stay on active duty. I deployed on Operation Enduring Freedom (26 Dec 01 - 11 Oct 02) and Operation Iraqi Freedom (1 Mar 03 - 16 Feb 04).

Q: Discuss length of deployment and mission of 211th MP Company with specific regard to operating the Bagram Collection Point (BCP), Bagram, Afghanistan.

A: Our deployment was from 26 Dec 01 to 11 Oct 02, we are an MP Guard Company. We were supposed to provide outside (perimeter) security for the Detainee Facility in Khandahar, Afghanistan. We arrived in Khandahar on 14 Feb 01 and got handed the operation of the detainee facility there. It was not something we were familiar with doing and there was virtually no written guidance on it, so we wrote the SOP as we worked. We got RIP training from the 108th MP Company, 16th MP Bde, Fort Bragg, NC. No detainees arrived or left during our RIP, so we had to teach ourselves those things after the 108th MP Co left. We took over the operation at Bagram in June 2002 (I think). Some of the unit went in May 02, but I stayed behind and shipped the last 188 detainees up to the BCP. I'm not sure when we closed down Khandahar.

Q: What were your initial impressions or observations of the 377th MP Company, during the relief in place (RIP) (AKA "Right Seat Side")?

A: During the month of September 2002, I was the NCOIC for the day shift of MPs working in the Bagram Collection Point (BCP). I

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C 1473

EXHIBIT 296

STATEMENT OF SSG [redacted] TAKEN AT Winston-Salem, NC, DATED 31 Mar 04, CONTINUED:

was and tasked with ensuring our relief company was properly trained with the detainee operation at the Bagram Detention facility. Our relief 377th MP Company arrived in stages over several day period. One of the first things I noticed was the personal dynamics between the Company Commander, the Unit 1SG & Platoon Sergeant who was shadowing me (I think his name was [redacted].

[redacted]Q: Do you recall any details about the personnel described above?

[redacted]A: The 1SG was [redacted] years of age. At first she seemed to be concerned for her troops, she reminded me of an old, crusty, NCO who cussed like a sailor but knew here stuff. Later, I got the impression she was out to make a name for herself. The Captain was arrogant. He did not worry about the day to day ops. He was extremely standoffish and I got the impression he felt we were beneath him. I did not see him for the training. Occasionally, the 1SG was present for training. The CPT was more worried about getting his office set up than anything else. He was between [redacted] with [redacted] and had a [redacted]. My counterpart the SEC, was [redacted]. He seemed very motivated to learn, he impressed me and his troops took to the mission well.

[redacted]Q: What else did you notice during the transition?

[redacted]A: One of the first things I noticed was that as soon as the MPs landed they started coming to the facility to see what kind of job they would be facing. Several of the new MPs were amazed the detainees were still alive after what had happened on Sept 11th. It was explained to them over and over again if the detainees were killed then no intelligence would be gathered for future operations. I also explained the statistics of what we had accomplished, and how further attacks had been averted throughout the world. This information was based on a write up from the CFLCC (Combined Forces Land Component Command) HQs. During these discussions the majority seemed to understand this and really showed an interest in how operations were run.

[redacted]Q: What did the RIP training consist of? How long did the RIP last?

[redacted]A: Every 377th soldier was paired up with one of my NCOs, where they watched at first. On the next day they worked alongside my personnel. Every aspect of the training was explained and shown new arrivals, from in-processing, escorts, welfare details, ICRC (International Committee for the Red Cross), out-processing, administration, evidence collection and storage, out processing, and preparation of shipments to GTMO (Guantanamo Bay Naval Base).

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 296

1474

STATEMENT OF SSG [redacted] TAKEN AT Winston-Salem, NC, DATED 31 Mar 04, CONTINUED:

[redacted]he soldiers seemed to pick up on the training and started to do well, considering how new they were to the job. Every step of the training was covered in a "crawl, walk and run" environment. We covered every aspect of the job that we had come across in the previous nine months of working between the two facilities.

We also took three of our soldiers and dressed them up in the orange Person Under Control (PUC) suits and used them to simulate movements and routine tasks the 377th MPs would need to do. We didn't think it was appropriate to use actual detainees for OJT sessions, so we used our own guys. I know this because I was one of the mock detainees. It handled handcuffing, leg shackling, daisy chaining and preparing detainees for shipment to GTMO. The training the 377th got from us was by leaps and bounds better than what we got.

Additionally, we provided a copy of the BCP Standard Operating Procedure (SOP) which we had developed, and examples of the administrative forms, and knowledge were passed on throughout the whole training period. A briefing was given to my commander (CPT [redacted] of how the troops were doing (377th) nightly. Several times I was told if I felt the 377th was not ready, additional training would be given. The only problems I noticed, from my perspective, was the 377th command structure. Immediately the CO and 1SG wanted to make changes, some which I did not agree with, nor did their platoon sergeant (who was shadowing me during this training). I thought that their commander would have had a step up over mine, since theirs had worked the MI side of the house. The problem was he did not know how to think like an MP and would not listen to his NCOs. The 1SG appeared more interested in making a name for herself than in the big picture.

One of the changes they (the 377th MP leadership) wanted to enact was of swapping platoons around monthly. In this type of environment, it is essential to maintain the same command structure for the guards as well as the detainees. We told them this was a terrible idea and would be counterproductive. Another change was they (the MPs) owned the building and wanted MI to work the hours they had established. In this environment, MI is like the MPs, their job is 24 hours a day.

The final day of training, 377th ran the show with my NCOs taking up the role of observer. The crew I had worked with during the day shift had a firm grasp of what was going on and what had to be done to accomplish the mission. I would've never turned the operation over if I didn't think that they could handle the job[redacted]

INITIALS[redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 296

b6, 7C 1495

STATEMENT OF SSG [redacted], TAKEN AT Winston-Salem, NC, DATED 31 Mar 04, CONTINUED:

During the nine months we ran the facilities in Khandahar and Bagram, we never lost a prisoner, or intentionally hurt a prisoner. There were only a couple of incidents I know of where a detainee received any bruises, from trying to escape. There was an incident where another detainee attempted to assault both an interrogator and a MP. Any time a detainee had any injuries, medical aid was given, and an inquiry into what had happened was initiated. We were accounta to the Pentagon, CFLCC, ICRC and the press. Our job was to provide security, and to work with MI in achieving a common goal. The training that the 377th had received was 10 times better that the training we had received when we took over.

[redacted]Q: Who was your primary point of contact during the RIP?

A: The NCO (SFC [redacted] I think who was going to take over dayshift. It's two deployments ago and our RIP was four 12 hour shift days, but I just can't recall people's names at this point.

[redacted]Q: How did you learn of the deaths of the detainees at the BCP?

A: From MI, SPC [redacted] was dating one of my unit members. After she came back, she came to visit us and she said two of the detainees were killed, but she wouldn't tell us details.

[redacted]Q: Did you have any other contact with 377th MP Company, after leaving Afghanistan?

A: One night while we were mobilizing (from our deployment to Iraq), at Fort Dix, NJ, we ran into three 377th MPs (one of whom was SGT [redacted]. We were at the Fort Dix NCO Club and [redacted] did most of the talking, so he was the only one I recall. He said things went downhill after we left and two detainees died in their custody. He told me the ICRC had taken over the facility, staying there all the time and he [redacted] was happy to get out of there.

[redacted]Q: Did your unit receive any training on the use of "common peroneal (knee) strikes? If so, from whom?

A: Yes, before we deployed we received Pressure Point Control Technique (PPCT) Training at Charleston Naval Brig, Charleston, SC from a Marine.

[redacted]Q: Did you receive PPCT training at Fort Dix, NJ before your deployment to Afghanistan?

A: We did not deploy through Fort Dix, NJ for Afghanistan, we deployed through Fort Bragg, NC.

[redacted]Q: Did you receive any other training on PPCT or common peroneal strikes from the Army?

A: Not that I recall.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 296

b6, 7C 1476

STATEMENT OF SSG [redacted] TAKEN AT Winston-Salem, NC, DATED 31 Mar 04, CONTINUED:

Q: Are you familiar with the term compliance blows? If so, how and what is meant by a compliance blow?
[redacted] Yes. It means the necessary force to gain control of resistant detainee. Once they become compliant no other force is used.
Q: Would there ever be a reason to strike a detainee once they were restrained?
[redacted] A: No, the worst they could do is quit walking, so we would carry them.
Q: What was the MP recourse (under the 211th MP Company tenure) for a detainee removing his hood?
[redacted] A: We would pull it back down. The only reason to hood them was during transport missions and then they were handcuffed, so they could not pull on their hood. Sometimes, rarely, if a detainee was really disruptive and he was put in the airlock and hooded. If there was a problem with the hood, it was generally because it was stifling and claustrophobic. So we switched to blacked out goggles and usually that fixed it. If he continued to resist, we'd call for an interpreter and figure out what his problem was. There was never a reason for it to go beyond that.
Q: What were the recourses for non-compliance with facility rules?
[redacted] A: Most of the time it was segregation in the airlock for 15-30 minutes. It is the equivalent of putting a child in timeout. Rarely, was there a problem and most of the time there was, it was over something childish. There was no reason to escalate force, we controlled every facet of their existence, we could put pressure on them by conducting shakedowns, segregating them, etc. The more force you use, the more you play into what Al Quaeda and the Taliban trained them to expect. Treating them badly made matters worse, not better.
Q: What guidance was issued about the use of "common peroneal strikes" or "compliance blows"?
[redacted] A: If the soldiers were in fear for their personal safety. To lay hands on a prisoner, my guys knew they had better be in fear for their life or some one else's.
Q: The 211th MP Co wrote an SOP for the BCP, which contained language directing punishment of standing restrained in the airlock for violations of the BCP rules. Under what circumstances, if any, were detainees shackled to the metal structure comprising the airlock?
[redacted] A: The only time there were ever shackled inside the airlock was when we needed to get (a medical team or MPs) by them into

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C 1477

EXHIBIT 296

STATEMENT OF SSG [redacted], TAKEN AT Winston-Salem, NC, DATED 31 Mar 04, CONTINUED:

the general population. Then they were sitting down and the cuff went through the grating, it was to prevent problems and for an extremely short period of time for utility sake.

Q: Was there ever a time when your company shackled a detainee [redacted]th his hands overhead?

[redacted] No, never. We never shackled them standing and never put their hands over their head. Why would someone do that? What purpose would it serve?

Q: Did you observe the imposition of sleep deprivation on [redacted]etainees by anyone at the BCP, by use of standing restraint?

[redacted]: No.

[redacted]: Did you observe anyone chained in a standing position or [redacted]estrained to the ceiling of a cell or airlock?

[redacted]: Shackling to the airlock was only done for the safety of the MPs or to prevent escape, so yes, on occasion while we were moving in and out of airlocks.

[redacted]: Is there anything you wish to add to this statement?

[redacted]: No.

//////////////////////////End [redacted]tatement//////////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 296

1478

STATEMENT OF SSG [redacted] TAKEN AT Winston-Salem, NC, DATED 31 Mar 04, CONTINUED:

AFFIDAVIT

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

[redacted]

_____

[redacted]ng Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31st day of March 2004 at Winston-Salem, NC 27103.

[redacted]

_____

(Si[redacted]stering Oath)

SA [redacted]

_____

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

_____

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 296

b2, b6, 7c 1479

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Fort Bragg, North Carolina 28310
Date : 7 Apr 04 **Time:** 1130
Statement of: [redacted]
SSN : [redacted] **Grade/Status:**
Org/Address : Headquarters and Headquarters Detachment (HHD), 503rd MP Battalion, Fort Bragg, NC 28310

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

Q: Please discuss the chain of command as it related to MP Operations on Bagram Air Base, in Afghanistan in December 2002.

A: I was the CJTF 180 Provost Marshal and I controlled MP Operations as it related to the detention facilities at Bagram and Khandahar. In early July 02, Khandahar was closed on orders from the Secretary of Defense. It remained in use as a collection point for temporary use only. The Bagram Collection Point was the short term holding facility for detainees being screened and either released or transferred to GTMO. I had control of the facility, but not operational control of the MPs operating it. I had no UCMJ authority and no admin or logistics responsibility for those MPs. My job was to manage, administrative processing, health and welfare of the detainees, releases, transfers, tours and ICRC visits. The 377th MP Company did not belong to me. Our battlefield was not a traditional linear battlefield, so there was no MP Bn Hq. Each MP unit fell under the Brigade they were co-located with. The 377th worked for Dragon Brigade (under LTC [redacted] and COL [redacted] The 377th MP Company also worked Entry Control Points (ECP), so for that mission they worked under MAJ [redacted] who was the Bagram Air Base Provost Marshal.

Q: How often during your tour in Afghanistan, did you have occasion to visit and/or tour the interior of the Bagram Collection Point (BCP) also known as the Bagram Detention Facility (BDF)?

A: Maybe once every two days, it depended some days it was twice a day, but generally every other day. I'd usually stay ½ to an hour and sometimes I stayed and talked with the soldiers, checking the pulse of the environment. My standard walk was inside the front door, down the front of the general population cells and then up the backstairs down the hallway, check on the Isolation Cell Guard and then stop in and check with the MI Cell in the Joint Intelligence Force (JIF)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 297

b6, 7C 1480

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 7 Apr 2004, CONTINUED:

[redacted] Q: Do you know who wrote the Standard Operating Procedure (SOP) for the BCP?
A: It was a collaborative effort, starting with the 511th MP Company, the 211th MP Company really did some major revisions and then the 211th and the 377th made some big construction modifications to the facility, which resulted in additional revisions to the BCP SOP. There was no one single author of that document.
Q: As the senior MP leader, did you have input into the drafting or review of the BCP SOP, as it existed in the fall of 2002?
A: Yes.
Q: Did you observe any practices within the BCP, which were contrary to existing Army policies governing the treatment of detainees?
A: Hooding, hooding with handcuffs in the airlock, sometimes chained to the airlock and sleep deprivation.
Q: Did anyone report to you problems within the BCP, to include the International Committee of the Red Cross (ICRC)? If so, to whom did you elevate those concerns?
A: No, the ICRC raised issues about mail, about MPs being outside the door (for their safety) during their interviews with the detainees.
Q: Were you otherwise aware of any problems within the BCP?
A: No, not with the BCP, but the 377th MP Company Chain of Command was broke. The Company Commander, CPT [redacted] was not ready to be a company commander, or an officer and leader. He was not prepared to command and did not know what he was doing. He was incompetent.
Q: What was your impression of the detainees in the BCP and their combativeness?
A: The Afghanis are pleasant and compliant people. Most were just in the wrong place at the wrong time and only about 2% of the population ever gave us any trouble.
Q: To your knowledge, were MI Interrogators at the BCP authorized to direct a course of sleep deprivation for detainees? If so, what was the basis of that authority?
A: I can't say they were authorized, because I never read their regulations, but I do know they were doing it. We all felt it was our duty to support MI in gathering intell. Sleep deprivation made them so exhausted they would tell us what we needed to find out in order to get sleep.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 297
1481

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 7 Apr 2004, CONTINUED:

[redacted]

Q: Were there any instructions on how to achieve sleep deprivation?
A: I really did not pay attention to that portion of the MI mission.
Q: Were you aware that 377th MP personnel were chaining detainees to the wire ceilings in Isolation Cells and in the airlocks of general population for prolonged periods of time (in excess of 4 hours)?
A: No, not in excess of one hour. The punishment as set forth in the SOP was 30 minutes and 60 minutes maximum.
Q: Did you have any contact with CPT [redacted] during which you discussed the missions parameters prior to his company's arrival in Afghanistan?
A: No, our first conversation was when they arrived at Afghanistan.
Q: What type of contact did you have with CPT [redacted] Cdr, 377th MP Company? What was the frequency of that contact?
A: It was about every two or three days.
Q: Did CPT [redacted] share with you any concerns about the operation of the BCP including the use of sleep deprivation or punishment provisions set forth for detainees?
A: No.
Q: Did the BCP have an assigned legal advisor to consult with MP personnel in legitimate or authorized methods of punishment or uses of forces?
A: Not an assigned, but available. CJTF 180's SJA was available to them for consultation and they would come down when ICRC was there.
Q: To your knowledge, did the 377th MP Company leadership surface any questionable issues with you or any CJTF 180 leadership?
A: No.
Q: Speaking as a seasoned MP Officer, what were your impressions of the 377th MP Company leadership, based on your contact with them?
A: The 1SG could have been better, she was a go-getter and if given the opportunity would do a good job. The Company Commander, CPT [redacted] was broke, he should not have been in command. The unfortunate thing is the 377th was sent over and replaced a very competent company.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 297

1482

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 7 Apr 2004, CONTINUED:

[redacted]

Q: Did you observe a marked difference between the BCP operation under the 211th MP Company and the 377th MP Company leadership? If so, what types of differences?
A: Yes, it was a different commander and that made the whole situation change. The soldiers were motivated and wanted to do a good job, but the commander set the tone and he was broke. To give an example, he couldn't even figure out how to complete the paperwork to get his unit out of country, so they had to go out a few at a time back to Germany. He's the type of officer you hope never makes Major. He needs to do something else with his life.
Q: How did you learn of the deaths of the two detainees who died in December 2002? What did you think happened?
A: I heard it from MAJ [redacted] I remember thinking "oh, shit" that it was really bad. But then I had left and tried to put Bagram and all that stuff behind me. I really had not thought much about it, beyond figuring out if either of the men who died were from my time there. MAJ [redacted] told me they were not.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////////End of Statement//////////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 297

1483

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 7 Apr 2004, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 7th day of April 2004 at Fort Bragg, NC 28310.

[redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 297

1484

0134-02-CID369-23533

0137-02-CID369-23534

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

DETAILS

At 1250, 9 Apr 04, SA [redacted], interviewed **CPT [redacted] A Company, 701st Military Police Company, Fort Leonard Wood, MO 65473,** who was ordered to Afghanistan to provide training on a newly fielded Non-Lethal Capability Set to Military Police units. [redacted] was selected to provide the training because he had attended the Non-Lethal Individual Weapons Instructor Course. [redacted] trained the 211th Military Police Company, the unit working the detention facility in Bagram, Afghanistan in March or April 2002, on empty hand control techniques including the common peroneal strike. [redacted] stated the training was intended for self-defense purposes and for gaining control of a detainee who resisted o refused to be transported from one location to another. *(See Sworn Statement of [redacted] dated 9 Apr 04, for additional details)*///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 9 Apr 04	EXHIBIT 298

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

1485

SWORN STATEMENT

File Number :
Location : Fort Leonard Wood Resident Agency(CID), Fort Leonard Wood, MO 6[redacted]
Date : 9 Apr 04 Time: 1415[redacted]
Statement Of: [redacted]
SSN : [redacted] Grade/Status: O-3
Org/Address : A Company, 701st Military Police Battalion, Fort Leonard Wood, MO 65473

I [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

From DEC 01 until JUN 02, I was assigned Temporary Change of Station to the 3rd Army Provost Marshal's Office (Coalition Forces Land Component Command PMO). I worked as a plans officer in Camp Doha, Kuwait. Sometime after I arrived there (probably late January) we got word that a Non-lethal Capability Set (NLCS) would be arriving in theater. This set consists of numerous items of equipment to include non-lethal munitions and civil disturbance gear. As part of the fielding, individual soldiers must be trained on non-lethal techniques by a graduate of the Inter-service Non-lethal Individual Weapons Instructor Course (INIWIC) here at Fort Wood. I was the only individual in 3rd Army who was trained at the time so I became the OIC of the fielding and training.

3rd Army sent one of their NCOs who was in the rear, SGT [redacted] to the course so that when the set arrived in country and we had to go to Afghanistan to train the soldiers, I would have a NCOIC.

While I waited for the NLCS to arrive, I developed the training plans and slide shows, based of those taught at INIWIC, that we would use to train the soldiers. We used the Training Support Packages verbatim in some cases, but since the course is 2 weeks long and we had 1-2 days per platoon we had to concentrate on certain areas. We focused the training, based on the mission, on Civil Disturbance Formations and the integration of non-lethal munitions into those formations, and empty-hand control techniques to deal with non-compliant detainees. Once the set arrived, we coordinated shipment to Bagram and Kandahar of selected items in the set. There were a number of items that were not needed for those specific missions.

In FEB or MAR 02, SGT [redacted] and I accompanied the shipment to Bagram and CAPT [redacted] (US [redacted] nied the shipment to

FOR OFFICIAL USE ONLY

b6, 7c

1486

STATEMENT OF CPT [redacted] TAKEN AT Fort Leonard Wood Resident (CID), Fort Leonard Wood, MO; DATED 9 Apr 04; CONTINUED: Kandahar. If the dates are critical, I have my TDY orders. The plan was for us to train the MP at Bagram and then move on to Kandahar, Afghanistan and Karshi Kanibad (K2), Uzbekistan. We trained most of the 511th MP Co and one PLT of the 108th MP Co while in Bagram. Operation Anaconda had kicked off, so the MP at Kandahar were decisively engaged in that operation so we returned to Kuwait. During that time the PM, Col [redacted] determined that the MP in K2 did not require the training so we modified the plan to only go to Kandahar. We returned to Kandahar approximately a month later MAR/APR 02 and trained the remaining members of the 108th MP CO and the 211th MP Co out of North Carolina. We trained them on empty hand control techniques and non-lethal munitions. We conducted practical exercises in those areas.

SGT [redacted] taught the classroom portion of the empty hand instruction and then we both took them outside to conduct the PE. We rotated the units though one platoon at a time. During the classroom instruction, SGT [redacted] talked about different pressure points to include the common peroneal. The training was focused toward detainee operations. SGT [redacted] was specific in stating that these techniques were for use on a non-compliant detainee. He also covered that you use the technique only until the detainee complies. If he doesn't comply, you should use another technique because all the pressure points don't work on everyone. We taught them techniques for taking down a non-compliant detainee so hand-irons could be applied. We also talked about the common peroneal specifically when escorting detainee who you were moving somewhere. If the detainee attempts to break away from you, you could use your knee in his thigh to get him to comply. Again, the common peroneal was only one of a number of techniques we taught for non-compliance. In the practical exercises, we emphasized that these techniques are to be used only to gain compliance. If you continue to use the technique once the detainee is compliant, it defeats the purpose. He needs to know that if he complies, that is a good thing. All of the available soldiers were trained on applying hand-irons, empty-hand take-downs, and proper techniques for escorting a detainee.

Once we completed the training, we returned to Camp Doh[redacted]

Q: Do you know how many soldiers from the 211th MP Company y[redacted] trained?

A: It was everyone they had avail[redacted]k it was about 100

FOR OFFICIAL USE ONLY

b6c 7C

1487

STATEMENT OF CPT [redacted] TAKEN AT Fort Leonard Wood
Resident [redacted]rt Leonard Wood, MO; DATED 9 Apr 04; CONTINUED:
soldier[redacted]
Q: Did you train or discuss any types of techniques that could be used while the detainee was in restraints?
A: Yes, we talked about using techniques when you were escorting the detainee. They were trained they could use a common pronial strike, tibial or superficial-peroneal strike if a detainee attempted t[redacted] or strike an MP. If he was non-compliant, basically [redacted]
Q: Did you ever train or discuss any types of techniques that could be used while a detainee was restrained to a fixed object?
A: No, it seems ludicrous to me that someone would need to use [redacted] type of technique on someone who is restrained to a fixed obj[redacted]
Q: Did you train on or discuss the use of standing restraints?
A: No, the focus of our training was on escorting a detainee because this was during the time when we were getting ready to move detainees to Guantanamo Bay, Cuba, and we thought that the most likely time for them to do something w[redacted]n they were out of their facility en route to the aircraft[redacted]
Q: Did you train or discuss the use of common peroneal strikes as a means of [redacted]ishment?
A: No[redacted]
Q: Where did the doctrine that you taught to the 211th Military Police Company originate?
A: At the INIWI[redacted]t Leonard Wood. I attended the course in February 2001.[redacted]
Q: Who directed you to conduct the training that you provided to the 211th Military Police Company?
A: The Provost Marshal, COL[redacted] directed th[redacted]ining as part of a requirement for fielding the non lethal set[redacted]
Q: Was the non-lethal set provided to the 211th MP C[redacted]
A: We signed it over to the 519th MP Battalion[redacted]ey fell under. I don't know if the Company received [redacted]
Q: Who else was involved in training the 211th MP Company on these techniques?
A: Just SGT [redacted]
Q: Do you know where SGT [redacted]n is now?
A: I think he is in a Guard unit in Michiga[redacted]
Q: Do you recall how the 211th performed during training?
A: Yes, they were excellent. The soldiers seemed to really appreciate the training. The leaders seemed to appreciate the training, too, because they wanted [redacted] their soldiers were able to use techniques that would [redacted]e detainees, but

FOR OFFICIAL USE ONLY

b6, 7C

STATEMENT OF CPT [redacted] TAKEN AT Fort Leonard Wood Resident (CID), Fort Leo[redacted]od, MO; DATED 9 Apr 04; CONTINUED:
would get them to comply[redacted]
Q: Do you recall what guidance you gave regarding the number of strikes a MP should apply to a non-compliant detainee?
A: We never gave a specific number. We just stated that when the detainee complies, you stop. During the practical exercise, they used the techniques on each other and it became pretty obvious that it would only take one or two strikes to get the person to comply. They never struck each other more th[redacted]e during the PE, they only struck their partner one tim[redacted]
Q: Did you discuss or train on any potential injuries that could be caused by overuse or improper use of these techniques?
A: We talked about the red, amber, green chart and which areas were most likely to cause injury, but we didn't g[redacted]it as much as if we had been teaching the baton strike[redacted]
Q: Did you train on baton strikes at all?
A: We used the batons during the riot control formations, and I don't remember if w[redacted]ed on baton use as part of detainee escort procedures[redacted]
Q: Do you have anything to add to this statement?
A: I think there is some confusion because of the fact that I came from the schoolhouse. We specifically told all soldiers that we trained that the training we gave did not certify them to train others on these techni[redacted] Our instruction was not a "train the trainer" type course[redacted]
Q: Do you have anything else to [redacted]to this statement?
A: No.///END OF STATEMENT//[redacted]

Exhibit: 299 INITIA[redacted] PAGE 4 OF 5

FOR OFFICIAL USE ONLY

b6, 7C

1489

STATEMENT OF CPT [redacted] TAKEN AT Fort Leonard Wood Resident (CID), Fort Leonard Wood, MO; DATED 9 Apr 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(S[redacted]ing Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of April, 2004 at Fort Leonard Wood, MO

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 299 INITIAL [redacted] PAGE 5 OF 5

FOR OFFICIAL USE ONLY

b6, 7C

1490

Exhibit 299

Page(s) 1491 withheld

b2

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-235

DETAILS

Between 0900 and 1200 hrs, 17 Apr 04, SA BIRT interviewed **MAJ** [redacted] **AF),** [redacted] **117th Security Forces Squadron, 117th Air Refueling Wing, Birmingham, AL 35209**, who was the USAF Liaison Officer between Army and Air Force personnel for the air movement of detainees from the Bagram Collection Point (BCP), Bagram, Afghanistan. He authored a sworn statement detailing his observations about the conduct of "day to day" operations and contact with CPT [redacted], to include providing him with a "continuity packet" from CPT [redacted] had no direct knowledge related to either death. *(See Sworn Statement of* [redacted] *dated 17 Apr 04, for additional details).*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGN [redacted]	DATE 17 Apr 2004	EXHIBIT 300

1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Birmingham, Alabama 35209
Date : 17 Apr 04 **Time:** 1200
Statement of: [redacted] (III)
SSN : [redacted] **Grade/Status:** MAJ/04/USAF
Org/Address : 117th Security Forces Squadron, 117th Air Refueling Wing, Birmingham, AL 35209

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

Q: What was your mission during the duration of your tour in Afghanistan?

A: My job was to act as a liaison between the Army and the Air Force. Since the detainee transfers were considered "high threat", the USAF did not want the planes on the ground for very long. The challenge was to get the Army to do things the Air Force way. We have very limited options for dealing with detainees in flight, so the trick was to get all the players to understand the big picture of the entire trip on both ends. If a detainee is problematic on the ground, you have a lot of options, in the air, you don't. Therefore you have to plan for success and need everyone thinking about the entire mission, that was my primary function.

Q: What were the dates of your service in Afghanistan?

A: I wasn't there all the time. Sometimes I flew in and out within a few days. Some times I would spend three or four weeks. My job involved a lot of flying and movement. I was activated from Oct 01 to Sep 03, but I moved only when they needed me and I was on my own to get where I needed to be, through Germany or Turkey.

Q: Did you have occasion to interact with the Military Police unit, which ran the Bagram Collection Point, at the Bagram Air Base, in Afghanistan?

A: Yes, I worked very closely with the 211th MP Company. I ate with them, billeted with them, and hung out in the facility. They gave me full run of the BCP and treated me like one of them. Later the 377th MP Company took over, the missions were less frequent and I did not spend as much time with them.

Q: How often during your tour in Afghanistan, did you have occasion to visit and/or tour the interior of the Bagram Collection Point (BCP) also known as the Bagram Detention Facility (BDF)?

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 301

1493

STATEMENT OF MAJ [redacted] TAKEN AT Birmingham, AL, DATED 17 Apr 2004, CONTINUED:

A: During the time it was run by the 211th, I was there all the time. After the 377th took over I was rarely there, maybe to visit the supply room or talk with one of the platoon leaders.
Q: Did you observe any practices within the BCP, which were contrary to existing policies governing the treatment of detainees?
A: No. I can't say I saw anyone mistreat anyone.
Q: Did you ever see any of the MPs strike anyone?
A: No.
Q: Did anyone report to you problems within the BCP, were you otherwise aware of any problems within the BCP?
A: No.
Q: What was your impression of the detainees in the BCP and their level of combativeness?
A: My impression is that the only time I ever saw any resistance was during the processing to go to GTMO. Occasionally, it would sink in that they were going and the detainee would pretend to be ill or sit down and refuse to walk. That was about the worst it got. They did not want to go to GTMO, but they would not fight, they'd just passively resist.
Q: Did you ever have occasion to observe detainees in the Isolation cell areas of the BCP?
A: No, I never went and saw one in there.
Q: Did you ever observe detainees chained in a standing position within the BCP? If so, for what purpose?
A: I've seen detainees standing in the airlock of general population. I don't recall if they were chained, but they never had their hands over their heads. I think the purpose of them being in the airlock was to segregate them for medical treatment, maybe sometimes punishment, but I'm not sure of that.
Q: To your knowledge, were the MI Interrogators at the BCP authorized to direct a course of sleep deprivation for detainees? If so, what was the basis of that authority?
A: I know once before a movement, the MPs did sleep deprivation on the guys we were moving, so they would sleep on the plane. It consisted of playing loud music. I don't know if it was the 377th MP Company did that or if that was directed by MI. I knew very little about the interaction between or chain of command of any of the other agencies operating in the BCP (CID, OSI, FBI, MI, DIA, CIA, etc).
Q: Did you observe or did anyone discuss with you the practice of sleep deprivation?
A: No.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 301
1194

STATEMENT OF MAJ [redacted] TAKEN AT Birmingham, AL, DATED 17 Apr 2004, CONTINUED:

Q: Were you aware that 377th MP personnel were chaining detainees to the wire ceilings in Isolation Cells and in the airlocks of general population for prolonged periods of time (in excess of 4 hours)?
A: No.
Q: Did you have any contact with CPT [redacted] during which you discussed the missions parameters prior to his company's arrival in Afghanistan?
A: No, I first met him when the 377th MP Company took over the BCP. CPT [redacted] built a continuity folder for them. He burned them CD's with all our paperwork on it and handed over all the equipment (cuffs, chains, locks, etc.) He (CPT [redacted] asked me to look at it and make suggestions, but I thought it contained everything they (377th) needed to know to be successful in air movements. I first noticed the difference in behavior when I asked where my equipment was. They had taken all the locks and put them on their tents and were using my transfer equipment on the detainees on the floor. I was accustomed to losing individual pieces of equipment (USAF gear) during moves, but the 377th co-mingled everything. I had to go sort out the USAF equipment and I asked them what they had done with all the stuff the 211th MP Company had given them. The 377th MP Company told me that the 211th MP gave them nothing, I knew this was not true. I think CPT [redacted] got a continuity folder while they were at Fort Dix. We carried a packet back on the plane for them. It wasn't me personally, but I know they got it, cause one of the 377th MPs showed me the CD later.
Q: What type of contact did you have with CPT [redacted] Cdr, 377th MP Company? What was the frequency of that contact?
A: Strictly professional, pertaining to air movements. It surrounded training and rehearsing the movements. The 377th MP Company never seemed to have the same soldiers doing the transfers, so we practiced each time.
Q: Did CPT [redacted] share with you any concerns about the operation of the BCP including the use of sleep deprivation or punishment provisions set forth for detainees?
A: No, we just stuck to business about the moves. I did have the sort of relationship with CPT [redacted] he'd invite us over for movie night. We had a much more friendly relationship and hung out more and talked more.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 301

b6, 7C

1495

STATEMENT OF MAJ [redacted] TAKEN AT Birmingham, AL, DATED 17 Apr 2004, CONTINUED:

Q: To your knowledge, did the 377th MP Company leadership surface any questionable issues with you or any CJTF 180 leadership?
A: No.
Q: What were your impressions of the 377th MP Company leadership, based on your contact with them?
A: It was a very limited contact. They were not as mission focused as the other units I dealt with. CPT [redacted] had almost an arrogant attitude, which I might be reading wrong. I never developed much of a relationship with him. I connected better with CPT [redacted] being as we are both southerners. I knew he was an MI officer. But I judge people on performance, not personality.
Q: Did you observe a marked difference between the BCP operation under the 211th MP Company and the 377th MP Company leadership? If so, what types of differences?
A: You can look at the different commanders that cycled throught the BCP during the time I served. [redacted] (211th MP Company Commander) was a National Guardsman, but a full timer. CPT [redacted] (293rd MP Company Commander) was an active duty MP. I considered both full time professional soldiers, very squared away. [redacted] was a reserve officer and he told me that he took the job as an MP CPT just for the promotion, he just did not project the leadership or attitude you expected of a professional soldier in such an important position.
Q: How did you learn of the deaths of the two detainees who died in December 2002? What did you think happened?
A: I showed up for an air movement and the Platoon Leader told me "you know we had a detainee die?". I asked him "How?" He said ask the CPT, so when [redacted] came in I did ask him about it. He was evasive and I pushed him on it and he said he did not know how the detainee had died. I ask him how it could possibly be that they did not know what had happened. I explained they watched them 24 hours a day and they had to know what had caused them to die. Then [redacted] told me they had been instructed not to discuss it, so I dropped it. I thought why would they even bring it up if they aren't supposed to talk about it.
Q: Did the news of the deaths surprise you? Why or why not?
A: Yeah, it surprised me. I never saw anyone get mistreated. It would not have surprised me if one died when being captured, but after being checked out and given the medical okay, to die in the facility, I would have never thought that would happen.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 301

b6, 7C

1496

STATEMENT OF MAJ [redacted] TAKEN AT Birmingham, AL, DATED 17 Apr 2004, CONTINUED:

Q: What do you know about USAF Ravens team training?
A: I attended the same training the Ravens did. I had a few Ravens on my transport team. The training includes Pressure Point Control Techniques (PPCT), cuffing, transport techniques and weapons retention and use on an aircraft.
Q: Did the Ravens use the common peroneal strikes?
A: Sure they taught it. In fact, I'm a civilian police officer and I can tell you that most law enforcement officers learn blows, strikes and PPCT, but you never use a common peroneal strike on someone who is cuffed. It is used to subdue a combative person and once they are restrained in handcuffs, there is no reason to apply strikes.
Q: Did the Ravens train any of the MPs working in the BCP to your knowledge?
A: That I don't know. I know the Ravens trained our fly away teams, which were half Army and half Air Force. Our Army members were from a different Army MP unit, not the 377th nor the 211th MPs. The Ravens training element is based with the Air Mobility Warfare Center, Detainee Movement Control Cell, is based at Fort Dix, NJ.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////////End of Statement//////////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 30/

1497

STATEMENT OF MAJ [redacted] TAKEN AT Birmingham, AL, DATED 17 Apr 2004, CONTINUED:

AFFIDAVIT

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

[redacted]
rson Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17th day of April 2004 at Birmingham, Alabama 35209

[redacted]
(Signa nistering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7c

EXHIBIT 301

1498

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-2353

DETAILS

At 1045 hrs, 23 Apr 04, SA [redacted] and SA [redacted] this office, interviewed **CPT [redacted] G Company, 232nd Medical Battalion, Fort Sam Houston, TX 78234** who was deployed as an Emergency Room Nurse with the 48th Combat Support Hospital (CSH) to Bagram Air Base, Afghanistan in Dec 02. [redacted] was on an emergency ambulance run the Bagram Collection Point (BCP) and participated in the medical treatment of DILAWAR (PUC 42 prior to his death on 10 Dec 02. [redacted] closed DILAWAR's eyes while ventilating him and observe no physical response while touching his eyes. [redacted] stated he did not check for pupillary respon since he did not have a white light, only [redacted] flashlight with a red lens. *(See Sworn Statemen [redacted] dated 23 Apr 04, for additional details).*

At 1340 hrs, 25 Apr 04, SA [redacted] and SA [redacted] interviewed **SPC [redacted] 628th Forward Surgical Team (FST), 228th Combat Support Hospital, US Army Reserve, San Antonio, TX 78216** who deployed with the 48th CSH as a medic working in the ER. [redacted] provide a written statement detailing his observations as a medic on the emergency ambulance run to the BCP with [redacted] n 10 Dec 02. [redacted] had a clear and precise memory of events and provided detailed observations about the ambulance run, which only he, [redacted] and an MP (possibly SPC [redacted] participated in. *(See Sworn Statement of [redacted] dated 25 Apr 04, for additional detail*

AGENT'S COMMENT: [redacted] stated he was not previously interviewed by CID. Based upon the response from [redacted] at 1515 hrs, 25 Apr 04, SA [redacted] contacted [redacted] by telephone and inquired about any previous interview conducted by CID Agents in the early investigation. [redacted] also stated he was never interviewed by CID. [redacted] interview documented in the 16 Dec 02 AI of SA [redacted] stated [redacted] observed "fixed and dilated pupils", which contradicts information [redacted] provided in his sworn statement. [redacted] 16 Dec 02 AIR clearly reflects interviews with [redacted] and [redacted] which allegedly occurred on 10 Dec 02, additionally, the AAS entries reflect the same data in the same format. Current data indicates [redacted] and [redacted] were never interviewed and [redacted] was not there.

At 1240 hrs, 27 Apr 04, SA [redacted] phoned **SPC [redacted] 602nd Area Suppo Medical Center (ASMC), Fort Bragg, NC (currently stationed at Camp Arifjan, Kuwait at DSN #318-825-4105).** [redacted] was questioned regarding her participation in the ambulance call associate with DILAWAR's death. [redacted] ould not recall the detainees name or number, nor the date of the call, but stated she drove an ambulance to the BCP. [redacted] stated when she arrived the PUC was dead, but she was unable to articulate how she knew he was dead [redacted] stated she did not "mes with the body", but instead went outside to move the ambulance so it was backed in and assisted in loading the body. [redacted] tated they did not perform CPR and although she could not recall who w with her, she suspected it was SSG [redacted] NFI). [redacted] did recall a previous interview with a CID Agent, but could recall no specifics about who the agent was.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Ft Belvoir, VA 22060	
SIGN [redacted]	DATE 27 Apr 04	EXHIBIT 302

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-2353

DETAILS

AGENT'S COMMENT: A review of the circumstances of both deaths, indicate HABIBULLAH (PUC 412) was reportedly dead for a long period of time prior to the arrival of the ambulance, (See Sworn Statements of CPT [redacted] and SSG [redacted] for additional details) therefore in all likelihood it is HABIBULLAH's death [redacted] worked on. However, the AIR of SA [redacted] dated 16 Dec 02, clearly states [redacted] told him she assisted in performing CPR on DILAWAR (PUC 421).

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, US Army CID, 6010 Sixth Street Ft Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 27 Apr 04	EXHIBIT 302

FOR OFFICIAL USE ONLY

h2 hr. 7C 1500

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : San Antonio, Texas 78216
Date : 23 Apr 2004 **Time:** 1045
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** CPT/O-3
Org/Address : G Company, 232nd Medical Battalion, Fort Sam Houston, TX 78234

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

Q: What is your training in the medical field and your experience with the military in that field?

A: In 1987, I enlisted in the Army as a 91A (Combat Medical Specialist). I worked at Madigan Army Medical Center, Fort Lewis from 87-92. I was a medic in General Surgery, Neuro Center and Urology and then I was the NCOIC of the Internal Medicine and Rhuematology Section. I went into the National Guard as the medic with the scout platoon and then as a medic for a field artillery unit. I went into ROTC, at Augusta State University in 1997 and started my nursing career at Medical College of Georgia, where I got my degree (Bachelor of Science in Nursing) in 1998. I was commissioned and assigned to Walter Reed Army Medical Center working for two years on the General Medicine floor and just over two years in the Emergency Room, before deploying to Afghanistan. I'm licensed in the State of Georgia for Nursing. I have Basic, Advanced and Pediatric Life Support certifications. I have also attended the Trauma Nurse Care Course and others.

Q: What dates were your deployed to Bagram Air Base, Afghanistan?

A: I got into Afghanistan on 5 Dec 2002, we got back on 9/10 Jun 2003.

Q: What unit were you assigned to and was your mission at Bagram?

A: I was with the 48th Combat Support Hospital (CSH), 44th Medical Brigade. I was an Emergency Room Nurse. We were the hospital in Afghanistan, treating primarily American and coalition forces, but we would see some local nationals and we were responsible for the detainees. When we first arrived, none of our assets were in the facility, but after the two deaths, we sent one of our medics to support the Bagram Collection Point (BCP) directly. About a week after the second death, we started manning the BCP with medics from our facility. I worked nights the entire time I was assigned at the hospital emergency room.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 303

1501

STATEMENT OF CPT [redacted] TAKEN AT San Antonio, TX 78216, DATED 23 Apr 2004, CONTINUED:

[redacted]

Q: How did the 48th CSH handle detainee medical care?
A: If there was a problem, the BCP would call the Tactical Operation Center (TOC) and then an ambulance would go. Usually ambulance runs were manned by two medics, but the night I went to on this run for the second detainee who died, the second medic was still at chow, so I went along. Most of the calls were handled over the phone and were fairly benign complaints. A couple were brought in for complaints, but primarily it was minor aches and pains.
Q: Did you respond to the Bagram Collection Point (BCP) for any emergencies during your tour in Afghanistan? If so, how many times?
A: I went only once, that was for the PUC who was experiencing distress and he later died.
Q: Do you recall responding to the BCP for a detainee who was reported as unresponsive and who was later pronounced dead? If so, what do you recall about the event?
A: It was about 1930-2000 Bagram local when we got a call from the TOC that one of the PUCs was down and the MPs had started CPR. There were no patients [redacted] the ER. The other medic was at chow, so I went with SPC [redacted] When we got down to the BCP, the MPs took us right into a separate room. I observed the PUC on a litter. An MP was doing mouth to mouth and I had him discontinue it. He was doing it without a shield and that is unsafe. I observed a male detainee, 5'10-6', 160lbs, in maybe his mid 30's, thin but not emaciated and bearded. He had no pulse, no respirations and no obvious signs of injury. He was not cold yet, but he was getting cold, and I had no history on him so we continued to try to revive him. I started bag valve mask him and had good oxygen flow and a good seal. [redacted] took over CPR. We were only in the BCP for less than five minutes, probably closer to three minutes and then the MP doing mouth to mouth (I think his name started with an [redacted] and he told me he was an EMT) and another MP carried the litter to the ambulance. [redacted] drove, the MP did chest compressions and I bagged him on the trip back to the ER, which took less than 5 minutes. We ran "white light" instead of blackout on both portions (to the BCP and back) of the trip. [redacted] radioed that we were on the way with a CPR in progress. At the ER, we took him to trauma bed two, we had three doctors present (MAJ [redacted] MAJ [redacted] (the on call surgeon) and MAJ [redacted] (the ENT doctor) there. Dr [redacted] did the endotracheal (ET) tube and [redacted] put in an intravenous (IV) line in one arm, using a 16 gauge needle and

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 303

b6, 7C

1502

STATEMENT OF CPT [redacted] TAKEN AT San Antonio, TX 78216, DATED 23 Apr 2004, CONTINUED:

[redacted] put an IV in the other arm. I put in a nasogastric (NG) tube and he was hooked up to the monitor. The detainee was IN asystole. We tried epinephrine and atropine with no results. We worked on him for maybe thirty minutes, but it seemed like a lot longer, before Dr [redacted] pronounced him. I am fairly certain I broke two of his ribs during the CPR. I can't recall if we sent off any labs.

Q: Who accompanied you on this ambulance run?

A: SPC [redacted] a medic in my unit.

Q: Did you ever have occasion to visit the BCP for non-emergency reasons or treatment of detainees?

A: No, that ambulance run was the only time I was there. I did phone consults sometimes, but never visited the facility again.

Q: Did you talk to the MP that came to the CSH with you about the history of the detainee?

A: Yes, we smoked a cigarette together, he had to get a blood test because of his mouth to mouth contact with the detainee. I think I remember him saying he was from [redacted] He said something about the detainee being fine about ten minutes prior. He told me the detainee had been questioned earlier that afternoon and had been in the isolation room. He told me that THIS the was second detainee to die in a week and that was why he put his mouth on the detainee, he could not get a good seal with the mask and did not want another one to die.

Q: Did the MP tell you who the detainee was questioned by?

A: He may have said but I don't recall who did the questioning.

Q: Did the MP tell you anything about how the detainee was discovered in distress?

A: He said they found him "down" and I presumed that meant on the floor because the rooms were unfurnished.

Q: Did you observe any shackle marks on the detainees wrists, ankles or belly areas?

A: He had no shackles on him, when I observed him, but I did see shackle marks on his wrists. I did not note his ankles, we were concentrating on getting his heart started. We did turn him over and check his spine at the ER and did not note any major injuries.

Q: Did you assess his legs?

A: I did over his clothes at the BCP and I felt for signs of breaks and/or major bleeding and found none. After the code was called, we had him naked on the litter and again I saw nothing obvious.

Q: Were any x-rays taken?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 303

1503

STATEMENT OF CPT [redacted] TAKEN AT San Antonio, TX 78216, DATED 23 Apr 2004, CONTINUED:

[redacted]
A: I don't think so.
Q: Were you aware of the prior death at the BCP, at the time of your arrival in country?
A: I was aware of it from talk around the base, but we got no briefing on it. Supposedly, the circumstances of the first death was very similar to our code call - found "down" and did not recover.
Q: Did you note any signs of rigor or livor mortis on the detainee you treated?
A: Not that I saw, he was still flexible.
Q: Did you check pupilary response?
A: I did not have a pen light. His eyes were open, I recall because I closed them with my hand at the BCP. There was no reaction, which was another indication that he was not doing well.
Q: Did you ever treat detainees from the BCP at the Combat Support Hospital?
A: Several.
Q: Did you observe any injuries or did any detainees make complaints of injury to you?
A: I saw a couple who twisted their ankles on work details, a few complained of dehydration symptoms (could not urinate). We treated them, hydrating them with Ivs or Foley catheters when necessary. They were not allowed to talk to us. There was always an interpreter present who handled all the translation. None of them ever spoke English to me.
Q: Were you otherwise aware of any detainees who were beaten, mistreated to subjected to prolonged periods of standing restrained to the wire mesh ceilings in the BCP?
A: Not until today.
Q: Were you aware of the use of "sleep deprivation" within the BCP? If so, how and what was your opinion of the physical effect it had on detainees?
A: I had heard about that. I heard they played loud music, and bang on the bar if they fell asleep. I heard they made the detainees walk around to keep them from sleeping. Any of the PUCs who I saw always looked tired.
Q: Who was the "they" who enforced sleep deprivation?
A: I guess the MPs. The MPs were the only ones I ever saw with the PUCs.
Q: Did you ever witness any abusive or violent contact between the MPs and any PUCs?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 303

b6, 7C

1504

STATEMENT OF CPT [redacted] TAKEN AT San Antonio, TX 78216, DATED 23 Apr 2004, CONTINUED:

[redacted]A: The closest thing to violence I witnessed was once a PUC spit on the floor as he left treatment at the CSH and the MPs put him on the floor. They did not trip him or force him into the floor, they just put him on his belly, yelled at him and it was over. That was the only thing I saw that even remotely looked like a confrontation.
Q: Did you ever know what the cause and manner of death of the detainee was?
A: No, it was a sudden cardiac death, it could have been caused by any number of things.
Q: Other than what you have described above, did you have any other occasion to visit the BCP?
A: No I never went there again.
Q: Were you ever involved in other physical exams of detainees?
A: No that was conducted by an Army Colonel at the BCP. We did chest x-rays for tuberculosis, deworming and other treatments, but routine exams were done by the BCP doctor.
Q. Do you ever recall any of the doctors who treated detainees within the BCP facility mention any of the detainees being treated for bruising of the legs or complaints of being struck or injured by personnel within the BCP?
A. No I don't.
Q: When you use the term "down" what is meant?
A: Unresponsive, unconscious.
Q: When you use the term "code" what is meant?
A: It means an emergency. Medical personnel are breathing and circulating blood for the patient and trying to get the person to resume those activities on their own. Calling a code can mean either initiating those procedures, or ceasing them, depending on when it is used.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////////End of Statement[redacted]//////////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 303

1505

[redacted] STATEMENT OF CPT [redacted], TAKEN AT San Antonio, TX 78216, DATED 23 Apr 2004, CONTINUED:

AFFIDAVIT

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

[redacted]

(Sig[redacted] Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23rd day of April 2004 at San Antonio, TX 78216.

[redacted]

(S[redacted]nistering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 303

b2, b6, 7C 1506

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Houston, Texas 77061
Date : 25 Apr 2004 **Time:** 1340
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** SPC/E-4
Org/Address : 628th Forward Surgical Team, 228th Combat Support Hospital, US Army Reserve, San Antonio, TX 78216

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

Q: What is your training in the medical field and your experience with the military in that field?

A: I went to Emergency Medical Technician (EMT) Basic at Fort Sam Houston, TX in Nov 2001-Jun 2002. My unit needed to be certified before we deployed so we did a two-week annual training (AT) at Fort McCoy, WI in Aug 2002. In Dec 2002, I deployed to Afghanistan.

Q: What dates were your deployed to Bagram Air Base, Afghanistan?

A: I got into Afghanistan on 2 Dec 2002, we got back on 6 Jun 2003, I believe that was the date.

Q: What unit were you assigned to? What was your mission at Bagram?

A: I was with the 48th Combat Support Hospital (CSH), 44th Medical Brigade. I was medic assigned to the Emergency Room or EMT Section. There were only four medics in our section. We supplemented the ground evacuation and flight medic crew in addition to manning the ER in the hospital in Afghanistan. We treated anyone who was injured and the majority of our patients were local nationals (Afghan). After the two deaths, we sent one of our medics to support the Bagram Collection Point (BCP) directly on the night shift.

Q: Who supported the BCP on the dayshift?

A: They (the MP unit) had their own medics who worked dayshift. We rarely saw them or interacted with them.

Q: Did you respond to the Bagram Collection Point (BCP) for any emergencies during your tour in Afghanistan? If so, how many times?

A: I went all the time. After the two deaths, the BCP staff would not take any chances, I responded all the time. Once the detainees learned that if they had chest pains, they got immediate medical assistance, we went on calls all the time. I don't believe I never had another call out where the detainee died.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 304

1507

STATEMENT OF SPC [redacted] TAKEN AT Houston, TX 77061, DATED 25 Apr 2004, CONTINUED:

[redacted]

Q: Do you recall responding to the BCP for a detainee who was reported as unresponsive and who was later pronounced dead? If so, what do you recall about the event?
A: On the night of the incident, the Emergency Room received a call for a Front Line Ambulance (FLA) to respond to the Bagram Collection Point (BCP), AKA Bagram Detention Facility (BDF). We were advised there was a possible cardiac arrest case, a man down for undetermined reasons and for an undetermined length of time. I was a relatively inexperienced medic (at that time) and I'd been in country for less than two weeks. CPT [redacted] the ER Nurse accompanied me on the FLA run. Less than two minutes after receiving the call, we were equipped and exited the Task Force 44 Medical (TF44MED) compound enroute to the BCP. Our radio call sign was Pit Bull 12. The BCP was approximately ¾ mile down Disney Road. However road conditions prevent vehicles from moving at a high rate of speed. Rules imposed by the XVIII Airborne Corps limited the speed on Disney Road to 15 mph for troop safety. It took us about five to six minutes to get to the BCP.

Upon arrival at the BCP, we dismounted the FLA, which I drove and backed in with the rear of the vehicle facing the entrance to the facility. I retrieved a litter, an O2 bag and an aid bag from their respective locations within the patient compartment and then CPT [redacted] and myself entered the facility. We had to surrender our weapons (M16 rifles) at the guard post at the front desk and we were escorted into the medical room, which is right off the main confinement area. When we entered the room, I saw a Person Under Control (PUC) down on a litter, with CPR in progress. CPT [redacted] forcibly removed an MP (SPC [redacted] a [redacted] male, [redacted] and [redacted] who was performing mouth to mouth with no barrier device. I then restrained him from resuming CPR as we took over medical treatment. He wasn't fighting with me, but was very into the care he was giving and did not want to give up on CPR to let us do it. We began artificial respirations with a bag valve mask (BVM) @ 100% Oxygen. After a quick assessment, was done, the decision was made to load him and go to the CSH. We secured the patient and exited the BCP. When we reached the FLA, I returned to the front desk (a distance of about 10 ft) and retrieved our weapons. The patient was secured in the rear of the FLA with CPT [redacted] doing chest compressions and SPC [redacted] doing artificial breathing. On the return trip, I put on the hazard warning lights and we were permitted to exceed the

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 304

1508

STATEMENT OF SPC [redacted] TAKEN AT Houston, TX 77061, DATED 25 Apr 2004, CONTINUED:

[redacted] base speed limit because we had a critical case on board. I was again the driver and I radioed ahead to the CSH Tactical Operation Center (TOC) and gave them the patient disposition and our Estimated Time of Arrival (ETA). I also informed them to have the Emergency Medical Treatment Section (EMT) get a cardiac bay on standby. The return trip probably took less time, maybe three to four minutes.

Upon arrival at the 48th CSH, we transferred the PUC into our trauma bay #2 and began to run a "code" on him. The PUC was a moderately nourished, well-developed Afghan male, who appeared to be in his mid 20's with no obvious signs of trauma - at least nothing evident to us. He was hooked up to the cardiac monitor with no signs of electrical activity evident. MAJ [redacted] was the ER Doctor who ran the code. CPT [redacted] switched from compressions to the head of the patient and I took over chest compressions. MAJ [redacted] got the first intravenous (IV) line (for drug administration) in, as CPT [redacted] dropped an endotracheal (ET) tube and began bagging the patient (breathing for him) via the ET tube. I was relieved off chest compressions and put in the second IV line. At no time during the cardiac code, did we obtain a pulse or recordable electrical activity. He was not defibrillated, as we could not obtain a shockable rhythm. We did drug therapy and dropped in several drugs with no reaction. He was still asystole and with the kinds of drugs we used, if there is no reaction, that is pretty much it. He was pronounced by MAJ [redacted] after approximately 15-20 minutes of treatment.

Q. Were you involved in the treatment of PUC 412, whom CID has identified as Mr. HABIBULLAH, who died on 4 Dec 2002?

A. No, I don't know him by that name, but the first detainee died while we were still in-processing and I had heard of it, but knew no specifics.

Q. Do you recall the time of day when the call for assistance came from the BCP requesting medical assistance for PUC 421, whom CID has identified as Mr. DILAWAR?

A. It was at night-time. I think it was during shift change (around 1900 hrs, Bagram local time). I know for sure it was dark. It was pitch black.

Q. When you arrived at the BCP, did you receive a briefing from the BCP staff as to what happened with PUC 421 (DILAWAR)?

A. No.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 304

1509

STATEMENT OF SPC [redacted] TAKEN AT Houston, TX 77061, DATED 25 Apr 2004, CONTINUED:

[redacted]

Q. Did you have occasion to visit the BCP or discuss with anyone from the BCP facts pertaining to the incident and/or treatment of PUC 421 (DILAWAR), who died on 10 Dec 02?
A. One of the MPs (SPC [redacted] came with us to the CSH. It was our Standard Operating Procedure (SOP) that an armed MP had to come with us on any FLA run a detainee. He gave me a run down of what preceded the FLA run, which was basically that the PUC was being questioned in an interrogation room and he was put in solitary confinement and when they checked on him, he was down and they had no idea how long he was down for. Later in my tour, I was in the chow hall, the MPs were getting ready to rotate home (redeploy) and the same MP (I wish I could recall his name for sure) told me that the incident was under investigation and they (meaning the MPs) were being investigated for the PUC's death. That was it.
Q: Did the MP tell you who the detainee was questioned by?
A: MI, the MPs did not do any interrogation. He was clear about the fact that the questioning was by MI.
Q: Did the MP tell you anything about how long the detainee was questioned for or how long he was in solitary before being discovered in distress?
A: No. I never knew the specifics, the MP told me they found him "down" I don't know how long it was.
Q: Did the MP tell you where the detainee was found?
A: In an Isolation Cell.
Q: Did the MP make reference to what position the detainee was found in?
A: Not that I remember.
Q: Did you observe any shackle marks on the detainee's wrists, ankles or belly areas?
A: I did not observe any marks on him and I know for certain he had no shackles on his hands, because we could not have done CPR if he was handcuffed. I couldn't tell you about the rest. He was clothed in his orange PUC outfit, which we ended up cutting off him at the CSH, but I don't recall seeing marks, of course I wasn't looking for discreet injuries we were busy trying to revive him. After he was pronounced, we took a good look at him and I felt a few broken ribs (three maybe) and I saw bruising (reddish purple) underlying them. I'm pretty sure it was on his right side. I know I broke a rib during CPR, because I heard it crack and you never forget that sound. Broken bones tend to bleed a lot and I think this accounts for the bruising I saw on his right side, after the doctor pronounced him.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 304

1510

STATEMENT OF SPC [redacted] TAKEN AT Houston, TX 77061, DATED 25 Apr 2004, CONTINUED:

Q: Did you note any signs of rigor or livor mortis on the detainee you treated?
A: No. He was still flexible, he was not cold, he still had warmth. They (the MPs) were doing CPR, so they were keeping him alive.
Q: Did you have an opportunity to observe the PUCs' legs?
A: No, I never saw them myself. It was my first death so they told me to go outside, have a smoke and walk it off. I never saw his legs. I heard later (and I can't recall from whom) that he had marks on his lower legs. I just don't remember who told me or in what setting the comment was made.
Q. Were you previously interviewed by CID about this incident?
A. No.
Q. During your medical career, have you had an opportunity to work with deceased individuals?
A. Nope, this was the first.
Q. Has anyone other than CID contacted you for information regarding this incident?
A. No.
Q. Where did you document your actions regarding your treatment of the medical care provided to PUC 421 (DIAWAR)?
A. I did not do any documentation. Generally, there is a designated person to transcribe the patient notes. We are far too busy to write down what we are doing, so a person is designated to write notes. I don't remember who was there and doing the scribing that night. I just know I did not doing any reports.
Q. After the death of PUC 421 (DILAWAR), were any changes made related to the medical care/response for incidents at the BCP?
A. No, we just provided medics for the nightshift. I was not aware of any changes made. There was really nothing to change, we responded quickly, did our best and it was good response.
Q. During your assessment and subsequent assistance in treatment of PUC 421 (DILAWAR), did you notice any bruising or other signs of trauma?
A. No. He was not breathing and his heart was not pumping, that was our focus.
Q: Do you recall about when you began working in the BCP on nightshift?
A: The mission started around Christmas time 2002. The mission first fell to the ground evacuation crew, but it began to take a toll on them, by the time I started working in the BCP it was probably late Jan 03 or early Feb 03.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 304

b6,7C

1511

STATEMENT OF SPC [redacted] TAKEN AT Houston, TX 77061,
DATED 25 Apr 2004, CONTINUED:

[redacted]

Q: Did you ever have occasion to visit the BCP for non-emergency reasons or treatment of detainees?
A: Yes, when I worked nightshift in the BCP on a number of occasions.
Q: What did you observe relative to the MP or MI treatment of detainees in the BCP during your nightshifts within the facility?
A: When I first started working nights, they had recently instituted new procedures. I thought most of the treatment was fair and I never actually personally witnessed anyone mishandle or mistreatment detainees. I did see some detainees that were treated more aggressively, based on their attitude.
Q: Did you observe any injuries or did any other detainees make complaints of injury to you?
A: A spider bite, a detainee who had cuts from shackles, that was pretty much it.
Q: Did you observe any bruising on the detainees in the BCP?
A: No.
Q: Were you aware of the use of "sleep deprivation" within the BCP? If so, how and what was your opinion of the physical effect it had on detainees?
A: Yes. I guess it was a hard thing to go through, but if it got them intelligence, then I guess it was useful. I never saw it used to the point where it was physically harmful to any of the detainees. It was just uncomfortable.
Q: How was the sleep deprivation you observed achieved?
A: It was MI or usually a standing order from MI to the MPs that the detainee was to be awakened every so many minutes. The International Committee of the Red Cross (ICRC) had limits on how long these sleep interruptions could go on for, and those times were posted in the Isolation areas. They almost never opened up the Isolation Cells, it was mostly just yelling at them, beating on the doors. On rare occasions, they would enter the cells and sit the detainee up and shake them.
Q: Were you ever asked to administer any medical treatment or medicine to assist in keeping detainees awake?
A: No.
Q: Did you ever observe detainees chained to the wire mesh ceilings in the Isolation Cells to keep them awake or as punishment?
A: Never in isolation, but in general population, inside the airlock. I saw them chained with a set of leg shackles through

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 304
1512

STATEMENT OF SPC [redacted] TAKEN AT Houston, TX 77061, DATED 25 Apr 2004, CONTINUED:

[redacted] the roof of the airlock and then the handcuffs were affixed to the leg shackles. I think that was punishment for being insubordinate with the MPs.
Q: Who chained the detainees up?
A: I never saw them get chained up, I would observe them already in that position, so I couldn't say who it was.
Q: Who was the "they" who enforced sleep deprivation?
A: Normally, it was MI, unless they left a standing order for the MPs to do it. Usually MI would stay up with them. I was never given any names and they never wore military uniforms, they were MI and they worked in a special section within the BCP.
Q: Did the MPs work for or at the direction of MI, in your opinion?
A: Most times, yes. MI told the MPs what they wanted done in order to compliment their (MI) interrogation strategy.
Q: Who was in charge of MI, in the BCP?
A: I have no idea.
Q: Did MI ever summon you to treat a detainee who complained of illness and/or injury?
A: Yes. If it was a simple complaint, I'd handle it through the bars of the Iso Cell. If it was involved, the detainee was escorted down to a treatment room.
Q: Were you aware of any detainees who were beaten, mistreated, or subjected to prolonged periods of standing restrained to the wire mesh ceilings in the BCP?
A: Only the one PUC that I saw and documented earlier. I cannot say how long he had been restrained in the airlock. He was taken down a short time after I had observed him standing restrained in the airlock.
Q: Did any of the detainees complain (through interpreters) of injuries or beatings?
A: No, but some of the interpreters did not interpret literally and sometimes they changed things during translation. We did not find this out until a new female interpreter arrived and she lit into a guy for what she said was not translating literally, which was what we expected.
Q: Did you ever witness any abusive or violent contact between the MPs and any PUCs?
A: Once a detainee who had been chewing on the inside of his mouth, was brought to the CSH and on the way out, he spit blood and spit at us. The MPs took him to the floor and I think they

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 304

1513

STATEMENT OF SPC [redacted] TAKEN AT Houston, TX 77061,
DATED 25 Apr 2004, CONTINUED:

[redacted] were justified in their response. The MPs put him on the floor, and put a mask on him.
Q: Did you develop any friendships with the MPs in the BCP, during your work there?
A: The MPs I worked with were from the company that came after the one working at the time of both deaths. They got to know us really well because 95% of the landmine casualties we responded to came in through Check Point 1A, which they manned. By the time I started working nights in the BCP, the MPs had changed and even then I did not spend a lot of time with them. I did my rounds, made sure everyone (MPs and detainees) were okay, were staying hydrated and I did puzzle books and kept to myself. I never slept, because that's not the kind of place you could feel comfortable taking a nap in.
Q: Did you ever know what the cause and manner of death of the detainee you treated was?
A: I heard it was from a blood clot. It was a rumor.
Q: When you use the term "down" what is meant?
A: On the floor, not breathing, unresponsive. Mostly it's an unresponsive patient.
Q: When you use the term "code" what is meant?
A: It's a cardiac arrest event and you run through the American Heart Association guidelines in response.
Q: What is "Disney Road"?
A: Disney road is the main road through Bagram Airbase. They got the name from SPC Disney, who was the first combat engineer to die in Bagram. All of the units were located to either side of Disney Road. It is the road, which linked the BCP and the combat hospital.
Q: What is an O2 bag?
A: An oxygen bag. It has the oxygen bottle, accessories and regulators for airway control.
Q: What comprised a "PUC outfit"?
A: They had orange slippers with matching orange socks. The pants and shirts were orange colored hospital scrub outfits. Each PUC was also issued an orange knit hat. The pants tied with a drawstring around their waist and the shirts were a slip on style with no buttons.
Q: What do you mean when you say some of the detainees were treated more aggressively than others?
A: Some of the detainees were behavioral problems. They did not respond to the normal disciplinary methods used by the MP's. The MP's would use forceful grips and purposeful shoves or

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 304

1514

STATEMENT OF SPC [redacted] TAKEN AT Houston, TX 77061, DATED 25 Apr 2004, CONTINUED:

[redacted] movements in the right directions. The detainee's were always under physical control of the MP's during movements.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////////End of Statement//////////////////////////

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 9. 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 oaths, this 25th day of April 2004 at Houston, Texas 77061.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

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

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 304

1515

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533 / 0137-02-CID369-23

DETAILS

About 1000, 30 Apr 04, SA [redacted] interviewed MSG [redacted] US Air Force (USAF) 166th Security Force Squadron, New Castle, DE 19720. MSG [redacted] stated he was the Chief coordinator for Detainee Operations. MSG [redacted] explained a training requirement had been forwarded through US Air Force Air Mobility Command (AMC), Security For Headquarters, Scott Air Force Base (AFB), Ill, for the USAF to provide a training team of Security Force Personnel to assist the US Army in detainee operations during pre-deployment training at Fc Dix, NJ. [redacted] elated he was assigned to serve as the coordinator between the USAF Security Force Personnel for detainee operations and the US Army training personnel at Fort Dix, NJ. [redacted] explained the USAF term "Raven" was a generic term which identified those Security Force person who had attended and completed a specialized 2 week USAF school for security of USAF planes a personnel on airfields. The unit responsible for this security mission is known as the USAF 'Ravens [redacted] elated that the US Army personnel who had been trained at Fort Dix, NJ did not attend form "Raven" training, nor were they considered trained as USAF Ravens. The training teams comprise by the USAF AMC, selected as a representation from various security force specialties, included some personnel who had previously completed training as USAF Ravens. The three-day training was to familiarize US Army personnel with the successful movement of detained personnel aboard aircraft. The training consisted of classroom, hands-on application and aircraft training. [redacted] provided a copy of "Operation Fundamental Justice Training Bullets", which also identified the personnel who conducted the training. [redacted] so provided a copy of a partial database, which identified personnel from the 377th MP Company who had received training by the USAF training element. The complete database was not available, as [redacted] omputer had crashed and he was able to only recover a portion of the records. A review of the training material and records was unable to determine exactly what degree of training USAF personnel had provided the 377th MP Company while at Fort Dix, NJ. [redacted] stated he had never heard of the term "Compliance Blow" used in regard to any law enforcement or detainee training. (See training bullets and data base records for details)

About 1045, 30 Apr 04, SA [redacted] interviewed USAF Chief Master Sergeant (CMSGT) [redacted] 108th Security Force Squadron, McGuire Air force Base, NJ, who stated he was the Non-commissioned officer in charge of the USAF detainee operation training detachment Fort Dix, NJ. [redacted] reiterated the qualification for the USAF Raven program provided by [redacted] ocated and provided a copy of a training scheduled identified as "Table 1" and "Table 2" respectively. The lists identified the training tasks covered during the three-day training period relate to detainee operation training to US Army elements deploying from Ft Dix, NJ. [redacted] stated the training program developed to support the detainee operations included some physical training for handling the movement of detainees. [redacted] stated all of the USAF Security Force training strictly adhered to the established use of force continuum, in that the least amount of force would be used to maintain control of the situation. The training followed the principles published within the Pressure

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
[redacted]	DATE: 30 April 2004 / EXHIBIT: 305

1 FEB 77

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533 / 0137-02-CID369-23

DETAILS

Point Control Techniques (PPCT) Defensive Tactics Student Manual, revised August 2001. [redacted] stated he had never heard of the term "Compliance Blow" used in regard to any law enforcement or detainee training. (See Table 1 and Table 2 documents bullets and PPCT manua for details.)

About 1240, 30 Apr 04, SA [redacted] nterviewed USAF MSGT [redacted] A Mobility Warfare Center, 421 Combat Training Squadron, Fort Dix, NJ. [redacted] stated during his la enforcement career, he had never heard of the term "compliance blow". The Raven training, which was provided by his unit employed the use of force continuum contained within the PPCT manual which stressed the use of the lowest force possible to resolve situations. [redacted] provided a trainin handout entitled "Pressure Point Control Tactics (PPCT))", which he stated had been instructed to t US Army MP units trained by the USAF training team.. [redacted] stated "Raven" missions and responsibility focused on the security of US Air Force aircraft. Detainee operations as defined by th raven mission related only to the movement and control of detainees onto aircraft, while on board, and when departing the aircraft. The movement of detainees to and from the aircraft would be the responsibility of the supporting military police unit.

About 1415, 30 Apr 04, SA [redacted] coordinated this investigation with USAF LTC [redacted], [redacted] Commander, 421st Combat Training Squadron, Fort Dix, NJ. [redacted] explained that th US Air Force Air Mobility Command, Security Forces Headquarters, Scott Air Force Base, Illinois, received a tasking to support Army mobilization training for units deploying to Afghanistan and Cuba [redacted] stated the Security Forces Headquarters mobilized numerous USAF Reserve Security Force personnel to comprise the necessary training team, to include the establishment of a detainee operations cell at Fort Dix, NJ, responsible for the administration of training in support of detainee movement missions.

Between 1555-1625, 30 Apr 04, SA [redacted] observed USAF instructors involved in the instruction of techniques for the "Raven" certification course. During the training, both in writing as well as verb instruction, the levels of force were continually stressed. During the hands on application of the various control techniques observed (ie., escort wrist lock and straight arm bar take down), the use o force continuum was strictly enforced.

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
	DATE 30 April 2004	EXHIBIT 305

[redacted]

1 FEB 77

FOR OFFICIAL USE ONLY

b2, b6, 7C 1517

Exhibits 306, 307

Page(s) 1518 A-S withheld

b2

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

Between 1000 and 1830 hrs, 21 May 04, SA [redacted] and SA [redacted] interviewed **COL [redacted] G4, XVIII Airborne Corps, Fort Bragg, NC 28310 (FBNC)**, who was appointed by CJTF180 as the AR 15-6 Investigating Officer to examine conditions within the Bagram Collection Point (BCP) after the deaths of HABIBULLAH (PUC 412) and DILAWAR (PUC 421). [redacted] charter was specific with regard to leaving the investigation of the deaths to CID, but he was to examine tactics, techniques and procedures (TTPs) as well as standard practices, which were dangerous, contrary to legal standard, or ill advised. [redacted] rovided a written statement detailing his observations and made comments on the findings of his AR 15-6 report. Due to the nature of the observations and the classification of the referenced material within the statement and as such is was not attached to this report.

AGENT'S COMMENT: COL [redacted] adopted his statement on 23 May 04, after it was reviewed for accuracy and completeness by MAJ [redacted] ask Force Legal Advisor.

Between 1030 and 1720 hrs, 24 May 04, SA [redacted] interviewed **LTC [redacted] Headquarters and Headquarters Company (HHC), 1st Corps Support Command (COSCOM), FBNC** who was the CJ2X, Director of Counter-Intelligence and HUMINT in Bagram from 12 May to 21 Nov 02. [redacted] provided a written statement detailing his observations relative to the operation of the BCP and issues he observed within the facility prior to the deaths. [redacted] also completed sketches of the facility indicating areas he visited during his almost daily trips there to check the area. *See Sworn Statement and Sketches of [redacted] dated 24 May 04, for additional details.*

Between 1300 and 1801 hrs, 24 May 04, SA [redacted] interviewed **LTC [redacted] Deputy Commander, Dragon Brigade, XVIII Airborne (Abn) Corps, FBNC** who was the Deputy Bagram Air Base Commander from May 02 to Feb 03. LTC [redacted] authored a written statement detailing his actions relevant to construction and maintenance projects at the BCP. [redacted] also prepared detailed sketches of the BCP and the interior areas of the BCP he visited during his tour in Afghanistan. He also detailed his understanding of command and control relationships between the MI and MP elements at Bagram. *See Sworn Statement and Sketches of [redacted] dated 24 May 04, for additional details.*

Between 1000 and 1530 hrs, 25 May 04, SA [redacted] and SA [redacted] interviewed **LTC [redacted] Office of the Staff Judge Advocate, HHC, XVIII Abn Corps, FBNC** who was the Deputy SJA for CJTF180 from Nov 02 to May 03. [redacted] rendered a written statement detailing his observations and actions relative to his role as the AR 15-6 Legal Advisor. [redacted] denied he was the advisor to the CID Investigation and indicated he received only verbal updates on

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGN [redacted]	DATE 27 May 04	EXHIBIT 308

DETAILS

the circumstances of the deaths. *See Sworn Statement and Sketches of* [redacted] *dated 25 May 04, for additional details.*

Between 1000 – 2239 hrs, 26 May 04, SA [redacted] and SA [redacted] interviewed **MAJ** [redacted] **Office of the Staff Judge Advocate, HHC, 82nd Abn Division, FBNC** who was the BCP Legal Advisor and International Committee of the Red Cross (ICRC) Liaison from Nov 02 to Jun 03. At 1640 hrs, 26 May 04, [redacted] was advised of his rights for Dereliction of Duty. He elected to waive his rights and continued the interview. [redacted] provided a written statement detailing his knowledge, actions and legal advice relative to BCP. *See Waiver Certificate and Sworn Statement of* [redacted] *dated 26 May 04, for additional details.*

At 1035 hrs, 26 May 04, SA [redacted] traveled with [redacted] to his office, where [redacted] provided information retained upon a secure (SIPRNET) computer system to CID by electronically copying the data to another classified system. The material was comprised of correspondence between the Office of the Staff Judge Advocate (OSJA) CJTF180 and the International Committee of the Red Cross (ICRC), discussing visits by the international aid organization to the Bagram Collection Point (BCP). Additionally, [redacted] provided computer files he collected under folders entitled "Detainee Operations" and "Historical Files". [redacted] stated the records contained "every document related to CJTF180 SJA's involvement in the BCP investigations".

AGENT'S COMMENT: Due to the classified nature of the information within the files, they are maintained in the classified storage facility of HQ, USACIDC and are not attached to this report.

Between 0930 and 1030 hrs, 27 May 04, SA [redacted] briefly discussed matters related to this investigation with **COL** [redacted] **HHC, XVIII Abn Corps, FBNC (who was in the midst of a Permanent Change of Station to US Army Element, US Forces Korea, APO AP 96205).** [redacted] was unavailable for a lengthy interview, but was apprised of the issues CID wished to discuss with him and agreed to make arrangements for a complete interview while on PCS leave in early Jun – prior to his movement date of 14 Jun 04.

Between 1000 and 1321 hrs, 27 May 04, SA [redacted] interviewed **COL** [redacted] **HHC, Dragon Brigade Commander, XVIII Abn Corps, FBNC** who was the Bagram Air Base Commander from Apr 02 to Mar 03. [redacted] authored a sworn statement detailing his actions and observations relative to the operation of the BCP and interaction with MP and MI soldiers working within the facility. [redacted] duties included law and order operations, which included the MP element operating at the BCP. However, he explained his responsibilities were limited to administrative support to the soldiers and maintenance of the BCP facility. He was not involved in, briefed on, nor visited the BCP on a daily basis. [redacted] admitted touring the BCP

1520

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

on several occasions, but added he never observed any maltreatment of detainees. [redacted] stated he was aware MI personnel were employing sleep deprivation as an interrogation technique, but denied seeing detainees shackled to fixed objects to obtain sleep deprivation. *See Sworn Statement of* [redacted] *dated 26 May 04, for additional details.*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
[redacted]	DATE 27 May 04	EXHIBIT 308

FOR OFFICIAL USE ONLY

b2. b6. 7C 1521

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Fort Bragg, NC
Date : 24 May 2004 **Time:** 172[redacted]
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** LTC
Org/Address : Headquarters and Headquarters Command (HHC), 1st Corps Support Command (COSCOM), Fort Bragg, NC 28307

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

Q: What is your functional area and how long have you held that position?
A: Military Intelligence. I've been in MI since 1986, about 18 years now.
Q: Have you previously been deployed? If so, where and what was your job there?
A: Yes, to Bosnia. I was the G2X in the G2 shop, but we did not do detainee operations there, we just ran sources. I also deployed for Desert Storm, where I was the Assistant S4 and later the XO of the CI company, with 202nd MI Bn, 513th MI Bde, from Fort Gordon, GA (when we deployed the 202nd was out of Fort Monmouth, NJ). I had some exposure to detainee operations and interrogations, but my primary job with S4.
Q: What dates were you deployed to Afghanistan?
A: From around 12 May 02 to 21 Nov 02.
Q: What were your duties while deployed to Afghanistan?
A: I was the CJ2X, the Director of Counter Intelligence and HUMINT. I was the operations officer for source operations and the supervisory responsibilities for interrogations within Bagram Control Point (BCP) detention facility.
Q: What was the scope of your duties in that position?
A: Supervise and enforce policies and procedures (relative to CI and HUMINT) as the representative for the Senior Intelligence Officer (the CJ2). The CJ2 was COL [redacted] The line of responsibility was different than the traditional chain of command lines of responsibility, but I did have some supervisory responsibility.
Q: Did you have specific responsibilities related to the BCP?
A: Coordinating and de-conflicting operations both within and outside the facility. Talking with other agencies who had interest or participation in interrogations and running sources.
Q: During your military career, have you ever worked with or supervised the operation of EPW facilities?

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC,
DATED 24 May 2004, CONTINUED:

[redacted] Yes, to a limited extent. I visited the operations center of EPW area in Operation Desert Storm. I saw an area where interrogations could be observed by video, but it was primarily an orientation tour.

Q: How often did you visit the BCP?

A: It varied from two times a day to a few times a week. I was always there for any major transfers to GTMO and some of the ICRC visits. My visits to the BCP were sporadic, I varied them because I was the "eyes and ears" of the CJ2. Sometimes I went at 1400 and sometimes it was 0200, I know soldiers and checked on them frequently. I was never very disappointed in what I saw. I talked with MP soldiers, MI soldiers, I even talked with detainees.

Q: Did the detainees ever complain to you?

A: Once or twice. I recall a complaint that one detainee felt it took too long to get a bathroom escort. Another felt he had been there too long and he wanted to go home.

Q: Did any of the detainees complain to you that they were mistreated?

A: No. There is a right way to do things and I was not going to let anything inappropriate or unprofessional happen on my watch.

Q: Were your visits to the BCP announced or unannounced?

A: Some of both. Some were in the middle of the night and some were during the day, on those daytime visits, sometimes MAJ [redacted] PMO would go with me.

Q: What areas did you visit? (Sketch and describe in detail).

A: I insisted on complete access, sometimes they had problems with it. I would never tolerate having areas limited to me, but in Sep/Oct 02 when the new MP unit took over, they started building walls and fencing off areas of the facility (storage areas, closets), which I did not care for. I often took my flashlight and looked in closets, showers, etc. I did not go into the MP operational areas. I told my relief as I left that he should never allow himself to be kept out of areas of the facility. I never saw anything bad, but if you are in charge, you need to be able to look everywhere. I was proud of how clean, tidy and well run the facility was.

Q: Did you observe the Isolation Cell areas?

A: Upstairs all the time and downstairs, there was no windows, so not always could I see the detainees or even if anyone was inside. I thinks they may have started using the one downstairs somewhere near the end of my tour.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 309

1523

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 24 May 2004, CONTINUED:

Q: Did you observe any detainees within the Isolation Cells? If so, were they restrained? How?
A: Sometimes, yes, they were there, and some spoke English, so I spoke with them. I queried detainees, some were informants and they snitched on other prisoners, which we encouraged. Sometimes they were restrained with handcuffs, some had both handcuffs and leg irons on. I always asked about anyone cuffed, why they were cuffed and how long they were like that. Several instances involved detainees kicking or spitting at MPs, some who threw feces, some were combative with the MPs. It was a rarity, most people in Isolation were sitting or sleeping, some were drawing or eating.
Q: Did you observe anyone chained in a standing position anywhere within the BCP?
A: There was one man I observed, cuffed to the ceiling of the Isolation Cell, with a hood on. I asked the MPs why he was cuffed like that and how long he had been like that. The response I got was he had just come out of an interrogation and they were taking a break and did not want him to go to sleep. He had only been like that for a few minutes. And he also spit at them, so they put the hood on him. He kept taking the hood off and throwing it on the ground and he did this while I was there.
Q: Did you have any knowledge about or contribute to the design of the Isolation Cells in the BCP?
A: No. I know that space was a consideration. There was a limited amount of room available. I think the MPs designed how the Iso Cells would look. I seem to recall an SFC (a reservist) working within the Fusion Cell briefing the design.
Q: Did you see or review the BCP SOP, used by the MPs?
A: I saw it and read through it once or twice, when it was in it's infancy. It was constantly under revision and a challenge to marry up the Interrogation SOP and the Security SOP.
Q: Were you aware detainees were chained to the Hesco barriers as punishment (see BCP Security SOP, undated) and to achieve sleep deprivation?
A: Not for punishment, I only saw the one man chained to the ceiling. With the exception of this one case, I never even heard of that being used related to sleep dep.
Q: How was sleep deprivation achieved while you were at BCP?
A: The MPs yelled or made loud noises at them to wake them up, made them stand, made them walk around, the lights were always on.
Q: Did you observe any interrogations inside the BCP?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 309

1524

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 24 May 2004, CONTINUED:

[redacted] I think I saw one. The way we did interrogations, the detainee was seated with his back to the door. Sometimes you could stand either in the doorway or just outside the door, with an interpreter and listen, then have the interpreter tell you what was going on.

Q: Did you ever observe anything in interrogations that was violent, abusive or that made you feel uncomfortable?

A: No. The OGA guys sometimes threw furniture or broke chairs, but not once (that I saw) laid hands on detainees, in a violent or abusive manner.

Q: CID has shown you a copy of the CJTF-180 BCP SOP, dated 1 Aug 02, in which you are the identified point of contact. Is the copy you've been shown the final version of the document? Is it complete?

A: I am not sure, but I don't think so. My document was to be incorporated into the MP's BCP SOP.

Q: Where would one be able to obtain a copy of the Final Version of that document?

A: We posted them on the CJTF180 SIPR NET web page.

Q: Attached to the back of the CJTF-180 BCP SOP, dated 1 Aug 02, is a Use of Force document. Is this document part of the SOP?

A: No, I've never seen that.

Q: Where are the referenced annex's to this document maintained?

A: They should also be on the CJTF180 webpage. Annex 2, I wrote and XVIII Abn Corps G2 brought back a copy. Annex 4 was written by our Defense Intelligence Agency (DIA) counterparts and also posted on the web site. The senior DIA guy was part of my CJ2X shop, so he worked hand in hand with us. They did not arrive until around late JUN/ early Jul 02, they set up the ~~JDIC~~ JIDC [redacted] and DIA's involvement provided structure, maturity and guidance, which helped our Army operation down in the BCP. The ~~JDIC~~ JIDC [redacted] a corner of the Operations Section, upstairs on the second floor, inside the JIF, in the BCP.

Q: Did ~~JDIC~~ JIDC [redacted] their own interviews?

A: Yes, they coordinated with the Army interrogators and arrange interviews and exchange information.

Q: Who was in charge of the JIF?

A: On the interrogation side, 1LT (now CPT) [redacted] 519th MI Bn, from Fort Bragg, NC. I had a few issues with her based her relative inexperience and youth. Although she had enlisted experience as an interrogator, I don't think she'd ever

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 309

1525

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 24 May 2004, CONTINUED:

[redacted] done interrogations before. I found her soldiers hanging out in the BCP, sleeping in the JIF, she listened to her soldiers and let them do things they thought were fun. I had to correct several soldier issues, a boy and a girl sitting in the dark, when they had no reason to be there. She felt I was too much in her business, but she was young and she was not ensuring a clear break between work and off-duty time.

Q: Was there any issue regarding CPT [redacted] interrogation cell mission performance?

A: I didn't see that many interrogations, but what I did see was good. CPT [redacted] stayed late and worked hard to review paperwork.

Q: What is your opinion of how much of the "day to day" operations of interrogations, CPT [redacted] had involvement with?

A: I was very confident that she knew most of what was going on, her soldiers talked to her freely and she was in the facility almost every time I went there (except very middle of the night visits). I feel that if her soldiers were laying hands on people she would know about it. They would tell her. I would hope that she would fix it, because she knew that was inappropriate and would not be tolerated. She could get caught up in soldier hype. She argued with me for days about soldier issues. For instance the issue her soldiers living in the BCP, this finally got elevated to the CJ2 (COL [redacted]. CPT [redacted] was very in tune with her soldiers. However, my leadership style is not as relaxed and my soldiers would describe me as incredibly tough and that I never sleep.

Q: Who appointed you to write the SOP entitled CJTF-180 BCP SOP, dated 1 Aug 02?

A: I think it was the CJ2. I'm not sure I was ever appointed, it needed to be done and I was in charge of compiling all the data for the interrogation side. I had input from a number of people, including CPT [redacted] The mission of a BCP SOP was that of the MPs, our slice of it was to contribute the MI portion, Interrogations Operations.

Q: Who reviewed the SOP during your draft and completion of the document?

A: The J2 Ops Officer (LTC [redacted] reviewed the HUMINT piece. The J2 (COL [redacted] I think the Security BCP SOP, Annex 1 would have been probably the Chief of Staff. It looks like portions of my SOP were incorporated into the undated version of the BCP SOP, which the MPs wrote. The portion of the BCP SOP (MP document) which addressed Intelligence Operations and

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 309

b6, 7C

1526

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 24 May 2004, CONTINUED:

[redacted]ocedures has a high degree of specificity and would have had to come from CPT [redacted] Looking at it now, if it had come to me I would have asked for more detail than is present. This MP BCP SOP was completed after I left.

Q: Who approved the SOP after you completed your draft of the document?

A: The purpose of my SOP was collect what would ultimately be the "nuts and bolts" of the intell piece of the MP BCP SOP. The document I prepared was to be incorporated into the MP document. I can't tell if that final MP SOP document ever came back to us for chop.

Q: Who provided the legal review of the SOP?

A: It was staffed, which meant it went to SJA named MAJ [redacted] Maybe it was [redacted]

Q: Who signed the final version of the CJTF-180 BCP SOP?

A: To my knowledge, it was never signed. It was not designed to be a stand alone policy. Each party to the process contributed materials within their lanes (medical, MPs, MI, etc.). Our document was a part of the whole.

Q: What date was the BCP SOP put into practice in the BCP Interrogation Operations?

A: The date changed a few times, probably pushed out until around the time of my departure. My input was never a standalone SOP and the final version of the MP BCP SOP was not complete when I left.

Q: What training was done with A Co, 519th MI Bn Interrogators about what was expected of them?

A: When 519th was tasked to deploy, the mission was supposed to be Counter Intell and the interrogation facility. During pre-deployment, most of the training was basic Army tasks (OPSEC, SAEDA, etc). From Afghanistan, I increased the number of interrogators with the 519th based on the mission. After the 519th arrived, there was almost a month of overlap with the 202nd and there was a large amount of time spent training and working alongside the folks they were replacing. This included approaches, interrogations, background on the detainees and procedures and operations.

Q: Were these procedures the standard of practice at the time of the two deaths? If not, what other practices were being used?

A: I don't know I left before the deaths occurred.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 309

1527

STATEMENT OF LTC [redacted], TAKEN AT Fort Bragg, NC, DATED 24 May 2004, CONTINUED:

[redacted] Did anyone express to you problems related to policies, procedures and practices being employed inside the BCP? ICRC, SJA, PMO, MI/J2?
A: The SJA did express concern over the time it took us to assess a detainee and give them an ISN, which effected the detainees status and therefore access to ICRC. The MPs also wanted ISN's assigned sooner, because if someone was in the facility, the MPs wanted a number to account for them. The PM (MAJ [redacted] also told me that MI was living in the BCP and we both later complained to the CJ2, we got that fixed, but it did surface as an issue.
Q: Did you have any responsibility for oversight or monitoring of activity conducted by the MI interrogators assigned to the BCP?
A: Not the interrogators. My authority and responsibility extended to interrogation operations and information flow. The "day to day" operations and conduct of interrogations was CPT [redacted] lane. I did see a couple issues, which I took to the CJ2, (which I saw as problems), for instance the MI Soldiers living in the BCP. If I had stayed on, the placement of padlocks and doors in certain areas of the facility would have been an issue with me. I feel the fencing off and segregation of areas that are secret spaces that are not open to examination can set the stage for bad things to happen.
Q: Did you have any indication there was a problem within the BCP, prior to the two deaths?
A: I had none, but I was not there at the time of the deaths.
Q: Did you give any guidance to MI or MPs about the operations within the BCP? To whom and when?
A: Yes, I was always in their case. I think the MPs loved for me to visit. They would tell me anytime MI asked them to do something they did not want to and I would ask which MI person and address the issue on the spot.
Q: What kinds of problems did the MPs report to you?
A: MI living in the BCP, wearing civilians clothes in the facility, not signing in and out of the BCP, soldier stuff. They felt MI did not follow the rules and acted like "prima donnas". These were MP SSGs or SFCs being directed by MI SPCs and they didn't care for it.
Q: Did any of the MPs ever report to you being directed by MI to do anything illegal?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 309

1528

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 24 May 2004, CONTINUED:

[redacted]

A: No, I think they'd be more apt to tell their chain of command, but MAJ [redacted] and I had such a close working relationship, he would have come to me and told me.
Q: Did CPT [redacted] A Co, 519th MI Bn, ever ask you any questions about the operations within the BCP?
A: We talked a bit during her first month in country, but after the DIA representative arrived, not so much.
Q: Do you recall who the DIA representative was?
A: No, I think it was an USAF CPT, but I'm pretty sure the name she used over there may not have been her real one.
Q: Did you rate CPT [redacted] If no, who gave input to her OER?
A: Negative, I was not in her food chain at all. Her Company Commander's name was CPT [redacted] The Senior Rater was either the BN Cdr (LTC [redacted] or CJ2X Ops (LTC [redacted] might have been in their rating chain. I did leave input in the form of continuity files for my replacements regarding awards and decorations.
Q: Were you aware that at least two members of the interpreter staff made complaints about improprieties and physical abuse during interrogations? Did those complaints ever reach your level?
A: No. I had no idea.
Q: Were you aware that sleep deprivation was being used on detainees in the BCP?
A: Yes.
Q: Who authorized the use of sleep deprivation within the BCP?
A: No, I don't. It was in practice when I arrived there, so I assumed it was acceptable.
Q: Did you discuss the use of sleep deprivation with your legal advisor? If so, who was that?
A: Not that I recall.
Q: Were you aware that sleep deprivation was being achieved by chaining detainees to the ceiling for periods in excess of 24 hours?
A: Negative, absolutely not. If I saw anything going on, which would cause discomfort to me, I asked about it. I had no idea.
Q: Were you aware that detainees were being struck for "non-compliance" while held within the BCP?
A: Absolutely not.
Q: How did you become aware of the two deaths in Dec 02?
A: I want to say I saw it on the news or read it in the papers.
Q: What information came to light, that you had not previously known, after the two detainees died in Dec 02? Who told you?

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 309
1529

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 24 May 2004, CONTINUED:

[redacted] A: No, my first reaction was to question the details, what exactly happened and who was watching over the detainees when this happened.
Q: Did you take any actions or have any contact with anyone discussing the deaths of the two men in Dec 02?
A: No, I wanted to know, but knew there would be an investigation. I am honestly surprised no one came to talk with me before now, but I'm sorry those things happened.
Q: Do you know SGT [redacted] and SPC [redacted] and why they were selected to train A Co, 519th MI Bn?
A: Sure do. They were part of the 202nd (as augmentees, even though originally from the 519th). They had been there on the ground for a number of months and were eager to stay and train their own unit. They were mature, experienced and impressive young men. After the training was complete, both men volunteered to stay on a couple extra weeks to assist in providing additional weeks of training with members of the 519th MI Bn. Both were exceptional interrogators and very smart, selfless guys.
Q: Did they have input into the BCP SOP, dated 1 Aug 02?
A: No, it was not done until after they left.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////End of Statemen[redacted]//////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 309

1530

[redacted] STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 24 May 2004, CONTINUED:

AFFIDAVIT

I, [redacted], 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]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of May 2004 at Fort Bragg, NC 28307.

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

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

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 309
1531

Exhibit 309

Page(s) 1532 – 1533 withheld.

Exemption(s) b2.

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Fort Bragg CID, Fort Bragg, NC 28310
Date : 24 May 2004 **Time:** 1801
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** LTC/O-5
Org/Address : Dragon Brigade, XVIII Airborne Corps, Fort Bragg, NC 28310

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

Q: What is your functional area?

A: I am an infantry officer and have been since I was commissioned during May 1985.

Q: Have you previously been deployed? If so, where and what positions and responsibilities did you have?

A: Yes. I was deployed during Operation Desert Shield/Storm between 25 Dec 90 - 4 May 91. I served as the Commander of Company B, 1st Battalion, 7th Infantry, 3rd Infantry Division. The second deployment was in support of Operation Enduring Freedom, when I deployed to Bagram, Afghanistan with the XVIII Airborne Corps which became CJTF-180 once we arrived in Theater. I was deployed between 13 May 02 - 10 Feb 03. During this deployment, I served as the Deputy Base Commander, Bagram Airfield.

Q: What were your duties while deployed to Afghanistan?

A: I worked along five lines of effort. Because the base was in such a deteriorated conduction, I worked the reconstruction and serviceability construction issues related to the base. The five lines of effort were broken down into the first line of effort which was the Airfield Operations. As the airfield was our lifeline, my duties were to ensure the field was sufficiently repaired to allow supplies and combat aircraft to land and be serviced on the field. The second line of effort was Force Protection. I was responsible to ensure the security of the Bagram Air Field. We established centralized Entry Control Points to the installation and established a 360-degree perimeter to augment the defense of the Air Field. The third line of effort was Service Support. These responsibilities were related to the upgrade construction of existing facilities. I oversaw the construction of a fuel pipeline and storage area and logistical storage areas. This also included logistically supporting the units, which were located upon the Bagram Air Field. From a logistical perspective, this included maintaining fuel, Class I (food items) and water resources. The water was a

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C 1534 EXHIBIT 310

STATEMENT OF LTC [redacted], TAKEN AT Fort Bragg, NC 28310, DATED 24 May 2004, CONTINUED:

challenge, based upon a limited number of available wells from which to obtain water supplies. Line of effort ~~five~~ FOUR [redacted] related to quality of life issues. This primarily related to ensuring adequate tent age was available for the personnel assigned to the Air Field, sufficient showers, latrines, morale and welfare facilities as well as the Post Exchange. Line of effort five was responsible for the successful integration of Coalition forces. 1/3 of the Air Field were Coalition forces, so my efforts within this area focused on the coordination for mutual support of the Air Field with our coalition forces as well as assisting them in upgrading their quality of life issues relative to their assignment to the Bagram Air Field.

Task Force Dragon was responsible for base operations of Bagram Air Field and the security of Bagram Air Field and Area of Operation (AO) Bear, the 600 kilometer area surrounding and including Bagram Air Field. As the Deputy Base Commander, I also supervised the base staff. In support of TF Dragon, there were force protection assets assigned to the Bagram Air Field. Those assets included a rotating Infantry Company, an Air Force Security Detachment, the 377th MP Company (-) which conducted the mission within the Bagram Control Point (BCP) as well as augmenting our security forces at the Entry Control Points (ECP) for the base. A detachment from the 211th MP Battalion, which served as our Provost Marshal's Office (PMO) who was responsible for general law and order operations and personal security detachments for the Commander. We also had a detachment of Italian Carabienieri. I was also the approval authority for terrain modifications as well as construction projects related to the Base and facilities.

Q: What dates were you deployed to Afghanistan?
A: Between 13 May 02 and 10 Feb 03.
Q: Did you have specific responsibilities related to the BCP?
A: I prioritized the construction projects for the base. I had an Engineer Battalion responsible for the general construction and maintenance of the facility, however, I was not responsible for, nor had any visibility on the daily operations and procedures of the Bagram Collection Point (BCP) facility.
Q: During your military career, have you ever worked with or supervised the operation of EPW facilities?
A: No.
Q: How often did you visit the BCP?
A: I visited the facility up to a dozen times. I believe the first time I visited the facility was during July or August

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C 1535 EXHIBIT 310

STATEMENT OF LTC [redacted], TAKEN AT Fort Bragg, NC 28310, DATED 24 May 2004, CONTINUED:

2002. That was when the BCP Officer in Charge (OIC) from Company A, 519th MI, (CPT [redacted] who wanted interview and isolation booths constructed. During the remainder of the year, I made repeat visits.

Q: Were your visits to the BCP announced or unannounced?

A: Both announced and unannounced. The unannounced visits came after we had to read CPT [redacted] and his 1SG both letters of concern. The letters were drafted due to the unhealthy command relationship between CPT [redacted] and the 1SG. They were not operating as a command team.

Q: Based on your concerns with the Command relationship between CPT [redacted] and his 1SG, do you believe the command issues impacted upon the daily function and soldiers assigned to the the BCP?

A: No. The problem was that CPT [redacted] and the 1SG did not work together, but LT [redacted] had strong leadership qualities and he functioned as the Executive Officer for the 377th MP Company.

Q: What areas did you visit? (Sketch and describe in detail).

A: I visited the entire facility. When you entered the facility through the centralized entry point, a large metal door, which opened to an area where there was an MP desk. You signed in and turned in your weapon to the MP. You received a badge signifying you as a visitor. There was a stairway to the right of the MP desk, which leads to the second floor. To the left of the MP desk was the MP Command post within the facility. That was where CPT [redacted] the MP Commander and the three Platoon leaders worked. There was a smaller office, which was used as an arms room where the weapons were stored. There was a room to the right where the initial processing of the PUCs to include the photographs were taken. I remember the room because it had a US Flag as well as a banner for the NY Police Department. There was a temporary barrier initially made with a blanket, which lead into the general open area of the building. The general open area was divided into two halves. On the far side of the open area was where the MP's had stored their equipment and supplies. There were also pieces of equipment left over from the use of the building as a machine facility. The open area immediately in front of the blanket entry was where there were four or five large metal confinement cells. Each of the cells were surrounded by concertina wire. The entry to the cells was through a small entry/exit enclosure, which was

STATEMENT OF LTC [redacted], TAKEN AT Fort Bragg, NC 28310, DATED 24 May 2004, CONTINUED:

[redacted]

also surrounded by concertina wire. Each of the cells were positioned next to one another and each had a separate entrance. There was a wooden platform, which had been built behind the enclosures, which allowed an MP to walk and observe the activity within the holding cells.

The second floor of the facility was constructed in an "L" shape. The second floor only existed over one side of the building, the right (west) side as you entered through the main front door. There were stairs at the front and rear of the building, which allowed access to the second floor. The front stairs were located to the right of the MP desk inside the front door of the facility. The rear stairwell was located in the south corner of the building and lead to the first floor area. As you walked up the stairs from the front entryway, at the top of the stairs was a Command post for the 519th MI soldiers who conducted interviews of the detainees. Opposite the MI soldier area was a room, which the MP's used as a "day room" facility. It contained some furniture and a computer where the MP's could relax and rest. There was a concrete walkway used as an observation area, which extended the length of the building from North to South and looked down on the main confinement area. There were several rooms along the side of the walkway. To the best of my recollection, the first two rooms closest to the front of the building were used as interview rooms and the next two rooms had been converted into isolation holding cells. The engineers assigned to the Company B 92nd Engineers had constructed the isolation holding cells from plywood. The cells each had an individual entrance door with an observation port built into the door. I believe there were a total of six isolation cells (three on each side of the room) within each of the main building room areas.

Q: Did you observe the Isolation Cell areas?
A: Yes.
Q: Did you observe any detainees within the Isolation Cells? If so, how were they restrained?
A: Yes. I do not recall if the detainees were restrained in any way. I recall the detainees sitting in the far corner of the cell.
Q: What time of day would you visit the BCP and observe the isolation cell area?
A: It was normally during the daytime. I was never at the facility at night.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 310

b6, 7C

1537

STATEMENT OF LTC [redacted], TAKEN AT Fort Bragg, NC [redacted]28310, DATED 24 May 2004, CONTINUED:

Q: Did you observe anyone chained in a standing position anywhere within the BCP?
A: Not to my memory, no.
Q: Did you have any knowledge about or contribute to the design of the Isolation Cells in the BCP?
A: I had knowledge of the isolation cells, but I did not contribute to the design of the cells. I believe MAJ [redacted] provided the design of the isolation cells to the engineers. I recall there was a packet, which had been provided during one of the Monday morning Engineer Customer meetings, in which they were discussed. That I can recall, the isolation cells were constructed primarily of plywood. They had a large wooden door. The walls and the door were extremely thick to be sturdy. Each of the doors was built with an observation window with metal rebar across the opening. The rooms had a wooden floor with a thin carpet. There was some sort of ceiling, I cannot recall if it was made from Hesco or not. I recall the conversations that the rooms had to have a ceiling and the light had to be allowed to shine in. There was a common hallway so the MP personnel could walk past and observe the rooms and any detainees within the rooms.
Q: Were you aware of the placement of Hesco barriers as a ceiling in the Isolation Cells?
A. I am aware there was some ceiling, and most likely it was constructed from Hesco. We used Hesco for many construction projects.
Q: Were you aware detainees were chained to the Hesco barriers as punishment and to achieve sleep deprivation?
A: No I was not.
Q: Did you observe any interrogations inside the BCP?
A: No I did not. We were not allowed to.
Q: Did you see or review the BCP SOP?
A: No.
Q: Did anyone express to you any issues with policies, procedures and practices being employed inside the BCP?
A: The only ones, which came to my attention, were during December 2002 after the death of the detainee. Sometime during December 2002, I was present with a group of people. CPT [redacted] the Commander of Company A, 519th MI told us that the detainee had died and that he was found dead in his shackles. They believed the death was based upon a heart attack. At the same time I recall him saying that the detainees were not to be shackled anymore. The International Committee of the Red Cross

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 310
1538

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC [redacted]
28310, DATED 24 May 2004, CONTINUED:

(ICRC) would visit the BCP periodically. I do not recall exactly how often they would visit. The visits were coordinated through the CJTF-180 Staff Judge Advocate (SJA). Occasionally the ICRC would make a recommendation, which was related to the facility. I would either receive the notification during one of the engineer Customer Meetings or the CJTF-180 SJA, COL [redacted] would mention issues during meetings or in an e-mail. The two issues I recall were increasing the heat in anticipation of the coming winter and replacing the carpet within one of the isolation rooms. I also recall they mentioned the water within the BCP shower facility was not always heated.

Q: When was the first indication you had that there was a problem within the BCP?

A: Beside the Command and Control problem was really after we heard that there had been a death in the facility. At that point, it was not really identified as a problem, as the death had been attributed to natural causes. In response to both deaths, there was an immediate response of CJTF-180 leadership to initiate the appropriate investigations. After the second death, I realized there might have been a problem, but the leadership of the CJTF-180 was taking the proper actions, as the operations of the BCP were under their jurisdiction.

Q: Did you give any guidance to MI or MPs about the operations within the BCP?

A: No I did not. That was not under our jurisdiction.

Q: Did CPT [redacted] 377th MP Company Commander, ever ask you any questions about the operations within the BCP?

A: Not about the BCP. CPT [redacted] did ask me about the operations of the Entry Control Points (ECP). There were many discussions and I escorted him on several terrain walks to the ECP to observe the conditions of the ECP, which were manned by soldiers assigned to CPT [redacted] MAJ [redacted] also had several terrain walks with CPT [redacted] These visits would answer his questions as to clarification of the mission as well as to provide guidance to him as the Commander.

Q: Did you rate CPT [redacted]

A: MAJ [redacted] was his rater and I was his senior rater. The focus of my comments as the Senior rater were based mainly on the comments provided by his rater as well as my observations of his soldiers who were assigned to the ECP missions.

Q: Did CPT [redacted] A Co, 519th MI Bn, ever ask you any questions about the operations within the BCP?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 310

1539

STATEMENT OF LTC [redacted], TAKEN AT Fort Bragg, NC 28310, DATED 24 May 2004, CONTINUED:

A: No. ~~She briefed me on things, which transpired within the BCP.~~ It was usually CPT [redacted] who would escort me within the facility. She gave me the initial tour of the BCP and at the Engineer Customer Meeting; she would present things, which needed to be constructed to support the BCP.

Q: Did you rate CPT [redacted]

A: I did a Senior Rater close out as of end of month Nov 02. She was picked up for CPT on 1 Dec 02. She did not have any O-5 representation within the theater. Between discussion with CPT [redacted] CPT [redacted] and myself, we decided I would provide the report, which she needed, as she was required to close her time as a Lieutenant. CPT [redacted] Commander, Company A, 519th MI Bn Commander provided me the input for the report. I did not rate CPT [redacted] at any other time.

Q: Were you aware that sleep deprivation was being used on detainees in the BCP?

A: It is hard to say at what point. I knew after December 2002 that sleep deprivation had been used. That was not part of my responsibility.

Q: Who authorized the use of sleep deprivation within the BCP?

A: I don't know. I know there was an SOP and they were revising it. I do not know who gave the authorization for sleep deprivation.

Q: Did you discuss the use of sleep deprivation with your legal advisor?

A: No. I had no need to.

Q: Were you aware that sleep deprivation was being achieved by chaining detainees to the ceiling for periods in excess of 24 hours?

A: No.

Q: Were you aware that detainees were being struck for "non-compliance" while held within the BCP?

A: No I was not.

Q: How were you notified of the two deaths in Dec 02?

A: The information came during part of the battlefield update brief (BUB). I believe that CPT [redacted] briefed COL [redacted] and I ~~during the CJTF 180 BUB~~ after the BASE BUB in December. CPT [redacted] would attend the Bagram Installation BUB, as he supported us with intelligence support for the local area.

Q: What information came to light, that had not previously known, after the two detainees died in Dec 02?

A: I left before the investigation was completed. I was not briefed on the investigations in the scope of my responsibility.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 310

L. JC 1540

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 24 May 2004, CONTINUED:

[redacted]

Q: What actions did you take after the deaths of the two men in Dec 02?
A. I did not take any actions. CJTF-180 initiated a 15-6 investigation.
Q: Is there anything you wish to add to this statement?
A: The BCP was under the Command and Control of the CJTF-180. There were several different units within the facility, which made centralized command and control of the facility difficult. TF Dragon Base Operations was primarily responsible for force protection, life support and security of the base. That was where our relationship with 519th MI and the 377th MP Companies. They also played a role inside of the BCP, but that was not within our jurisdiction. All guidance related to the operations of the BCP came from the CJTF-180.
Q: Do you have anything additional to add to this statement?
A. No.
//////////////////////End of Statement//////////////////////

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 310

1541

STATEMENT OF LTC [redacted], TAKEN AT Fort Bragg, NC 28310, DATED 24 May 2004, CONTINUED:

[redacted]

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 9. 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 oaths, this 24th day of May 2004 at Fort Bragg, NC

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 310

1542

Exhibit 310

Page(s) 1543 – 1544 withheld.

Exemption(s) b2.

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Fort Bragg, North Carolina
Date : 25 May 200[redacted] **Time:** 1530
Statement of [redacted]
SSN : [redacted] **Grade/Status:** LTC/O5/RA
Org/Address : Headquarters and Headquarters Company (HHC), XVIII Airborne Corps, Fort Bragg, North Carolina 28307

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

Q: What dates were you deployed to Afghanistan?
A: I got there in late November 2002 (about two weeks prior to the deaths), and left in May 2003.
Q: What were your duties while deployed to Afghanistan?
A: I was the Deputy CJTF180 SJA under COL [redacted], who was the CJTF180 SJA. Supervised junior attorneys, admin investigations, whatever the SJA needed done.
Q: How was the SJA Office divided up for duty?
A: CPT [redacted] worked Criminal Law issues; CPT [redacted] worked Fiscal Law; CPT [redacted] worked Legal Assistance Issues and MAJ [redacted] worked as the BCP Legal Advisor and Operational Law. MAJ [redacted] rated all the CPT(s) and I rated [redacted]
Q: What is your functional area?
A: I'm a lawyer
Q: How long have you been a lawyer? What positions have you held?
A: I finished law school at Suffolk Law School, in Boston, MA in 1988 and was in the ROTC. I got a delay to finish law school and I've been an Army lawyer ever since I completed school. I've been a trial counsel, defense counsel, environmental law, contract law, pretty much all of it.
Q: Had you been deployed prior to the Afghanistan deployment? If so, where and what were your duties for each deployment?
A: No. That was my first deployment.
Q: Where did you normally perform your duties?
A: Inside the Headquarters Building, right outside was the tent that housed the JOC.
Q: Where was that located in Afghanistan?
A: Inside a secure area on the Bagram Air Base, off Disney Road near the turn off for the Airfield and Flight Ops
Q: Where was your work area located at Bagram?
A: Inside the Headquarters Building.
Q: Where was that in relation to the BCP?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 311
1545

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 25 May 04, CONTINUED:

[redacted]: The BCP was located about a ½ mile down Disney Road from where I worked.

Q: Did you ever visit the BCP? How often did you visit the BCP? What areas of the facility did you visit? (Sketch and describe in detail).

A: I visited it about 7 or 8 times. MAJ [redacted] gave me a tour the first time. I think that first visit was before the deaths. I got a short tour, during the first visit, and spent most of my time on the second floor. I was introduced to the person who assigned PUC numbers and explained the process that PUCs went through. Both MAJ [redacted] and myself were fairly new and he was getting accustomed to the inner workings of the facility. His job was to act as their legal advisor and I was observing. The main focus of the visit was for [redacted] to learn how the BCP operated from day to day. After that I went there maybe 7 or 8 times, to observe operations. Once I observed an in-processing session, I recall thinking back on my TDS experience, that the in-processing procedure used on the PUCs was very similar to the one used on US forces at the Mannheim Disciplinary Barracks. One time I watched an interrogation. I had to sign in, I coordinated all my visits with MAJ [redacted] so they usually knew I was coming.

I visited most of the facility, but a lot of things changed during my tour. They made physical modifications to the facility after the deaths and as a result of the 15-6 when issues surfaced about how to safely interrogate prisoners, without the use of "safety positions". I had heard that at GTMO, there was a restraint system in interrogation booths, which allowed prisoners to be fixed to the floor. And although I know AR 190-8 or the Corrections regulation prohibit chaining to a fixed object, I know it was being considered to alleviate the use of "safety positions". I never saw them put in anything like that. In the interim, MI was using safety positions to protect themselves. The stated purpose of "safety positions" was to protect the MI personnel. After the two deaths and the 15-6, it was decided interrogators would have to get permission from the senior person (I believe this meant the NCOIC and/or OIC). Prior to that, I'm not sure if approval was needed to use a safety position in an interrogation. I know MI wanted to continue using "safety positions" so we sent it up as one of the 15-6 findings to LTG [redacted] for a decision.

I also recall that GTMO had asked for a review of interrogation procedures to obtain clear guidance on what was

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 25 May 04, CONTINUED:

[redacted] approved practice and what was not. We heard about this effort and wanted to be included in the working group. We prepared a letter, dated 24 Jan 2003, which detailed practices currently being employed, what was effective and what MI was proposing to use as a technique. I have been told that subsequently there was a working group, a decision was made and guidance was issued, but it did not happen before I left Afghanistan, so I have never seen it. We expected a response much sooner and when one did not arrive, we implemented the recommendations of the 15-6. When we implemented the 15-6, we then conducted training sessions with the MPs and MI to discuss the changes. [redacted] and COL [redacted] trained the MPs and [redacted] and myself trained MI.

Q: What did the training session cover?

A: I can only speak to the one I did with MI Interrogators, the primary purpose of which as to convey that there was to be no physical contact with the PUCs during interrogations at all. There were questions from MI about the use of mild physical contact to reassure or bond with the detainee. Our guidance to them, was no contact at all. We were waiting for guidance, based on our input to the working group. This also suspended the use of "safety positions" until clear guidance on it was received.

Q: Who was present for the training?

A: It was mandatory training for everyone. There was a sign-in roster, but that was handled by MAJ [redacted]

Q: Who was in charge of MI?

A: I don't recall who was in charge when I first arrived, but later it was LTC [redacted] We appointed an overall commander of the BCP, because of the friction the 15-6 uncovered between the MPs and MI.

Q: Do you remember CPT [redacted] Did you ever see her? Meet with her or talk with her?

A: I've heard about her involvement with Abu Ghraib and I understand that she was in charge of the MI in the BCP at the time of the deaths. I may have seen her, but I've never spoken with her.

Q: What was the judge advocate technical chain from the BCP to CENTCOM?

A: The contact between CENTCOM was email or telephone contact between COL [redacted] and the CENTCOM SJA USN CAPT [redacted] (I can't recall her last name).

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 311

1547

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 25 May 04, CONTINUED:

[redacted]

Q: Can you describe and diagram the staff relationships relative to the BCP for both MP and MI operations? Please include the role of the JIIC, the J2, the PMO, the J3, and the Fusion Cell if you know. Provide names to go with positions if possible.

A: I'm not conversant in that, but MAJ [redacted] could discuss that in detail. I was not a participant in the effort, he was.

Q: Did you supervise MAJ [redacted] in his role as the BCP legal advisor?

A: Yes.

Q: How did you do that? How often did he report to you to discuss issues from the BCP?

A: Most of the information concerning PUCs he did not share with me. However, I was involved in some PUC issues. Transfers of custody or release he would talk directly with the J2 (COL [redacted] and COL [redacted] directly. Sometimes he would come talk with me about the ICRC issues. I could overhear issues he discussed with COL [redacted] based on the openness of our office area.

Q: Did he often bring issues to you for resolution or did he make you aware of issues in the facility that he had resolved?

A: Yes, he worked at the JOC, which was just outside our building. He was in the BCP almost daily, I was not.

Q: Describe the issues that you remember discussing with him and how you handled those issues.

A: The friction between MPs and MI over the execution of sleep deprivation. The MPs complained about having to run the sleep deprivation operation. That was well after the deaths. Nothing before the deaths, because the deaths happened right after we arrived.

Q: Did you ever become involved with MAJ [redacted] and/or the Military Police (MP) or Military Intelligence (MI) Chains of Command related to the operating procedures and standard practices within the BCP?

A: No, the first time I saw the BCP SOP was when COL [redacted] brought a copy of the SOP into my office, while he was working on his 15-6. I think it was also posted on the MP web page, but the first time I saw it was when COL [redacted] had a hard copy for use in his report.

Q: What types of practice or procedure issues were raised to your attention and what did you do about them or what advice did you provide?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 311

1548

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 25 May 04, CONTINUED:

[redacted] A: It was all within the context of the findings in the 15-6. It came from a review of applicable Army Regulations (on EPW Ops, Corrections), DOD messages and talks with the MP and MI Commander about procedures. And lastly, there was the effort I mentioned earlier about the review of interrogations tactics, techniques and procedures. Much of what is included in the 15-6, came from MAJ [redacted] collection and collation of interrogation procedures in support of the working group looking at the interrogation techniques.

For instance, with regard to chaining people in a standing position, my understanding was that practice (which was also listed as findings in the 15-6) was functionally discontinued well before we wrote our report.

Q: Prior to the deaths, did MAJ [redacted] bring any issues to you about problem practices within the BCP?

A: I do not have any specific recollection of problems within the BCP at the time of my arrival. We fell in on a working operation and until the deaths had no reason to question the operation. At the time of the deaths, we took immediate action to initiate an investigation (running parallel to the CID criminal inquiry), which addressed other potential problem areas.

Q: Were you ever aware of the MPs carrying batons in the BCP? If so, how were you aware of this? Did you ever personally observe MPs with batons inside the facility? When and where exactly did you see this?

A: I never personally saw them with baton. In the course of the 15-6, information came to light there were batons in the facility. I can't remember who told me about them, it was either COL [redacted] or MAJ [redacted] After I became aware of the presence of batons, I contacted the US Army Military Police School (USAMPS) and they sent me a training manual, which addressed riot control formations and techniques. COL [redacted] verified this was consistent with the training the 377th MP Company received. I also personally checked this data with MAJ [redacted] the Bagram PMO, to verify this was consistent MP training and doctrine.

Q: Did you ever have a suspicion that the MPs used the batons on the PUCs who died?

A: During the 15-6, MPs admitted to COL [redacted] they had used the batons on some detainees, so we examined it as a potential theory which could have caused the injuries to the legs of both the detainees who died.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 311

1549

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 25 May 04, CONTINUED:

[redacted] **Q: What supervision and guidance did you provide MAJ [redacted] in his role as liaison to the International Committee of the Red Cross (ICRC)?**

A: I really don't recall any information related to ICRC (prior to the deaths) other than an initial meeting with [redacted] the ICRC representative. I don't recall specific discussion during our first meeting. But ICRC did write letters to the BCP legal advisor, prior to my arrival. I don't think I ever saw them.

Q: Did any practice or procedure within the BCP change during your tour because of complaints from ICRC? Who changed it and why?

A: Not that I can recall, but there may have been. There may have been minor modifications made to diet request, like tea and fruit being provided. MAJ [redacted] could better answer that.

Q: Did you ever observe any detainee in standing restraint? Explain exactly how the detainee was restrained when you observed this (make drawing).

A: I saw only one man standing in an isolation room. He was not secured to anything. He was simply standing in the Isolation Room.

Q: Under what circumstances would restraint to fixed objects be justified?

A: It is not. It's prohibited. A modification to the facility to add a bolt in the floor of the interview rooms to secure detainees was discussed and I advised it was not permissible based on AR 190-47's restriction against restraining inmates to fixed objects. The immediate issue was chaining PUCs to fixed objects. That practice was stopped prior to the completion of the AR 15-6, but it was also identified as a problem in the 15-6.

Q: Were you asked to or did you provide any guidance on limitations for the use of standing restraint for sleep deprivation? If so, what advice did you give and why?

A: Prior to the 15-6 no. My recommendation was that other methods to keep the detainee awake should be explored. The issue of how to functionally achieve sleep adjustment through standing was raised to CENTCOM. We did not receive a response before I left.

Q: Were you ever consulted regarding MI activities inside the BCP? By whom? What was discussed? How did you resolve it?

A: No. I did not have much dealing with MI activities. Any issues that came to me were brought to my attention by MAJ [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 311

b6,7C

1550

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 25 May 04, CONTINUED:

[redacted]: **Are you aware of any guidance regarding specific interrogation techniques issued by CENTCOM prior to those deaths? How about any time after but before you left Afghanistan?**
A: I believe there wasn't any. None was received to my knowledge, before I left.
Q: Did CJTF-180 or any of its staff or subordinate elements either formally or informally issue any guidance regarding specific interrogation techniques that were authorized or prohibited?
A: We made efforts to find any previously issued guidance and only found FM 34-52, which is very generic.
Q: Did you ever observe any interrogations? When, where, what were the circumstances?
A: It was well after the deaths and it was a CITF interview, not an MI interrogation.
Q: What was your opinion regarding the adherence to the guidance in FM 34-52, during any interrogations you observed?
A: Did not apply it was a CITF interview done to obtain information related to criminal prosecution. MI interviews were focused on battlefield intelligence.
Q: Was there additional interrogation TTP guidance or modifications authorized for use in Afghanistan? If so, what modifications were made, authorized, and by whom?
A: No. The memorandum sent to CENTCOM in January 2003 was an effort to identify interrogation techniques and have them approved by higher authority.
Q: Were you aware of the interrogation techniques identified in Para 6 (a thru h) of COL [redacted] AR 15-6 investigation prior to the deaths in Dec 02?
A: Not all of them, just sleep deprivation. I probably knew about sleep deprivation, but not the specifics of how it was achieved. The information contained in that paragraph came from an effort to gather information from a variety of sources to submit to the DOD Working Group on interrogation practices.
Q: When and how did you become aware of these procedures?
A: I became aware of them as a result of the 15-6.
Q: To your knowledge, were you or any other judge advocate asked to review them or provide legal advice regarding them prior to Dec 02?
A: I don't think so. I replaced LTC [redacted] and I think he was less involved in and less knowledgeable in the interrogation operations than I was.

INITIAL: [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 311

66,72

1551

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 25 May 04, CONTINUED:

[redacted] **After these techniques came to light, was any effort made to discover where the questionable techniques came from? Who authorized them? Who reviewed them?**

A: Our first task was to determine what regulatory guidance existed. We found FM 34-52, it contained "approaches" which were very vague and we asked (I believe it was CPT [redacted], I'm where the specific techniques (listed in the 15-6) came from. I'm assuming it came from historical practices in Bosnia and Kosovo and from the first year in Afghanistan. I would tell you I do not believe there was any written policy in existence prior to our identification of a need for it. MI wanted clear guidance issued, but I believe the impetus for that guidance was the unfortunate deaths of those two detainees. The 15-6 findings recommend clarification to the use of "safety positions" because we found the position was being used to facilitate cooperation, instead of a true protective measure. We wrote that in the 15-6. When we briefed MI in a group setting, it was made clear to them that safety was the only consideration.

Q: Were you COL [redacted] legal advisor for the AR 15-6 investigation into the BCP operation after the deaths?

A: Yes.

Q: What do you recall his mission to be?

A: It was to look at procedures with regard to interrogation and operations within the BCP by MPs. The focus was physical contact with detainees.

Q: Did you have an initial briefing with him?

A: Yes, the 15-6 was a look at procedures. Simultaneously, there was a CID investigation going on which should have addressed the misconduct issues. We knew about at least one instance where an MI Interrogator had physically assaulted one of the men who later died. COL [redacted] briefed LTG [redacted] on the incident, but no action was taken because we were waiting for CID to complete their investigation. No one wanted to hinder an on-going criminal investigation into the death.

Q: What did you tell him in his initial briefing?

A: Yes, I gave him an outline of what he should do. It included a review of regulations, interviews of personnel and visit the facility to review and observe procedures.

Q: How much assistance did you provide to COL [redacted] What assistance did you provide?

A: Quite a bit.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 311

1552

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 25 May 04, CONTINUED:

[redacted] **How often did you meet with COL [redacted] during his investigation?**
A: He came over to drink coffee in the morning, so I saw him almost everyday.
Q: What did you discuss with him in these meetings?
A: I talked to him, provided advice and actually typed significant portions of the 15-6 document. He used COL [redacted] computer to prepare it and he gave me copies, then I would review, edit, ask questions.
Q: Did you know exactly who COL [redacted] interviewed for his investigation?
A: Not all of them were recorded in statements, but many people, but I don't know the names beyond the MP Cdr and the MI Cdr.
Q: What advice did you give him regarding the on-going CID investigation? He should not interfere with CID investigation and not do make duplicate statements
A: I provided him with specific references and documents. But he was tasked to verify with the personnel involved whether they were familiar with, were applying and were in fact using the techniques. I would say I participated more in this 15-6 investigation than I have with others.
Q: There is reference to Categories I, II, and III contained within COL [redacted] 15-6 Report, which he can't recall much about. Was this portion of the 15-6 contributed by you?
A: I facilitated its inclusion. There was a simultaneous effort to include Bagram in an interrogation operations and procedures review. GTMO had a slide show, which sorted techniques into groups. I can't recall what fell into which category. But no guidance related to techniques was delivered to Bagram. We wanted to be included in the working group, so we compiled the 23 Jan 2004 Interrogation Techniques Document, for considerations in their discussions. The intent was to obtain for the first time, some specific guidelines for MI interviews at Bagram.
Q: Other than as it related to the 15-6 investigation, what was your exact involvement with the CID investigation. Did you receive updates and reports?
A: Most of it was verbal briefings from the CID Agents. MAJ [redacted] was the primary point of contact for CID in their investigation.
Q: Who was the primary judge advocate with whom CID was instructed to coordinate their death investigation? What was his/her position in you office/headquarters? (If [redacted] did

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 311

1553

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 25 May 04, CONTINUED:

[redacted]he not see a potential conflict of interest in having [redacted] provide advice on this investigation? If so, why did [redacted] do it anyway. If not, why not?)

A: MAJ [redacted]. It was a deployed environment with a limited number of experienced attorneys. I did not view it as a conflict for MAJ [redacted] to give advice simultaneously to CID and the MPs in the BCP and to a limited degree MI.

Q: Did you give COL [redacted] advice on interviewing soldiers other than those suspected of wrongdoing in the CID investigation?

A: I counseled him to ensure he did not conflict with the CID investigation. It could compromise the investigation and would be doubling the work. I believe we were trying to minimize the number of duplicate interviews.

Q: Do you remember the lowest rank of an individual MP or MI soldier COL [redacted] interviewed or talked to? What rank was that?

A: No. I do not.

Q: Do you think that gave him an adequate understanding of how the facility and interrogations were actually operating?

A: Yes, if you read the 15-6, it is clear he understood and articulated for the first time what was going on in the BCP with regard to interrogations and the overall operation.

Q: With regard to COL [redacted] first finding, do you know on what he based his assessment that there is a "conflict between obtaining accurate, timely information and treating detainees humanely"?

A: The 15-6 makes no value judgment. It states a practice and discusses conflicts raising them for a decision by leadership.

Q: Much of COL [redacted] findings do not reference exhibits or other sources for his information, did you note this during your meetings with him? For example, based solely on the investigation, it does not appear possible to determine from where COL [redacted] obtained information regarding the categories of interrogation techniques authorized by DoD and the non-doctrinal interrogation procedures/techniques being used in the facility. Do you know where he obtained this information?

A: Yes, it is referenced in the enclosure (the 24 Jan 2003 Bagram Interrogation Practices) to the SJA Legal Review. COL [redacted] saw this memo and it was issued to support findings concerning interrogation techniques.

Q: Do you know on what information COL [redacted] based his conclusion that MPs knew, were following and strictly applying

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 311
1554

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 25 May 04, CONTINUED:

[redacted]the RUF? Did you ever suggest that he talk to actual guards/soldiers to make that determination?
A: Talking to the MP Commander.
Q: Did you review the statement where an MP stated that he had repeatedly punched a shackled detainee in the chest in order to subdue him? Did you believe that to be within the RUF?
A: I did not see it myself. I don't recall the specific instance. Our focus was on procedure, what the rules for use of force were and how they were being applied. It was not COL [redacted] mission to run down every questionable use of force by MPs, it was to discuss whether the procedure was doctrine, was being adhered to and/or needed revisions. We made some recommendations based on observations. It is an effort to identify conditions that exist and rectify problems, not to assess blame.
Q: It appears COL [redacted] spent minimal time actually observing facility operations, and most of his time at the facility in the admin area from, which he could not observe facility operations. Did you ever suggest that he collect more detailed information regarding actual BCP procedures and operations prior to finalizing his report?
A: My recommendations to him were to spend as much time as possible observing actual "day to day" operations as possible. I did prompt him to return to the facility to collect additional data and make observations as the investigation progressed.
Q: COL [redacted] states that he sent you his draft report and that you "expanded" certain aspects of the report. CID has provided you with a copy of that report, can you highlight the sections that you wrote?
A: I made significant contributions to the piece related to the use of the baton and MP use of force, most of this is contained in the paragraph entitled "Procedures of the Unruly or Noncompliant PUCS". Bear in mind that any revisions or additions were reviewed and adopted by COL [redacted] Several areas are the result of combined effort from COL [redacted], MAJ [redacted] and myself. I researched and provided the references to AR190-8 and AR190-47 to COL [redacted] he read them and adopted them in his report.
Q: Were you aware that MAJ [redacted] provided an initial legal review for the CID investigation?
A: Yes
Q: At any point, were you aware of potential misconduct on the part of any MI soldier? Of what did you become aware?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 311
1555

STATEMENT OF LTC [redacted], TAKEN AT Fort Bragg, NC, DATED 25 May 04, CONTINUED:

[redacted]: Potential misconduct was uncovered relating to a female MI Interrogator who committed an act which was in violation of Article 128, of the UCMJ. We did not take action at that time because the CID investigation is still active.

Q: Was any consideration given to initiating a security procedures sometimes referred to as a Procedure 15?

A: I don't know. It was something that would best be answered COL [redacted] or the MI personnel Commanders (LTC [redacted].

Q: Are you aware of the requirement to report derogatory information to the CCF for security clearance determinations?

A: Yes, and in retrospect I know it should have been suspended based upon the scrutiny alone. Usually that is a unit responsibility and one I would suspect they should have initiated at a minimum on the female SGT.

Q: Who within the Military Intelligence unit advised that the safety positions were necessary strictly for the safety and protection of the MI interrogators?

A: I directly know it was LTC [redacted] I think he was advocating for the use of the procedure on behalf of the MI personnel during the formulation of the document forwarded for CENTCOM review, that they include the use of safety positions.

Q: Upon conclusion of the 15-6 and prior to the response to the memorandum related to MI interrogation practices, which had been forwarded to CENTCOM for review, who made the decision to continue to allow safety positions to be utilized within the BCP?

A: LTG [redacted]. It was discussed with COL [redacted] the SJA, and taken into LTG [redacted] who signed the findings in which the safety positions could only be used for safety purposes.

Q: Is there anything you wish to add to this statement?

A: No.

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

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 311

1556

STATEMENT OF LTC [redacted] TAKEN AT Fort Bragg, NC, DATED 25 May 04, CONTINUED:

[redacted]

---------- AFFIDAVIT----------

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 13. 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]

(Signatur[redacted] Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of May 2004 at Fort Bragg. NC

[redacted]

[redacted]nistering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 311

1557

Exhibit 311

Page(s) 1558 – 1559 withheld.

Exemption(s) b2.

0134-02-CID369-23533
0137-02-CID369-23534

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: Fort Bragg, NC DATE: 26 May 0[redacted] TIME: 1640
FILE NUMBER: 0134-02-CID369-23533/0137-02-CID369-23534
NAME (Last, First MI): [redacted] SSAN: [redacted] GRADE / STATUS: MAJ/O4
ORGANIZATION OR ADDRESS: HHC, 82nd Airborne Division (Office of the SJA), Fort Bragg, NC 28307

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Spe[redacted] Agent and wanted to question me about the following offense(s) of which I am suspected/~~accused~~ [redacted]ereliction of Duty/////
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.
5. COMMENTS: Are you currently represented by legal counsel for any reason? Yes____ No[redacted]

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.

W[redacted]
S[redacted]
HQ USACIDC/INV OPS DIV
FT. BELVOIR, VA 22060

Witness# 2

Signature of Witness

[redacted]
HQ, USACIDC, Inv Ops Division
Fort Belvoir, VA 22060

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

b2. b6. 7C 1560 EXHIBIT 312

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Fort Bragg, North Carolina
Date : 26 May 2004 **Time:** 2239
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** MAJ/O4
Org/Address : Headquarters and Headquarters Company (HHC), 82nd Airborne Division, Fort Bragg, North Carolina 28307

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

Q: What dates were you deployed to Afghanistan?

A: We left here on the 6th of Nov 02, but we took a few days to travel through Germany and arrived at Bagram. I was on the ground in Afghanistan from approximately 12 Nov 2002 to 5 Jun 2003. I arrived back at Bragg on 6 Jun 2003.

Q: What were your duties while deployed to Afghanistan?

A: I was the Chief of Operational Law on the CJTF180 Staff. I was also the BCP Legal Advisor and I was the Staff Liaison with the International Committee Red Cross (ICRC). I was the legal advisor for the Leadership Targeting Cell.

Q: What is your functional area?

A: I'm a lawyer, Judge Advocate. I think the branch designator just changed from 55A to 27A.

Q: How long have you been a lawyer? What positions have you held?

A: I've been a lawyer since 1992, when I passed the bar in Massachusetts. I've been an Army lawyer since 1993. I went to the JAG Course in 1993 (Jul 93-Sep 93). I was a trial counsel with 101st Airborne Division, Fort Campbell, KY from Jan 94 to Aug 95. I did about 32 prosecutions. I was then the Chief of Operational Law, Fort Campbell, KY from Aug 95 to Jun 96. I then moved to Fort Bragg, NC where I was a Trial Defense Counsel from Jul 96 to Dec 97. I did about 60 court cases, but I had over a hundred clients. I was then assigned to the Joint Readiness Training Center (JRTC) at Fort Polk, LA for most of 1998. Then I was the Chief of Criminal Law at Fort Sam Houston, TX from Jan 99 to Dec 00. My last six months I was at Fort Sam, I was the Chief of Client Services. I was promoted to MAJ, in Dec 00, that was when I moved to client services. From Aug 01 to May 02 I attended the Graduate Course at The Judge Advocate General (JAG) School, Charlottesville, VA. I returned to Bragg and became the Chief of Operational Law for XVIII Airborne Corps and then I deployed in Nov 02 to Afghanistan.

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312

1561

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC,
DATED 26 May 2004, CONTINUED:

[redacted]

Q: Had you been deployed prior to the Afghanistan deployment?
A: No.
Q: Have you previously discussed the events related to this investigation with any one since leaving Bagram?
A: Yes, COL [redacted] the FORSCOM SJA called me last week to ask me the name of the ICRC representative and he asked me what we did right after the first guy died and why certain actions were not taken.
Q: Was that the only discussion you had with COL [redacted] relative to this investigation? Did you talk with anyone else about the investigation recently?
A: I don't know what prompted the call, but he used to supervise me at Fort Polk, LA. I knew from someone, I think it was LTC [redacted] told me a MAJ [redacted] from FORSCOM was visiting. I knew MAJ [redacted] was from FORSCOM and COL [redacted] was the FORSCOM SJA. I heard yesterday that LTC [redacted] was talking with CID. I just informed COL [redacted] I was coming to talk with CID.
Q: Where did you normally perform your duties in Afghanistan?
A: My office was a chair and desk in the Joint Operation Center (JOC), which was a tent outside the Headquarters Building. That was my primary daytime duty location.
Q: Where was that in relation to the BCP?
A: It was about a ten-minute walk, maybe ¼ of a mile.
Q: How much of your time did you spend at the BCP?
A: In a week on average, not more than ten hours. My visits were for a particular purpose, not to hang out. Before the deaths, I had a tour by the MP Company Commander (CPT [redacted], two ICRC visits and I think I observed one in-processing session. Primarily I went to the BCP for just for ICRC visit. The ICRC visited every ten days, but the visits lasted two days. I took them (ICRC) down there and stayed for about an hour to talk about previously raised issues, made sure they had everything they needed and then I left them to do their interviews. Then I would come down at the end of their visit and discuss issues, which came up during that visit. Prior to the deaths I think there were two ICRC visits, one I attended with the JAG I was replacing (MAJ [redacted] and one I handled on my own. I also took other judge advocates on OPD sessions.
Q: Were you the primary point of contact for legal matters for the facility known as the Bagram Collection Point (BCP), AKA Bagram Control Point and Bagram Detention Facility?
A: Yes.
Q: Who was the ICRC representative you dealt with?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312
1562

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

A: [redacted] worked for the ICRC out of the ICRC office in Kabul, Afghanistan. She departed Afghanistan about July 2003.

Q: What documentation would you receive from the ICRC?

A: They prepared reports on ICRC letterhead, which are maintained at the CJTF180 Headquarters, but I regurgitated the entire content of any issues raised in my response letters, and notes, which I gave a copy of to CID this morning.

Q: Did anything come up with ICRC during the two visits prior to the deaths that you specifically recall were serious complaints?

A: I can't recall specifics, but I kept copies of all the notes from my meetings with ICRC and a copy of the notes and correspondence is maintained at XVIII Abn Corps. Some of the complaints were living conditions or diet issues. But the ICRC consistently complained about the handcuffs, and the hooding and we changed that.

Q: How did you document what occurred during the ICRC visits?

A: We knew about their next visit from the previous visit. The ICRC representative informed us when she would be returning. In preparation for the visit, I reviewed the last visit's documentation and see what issues remained for follow up and the progress of ongoing projects. It could require me to make a visit to the BCP to check on the status of the projects. I also checked the status of the ICRC note cards from family members and outgoing note cards from detainees, which had to be screened by the MI interrogators. I prepared an ICRC information sheet, which listed the detainees. I checked the sheet to identify those detainees, who arrived at the facility within the last 10 days. Those names were not released to the ICRC based upon Army directives which stated we would not release the names of detained personnel for a period of two weeks, during which time the individuals would be screened and interviewed to determine their exact status. This was the period prior to their receipt of their ISN.

Q: How long after you arrived did you have you your first meeting with the ICRC representative and what did you discuss?

A: Within the first week with MAJ [redacted] and 19 Nov 02 on my own.

Q: What specific changes were instituted prior to the deaths?

A: None from me as I was still learning the details of the process. There was a meeting on 26 Nov 02 to identify changes.

Q: What observations did you make relative to changes, which were instituted pursuant to ICRC complaints?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 8/2

15c3

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted] A: I remember a lot of friction between CPT [redacted] MI Commander and myself and CPT [redacted], MP Commander, when I directed changes. CPT [redacted] was a very weak commander, but he did not want responsibility for warming their food, getting them clean clothes, simple stuff that made sense. He was very resistant to changing anything. I worked with a couple of the MP Lieutenants, whose attitude was much better. 1LT [redacted] was very receptive to making changes, which related to the humane treatment of detainees. CPT [redacted]s attitude was they were "just detainees". I tried to explain that keeping the detainees in the same clothes all the time was unclean and could create problems with disease (because they have a high tuberculosis rate in Afghanistan). He did not see the hygiene issue as important and in some cases, with both of them I had to remind them I was speaking on behalf the CJTF180 Commander. Something they just had to be directed to do (or not do), but it was often a struggle.

Q: During your liaison trips with ICRC representatives, what areas of the BCP were accessible to them? Were they restricted from any areas? If so, explain what they couldn't see and why they couldn't see it.

A: Everything except for the MI portion of the BCP, where they did DOCEX, the JIF. The first two or three rooms on the second floor. They were permitted in the Isolation Rooms, but not the billets of the Iraqis neither of which were detainees. The Iraqis were later released to UNHCR. They also did not talk with the High Value Target (HVT), they were not even supposed to know they were there. The HVT's were not even listed on the ICRC info sheet, based on directives from CENTCOM.

Q: Referring to your notes, what complaints did ICRC lodge relative to the treatment of detainees at the BCP?

A: Not about treatment, during my first visit, according to my notes. On my second visit (which occurred 1 Dec/2 Dec 2002), [redacted] and myself observed a PUC being punished by having him chained in the airlock, with his hands cuffed to the bars at eyelevel. The guard (as referenced in my notes) gave two explanations. The first was that the detainee was kicked by another detainee. Then the MP corrected himself and said the detainee fell asleep on the toilet. In my seven page ICRC AAR, dated 1 Dec - 2 Dec 02, there is a complaint raised by [redacted], wherein she reported a detainee was kept chained to the ceiling for over a day. I confronted CPT [redacted] with the accusation and he told me categorically that did not happen.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312

1564

STATEMENT OF MAJ [redacted], TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted] On 26 Nov 2002, I convened a council of personnel (including PMO, BCP Ops, J2, JIC, OGA, 377th MP Company rep and others) to discuss the findings in the ICRC Six Month report, which covered the period prior to my arrival. Within the six-month report, there is discussion of concern over the use of "safety positions" and "punishment". There is a response to this ICRC report, dated 5 Dec 02, which documents comments by 1LT [redacted], the BCP OIC who reported chaining was used to enforce the punishment of standing. He further explains and I understood that since standing was a method used to achieve sleep deprivation, they also chained people to keep them awake.

Q: Was prior notification to the BCP required for all ICRC visits?

A: Their visits were cyclical and programmed. They told us when they were coming again, at the end of each visit. It was typically about ten days between visits. Some times she [redacted] would email me and adjust the date, this often disturbed the MPs and MI. They complained about it. My perception was that CPT [redacted] had to adjust her interrogation schedule. When I took over, MAJ [redacted] checked the programmed interviews on the status board and worked around MI's schedule. When I took over, I told MI they would have make any one with an ISN available for ICRC interviews when they came. It created friction between us at first but after awhile they adjusted.

Q: Was any information withheld from ICRC or were practices modified during their visits? If so, explain what the information was and why it needed to be withheld.

A: The identities of certain HVTs was withheld on directions from CENTCOM, sometimes based on their cooperation with Coalition Forces, but it varied and it was just isolated cases. I think of the 500 detainees who processed through the BCP, about 10 of them were HVTs. I can really only comment about after the death, because before that no one knew there was a problem with it. To my knowledge, no practices were modified. I never gave any direction to them to change anything. But after the 15-6 findings and recommendations were instituted I did training with the MPs and I made certain they knew if they (meaning the MPs) stepped over the line and violated an order I would make certain they were held accountable. Of course, this was after both men died.

Q: Who selected the detainees the ICRC would be allowed to interview?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 812
1565

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted]

A: To a certain extent, it would be MI. It was detainees with ISN(s). ICRC knew they were not allowed access to detainees without an ISN. Prior to my arrival, CPT [redacted] (MI Commander) had a program of interviews and if there was a conflict, ICRC would not be permitted to talk with them. When I took over, I changed that and anyone with an ISN was made available to ICRC.

Q: Could or did the ICRC ever visit a detainee that didn't have an international serial number (ISN)?

A: I would say they probably did, by accident. Sometimes, the MP brought down the wrong detainee or on occasion when ICRC was visiting detainees with an ISN in Isolation Cells, they would see people in Isolation without ISNs. CPT [redacted] complained that this was not allowed, but I saw no harm in it. It was usually chitchat for a couple minutes in full view of the guards.

Q: About what percentage of the detainees in the facility did not have an ISN at any given point in time?

A: About 5-10%, but the exact numbers are in the reports I provided. Within a two-visit cycle, ICRC saw 99% of our detainees. If they did not see someone, it would be a function of timing, rather than an effort to prevent someone from seeing the ICRC. ICRC also had the raw numbers of persons in the facility, but for the first two weeks they did not get ISNs so they did not have names.

Q: Were you aware that the Military Police removed certain information from their status boards regarding detainees in isolation cells or on sleep deprivation when the ICRC visited?

A: No. I always went into Isolation Cells with ICRC and I saw the status board. Once I observed writing on the board, which noted removal of a Koran from a detainee noted on the boards. The book was sitting on the desk and I think I remember the MPs told me the detainee could not read. I confronted the MPs with it, I told them I did not care, to give it back. Maybe based on that, they started erasing it when I was coming.

Q: Were you the sole legal advisor to the entire BCP? Was there a separate advisor to the MI or MP BCP or staff counterpart elements?

A: I was the advisor for all detainee matters. I provided guidance, direction and training to the MPs and MI.

Q: Within your role as the BCP legal advisor, did you ever meet or discuss with the MP or MI Chains of Command related to the operating procedures and standard practices within the BCP?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312

1566

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted] **What types of practice or procedure issues were raised to your attention and what did you do about them?**

A: Yes, this would definitely be after the deaths. Prior to the deaths, I would have to honestly say no, based on the timing of when the deaths occurred as to when I arrived in Afghanistan and began my duties. I would have to presume that MAJ [redacted], my predecessor, would have had conversations with them. Prior to the deaths, I would have to say probably no, I did not have conversations with the MI and MP commanders related to operating procedures and practices. Any of the initial meetings with them would have been orientation meetings to familiarize myself with the functions of the BCP as well as the functions of the MP and MI units themselves within the BCP. After the deaths, I had lengthy meetings with them discussing their understanding of the BCP SOP, which had been in place since I got there. One of the complaints, which I seem to recall, was the MPs complaining that MI was directing them to follow a particular sleep deprivation routine. The MPs would have to track on a status board the progress of the MI directed sleep deprivation protocol. The MPs would have to physically go into the cells and tell the detainees to wake up. The ICRC had made complaints about the sleep deprivation. We informed the ICRC that sleep deprivation was an approved interrogation technique as long as there was no physical force used to keep the detainees awake. The resolution for this issue was that if MI wanted to continue to use this technique, they had to be the facilitators of the technique. The MI would have to come and keep the individual awake, not the MP's.

Q: Did you have occasion to mitigate differences of opinion between MI and MPs over the operation of the BCP or the roles of the respective units and personnel? What types of issues were raised to you by either unit?

A: After the deaths of the two detainees, it was not so much an issue of either the MP or MI Commander's raising issues with me, as it was myself reviewing the BCP SOP and higher headquarters authorized techniques, regulations and procedures related to MP handling techniques and MI interrogation techniques which I reviewed with them in detail.

Q: Were you ever aware of the MPs carrying batons in the BCP? If so, how were you aware? Did you ever personally see them with batons inside the facility or other than at in processing?

A: Prior to the deaths, I was not aware of them carrying batons. After the deaths occurred, there was discussion about

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312
1567

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted]he use of the batons and what training they had with them. We reviewed the Monadnock baton chart and the corresponding differences between the red, yellow and green baton strike areas. I don't have any specific recollection of the MP's carrying batons within the facility, if I had seen them, I would not have thought it was odd, as the baton is part of the MP basic issue equipment. I seem to recall when the Active Duty MP's from the 3rd Infantry Division were assigned to the facility after the 377th MP Company, that they conducted training with their MP riot shields, helmets and batons. I cannot recall the 377th MP Company carrying batons within the facility. It would not have surprised me if they had carried a baton on their belts along with their other equipment. During the occasions when I observed the in processing of the detainees into the BCP, I believe I recall the MP's having batons at that time, however, I cannot be absolutely certain.

Q: Prior to the deaths in Dec 02, were you aware of the use of enforced standing/standing restraint for punishment?

A: Yes. At the first ICRC session and during my walkthrough with MAJ [redacted] the MP's were definitely using enforced standing and standing restraint for punishment. Also I knew that the MP's were handcuffing the detainees to the bars, which formed the walls of the airlock of the general population cells. I know I observed this activity during my visits to the BCP.

Q: Prior to the deaths in Dec 02, were you aware of its use in the execution of courses of sleep deprivation?

A: I was aware of forced standing in the execution of sleep deprivation. As to how the MP's made detainees stand for the purpose of sleep deprivation, I am uncertain. I am not as uncertain that one of the methods used to make them stand would have included handcuffing the detainees. I am not sure to what objects if any the MP's fastened the handcuffs to enforce the standing.

Q: What was your complete understanding of enforced standing or standing restraint practices? How was it employed? Explain in detail.

A: An approved technique for MI included sleep deprivation. At the time, prior to the conflict with the MP's executing the mission of sleep deprivation, the MP's would actually execute the mission for the MI. The MP's would be authorized to keep the detainees awake based on the direction of MI. During the execution of the mission, the MP's would employ various techniques to keep someone awake. That would include yelling at

FOR OFFICIAL USE ONLY

06, 7C

EXHIBIT 312
1568

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted]he individual, keeping the lights on; forced standing; and ultimately to enforce the forced standing, handcuffing the individual to something to keep them from sitting down. That would require the individual to be cuffed at waist level or higher, but not higher than eye level.

Q: Prior to the deaths in Dec 02, did you ever observe any detainee in standing restraint? Explain exactly how the detainee was restrained when you observed this.

A: I think so. I think it was in the air lock, people were consistently shackled in the airlock, even during the ICRC visits. No effort was made to hide it. They were restrained with their hands cuffed together and the cuffs were affixed to the airlock at about waist level. I also observed detainees secured to a pipe by handcuffs with their hands over their head, during in-processing sessions, but this was only for a short period during in processing and not for punishment.

Q: Did the manner in which the detainee was restrained disturb you in any way personally or professionally? If not, why not?

A: No, I don't think I found it disturbing because I never saw it, I heard it described very clinically as a procedure and I did not have a reaction to it at the time. I felt the MPs were professional and they were doing the right thing. Later, when I saw it in practice, it bothered me to learn they were cuffed over their heads. It was SOP, which was designed under other folks, but it was approved and disseminated.

Q: What was the legal justification for chaining people in this manner?

A: There was no precedent. AR 190-8 did not apply because they were not EPWs and AR 190-47 did not apply because they were not US forces in a correctional setting. The bottom line was humane treatment. My personal question then was "is it inhumane to handcuff someone to something?" [redacted] and I had several discussions about whether or not it was humane. In my opinion, and in discussions in which LTC [redacted] and COL [redacted] were present, it was our opinion that it was not "inhumane". It was SOP and a practice that was being done when I arrived. We agreed to disagree, because [redacted] felt it was inhumane, although she could cite no particular source.

Q: Did you review the SOP?

A: Yes.

Q: Where in the SOP does it say that handcuffing to a fixed object is permitted?

STATEMENT OF MAJ [redacted], TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted]A: It doesn't. I just looked at it and there's nothing in there that references that.

Q: CID has shown you drawn by an MP (SPC [redacted], dated 3 Feb 04), he says this represents how one of the detainees who died was restrained at one time when he was assaulted. Did you ever see a detainee shackled in this manner?

A: No, absolutely not. It came to light, my knowledge of this chaining with the hands overhead, when the first death occurred. That was how the detainee was found. When COL [redacted] called and talked with me last week that was one of the big questions he asked me "What did you do between the first and second deaths?" I remember walking the autopsy team through the facility and I absolutely remember telling CPT [redacted] and the Platoon Leaders that there would be no shackling to the ceiling ever again. I did not talk personally with each and every MP, but when the second detainee died, I did hold a briefing, which every MP was required to be at. I did this because I did not have confidence that CPT [redacted] briefed his unit.

Q: Are you aware of AR 190-47 (Army Corrections)'s restriction on restraining inmates to fixed objects?

A: Yes.

Q: Did the AR 190-47 restriction apply to the BCP? Why not?

A: No. It was discussed amongst the senior lawyers in country and COL [redacted], LTC [redacted] and myself arrived at the decision that 190-47 did not apply. We also determined that AR 190-8 did not apply because of the determination that these were not EPWs. The only standard was humane treatment consistent with the Geneva Conventions.

AT 1640 hrs, 26 MAY 2004, I ACKNOWLEDGED I WAS AWARE OF MY LEGAL RIGHTS, BY COMPLETING A DA FORM 3881.

Q: In the 15-6, Finding #4 (Disciplinary Procedures) cite and would seem to indicate that AR 190-8 and AR 190-47 do apply. How do you explain that before the deaths those regulations did not apply and after it did not?

A: I don't read it to say that at all. It references the AR(s) but it does not say that they are applicable. I do not believe there is a document anywhere which states that the either regulation applies and there is clear guidance by the Secretary of Defense that detainees were NOT EPW(s).

Q: Why was the practice then changed?

A: Because of how it appeared. Both men were shackled, standing, and hooded when they died and we stopped it because of

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted] the appearance, but not because we believe it violated the regulations. It just didn't look very good.

Q: Explain why then the BCP SOP cites AR 190-8 in it's text with specific regard to the reference to Appendix B.

A: I don't think it's inconsistent to say that not all portions of AR 190-8 apply. I did not write or provide the legal review to the BCP SOP, but in my opinion, some portions of AR 190-8 were used because they applied to the practice of assigning ISN. However, other portions do not apply because they were clearly designated as NOT an EPW. We used the procedure in Apdx B because it applied, but the rest of it I don't believe applies to the treatment of detainees (afforded EPW status).

Q: Was that a conscious legal decision on your part or adherence to the standard of practice in place when you arrived?

A: For me it was a practice in place when I arrived, but then I analyzed it myself when [redacted] discussed the standard of humane treatment. The next question is "is it humane?" in my opinion. CPT [redacted] and CPT [redacted] and I researched whether handcuffing was inhumane. The treaties we located referenced talked about torture, handcuffing was not among the techniques listed as torture. So I took that information into a discussion with [redacted] and showed her both AR 190-47 and AR 190-8 and demonstrated they did not apply. I found handcuffing to be neither illegal nor inhumane.

Q: Based upon SPC [redacted] sketch, would that position of standing restraint be torture, in your opinion?

A: I would clearly say yes. Especially if they were hitting him as the sketch reflects.

Q: Did you give guidance or direction to the MPs and MI which clearly defined what was permissible handcuffing?

A: I had several discussions with CPT [redacted] and CPT [redacted] about the limits of handcuffing in order to keep someone standing (for punishment or sleep deprivation), because of the ICRC objections. Clearly there were limits on the placement of the detainees hand, the discussion was could they be cuffed at the waist and still sit. Both officers were clear on the fact that cuffing overhead was not authorized. These discussions occurred before both deaths.

Q: Did both officers (CPT [redacted] and CPT [redacted]) acknowledged the practice was used punishment and sleep deprivation?

A: Yes.

Q: Are you certain both officers understood your direction to not have detainee's hands cuffed over their head?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6,7C

EXHIBIT 3/2
1571

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted]: Yes. Both were very protective of their areas of operations. CPT [redacted] tried to restrict my access to the JIF and I wouldn't stand for that because I can't advise on what I have no visibility over.

Q: Did it surprise you then that both men died with their hands cuffed over their head?

A: The second one definitely. The first, CPT [redacted] explained to me as an extremely combative person and this was the only way for the MPs to restrain him. This was explained to me by the MPs. He was reportedly, fighting, kicking, spitting his food and this was the first detainee that was combative with the MPs during my tour.

Q: Did you have confidence CPT [redacted] communicated your direction to his troops?

A: I had given him instructions initially and then reinforced those directions after the first death, but obviously it did not work. I don't know if he just didn't get it, his troops did not listen, or did not care. By the time the second man died, I did not care what the problem was, I knew how to fix it and make it clear to the MPs that chaining was not tolerated. I told each and every one of them myself.

Q: On what factors or assumptions did you base your conclusion in the 5 Dec 02 reply to the ICRC that standing restraint for punishment does not physically harm the PUCs.

A: That was based on observations of detainees who had been previously cuffed at waist level with no ill effects.

Q: With whom did you consult in making that determination?

A: No one. I talked with the pathologist later, when they did they re-enactment of the detainee's position (before the autopsy), about the position of overhead cuffing and the negative medical effects. She (Dr [redacted] explained to me that chaining the detainees hands over his head, combined with the hood could cause airway obstructions, breathing problems and potentially causing them to hyperventilate due to excitement. We discontinued the practice immediately, despite the fact that the autopsy did not find the man died of asphyxia.

Q: When you directed changes to CPT [redacted] and CPT [redacted], did you follow up with their leadership (JIDC, BCP PMO and the J2) to ensure the changes were made and enforced?

A: I was in constant communication with MAJ [redacted] (PMO) and LTC [redacted]/COL [redacted] (J2). Both were present at the 26 Nov 02 meeting were we discussed the issues raised in the six-month

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312
1572

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted] prior ICRC report. They were well aware of issues and our proposed fixes for those issues.

Q: Did you to ensure unpopular changes were actually instituted? Did you check? How often?

A: The checks were done during every ICRC visit and corroborated by the fact the detainees did not make complaints to the ICRC about treatment.

Q: Prior to the deaths, were any limitations placed on the use of standing restraint? If so, by whom?

A: Just the time limit, first offense was 30 minutes and the maximum was an hour. After that it would have to be approved by the OIC of the MP. That limit was based upon and articulated in the BCP SOP. I also directed both CPT [redacted] and CPT [redacted] that no detainees hands were to be cuffed higher than waist/eye level It was decided that the cuffing would be no higher than was required to keep them on their feet and definitely was not to be done overhead. My guidance to them definitely preceded the deaths, the latest this guidance would have been put out was 26 Nov 02.

Q: What legal references did you consult in forming this advice?

A: We did research on what constituted torture, under previous case law. We could not find any reference to merely cuffing someone as torture. The practice was primarily based on established SOP.

Q: Was there a maximum length of time a detainee could be restrained in a standing position? Was there any discussion regarding the need to limit that?

A: One hour for punishment, I don't recall a limit placed on sleep deprivation.

Q: How was this maximum time determined? Who was consulted to determine it?

A: It was in the BCP SOP, which was in place prior to my arrival.

Q: Did any standing practice or procedure within the BCP change, or were any added or removed during your tour because of complaints from ICRC?

A: Quite a few, which were documented in the response to the six-month report covering the period of Oct 02 - May 03. There letter to use documents the changes. It ranges from elimination of handcuffing for punishment, denial of privilege based punishment, recreational visits outside, new uniforms, washing their uniforms, allowing the detainees books and games, allowing

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312

1573

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted]elebration of Eid (to include the furnishing of mutton to the detainees), hot tea and showers for the detainees, ICRC note card were returned more quickly, ICRC access to everyone with an ISN, ICRC length of meetings were not limited, ICRC monitorship of GTMO transfer, notification to detainees of rules and punishments, a medic was placed on the staff of the BCP, we modified ICRC reports to provide more accurate record. There were a few issues I could not resolve, but we did a good job, everything is reflected in my responses through out my tour. They also wanted the information on numbers of people injured by mines, it was not related to detainees, but we provided to ICRC because they asked.

Q: Were you aware of the quasi senior-subordinate role of MI to MPs relative to the imposition and enforcement of sleep deprivation?

A: Absolutely and it's clearly documented in the 15-6. I saw both of the personalities and CPT [redacted] was the definitely the dominant personality. The enforcement of sleep deprivation was directed by MI and carried out by the MPs. Even the "no talking" rules was the MPs enforcing an MI rule.

Q: If an MI SPC told an MP SGT to do something, would the MP have to do it?

A: Yes, there was always that friction. I told COL [redacted] about this friction and he included my observations in his report. The MI never wore rank and they definitely gave directions to the MPs regarding sleep deprivation. MI controlled that portion absolutely.

Q: Did anyone from the 377th MP Company or the MI detachment discuss with you the legality of the practice of standing restraint for the purpose of punishment? How about for the purpose of sleep deprivation?

A: Yes, there were detailed discussions with CPT [redacted] and LT [redacted] LT [redacted] LT [redacted] as well as the NCOIC of the MP's. SSG [redacted] and CPT [redacted] were also present from the MI. These discussions were conducted on 26 Nov 02 and maybe less intensively after the first ICRC meeting I attended. The legality of the practices was based upon the findings of the ICRC in regard to detainees being secured within the airlock in handcuffs. They may have become concerned, because when I arrived, I was more restrictive than what they may have been doing prior to my arrival. There were other conversations with each of these people individually which occurred at different times related to the legality of this issue. In additional to

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312
1574

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted] speaking to them as a group, I believe I may have spoken to them individually as well, I cannot recall when these conversations may have been. I would have advised them that the punishment was standing. If the problem continued, they should be brought into the airlock to stand. If they refused to stand in the airlock, then they could be handcuffed to the airlock in a manner to keep them from sitting down. In regard to sleep deprivation, I believe we did have conversations related to the conduct of sleep deprivation. I would have told them that the use of sleep deprivation was a legal technique. The use of the handcuffs would have been authorized as a last resort, after other methods of keeping the detainee awake. This may have been the time when the issue related to the MP's having to enforce sleep deprivation in support of the MI. The MP's were concerned that due to them having to enforce the MI directives, they were being perceived in a negative manner by the detainees, whom they had a responsibility to protect and care for. To my knowledge I was the legal advisor to the BCP. I am not sure if the MI may have sought other legal advice that I am not aware of.

Q: Prior to the deaths in Dec 02, was the use of standing restraint to achieve sleep deprivation ever in fact officially authorized by anyone? Who? What was their name/position?

A: That I don't know the answer to, as "officially authorized". I would have to assume that it was, as it was a practice in place when I arrived. I may have justified the position after I arrived. The individuals who assembled the SOP, the legal advisor was MAJ [redacted] I am certain that there was a group of individuals who were responsible for the compiling the SOP that became the approved document.

Q: Prior to the deaths in Dec 02, who within the BCP and JTF staff was aware that standing restraint was being used for long periods of time to enforce sleep deprivation?

A: Generically it would seem that we would have known they were using sleep deprivation. It would make sense that they would have used restraints to enforce sleep deprivation. It would have been common knowledge among the group of people that I spoke with on 26 Nov 02, identified previously. Additionally, the legal staff to include myself, the J2 and intelligence section as well as the Provost Marshal, would have known.

Q: How were the limitations or guidelines with regard to standing restraint disseminated and to whom were they disseminated?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 312

1575

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted]: There was nothing particular in writing. I did this orally to the leaders of the MP and MI sections explaining the limits. This was done during my meeting with them 26 Nov 02. After the deaths, I issued additional instruction to everyone who worked within the BCP that there would not be any handcuffs utilized.

Q: Did you also consult with MI personnel on their interrogation activities inside the BCP? Who?

A: Yes. This was more after the time of the deaths than before. After the deaths, I spoke with the entire staff of MI interrogation personnel. Prior to the deaths, the MI leadership would have attended my briefing on 26 Nov 02. My contact with MI prior to the deaths would have been minimal, due to me familiarizing myself with the policies and practices of the MI.

Q: What was your contact with and advice to MI interrogators on their tactics, techniques and procedures (TTPs) for interrogations prior to the deaths in Dec 02?

A: Minimal with any. It focused on the capture shock period during the initial in processing.

Q: Were you aware of the approved TTPs for MI as listed in FM34-52?

A: Not prior to the deaths.

Q: Prior to the deaths in Dec 02, are you aware of any guidance regarding specific or additional interrogation techniques issued or authorized by CENTCOM?

A: No, I did not have the time prior to the deaths to develop a complete understanding of the authorized techniques.

Q: Are you aware of any reviewed or un-reviewed internal guidance issued by CPT [redacted] or anyone within the 519th MI Bn relative to the treatment or interrogation procedures for Afghan detainees?

A: Definitely not prior to the deaths of the detainees. I was involved in a working group during early Jan 03, during which MI provided input through the J2 related to techniques the MI had used; techniques the MI found effective and techniques the MI would request to be maintained by CENTOM and the Department of Defense.

Q: Did you provide or your predecessor perform a formal legal review or request higher approval of the BCP interrogation procedures prior to the deaths of the two Afghan detainees in Dec 02? If so, where is this documented?

A: I did not. I cannot speculate on what MAJ [redacted] did during his tenure.

Q: Did you ever personally observe any interrogations?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312
1576

STATEMENT OF MAJ [redacted]RNICK, TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted]A: Yes, but it was well after both deaths and it was a CITF interrogation.

Q: What was your opinion relative to the adherence to the guidance in FM 34-52 during any interrogations you observed?

A: CITF is not subject to FM 34-52. My assessment of the interview is two fold: I thought the interrogator did a great job; it was almost too perfect. I'm not sure if it was that good because they knew I was watching.

Q: Any reason why you did not observe an MI Interrogation?

A: I can't think of any reason why I didn't. I don't think I was ever told I could not.

Q: Prior to the deaths in Dec 02, were you aware of the use of interrogation techniques identified in Para 7 a thru h of COL NESBITT's AR 15-6?

A: No, I did not observe any interrogations prior to the deaths.

Q: Did you consult with CID in Bagram about the criminal investigation into the death? If so, did you render a legal opinion for them?

A: Yes, absolutely I talked to SA [redacted] SA [redacted] multiple times every day. I read every statement and asked about who was interviewed. We talked about bringing the pathologist in for the autopsy. I attended the autopsy and even escorted the body to the family. I briefed my bosses (LTC [redacted] and COL [redacted]) and prepared SIRs every day on the case. I remember digging up the presence of an events log kept by the MPs, I recall trying to de-conflict the timeline from the MP log, the morning following the first death. The statements I read were early on within the first two weeks.

Q: Did you form any opinions about the criminal culpability of any soldiers from your review of the CID investigation?

A: Yes, I think what we came up with SGT [redacted] physical involvement with the detainee, putting her knee on a PUC as witnessed by the interpreter. The MPs looked justified based on their description of his combativeness and their description of force used to overcome his actions. I could never see any criminal intent on the part of the MP to cause the detainee to die. I could not draw a causal connection between what appeared to be a legitimate use of force on the detainee's leg and the death of the men caused by a blood clot in the heart. I was deriving facts as a function of my role for the ICRC Liaison.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312

1577

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted]**Q: Did you have an impression regarding what weight was given to the statements of interpreters, relative to their allegation of assaults by MI interrogators in interviews?**

A: We reviewed it as credible. I put great weight behind it, he had no reason to make it up.

Q: Did you provide CID with titling opinion, relative to any misconduct uncovered in the death investigations?

A: I think I was present during a discussion SA [redacted] had with LTC [redacted] My job was not Crim Law, LTC [redacted] was the head Military Justice attorney and CID discussed that with him. The SJA, COL [redacted] made it clear to me when I arrived in Bagram, I was not the criminal law attorney, as he knew I had extensive criminal law background. I was to devote my duties to operational law. He did not have to tell me twice.

Q: Do you know, or did you discuss with Bagram CID, how they arrived at the impression that compliance blows or common peroneal knee strikes were authorized?

A: I think it was based upon the impression of everyone from CID to SJA, the MP's description of events that justified the use of physical force. We believed the MP's story, that this was the most combative detainee ever. I also based a large part of my opinion on the CID Agent's opinion of the MP's credibility. I put a lot of weight in SA [redacted] opinion. LTC [redacted] COL [redacted] and myself all had a lot of discussion with SA [redacted]

Q: Based on your understanding of the BCP Standard Operating Procedures, were the MP authorized to deliver, kicks, blows or punches for anything other than self-defense?

A: The SOP says to maintain discipline and gain compliance. It had to be proportional. But I can't envision a scenario where it would have been justified to strike a detainee who was cuffed. If the detainee had full range of motion and freedom of movement and was fighting to escape or assaulting the MP, then they might need to use proportional force to gain control.

Q: Do you remember two MP statements (from SPC [redacted] and SPC [redacted] where a chained detainee was lifting his hood and the two MP asked for and received permission from the Sergeant of the Guard (SOG) to deliver 4-5 common peroneal strikes each to him for non-compliance?

A: I don't recall that. I view that description as illegal because he was chained up. I don't recall hearing that before. At the beginning of the investigation, I read everything for about the first week, after that I had less and less

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312

1578

STATEMENT OF MAJ [redacted], TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted] involvement. I certainly see that as a violation and don't recall this. Legal opinions on this case came from LTC [redacted]

Q: At any point, were you aware of potential misconduct on the part of any MI soldier? Of what did you become aware?

A: Yes, with regard to [redacted] MI is strictly prohibited from having physical contact with detainees and she clearly did. I don't recall if there was an interpreter and another male MI soldier was with her and if he touched detainee it would also be prohibited

Q: Did you discuss the potential titling or disposition of allegations concerning misconduct by SGT [redacted]

A: No, I made a conscious decision to stay out of the Crim Law lane. That was not my job and I needed to let them do their thing.

Q: What did you discuss and with whom?

A: I did have a talk with CPT [redacted] MI Co Cmdr, who was looking for CPT [redacted] our Crim Law attorney. I told him at a minimum her conduct was suitable for an Article 15 or higher. I answered general questions for him and I viewed him as a new commander with very little to no experience with military justice. I remember LTC [redacted] asking me as well. I discussed their options with them in general terms, but encouraged them to talk the specifics with CPT [redacted], the Crim Law Attorney.

Q: **Did you perceive any conflict of interest in advising CID's criminal investigation given your intimate association with the facility and the potential that techniques of which you were aware might have contributed to the deaths? Did you seek the guidance of a supervisor regarding this potential conflict?**

A: I was not advising the CID investigation. I had access based upon my position as the Bagram Legal Advisor. I made it clear to SA [redacted] that he needed to be dealing with CPT [redacted] or LTC [redacted] I needed to gather the facts to forward to CENTCOM and to relate to the ICRC. I did not comment on the criminal culpability to CID. I needed access to amend procedures within the BCP. Both my supervisors (LTC [redacted] and COL [redacted] knew I was aware of my role and that I was staying clear of the criminal matters.

Q: Are you aware of the requirement to report any potential MI misconduct or failure to follow procedural rules for an investigation - sometimes referred to as a Procedure 15?

A: I heard the term, but not until after the deaths. When I did hear it, it was in reference to some other type of violation, like a disclosure of classified information.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312
1579

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted] **Q: Did COL [redacted] the AR 15-6 investigating officer appointed to look at BCP procedures ever consult with while he was conducting his investigation?**

A: He interviewed me.

Q: What did he discuss with you?

A: We talked at length about everything I knew. I recall specifically alerting him to the MP/MI friction. I talked over much of the same issues with him, which I've talked with CID about today.

Q: What factual information did you provide?

A: I provided him with reconstructed timelines. If he requested anything and I had it I would give it to him, but I don't recall anything specific. If LTC [redacted] needed assistance getting regulations I had my nightshift guys obtain it for him. I remember sending emails to Dr [redacted] asking about the autopsy report, but I don't know if that was for COL [redacted]. I also gave him any information he required in my position as the ICRC liaison.

Q: What, if any, legal information did you provide to COL [redacted]

A: None.

Q: Who asked you to provide a legal review of the 15-6 investigation prior to COL [redacted] legal review and recommendations? Did you feel it was appropriate for you to provide a legal review under the circumstances? Why? or Why not?

A: We were shorthanded; LTC [redacted] could not do the review because he was the legal advisor. COL [redacted] was on leave in the states, so LTC [redacted] asked me to do the legal review. I didn't see any conflict with it. LTC [redacted] and I discussed it; I was familiar with the facts and the circumstances. I had the knowledge and as long as LTC [redacted] did not see any reason why I could not, I didn't really consider it.

Q: In a memorandum attached to COL [redacted] AR 15-6, with your office symbol (signed by LTC [redacted]), it states that "safety positions" were only used for the safety of the interrogator (with dangerous PUCs). Did you in fact author this memorandum?

A: I reviewed it and had input. LTC [redacted] authored the document and signed it. The Deputy SJA Billet is technically under the Ops Law Section, so it is his office symbol too. Ops Law was [redacted] myself, and CPT [redacted] (Ops Law Plans/Military Justice) and CPT [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 362

1580

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted]

Q: Were you aware that MI used safety positions on occasion solely for the discomfort that they caused the detainee in order to elicit information?

A: The reason we articulated the way it is in the 24 Jan 2003 memo, was that MI insisted so vigorously it was needed. We made it very clear that it was to be used only for true safety. You lay out the rules for ethical conduct and hope they are going to follow the rules.

Q: Did you discuss the details of the CID investigation with COL [redacted] and/or LTC [redacted]

A: Yes.

Q: What did you discuss?

A: Everything, when COL [redacted] got back in Feb it included the interrogation techniques derived from the working group, the 15-6 report and the status of the CID investigation.

Q: During your discussions with COL [redacted] did he ever indicate that there would be no courts martial stemming form this case?

A: He did not say there would be no courts martial in this case. He said to everyone that there would none in the country of Afghanistan, because he did not think we could reasonably convene a panel there and it was easier for trials to be done at Bragg with all of the Crim Law support there and a judge.

Q: During the conduct of this interview, you provided the CID Agents with several computer files. Describe these files?

A: There are three folders I copied onto the hard drive of the CID computer. Those three folders are: "Detainee Ops"; "ICRC"; and "Historical Reports." These folders contain every document pertaining to my personal involvement and the CJTF180 SJA's office's involvement in every aspect of the investigation. It includes every ICRC AAR that details my meetings with the ICRC during every visit to the BCP. These AARs are included in the historical reports folder as embedded documents in the report under Ops Law (paragraph 6). The other documents include the ICRC Info Sheets that detail which detainees were in the facility at every ICRC visit. These are in the ICRC folder in the ICRC Info Sheet subfolder. Other documents included are the Interrogation Techniques working documents compiled in early January 2003, the approved techniques for GTMO, and all SIRs and Executive Summaries on the PUC deaths. I detailed every action, briefed my superiors, and kept the ICRC informed of all actions we took and this is all documented in the files. Finally,

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 312

1581

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted] included is the 15-6 back brief that I personally gave to 100% of the MPs and MI personnel working in the facility.

Q: Is there anything you wish to add to this statement?

A: In retrospect, based on some of the final questions by CID it appears, and understandably so, that the lawyers, primarily, LTC [redacted] and I were not on the same sheet of music regarding who was the CID legal advisor to provide the titling opinion. We obviously did not. It is an unfortunate result considering the serious nature of this very high level case and also considering the number of hours LTC [redacted] and I put into this case to ensure the situation was never repeated. Through an unusual, yet unique set of circumstances, I was involved in what could easily have been perceived as a Criminal Law role with CID when in fact, I made it clear (just prior to a titling decision) that I was not in that role. I was involved due to role as the BCP legal advisor and ICRC rep for CJTF and gathering facts. When, after a number of months (most waiting for the autopsy toxicology results) SA [redacted] approached me about a titling opinion, I made it clear at that time that I was not the person to give such an opinion and it would be LTC [redacted] and since COL [redacted] was back, it was at their level. I understand the confusion as I worked closely with SA [redacted].

Q: Is there anything additional you wish to add to the statement?

A: No.

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

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 312

1582

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 26 May 2004, CONTINUED:

[redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 23. 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 oaths, this 26th day of May 2004 at Fort Bragg, NC

[redacted]

(Typed Name of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C

EXHIBIT 312

1583

0134-02-CID369-235
0137-02-CID369-2

Un Joint Manning Document (UJMD)

SJA Section	OPS Law (under J3)
SJA - COL [redacted]	DSJA - LTC [redacted]
LAO/Claims - CPT [redacted]	Ch, Ops Law - MAJ [redacted]
NCOIC - SGT [redacted]	Ops Law Plans/MJ - CPT [redacted]
NCOIC, Claims - SPC [redacted]	Fiscal Law - CPT [redacted]

3 folders on CD

- Detainee Ops
- Historical Report - contains ICRC AARs
- ICRC - contains ICRC ~~Reports~~ Info Sheets

FOUO b6, 7C
1584 EXHIBIT 3/2

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Fort Bragg CID, Fort Bragg, NC 28310
Date : 27 May 2004 **Time:** 1321
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** COL/O-6
Org/Address : Headquarters and Headquarters Company (HHC), XVIII Airborne Corps, Dragon Brigade, Fort Bragg, NC 28310

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

Q: What were your duties while deployed to Afghanistan?

A: When we initially deployed to Afghanistan, I was part of the Advance force tasked to establish what the Combined Joint Task Force (CJTF) 180 Headquarters. I completed this task between 15 Apr and 31 May 02. On 1 June I assumed Command of Task Force (TF) Dragon, which was a Brigade size element, which I Commanded. My responsibilities as the base Operations Commander for TF Dragon included all services, life support issues, sustainment and logistics, contracting, personnel administration, reception and integration as well as finance. Also security, law enforcement and base defense. Within the law enforcement responsibilities were the daily law and order operations, access control, customs, CID, and Commanded the MP unit, which ran the Bagram Collection Point (BCP), which I referred to as the detainee facility. Company A, 519th MI also fell under my responsibility for intelligence and interrogation assets.

Q: While you were creating and updating your security posture with regard to the Military Police, what augmentation assets did you consider?

A: Based on the structure of CJTF-180, I felt that the addition of an MP Battalion Headquarters element would have greatly assisted in a value added to our efforts in orchestrating the full spectrum of MP missions for which I was responsible. These included the missions at Bagram as well as my responsibilities and associated missions to the three ~~Villages~~ Provences outside the Bagram Air Base.

Q: What dates were you deployed to Afghanistan?

A: The deployment lasted 15 Apr 02 to 15 Mar 03.

Q: What is your functional area?

A: I am an Infantry officer. I [redacted] a secondary in Operations Research / Systems Analysis, a 49A.

Q: Have you previously been deployed? If so, where and what was your job there?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 313

1585

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 27 May 2004, CONTINUED:

A: I had not been deployed prior to Afghanistan, I have been stationed at many overseas assignments, put not part of a deployed rotation.

Q: Did you have specific responsibilities related to the BCP?

A: I was responsible for the administrative aspects of the command. This included personnel and administrative issues for the US soldiers, as well as facilities management in regard to the physical structure. I was responsible to ensure that the real property was sustained. Sustainment and logistics related to the BCP. One of the things we did was to establish a rotation policy for the soldiers within the BCP to allow them to rotate to perform access control responsibilities for the installation.

Q: During your military career, have you ever worked with or supervised the operation of EPW facilities?

A: No.

Q: How often did you visit the BCP?

A: I visited the BCP every two months during my 12-month tour.

Q: Were your visits to the BCP announced or unannounced?

A: The visits were always announced.

Q: What areas did you visit?

A: Shortly after I arrived in Bagram I was provided a tour of the BCP. I believe that was conducted by the 211th MP Company, before the 377th MP Company relieved them. When I visited the facility, both an MP and a representative from the MI escorted me through the facility. I observed the front desk area and reception stations for new detainees. They explained every step involved in processing the detainees. I saw the general population area where the majority of the detainees were held. We went to the second floor and I observed the MI administrative area and then I was briefed on the isolation cells and interrogation rooms. The MI representative briefed me on the process of the interrogations and the placement of the detainees within the general population or isolation areas of the facility, based upon his status and interrogation results.

When I became the TF Dragon Commander, I visited the BCP. These visits were to determine the status of ongoing projects to improve the facility. I recall at least twice where I tasked the MP and MI commanders to provide me with a wish list of quality of life and operational issues, which needed to be addressed within the BCP. My subsequent visits to the BCP would be to check on the command climate within the BCP as well as to determine the status of ongoing projects for the improvement of the facility and quality of life for the soldiers. One of my

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7c

EXHIBIT 313

1586

STATEMENT OF [redacted], TAKEN AT Fort Bragg, NC 28310, DATED 27 May 2004, CONTINUED:

[redacted]isits I timed to take place after one of the International Committee of the Red Cross (ICRC) visits to the BCP. I went to the facility since I was not routinely briefed on the results of the ICRC visits. I recall going to CPT [redacted] and CPT [redacted] and being briefed on the results of the ICRC [redacted] issues, which had been addressed during the visit. I had staff representatives to facilitate the ICRC visits; therefore I was not directly involved.

Q: Did you observe the Isolation Cell areas?

A: Yes, initially the isolation cells were nothing more than a concrete room, which was part of the structure of the main building. During later visits, I observed plywood rooms, which had been constructed within the original structure of the facility. The rooms had doors equipped with observation windows so the MP could monitor the detainee. During my visit, I recall looking into several of the isolation cells and observing detainees. The detainees were sitting on a mat and I do not recall any shackles. I recall during my visits to the facility that in the area of the reception processing, there was a room where the shackles were stored. I do not recall observing anyone within the general population being shackled. I only recall shackles being used on detainees when the MP's were moving them from one area to another.

Q: Did you observe anyone chained in a standing position anywhere within the BCP?

A: No, never.

Q: Did you have any knowledge about or contribute to the design of the Isolation Cells in the BCP?

A: I did not contribute to the design, but I had knowledge ~~that~~ of [redacted] the construction of the isolation cells. I had a facility Engineer Team (FET), which has the expertise to prioritize the work, contract for materials and design the appropriate structure based upon the requests. We had an established process to review and prioritize the requests for construction related to the Bagram Air base. There were three meeting per week. Monday was the Customer Service Meeting when we would accept the new requests from the various units located on Bagram. The team would update them on the previous projects the units had requested and where they had been prioritized. On Tuesday was an internal Engineer meeting to prioritize the new requests and make preparations for my briefing on Wednesday. On Wednesday, I would receive a briefing on the projects and set the priority for the ongoing projects related to Bagram. I made

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 313

1587

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 27 May 2004, CONTINUED:

[redacted] several visits to the BCP to observe ongoing project requests and to gain an understanding of the importance of the requested modifications we received.

Q: Were you aware of the placement of Hesco barriers as a ceiling in the Isolation Cells?

A: After CID mentioned it, yes, I recall the isolation cells had a hesco wire ceiling.

Q: Were you aware detainees were chained to the Hesco barriers as punishment and to achieve sleep deprivation?

A: No.

Q: Did you observe any interrogations inside the BCP?

A: No.

Q: Did you see or review the BCP SOP?

A: I recall seeing the SOP that the 211th MP Company had. I probably assumed that the 377th MP Company would have adopted the same SOP. I never read the document cover to cover and I don't recall specifically asking the 377th Commander if he had a SOP.

Q: Did anyone express to you any issues or concerns with policies, procedures and practices being employed inside the BCP?

A: No never, in regard to things which would lead to detainee abuse of any kind. There were issues related to quality of life in that they needed an exercise area, better latrines and a shower area for instance. The MP's and interrogators were unhappy with the fact that the MP's could not always be seen by the detainees and they wanted a method of making the MP's always visible to the detainee. We installed some seating for the MP's, which made them visible to the detainees. Also, the detainees were able to observe the interrogation area on the second floor of the facility. We constructed curtains to limit the detainee's view of this area.

Q: When was the first indication you had that there was a problem within the BCP?

A: I found out about the death the day after it occurred. I don't recall if I had heard about the death during the morning CJTF-180 update or if SA [redacted] the Bagram CID Agent had informed me. I became aware of an issue about the Aug or Sep time period when the 211th MP Company and the 377th MP Company rotated positions, related to the Command climate within the 377th MP Company. There were indicators, which built over time that CPT [redacted] the Company Commander did not have a good command relationship with his 1SG and did not enjoy the respect

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 313

1588

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 27 May 2004, CONTINUED:

[redacted] his NCO's. He did not have the military experience or maturity to be a strong company commander.

Q: Did you give any guidance to MI or MPs about the operations within the BCP?

A: No. It was clear in my mind that was not my responsibility. That was made clear to me through my Chain of Command and other staff elements.

Q: Did CPT [redacted], 377th MP Company Commander, ever ask you any questions about the operations within the BCP?

A: No.

Q: Did you rate CPT [redacted]

A: I did not. We as Task Force Dragon had that responsibility. I was not his rater.

Q: Did CPT [redacted] A Co, 519th MI Bn, ever ask you any questions about the operations within the BCP?

A: No.

Q: Did you rate CPT [redacted]

A: No. Company A, 519th MI Bn, was made Operation Command to me. I believe CPT [redacted] rating chain was through her company.

Q: Were you aware that sleep deprivation was being used on detainees in the BCP?

A: I was certain based upon briefings by the MI personnel that sleep deprivation was a technique, which was being used. I would have learned this information shortly after I initially arrived and toured the facility in April 2002.

Q: Who authorized the use of sleep deprivation within the BCP?

A: I have no idea. The operation had been ongoing during prior phases and under the command and control of TF Mountain. I have no idea who established the initial operating procedures for the facility when it was established.

Q: Did you discuss the use of sleep deprivation with your legal advisor? If so, who was that?

A: No.

Q: Were you aware that sleep deprivation was being achieved by chaining detainees to the ceiling for periods in excess of 24 hours?

A: No.

Q: Were you aware that detainees were being struck for "non-compliance" while held within the BCP?

A: Only after the first detainee died. I was informed it was authorized within the normal custodial functions of the MP's that there were procedures for administering blows to specified parts of the body. There were also a maximum number of blows,

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 313
1589

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 27 May 2004, CONTINUED:

[redacted] which could be delivered over a given period of time. To the best of my recollection, I received this information from SA FLORES.

Q: How were you notified of the two deaths in Dec 02?

A: I believe it may have been SA [redacted] who came to my office after the morning update and informed me of what had happened. I am not exactly certain in regard to the second death, if I learned of the death through the update briefing.

Q: What information came to light, that had not previously been known, after the two detainees died in Dec 02? Who told you?

A: I was surprised when SA [redacted] laid out for me the details of the first death. I was surprised to learn the detainee had been handcuffed and blows administered to him throughout the day because the detainee had been acting up. I was under the impression that the detainees were a fairly subdued group of individuals and was surprised to hear they had been acting up.

Q: What actions did you take after the deaths of the two men in Dec 02?

A: I did not take any actions. I was not directed to take any actions. I was not brought into the investigation in any way and I was not briefed in any formal way related to the progress of the investigation. The impression I was left with was that no one had done anything wrong. I was lead to believe that the blows were authorized and aggravated an existing medical condition, which actually caused the death of the detainee. I recall that many months after the deaths, LTG [redacted] had been questioned during a newspaper article related to the deaths. I was surprised to read his response that he was not going to comment that the investigation was still ongoing.

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

A. No.

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

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6.7c

EXHIBIT 313

1590

STATEMENT OF [redacted], TAKEN AT Fort Bragg, NC 28310, DATED 27 May 2004, CONTINUED: [redacted]

AFFIDAVIT

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

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of May 2004 at Fort Bragg, NC

[redacted]

(Typed Name of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, c7e

EXHIBIT 313

1591

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533 / 0137-02-CID369-23534

DETAILS

About 1710, 3 Jun 04, SA [redacted] telephonically interviewed **MSGT (USAF)** [redacted] **89th Security Forces Squadron (SFS), Andrews Air Force Base, MD 20762.** [redacted] related he was one of ten individuals identified by the US Air Force Security Command to provide training to deploying military units at Fort Dix, NJ. [redacted] stated he was the Non-Commissioned Officer in Charge (NCOIC) of the training team while they operated at Fort Dix, NJ. [redacted] did not recall specific training events involving Soldiers assigned to the 377th Military Police (MP) company, however, stated they trained numerous units involved in both aircraft movement of detainees as well as units specifically assigned to function within a detainee holding facility. [redacted] explained that MSGT [redacted] Yokota Air Base, Japan, maintained a database during the training operation, which identified each service member who received training from the Air Force unit. The unit training consisted of 3-4 days of training, during which the units were exposed to Pressure Point Control Techniques (PPCT), familiarity with the ASP Baton, verbal judo, handcuffing and shackling procedures as well as cross cultural communications. [redacted] clarified the techniques related to handcuffing and shackling were imported to the training package, based upon the techniques of the Federal Correctional System, Colorado, where SMSGT [redacted] was employed. The remainder of the training techniques were extracted from established protocols used within the US Air Force "Raven" Training Program and based upon the current training manuals. [redacted] recalled the knee strike technique involving striking the perennial nerve area of the thigh with a knee. This is an authorized distraction device documented within the PPCT manual. There was no training conducted which condoned striking any individuals restrained with handcuffs or other restraints, nor affixing individuals to stationary objects. [redacted] stated these tactics were not only illegal, but they violated the basic US Air Force rules of engagement. [redacted] had never heard of the term "compliance blow" during his career with the US Air Force Security Forces, nor heard the term during any training sessions conducted at Fort Dix, NJ.

About 1525, 4 Jun 04, SA [redacted] telephonically interviewed **SSGT (USAF)** [redacted] **436th Security Forces Squadron (SFS), Dover Air Force Base, DE 19902.** [redacted] related he was assigned to a training team deployed to Fort Dix, NJ between Mid Jan 02 and 1 Feb 02. [redacted] stated he was an assistant trainer and would observe and assist other trainers who provided training to deploying military units at Fort Dix, NJ. [redacted] did not recall any specific Military Police units whom were trained during that time period, to include the 377th MP Company. [redacted] related he was a certified instructor for Pressure Point Control Techniques (PPCT), and was not familiar with any technique or the terminology of a "compliance blow". [redacted] was uncertain if the distraction technique involving the striking of the perennial nerve was part of the training provided to the deploying units. There was no training involving striking any individuals who were in handcuffs or shackles and no training involving fastening restrained individuals to any fixed objects. [redacted] explained during aircraft transportation, detained individuals were affixed to the floor

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
[redacted]	DATE: 9 June 2004 / EXHIBIT: 314

DETAILS

of the aircraft, per established Air Force training standards and this training was provided to units whom were to be involved in aircraft movement of detained individuals.

About 1345, 7 Jun 04, SA [redacted] telephonically interviewed **MSGT (USAF) [redacted], 96th Ground Combat Training Squadron (GCTS), Eglin Air Force Base, FL 32542.** [redacted] stated he was deployed as a member of the USAF Training team at Fort Dix, NJ between Sep 97 and Apr 02. [redacted] recalled during the Feb 02 – Mar 02 time frame, several US Army Military Police units were trained to assist USAF Security Force personnel in transporting detainees within the Afghanistan Theater of Operation. [redacted] stated he did not participate in any training related to MP units running a detainee collection point. [redacted] stated the US Army MP units were trained on escorting detainees onto and off of aircraft and how to safely fasten the detainees within the aircraft for safe flight. [redacted] stated the MP units were instructed on escorting procedures, however, he did not recall any training involving strikes or punches. [redacted] stated he was unfamiliar with the term "compliance blow" based on his law enforcement training.

About 1500, 7 Jun 04, SA [redacted] telephonically interviewed **CMSGT (USAF) [redacted], [redacted] Electronic Systems Center (ESC), Detachment 5, Peterson Air Force Base, CO 80914.** [redacted] stated he was deployed as a member of the USAF Reserve to Fort Dix, NJ during Jan 02, however, only stayed for a few days. [redacted] related based on his previous experience and training as a Federal Corrections Officer with the Bureau of Prisons and training received through the Bureau of Prison basic training course at the Federal Law Enforcement Training Center (FLETC), Glynco, GA, he developed the searching, handcuffing and shackling procedures instructed by the USAF trainers at Fort Dix, NJ. [redacted] stated he did not provide any manuals, only developed the training based upon his memory and previous training. [redacted] stated at the time, he was certified as a Pressure Point Control Technique (PPCT) instructor and there was no certification related to the employment of handcuffs or shackles. [redacted] said he did not recall the 377th MP Company and was only present during the training of the first group of USAF security personnel assigned to the initial mission of detainee movements within Afghanistan. [redacted] explained his training procedures as follows: Initially the detainees would be searched using a strip search type procedure. The detainee would be commanded to run their hands through their hair. The security personnel would then observe the head, behind the ears and inside the mouth for any concealed foreign objects. The detainees would be instructed to lift their arms. A search of the groin area would be accomplished by instructing the detainee to move his genitals to allow the security forces to visually search for concealed objects. The detainee would then be instructed to turn around and bend over, spreading their buttocks apart allowing for a visual search. The detainee would then stand up and raise each foot so a visual search of the underside of the foot could be conducted. Clothes would be provided to the detainee to change into. Handcuffing and shacking would employ the mark belly chain, handcuffs, black box and leg irons. The detainee holds their hands out and cuffs are fastened to

DETAILS

them, the cuffs are double locked and the black box is placed over the cuffs. One security officer retained control of the cuffs while another places the belly chain around the detained individual. The belly chain is tightened so the chain will not fall over the detainees hips, nor allow him to raise the belly chain over his shoulders. The keyway, located at the end of the belly chain, is inserted through the black box and the "slack" of the belly chain is run through the keyway. The excess chain is fastened to the side of the detained individual after his hands are pulled to the waist level. The chain is secured with a padlock. Leg irons are placed on the detainee and they are double locked. [redacted] tated he only provided hands on and verbal instructions and no written material were presented during the course of instruction. He did not recall having trained anyone related to the knee strike to the perennial area of the thigh. [redacted] had never heard of the term "compliance blow". [redacted] explained there was no instruction related to striking anyone while they were restrained in any manner and the only method required to subdue a combative subject restrained as described was to step on the leg chains, which would stop movement. [redacted] stated there was no instruction to secured a restrained individual to any fixed objects, besides during an aircraft movement, when detained individuals are secured to the aircraft in accordance with established USAF security and safety reasons.

About 1545, 7 Jun 04, SA [redacted] elephonically interviewed **SSGT (USAF)** [redacted], [redacted] **43rd Training Squadron, Lackland Air Force Base, TX 78236.** [redacted] related between Oct 94 and Oct 03, he was assigned as an instructor to the 421st Training Squadron, Fort Dix, NJ. His primary duty was as an instructor for the USAF "Raven" program. [redacted] stated during this time, he was detained to assist in training US forces deploying to Afghanistan in support of detainee operations. [redacted] related he was involved in training numerous units and did not recall specifically the 377th Military Police Company. He had never heard of the term "compliance blow". [redacted] stated he was familiar with an approved distraction technique, which was instructed to the military members involving striking the thigh of an individual with ones knee. He stated this was a distraction technique employed when an individual was actively resisting, such as holding onto an object and refusing to let go. It could also be used to force an individual to the ground where they could be secured. [redacted] stated the technique should never be used as a form of punishment and never applied to a restrained individual. [redacted] related he did not instruct anyone to be fastened to fixed objects while restrained, nor for anyone to be struck while restrained.

About 2310, 7 Jun 04, SA [redacted] telephonically interviewed **MSGT (USAF)** [redacted], [redacted] **74th Security Forces Squadron (SFS), Yokota Air Base, APO AP 96328.** [redacted] stated he was sent from the Air Mobility Command (AMC) Headquarters to Fort Dix, NJ to establish a training element of Air Force Security Forces Personnel to assist in the training of US Military assets in the handling of detained individuals. [redacted] stated although there were other personnel deployed to support the training mission, he was one of the three main trainers and assumed the responsibility

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
[redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
[redacted]	DATE 9 June 2004	EXHIBIT 314

DETAILS

for running the training program. [redacted] related the trainers developed lesson plans based upon established Air Force "Raven" training programs. [redacted] further explained training plans did not exist support the detainee mission, as this type of mission had never been conducted previously. [redacted] related he maintained the lesson plans to include the rosters of personnel trained within a set of binders within the Detainee Operations Training Cell, Fort Dix, NJ. [redacted] related the training was provided for US Forces, specifically US Air Force Security Force and Army Military Police personnel whose anticipated deployment was related to detainee airlift operations or facility operations. [redacted] clarified the majority of the training related to preparing detainees for movement to and loading upon US Military aircraft as well as debarkation from the aircraft. He stated there was no specific training related to the actual operation of a detainee holding facility. The use of force model that was employed throughout the training was the approved US Air Force use of force policy. [redacted] stated during the distraction technique employing a knee strike to the perennial nerve (thigh) was an approved technique trained during the PPCT portion of the training. The intent of training this technique was to provide the security force personnel with a method to regain control of a detainee whom had become aggressive and uncontrollable. There was no training to support the utilization of the technique as a discipline measure and should not be employed while an individual was restrained. [redacted] related during his law enforcement career, he had never heard of the term "compliance blow". [redacted] stated the instructions related to handcuffing and shacking of detainees was based upon training and information provided by CMSGT (USAF) [redacted]. The training prohibited fastening a restrained detainee to any fixed objects. [redacted] clarified the only time a detainee was affixed to any fixed object would be when they were loaded onto aircraft for transportation. Based on approved USAF security procedures, the leg shackles of the detainee would be affixed to a cable within the floor of the aircraft with a "D" ring. This would afford the detainee limited freedom of movement to include standing, without compromising the security of the aircraft or US Military forces. [redacted] stated he was not familiar with the terminology "standing restraint", nor fastening restrained personnel to walls, doors or ceilings for security purposes.

About 1550, 9 Jun 04, SA [redacted] telephonically interviewed **MSGT (USAF) [redacted], 375th Security Forces Squadron, Scott Air Force Base, ILL 62225.** [redacted] stated he was deployed as a member of the USAF Training team at Fort Dix, NJ between Jan 02 and Apr 02. [redacted] stated he did not recall having trained anyone from the 377th MP Company and was not present at Fort Dix when the training of the 377th MP Company occurred. [redacted] related he assisted in training Pressure Point Control Tactics (PPCT) as well as ASP Baton instruction. [redacted] explained shortly after the training began, he was detailed to assist in the palletization of detainee equipment. During the training he was involved with, he trained PPCT techniques which included the distraction technique involving striking the thigh of an individual with your knee. This technique was to be employed only with an individual who was resisting and no longer under the control of security forces. [redacted] said the technique was never trained for

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
[redacted]	DATE 9 June 2004	EXHIBIT 314

DETAILS

disciplinary purposes. [redacted] related there was no training provided to any of the military units involving handcuffing or shackling individuals to fixed objects such as walls, cages, doors, or ceilings. [redacted] had never heard of the term "compliance blow" during his law enforcement career.

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

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
	DATE: 9 June 2004 / EXHIBIT: 314

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

Between 1600 – 2000 hrs, 8 Jun 04, SA [redacted] and SA [redacted] interviewed **MAJ [redacted] The Judge Advocate General School Legal Center and School, Charlottesville, VA 22903** who was the International Committee of the Red Cross (ICRC) Liaison Officer and the Bagram Collection Point (BCP) Legal Advisor from May 02 to Nov 02, at Bagram, Afghanistan. [redacted] s responsible for escorting the ICRC representative who visited bi-weekly and redressing their complaints. [redacted] dmitted issues were raised regarding chaining and he viewed it as permissible, but stated he could not recall when asked about specific observations within the facility.

At 1824 hrs, 8 Jun 04, SA [redacted] advised [redacted] of his rights for the offense of Dereliction of Duty. While [redacted] initially waived his rights, at 1845 hrs, 8 Jun 04, he invoked his rights to discontinue questioning, at which time the interview was terminated. At the conclusion of the interview, a typed statement, which was prepared during the active portion of the interview was printed. [redacted] equested to view and make changes to it and even opted to add a statement suggesting CID question COL [redacted] who was the CJTF180 SJA during his tour and his direct supervisor) but refused to sign the statement. (See Waiver Certificate and Unsigned/Unsworn Statement of VILA, dated 8 Jun 04, for additional details).

At 2130 hrs, 10 Jun 04, SA [redacted] and SA [redacted] interviewed **LTC [redacted] Headquarters and Headquarters Detachment, 211th MP Battalion (USAR), Lexington, MA 02420** who was the Bagram Installation Provost Marshal from Aug 02 to Feb 03. [redacted] was responsible for the Duty, Law and Order (DLO) MP mission and all Entry Control Points (ECP) to the Bagram Air Field (BAF), Afghanistan. He had limited contact with soldiers from the 377th MP Company, expect for the platoon working ECPs, which rotated. MAJ [redacted] directed [redacted] be denied access to the BCP at one point and [redacted] felt unwelcome in the facility. He stated his purpose for visiting was to check on the MPs and he had very few observations regarding the detainees. He did recall seeing detainees handcuffed at waist level to the airlock in general population routinely. [redacted] stated whenever he questioned this he was informed the detainee was being punished for a behavioral issue. [redacted] described several intense counselling session he had with CPT [redacted], who he described as "overwhelmed, lost and disengaged". (*See Sworn Statement of [redacted] dated 10 Jun 04, for additional details).*

At 1610 hrs, 11 Jun 04, SA [redacted] Fort Bragg Resident Agency, interviewed **COL [redacted] HHC, XVIII Airborne Corps, Fort Bragg, NC 28307 (FBNC)** who was the CJTF180 J2 from Jul 02 to May 03, at BAF, Afghanistan. [redacted] authored a sworn statement detailing the intelligence operation and mission during his tour. He was asked about MI Interrogation instructions and confirmed FM 34-52 was the CENTCOM standard for the conduct of interrogation and CPT [redacted] was well aware of that fact. [redacted] stated he was aware of the use of sleep adjustment, but thought the execution was through talking to the detainee

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGN [redacted]	DATE 11 Jun 04	EXHIBIT 315

1 FEB 77 [redacted]

b2 b6 2C 1590

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

or making them walk around. He admitted seeing detainees restrained at waist level to the airlock, but was assured it was for a short period of time (1 hour) for punishment, by the MPs. He also stated he directed the initiation of a Procedure 15 by CPT [redacted] Cdr, A Co, 519th MI regarding assaults documented in the AR 15-6 report, but was not in the chain of command, therefore he had no authority to enforce the directive. *See Sworn Statement of* [redacted] *dated 11 Jun 04, for additional details.*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 11 Jun 04	EXHIBIT 315

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: Charlottesville, VA DATE: 8 Jun 04 TIME: 1824
FILE NUMBER: 0134-02-CID369-23533/0137-02-CID369-23534
NAME (Last, First MI: [redacted] SSAN: [redacted] GRADE / STATUS: MAJ/O4
ORGANIZATION OR ADDRESS: The Judge Advocate General School Legal Center and School

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Dereliction of Duty/////
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.
5. COMMENTS: Are you currently represented by legal counsel for any reason? Yes_____ No[redacted]

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.

Witness# 1
[redacted]
Signature of Witness
HQ, USACIDC, INV OPS DIVISION
FORT BELVOIR, VA 22060

[redacted]
Signature of Interviewee

Witness# 2
Signature of Witness

DANIEL G. CARTON, 3609, SA
HQ, USACIDC, Inv Ops Division
Fort Belvoir, VA 22060

NON-WAIVER CERTIFICATE

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

8 JUN 04 1845

Signature of Interviewee: [redacted]

DA Form [redacted]
SA [redacted]

b2, b6, 7C

1598 EXHIBIT 316

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Charlottesville, Virginia
Date : 8 Jun 2004 **Time:** 1924
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** MAJ/O4
Org/Address : The Judge Advocate General Legal Center and School, Charlottesville, VA 22903

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

Q: What dates were you deployed to Afghanistan?
A: I deployed to Afghanistan from May to mid November 2002.
Q: What were your duties while deployed to Afghanistan?
A: I was the Chief of International Operational Law for the XVIII Abn Corps, at Fort Bragg, NC, prior to deploying. I was the Chief of Operational Law, but I worked in the J3 (Current Operations), on the CJTF180 Staff. Part of my additional responsibilities were as the Bagram Collection Point (BCP) Legal Advisor and Liaison with the International Committee Red Cross (ICRC). I was the principal advisor to the MPs, when I first arrived it was the 511th MP Co, Fort Dix, later a North Carolina MP Company (211th MP Company) and then there was the 377th MP Company from Ohio.
Q: What is your functional area?
A: I'm a lawyer, Judge Advocate. I have experience in the Operational and International Law areas.
Q: How long have you been a lawyer? What positions have you held? What is your career experience in the Army?
A: I began my career in the Army as an enlisted Military Police soldier and I was posted at Fort Dix, NJ; in Italy and at Seneca Army Depot in NY. In the summer of 1988, I went "Green to Gold" and attended college and law school. I became an Army lawyer and attended OBC (Oct - Dec 94), after which I was a Legal Assistance Attorney at Fort Benning, GA from Jan 95 - Mar 96. I became a Defense Counsel at Fort Benning from Mar 96 - Jan 97. From Jan 97 - Oct 98, I was the Senior Defense Counsel at Fort McClellan, AL. From Oct 98 - Jul 2000, I was Chief of Military and Operational Laws for the Combined Forces Land Component Command (CFLCC), CENTCOM at 3rd Army, Fort McPherson, GA. In Jul 2000 - Oct 2001, I was Chief of Claims, for XVIII Airborne Corps, Fort Bragg, NC. Then I was the Chief of Ops Law for the Corps from Nov 01 - May 02. From May 02 - Nov 02, I was CJTF180 Chief of Ops Law, in Afghanistan. Then in Nov 02 - May 03, I was Chief of Military Justice for XVIII Airborne Corps, Fort

FOR OFFICIAL USE ONLY

EXHIBIT 316

b6, 7C IKAA

STATEMENT OF MAJ [redacted] TAKEN AT Charlottesville, DATED 8 Jun 2004, CONTINUED:

[redacted]ragg, NC. From Jun 03 to May 04 I attended the Graduate Course at The Judge Advocate General (JAG) School, Charlottesville, VA. I have been assigned to the faculty here in Charlottesville, VA at The Judge Advocate General School Legal Center and School.

Q: Had you been deployed prior to the Afghanistan deployment?

A: No.

Q: Have you previously discussed the events related to this investigation with any one since leaving Bagram?

A: Yes, when I was at Fort Bragg in 2003, we heard about the deaths, so there was discussion of that fact but nothing substantive.

Q: Where did you normally perform your duties in Afghanistan?

A: I had a station on the Joint Operation Center (JOC) floor, in a tent outside the Headquarters Building. That was my primary daytime duty location. My desk was right next to MAJ [redacted] the BCP Provost Marshal.

Q: Where was that in relation to the BCP?

A: It was about a ten-minute walk, maybe ¼ of a mile.

Q: How much of your time did you spend at the BCP?

A: I was always there for the ICRC visits. Other times it was quite sporadic, but primarily to escort visitors and VIPs. On average, the ICRC visited every 6-7 days. I took them (ICRC) down there and stayed for their visit, made sure they had everything they needed and then I met with them afterward to discuss issues and talk about findings. Also before each ICRC visit, I went to the BCP to pick up the sheet, which reflected the number of detainees and check its correctness. I also would remind the MPs that ICRC was coming to visit. My primary point of contact with the 377th MPs, was 1LT [redacted], thru MAJ [redacted]

Q: Did you ever visit the BCP in response to an issue raised by the MPs or MI?

A: No, but I talked with the CITF personnel to assist them in getting access to detainees or information from MI. There was a separate ROE card I produced, which dealt with escape, deadly force employment, which I distributed to the MPs for them to train their soldiers.

Q: Were you the primary point of contact for legal matters for the facility known as the Bagram Collection Point (BCP), AKA Bagram Control Point and Bagram Detention Facility?

A: Yes. My job was to assist the MPs in running a detention facility within the spirit of the Geneva Convention, because that was the Sec Def guidance for treatment.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 316

b6, 7C 160th

STATEMENT OF MAJ [redacted] TAKEN AT Charlottesville, VA, DATED 8 Jun 2004, CONTINUED:

Q: Did you ever have occasion to consult with MI about the legality of any of their tactics, techniques and procedures?
A: It was hard not to interact with MI, because they were in the facility all the time. We dealt with them about the repatriation of third country nationals from outside Afghanistan and in preparations for ICRC visits. MI had a board with scheduled interrogations on it, so I advise ICRC that some PUCs were not available for interview based on interrogation. When and if, they did become available, 1LT [redacted] would advise me. There is a good chance that I had substantive discussions with MI about issues like "stress positions", but I can not recall who I spoke with nor the time frame in which the conversations occurred. I also interacted with MI during the Detention Review Board meetings, scrubbing names for release or transfer.
Q: Who was the ICRC representative you dealt with?
A: [redacted] worked for the ICRC out of the ICRC office in Kabul, Afghanistan.
Q: What documentation would you receive from the ICRC?
A: Minutes from the previous visit on ICRC letterhead, which were maintained in a file cabinet in the SJA Office, on the second floor of the CJTF180 Headquarters. I then prepared regurgitated the entire content of any issues raised in my response letters, and notes, copies of which CID has shown to me today.
Q: Two documents bear classification markings on them. Who placed those markings and what was the classification authority?
A: I placed the secret markings on two reports (29 Oct 2002 and 5 Nov 2002), I placed the markings based on my belief that any information derived from another document marked in that manner, should be similarly treated. I cannot say for certain whether that data is classified. I believed it was sensitive so I designated it classified. The subject matter area was extracted from the BCP SOP, which is also classified.
Q: Did anything come up with ICRC that you specifically recall were serious complaints, which might be dangerous to PUCs?
A: I recall from looking at 5 Nov 02, ICRC notes there was a general complaint about "fixed positions". This was the only thing that concerned physical discomfort to detainees. It was a non-specific complaint and discussed with MI who restated that the procedure was not done capriciously, but in accordance with an interrogation plan.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 316

b6, 7C 160A

STATEMENT OF MAJ [redacted] TAKEN AT Charlottesville, VA, DATED 8 Jun 2004, CONTINUED:

[redacted]: **Where did you derive the opinion that "fixed positions" were authorized for use, as you expressed in the 5 Nov 02 ICRC minutes?**

A: I do not know. I seem to recall discussions with G2 personnel, but I just can't remember who or when.

Q: During your liaison trips with ICRC representatives, what areas of the BCP were accessible to them? Were they restricted from any areas? If so, explain what they couldn't see and why they couldn't see it.

A: I met them at the BCP. Usually, there was the ICRC group, a CJTF180 PM Rep, an MI Rep, an MP Rep and myself. We'd obtain their ID badges and take them into a small room on the first floor to stage their belongings and then tour the facility. We'd start on the first floor and walk through the shower area, behind the catwalk areas on the back of the general population pens and the medical rooms. They would look into the storage rooms and walk by 1LT [redacted] office on the first floor. Then we went up the stairs and checked on the PUCs in Isolation/Segregation rooms and the only area they were restricted from was the MI operational area upstairs. Then we descended the stairs at the other end and they'd check the in-processing area. The tour/inspection ended back at the room where their belongings were and began their interviews of detainees.

Q: Did ICRC visit the interrogation rooms?

A: I don't recall ever doing that with them.

Q: Were you present during the ICRC interviews?

A: No, it is prohibited. They must have the freedom to talk with detainees alone.

Q: Referring to your notes, what complaints did ICRC lodge relative to the treatment of detainees at the BCP?

A: The vast majority were health and comfort items (food, access to bathing, privacy for the toilet, fresh bread, fruit, etc). The issue of in-processing also came up and interrogations.

Q: Was prior notification to the BCP required for all ICRC visits?

A: Yes.

Q: Was any information withheld from ICRC or were practices modified during their visits? If so, explain what the information was and why it needed to be withheld.

A: Before CJTF180 took over running the BCP, it was run primarily by MI. MI did on occasion move detainees around in

FOR OFFICIAL USE ONLY

b6, 7C

EXHIBIT 316

1603

STATEMENT OF MAJ [redacted] TAKEN AT Charlottesville, VA, DATED 8 Jun 2004, CONTINUED:

[redacted] the facility, this was apparent in the numbers (of detainees within the BCP) reported by MI versus the number reported by MPs. This was remedied upon transfer of authority from CFLCC to CJTF180.

Q: Who selected the detainees the ICRC would be allowed to interview?

A: The ICRC did.

Q: Could or did the ICRC ever visit a detainee that didn't have an international serial number (ISN)? Was ICRC denied access to anyone in custody?

A: Yes. When CJTF180 inherited the program we instituted a 14 day screening window, during which a person was a Person Under US Control (PUC). ICRC was not denied access to anyone except PUCs (those in the first 14 days of captivity, before an ISN was assigned).

Q: Were you aware that the Military Police removed certain information from their status boards regarding detainees in isolation cells or on sleep deprivation when the ICRC visited?

A: Yes, during the pre-visits, any information related to MI actions/materials was removed because the ICRC folks were not cleared for access to it.

Q: Did you direct the removal of information from status boards?

A: No. I don't believe so. I recall the board's contents when conducting pre-visits.

Q: Who did you discuss removal or sanitization of information from the status boards with?

A: It was done during the pre-visit checks, which were attended by CPT [redacted] CPT [redacted] and myself.

Q: Within your role as the BCP legal advisor, did you ever meet or discuss with the MP or MI Chains of Command related to the operating procedures and standard practices within the BCP? What types of practice or procedure issues were raised to your attention and what did you do about them?

A: Yes, sure. The SOP, we had discussions, but my primary focus was the MPs. The MI did not bring that much to me.

Q: Describe the process of the creation of the BCP SOP.

A: The staffing was electronic. MAJ [redacted] was given the mission of enhancing the previous edition of the SOP to encompass revisions (ROE, Detainee Review Board). Each agency had input in it's functional area. The product was merged through the electronic staffing procedure and posted to the

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C

1604

EXHIBIT 316

STATEMENT OF MAJ [redacted] TAKEN AT Charlottesville, VA, DATED 8 Jun 2004, CONTINUED:

[redacted] TF180 SIPR Bulletin Board. When it was complete, I believe MAJ [redacted] delivered it to the COL [redacted], the J3.

Q: Did you review the SOP, in your capacity as the BCP Legal Advisor?

A: No, I saw it during normal staffing process and crosswalked portions of the document. However I do not recall reviewing the final product.

Q: Who approved the BCP SOP, who signed it?

A: I don't know I never saw one signed.

Q: Do you have any means of verifying which version/revision of the BCP SOP was employed during any point in time of the deployment?

A: I don't recall. I know it was revised and there is a more robust version in existence than the one I have been shown today. The last version I saw had more annexes and was written in a different font than the one I've seen today. *Since answering this question earlier, I have looked through the provided SOP and may be mistaken regarding the revision I spoke of.*

Q: Did you have occasion to mitigate differences of opinion between MI and MPs over the operation of the BCP or the roles of the respective units and personnel? What types of issues were raised to you by either unit?

A: I talked with the MP Cdr (CPT [redacted], in the presence of MAJ [redacted] about the facility being his (MP) mission. I spoke to [redacted] reminding him that it was his facility.

Q: Were you ever aware of the MPs carrying batons in the BCP?

A: No.

Q: Were you ever aware of the use of enforced standing/standing restraint for punishment?

A: Yes.

Q: Were you ever aware of the use of standing restraints in the execution of courses of sleep deprivation?

A: No. I was aware of sleep interruption, but never the use of shackles or physical restraints to effect it.

Q: What was your complete understanding of enforced standing or standing restraint practices? How was it employed?

A: It was laid out in the SOP. I understood it to be a penalty for an infraction. They were removed from the group pen for a period of time and placed in the airlock. The SOP gave the MP the permission to employ the guidelines in the SOP. They could be instructed to stand.

Q: What would happened if the detainee refused to stand?

b6, 7C 1105

EXHIBIT 316

STATEMENT OF MAJ [redacted] TAKEN AT Charlottesville, VA, DATED 8 Jun 2004, CONTINUED:

[redacted]: I don't know it never happened while I was there that I recall.

Q: Did you ever observe any detainee restrained to a fixed object in a standing position?

A: I don't recall. But I can't say for sure I did not.

Q: Was there any legal justification that allowed for chaining people in this manner?

A: There are times when it is allowed, in times of necessity for safety of the troops.

Q: Did you review the BCP SOP prior to today?

A: Yes, while in Afghanistan.

Q: Where in the BCP SOP does it say that handcuffing to a fixed object is permitted?

A: The BCP SOP does not say that it is not permitted. There is discussion of using it on aircraft movement, but there is no discussion of issues, which might arise requiring it, such as a security concern.

Q: Are you aware of AR 190-47 (Army Corrections)'s restriction on restraining inmates to fixed objects?

A: No.

Q: Did you consider that AR 190-47 restriction apply to the BCP? Why not?

A: I don't recall reviewing the reg when we assumed command and control. Having read the portion of the AR 15-6, I'm not sure in my opinion, if it's fully applicable.

Q: CID has shown you drawn by an MP (SPC [redacted] dated 3 Feb 04), he says this represents how one of the detainees who died was restrained at one time when he was assaulted. Did you ever see a detainee shackled in this manner?

A: I don't recall. Again my visits to the BCP were limited.

Q: Based upon SPC [redacted] sketch, in your opinion is this consistent with the spirit of the Geneva Convention?

A: It calls for a legal opinion. There are times in which soldiers may be authorized to do things for their own safety.

Q: Did you consider AR 190-8 to apply within the BCP?

A: The Detainee Handling Guidance from CENTCOM stated the detainees should be handled within the spirit of the Geneva Convention.

At 1824 hrs, 8 Jun 2004, I was advised of my rights and waived, at 1845 hrs, 8 Jun 2004, I terminated the interview, wishing to not discuss the issue further.

Q: Is there anything you wish to add to this statement?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C 1106

EXHIBIT 316

STATEMENT OF MAJ [redacted] TAKEN AT Charlottesville, [redacted], DATED 8 Jun 2004, CONTINUED:

[redacted] Although I have terminated the interview, I would like to add that CID speak to my leadership in the course of it's investigation, including COL [redacted]

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

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

REFUSED TO SIGN
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of June 2004 at Charlottesville, [redacted]

[redacted] (Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2, b6, 7C 160A

EXHIBIT 316

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Leominster, MA
Date : 10 Jun 04 **Time:** 2130
Statement of: [redacted] **Grade/Status:** LTC/05
Org/Address : Headquarters and Headquarters Detachment (HHD), 211th MP Battalion, Lexington, MA 02420

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

Q: Please describe your law enforcement training and experience.

A: I have been a Military Police Officer for 26 years. I am a former enlisted soldier and served in the enlisted ranks of the MP corps in various positions both on active duty and within the National Guard. I attained the rank of SFC prior to receiving my commission upon graduation from Officer Candidate School at Ft. Benning GA in 1990. I have served in every enlisted position within an MP company up to and including 1SG. I also served as an MPI investigator on active duty at Ft. Lewis, WA. After being commissioned I was branched MP and have served in numerous positions from MP Platoon Leader up to my current assignment as Battalion Commander of the 211th MP Battalion. The 211th is a Combat Support MP Battalion with 5 MP companies and approximately 1000 soldiers. I have been a Massachusetts State Trooper for 18 years. I currently hold the rank of Sergeant and work as a Patrol Supervisor. I am also assigned as the Executive Officer (2nd in command) of the Massachusetts State Police STOP team. This team is a state wide tactical team, responsible for high risk warrant service, hostage and barricade situations and hostage rescue. I have also had assignments as Senior Drill Instructor at the Massachusetts State Police Academy, Firearms instructor, Use of Force instructor and Less Lethal munitions instructor. I have attended a multitude of professional development courses both Military and Civilian in the police field. I am a graduate of Command and General Staff College, and have most recently served as the commander of military forces at Logan International Airport (Operation Noble Eagle) as well as deployments to Afghanistan and Iraq.

Q: Do you have any experience involving corrections either military or civilian?

A: No.

Q: What were the dates of your deployment to Afghanistan and your duty position while assigned to the Bagram Air Base?

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b6, 7C 1608 EXHIBIT 317

STATEMENT OF MAJ [redacted] TAKEN AT Leominster, MA, DATED 10 Jun 2004, CONTINUED:

A: 15 Aug 2002 I arrived in theater and I left 7/8 Feb 2003. I was the Task Force Dragon Provost Marshal (PM) for Bagram Air Base. I was PM working for COL [redacted] on Task Force Dragon and we handled security, entry control, access control, badge issuance and the vetting process for contractors and civilians. We did not have traditional MP patrols, outside the wire but we did operate gates and entry control points. Seven MPs from my unit (211th MP Bn) were deployed but we needed more folks to accomplish the mission we were assigned. I approached COL [redacted] and advised we could not conduct MP missions and force protection operations without more MPs. We obtained assistance from a platoon of MPs from Kabul (the 772 MP Co from my battalion in Massachusetts), to augment the MP Operations. There was also a CJTF180 Provost Marshal Cell, headed by MAJ [redacted] who was on the CJTF180 staff. There was some friction between us, based on their comments about my mission and attempts to direct us. It was made very clear to me that I had nothing to do with the JOC Security Platoon, they worked for the CJTF180 PMO. It was clearly two separate teams. This made no sense to me, as I felt the 180 guys were staff officers and the PM should have control over all MP's on the ground. However, I was not going to win that fight as they were connected with the 180 Commander and I was an outsider National Guard officer.

Q: Other than the JOC Security Platoon, were there any areas where you were specifically exempted from managing as the PM?

A: The Bagram Collection Point. I'm hard to pressed to say when, but once I found out the 377th MP Company belonged to me, I went down to the BCP and walked around learning the BCP Operations, observing the troops and learning as the commander, what my men were doing. One day (I think it was in later Oct 2002), sometime prior to the deaths, I went down to walk around the BCP and check on the soldiers. I was denied access to the BCP. The young soldier told me it was at the direction of MAJ [redacted] He directed that if I showed up at the BCP, I was not allowed in without permission from MAJ [redacted]. I was also told that I was not to be in the BCP when the International Committee of the Red Cross (ICRC) visited, I'm not sure why. I can tell you I was very embarrassed by this and was not given the courtesy of prior notification by MAJ [redacted] The soldier who told me was uneasy and it was obvious he felt bad as well.

Q: Approximately how long prior to the deaths were you excluded from access to the BCP?

A: I think it was late Oct 2002, but I'm not sure. I went to

FOR OFFICIAL USE ONLY

b6, 7C 1609

EXHIBIT 317

STATEMENT OF MAJ [redacted], TAKEN AT Leominster, MA, DATED 10 Jun 2004, CONTINUED:

[redacted]talk with [redacted] a few days later and we discussed it. I was not denied access after that, but I didn't go down there much immediately after that because it was clear that they did not want me in there. I still made sure the soldiers were aware that I was looking out for them, but I did it thru the PMO operation and by frequently going to the ECPs. When I did go to the BCP, I rarely went beyond the admin area our front.

Q: Did you ever have an opportunity to review the ICRC findings related to the BCP operations?

A: No, I don't think I ever even saw any of the ICRC folks.

Q: Did [redacted] ever articulate to you why he did not want you in the BCP?

A: No, he just made it clear that it was not my lane. I think he was upset that I was the real PM for operational issues on the ground and he knew I was not intimidated by him and his friends in the 18th Airborne Corps headquarters. MAJ [redacted] was integral in not having my HHD deploy to theatre as a unit, because I truly believe he didn't want an O-5 commander on the ground. That way he would be able to retain some control. Unfortunately for him, I understood my role and command relationship with the TF Dragon commander and he knew right away I wasn't going to be walked on or allow my soldiers to be treated as second class citizens.

Q: Did much change when MAJ [redacted] replaced MAJ [redacted] in Nov 2002?

A: No, it stayed the same. Their intent was to replace me with an XVIII Abn Corp MP CPT who was part of their unit. Operationally my relationship with the BCP remained the same.

Q: Please discuss the chain of command as it related to MP Operations on Bagram Air Base, in Afghanistan in December 2002.

A: This probably depends on who you talk to. My orders specifically made me the Provost Marshal for Bagram. As the PM, I assumed that all MP's at Bagram and in my AO would report and work for me. This was not the case and it was made obvious to me from my first few days in theatre. The CJTF-180 PM Cell Staff Officer Major [redacted] made it clear to me that the JOC MP's did not work for me and that they reported directly to him. This was a severe waste of valuable MP resources, which were already too short in theatre. I had a platoon from the 772nd MP Company and one from the 377th MP Company for Force Protection on the installation and for conducting MP Operations within AO BUSH. The 377th MPs worked days on the ECPs and the 772nd worked nights. I talked with CPT [redacted] and offered him the opportunity to

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7C 1610

EXHIBIT 317

STATEMENT OF MAJ [redacted] TAKEN AT Leominster, MA, DATED 10 Jun 2004, CONTINUED:

rotate his folks and allow them time outside the Bagram Collection Point (BCP). I felt that it was a good opportunity to allow the soldiers to experience several different missions while in theatre. I reported directly to TF Dragon commander COL [redacted] I usually ran issues thru his Deputy LTC [redacted] It was made clear to me by the CJTF 180 Staff Officers that the BCP was not my lane and although the soldiers and the company reported to me, I was to have nothing to do with the "day to day" operation of the facility and the PUC operations.

Q: How often during your tour in Afghanistan, did you have occasion to visit and/or tour the interior of the Bagram Collection Point (BCP) also known as the Bagram Detention Facility (BDF)?

A: Before the incident with [redacted] I went everyday or every couple days, but to be honest the purpose of the visit was not to check on the PUCs, but to see and talk to my soldiers. Often I went in the front door and stopped at the MP Operations Room and talked with folks there. I saw the detainees, but I didn't make specific note of them. I did check on the physical improvements we were making to the facility. There were a lot of building and mine clearing going on around the facility, so I sometimes checked just the physical structure. It was not unusual for LTC [redacted] to grab me or make a statement at the Battle Update Briefing (BUB) in the morning that the area looked bad and "your MP's" were not taking care of business quick enough as it related to the engineering and reconstruction efforts. This was often a daily issue.

Q: Do you know who wrote the Standard Operating Procedure (SOP) for the BCP?

A: No.

Q: As the senior MP leader, did you have input into the drafting or review of the BCP SOP, as it existed in the fall of 2002?

A: No, I don't recall reading it. I'm not even sure I knew they had one.

Q: Did you observe any practices within the BCP, which were contrary to existing Army policies governing the treatment of detainees?

A: I did not.

Q: Did you see any detainees restrained in the manner, depicted in the statement/sketch of SPC [redacted] dated 3 Feb 2004?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6, 7R 1611

EXHIBIT 317

STATEMENT OF MAJ [redacted] TAKEN AT Leominster, MA, DATED 10 Jun 2004, CONTINUED:

A: No, never. I did see detainees in isolation, either in the cells (which were constructed later in my tour at Bagram) or standing in the airlocks. In Isolation Cells, sometimes the detainees were handcuffed, but never over their head. I recall routinely seeing detainees in the sally port (airlock) of general population handcuffed at waist level to the fence.

Q: Did you develop an impression of the detainees in the BCP and their combativeness?

A: I can tell you that I never saw a detainee act up. I never saw a disruptive detainee the whole time I was there. I never saw any physical confrontations or observed an MP use excessive or unnecessary force. I'm sure detainees acted up, but I never observed it first hand.

Q: Are you aware of any Pressure Point Control Technique (PPCT) training conducted by the 377th MP Company, while in Afghanistan?

A: No.

Q: As a qualified Use of Force instructor, did you ever observe anyone deliver a common peroneal strike?

A: I did not.

Q: Under what circumstances is a common peroneal strike used?

A: To gain compliance.

Q: Have you ever heard of the term compliance blow?

A: No, I've heard of a compliance hold, but not a blow.

Q: Would a common peroneal strike be applied to a restrained person?

A: No, I don't think there's any need to.

Q: Did you have any familiarity with AR 190-8 (EPW Operations) or AR 190-47 (Army Corrections)?

A: I'm sure we touched on them in training during Mobilization (MOB) at Ft. Drum, but I don't have any real recollection or knowledge of that area. It has never been a focus of training in my battalion.

Q: Do you have any knowledge that chaining someone to a fixed object is contrary to Army doctrine?

A: I do not. I have common sense and experience that tells me if I see something I think is wrong I question it. Couple times I saw a detainee in the airlock, I'd ask them "What's his problem?" They would normally respond that the detainee had thrown food, spit on someone or were being punished for breaking the rules. There seemed to always be someone in those airlocks, even when we took folks through on tours. Usually, that prompted the same type of question from the people being escorted through the facility.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 317

b6, 7C 1612

STATEMENT OF MAJ [redacted], TAKEN AT Leominster, MA, DATED 10 Jun 2004, CONTINUED:

[redacted] **Did you ever observe any detainees within the Isolation Cell restrained to any fixed objects?**

A: No.

Q: To your knowledge, were MI Interrogators at the BCP authorized to direct a course of sleep deprivation for detainees? If so, what was the basis of that authority?

A: I had no knowledge of the inner workings of MI. I checked on the soldiers, but never saw any interrogations, nor did I ask to see any. I don't know what their rules were.

Q: Were you aware of any quasi senior subordinate relationship between MI and MP, either through observations in the BCP or in discussions with 377th soldiers?

A: No.

Q: Did you observe any sleep deprivation at the BCP and if so, how was it achieved?

A: No, not unless the sally port standing was sleep deprivation, but it was never explained to me as such. I had no idea it was going on, unless you count that the lights were always on inside the BCP.

Q: Were you aware that 377th MP personnel were chaining detainees to the wire ceilings in Isolation Cells and in the airlocks of general population for prolonged periods of time (in excess of 4 hours)?

A: No.

Q: Did you have any contact with CPT [redacted] during which you discussed the missions parameters prior to his company's arrival in Afghanistan?

A: No. I remember meeting him for the first time in the hallway of a barracks at Fort Dix, NJ. Our plane got stuck at McGuire AFB, so we stayed over at Dix until they could fix the aircraft. We woke up the National Guard cadre at Fort Dix and ended up billeted with them. I did not really even know my mission at that point, nor who would ultimately work for me.

Q: What type of contact did you have with CPT [redacted] Cdr, 377th MP Company, after you arrived? What was the frequency of that contact?

A: I was his rater, but it was not immediately known to either of us. I went to COL [redacted] to get a clear understanding of who [redacted] worked for. I had frequent contact with him, (day to day) but I always had to go find him. I told him to check on his troops, but he wouldn't go out and do that, until I advised him it was his job. I tried to teach, coach and mentor him. I know he was intimidated by me, but I really tried to develop him

FOR OFFICIAL USE ONLY

EXHIBIT 317

b6, 7C 1612

STATEMENT OF MAJ [redacted] TAKEN AT Leominster, MA, DATED 10 Jun 2004, CONTINUED:

[redacted] a leader. We had several "closed door" counseling sessions with him and he was fully aware that I felt he was not doing what was expected of him as a leader. The first version of his OER was much more severe than the final version. We had frank discussions about relieving him of command. He and his 1SG [redacted] were both ineffective. [redacted] should not be around troops and [redacted] was failing. COL [redacted] LTC [redacted] and I talked about relieving [redacted] but there was no one to replace him with. His unit was in shambles, there was no military discipline, no job knowledge, no structure and in my judgment, there was only one 1LT [redacted] who was competent to replace him. [redacted] was the best officer in the 377th (including the company commander), but when someone gets relieved the domino effect comes into play. There weren't enough dominos to play with in the 377th's case. The decision not to relieve him was mine and LTC [redacted] and COL [redacted] was aware of the issues as well. In [redacted] defense, he had no support, 1SG [redacted] was completely ineffective. [redacted] lieutenants had no respect for him. It was not articulated so much as apparent from their actions and that of their soldiers. [redacted] was weak, he was a weak commander.

Q: Did CPT [redacted] share with you any concerns about the operation of the BCP including the use of sleep deprivation or punishment provisions set forth for detainees?

A: Never. The only thing [redacted] ever sought me out for was to mitigate disturbances with the CJTF180 PM Staff. I was with him almost every morning at the daily morning BUB. "No issues" was the most common term from CPT [redacted]

Q: Did CPT [redacted] ever share with you any friction with MI element or CPT [redacted]

A: No, never. It was made very clear to me that the BCP Operation was not my lane.

Q: Do you know if the BCP had an assigned legal advisor to consult with MP personnel in legitimate or authorized methods of punishment or uses of forces?

A: I had no clue, until you mentioned it.

Q: Speaking as a seasoned MP Officer, what were your impressions of the 377th MP Company leadership, based on your contact with them?

A: The 377th MP Company leadership was non-existent. I truly feel that the soldiers of that unit were victims of the "good old boy" network. Whoever decided to make 1SG [redacted] a First Sergeant should be relieved immediately. She had, and still has,

INITIAL [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 317

b6, 7C

161

STATEMENT OF MAJ [redacted] TAKEN AT Leominster, MA, DATED 10 Jun 2004, CONTINUED:

[redacted] no business being in charge of soldiers in ANY capacity. I hope that she is a civilian. CPT [redacted] first struck me as an officer who was immediately overwhelmed with the task at hand. He seemed lost and disengaged most of the time. It was obvious to me as time went on that there was no respect within that unit for the leadership, especially the commander and the 1SG. I had soldiers of the 377TH working directly with my soldiers at the PMO and would often overhear conversations that were negative about their leadership. The lieutenants were a mixed bag. 1LT [redacted] was by far the strongest of the three. He was a "can do" officer who was engaged at all times with his soldiers. 2LT [redacted] was competent, but my gut instinct was that he lacked the maturity at that point in his career to assume any position other than Platoon Leader. He would have excelled if he had a strong commander, but he did not. 2LT [redacted] was less than effective and would have better suited the military in a Civil Affairs (CA) role. I liked him personally, as I did with all the officers, but he had no business leading an MP platoon in a combat zone. It is difficult for me to put into words the command climate of that unit. The commander was never pro-active in his role. The 1SG was an absentee NCO. As a matter of fact, I want to point out that her soldiers stood on those Entry Control Points (ECPs) for 12 hours a day for 6 months. It was not until I ordered her commander to have her physically go to the ECP(s) to check on the well being of her soldiers, that she actually went to see her soldiers. This was probably 5 months into their deployment and was AFTER she was counseled and became aware of her pending negative NCOER. I would characterize her as a faker. She wanted to hang around with the SGM(s) and smoke cigars while her soldiers baked in the heat. She is a disgrace to the NCO corps. The unit did have some caring senior NCOs but they were overwhelmed with the tasks at hand and lack of leadership at the company level. My operations SGT and I would often counsel them (informally) on what they should do and on how to "hang in there" and take care of their junior soldiers. I made it a point to go to their shift changes on occasion and make them aware that someone at my level cared about them and the job they had to perform. I handed out some of my battalion coins to soldiers who excelled and were brought to my attention.

Q: Did you observe a marked difference between the BCP operation under the 211th MP Company and the 377th MP Company leadership? If so, what types of differences?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6,7C 1615

EXHIBIT 317

STATEMENT OF MAJ [redacted] TAKEN AT Leominster, MA, DATED 10 Jun 2004, CONTINUED:

[redacted]: I did not have much interaction with the 211th MP Company at the BCP. I received my initial tour of the facility by them and after that my interaction with them was mostly limited to the ECP and PMO operation. I went to the facility a few times before they re-deployed, but not often. I had several other missions to start on and the BCP seemed to be running well with the limited resources. My main concern at that time was to actually stand up the first PMO. I never had any concerns with the 211th MP Company or their leadership. There was a marked difference in my observations. The 211th MP Company had engaged leadership and the 377th did not!

Q: How did you learn of the deaths of the two detainees who died in December 2002? What did you think happened?

A: I am not exactly sure how I heard of either of the deaths. I'm confident that I was not notified during the night and woke up at anytime for these specific incidents. I was often woke up for other issues as the PM which is normal, but not for these incidents. I am assuming that I was advised of the deaths upon reporting to the PMO in the early morning as I did everyday at approx. 0600 daily, prior to the daily BUB at TF Dragon. Again, I am assuming that is what happened, but I'm not exactly sure.

Q: Is there anything you wish to add to this statement?

A: I want it on the record that I am very proud of the contribution my soldiers made while assigned at Bagram. They did some great things. All of them, including many members of the 377th MP Company have much to be proud of. I only hope that this investigation bears out the whole truth and if people were negligent or criminal in their behavior, they are dealt with accordingly. The reputation of the Army is at stake here and many have worked too hard for too long to have our reputation tarnished in this way.

//////////////////////////End [redacted] Statement//////////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 317

b6, 7c

1616

STATEMENT OF MAJ [redacted] TAKEN AT Leominster, MA, DATED 10 Jun 2004, CONTINUED:

AFFIDAVIT

I, [redacted] 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]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of June 2004 at Leominster, MA.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 317

b3, b6, 7C

1617

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Fort Bragg, North Carolina 28307
Date : 11 Jun 04 Time: 1610
Statement of: [redacted]
SSN : [redacted] Grade/Status: [redacted]
Org/Address : HHC, 18th Airborne Corps, Fort Bragg, NC 28310

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

Q: What dates were you deployed to Afghanistan as part of CJTF-180?
A: 20 July 2002 to 27 May 2003
Q: What were your duties while deployed to Afghanistan?
A: CJ2, Director of Intelligence for CJTF-180. Responsible for directing all military intelligence activities in AFG minus JTF-11 and later JTF-5 which fell under CENTCOM and the Leadership Targeting Cell which fell under the G3
Q: What is your functional area?
A: 35C, Intelligence Officer
Q: How long have you been an intelligence officer? What positions have you held?
A: 26 Years. Positions include G2, Joint Readiness Training Center (JRTC) and Fort Polk; Commander, 313th MI Bn; J2, Special Operation Command Pacific (SOCPAC); Commander, 501st MI Bde; G2, 18th Airborne Corps.
Q: Had you been deployed prior to the Afghanistan deployment? If so, where and what were your duties for each deployment?
A: Indonesia May to June 1999, led Pacific Area Command (PACOM)'s Pacific Situational Assessment Team to monitor the June 1999 elections. Duties included liaison and coordination between PACOM Hqs and the US Embassy particularly concerning the safety of American Citizens (AMCITS).
Q: What was your relationship to the Bagram Collection Point (BCP) (a.k.a. Bagram Detention Facility)?
A: I directed all intelligence activities as described above, which included the interrogation of Detainees/Persons Under Control (PUCs).
Q: Can you describe and diagram the staff relationships relative to the BCP for both MP and MI operations? Please include the role of the JIIC, the J2, the PMO, the J3, and the Fusion Cell if you know. Provide names to go with those positions if possible.

FOR OFFICIAL USE ONLY

b2b7C

EXHIBIT 318

1618

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

A: The intelligence side was CJ2 to CJ2X (LTC [redacted] LTC [redacted], which was responsible for all military CI/HUMINT activity in-country. They provided the intelligence focus and priorities for the interrogators at the BCP. CJ2 Operations (LTC [redacted], LTC [redacted] coordinated the move of detainees/PUCs from Quandahar to Bagram. They also ran the release board which determined which detainees should go to GTMO and which ones should be released from custody. The JISE provided questions for the interrogators through the J2X. The Leadership Targeting Cell(LTC) which was focused on capturing senior AQ, Taliban and HIG members provided intelligence questions as well through their intelligence staff (MAJ [redacted] others), but did so directly to the interrogation cell. As previously stated they worked for the CJ3 (COL [redacted] and [redacted] who arrived in July). The CJ3's staff provided taskings/ FRAGOs and coordinated the move of Detainees in-country and to GTMO. Intelligence questions would also come in from JTF-11/5 and other government agencies. Most of these would come through the CJ2X. The MPs took staff direction from the Provost Marshall. I am not sure who the PMO fell under in the staff line and block, but it was probably the Director of the CJ Staff, [redacted] We coordinated with the PMO, particularly concerning movement of detainees/PUCs within or out of Afghanistan (AFG) (to GTMO). The interrogation cell at the BCP was responsible for conducting all interrogations in the BCP. During my time in AFG they were part of the 202d MI BN and later the 519th MI BN.

Q: What does the acronym HIG stand for?

A: [redacted] which belongs to the terrorist leader [redacted] He is attempting to over throw the AFG government by force and today's paper associated his followers with attacking the Chinese workers in Northern AFG yesterday.

Q: Where did you normally perform your duties?

A: The Joint Operations Center (JOC)

Q: Where was that located in Afghanistan?

A: Bagram Air Base

Q: Where was your work area located at Bagram?

A: JOC

Q: Where was that in relation to the BCP?

A: On the same base

Q: Did you ever visit the BCP? How often did you visit the BCP? What areas of the facility did you visit? (Sketch and describe in detail).

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 318

1619

STATEMENT OF [redacted], TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

A: I visited the BCP occasionally, probably less than 4 times a month on average. The visit logs should show the frequency. I would mostly visit the Interrogation operations center, but did walk through the other spaces sometimes.
Q: What was the intelligence operations technical chain from the BCP to CENTCOM?
A: When I first arrived CENTCOM sent a team to Bagram to assist the interrogators in preparing a load of detainees for GTMO. Their focus was on ensuring we sent only those that met the SECDEF criteria for detention, a problem area in the past. After that they provided guidance through CENTCOM CJ2X channels for sharing of detainee databases, coordinating and preparing for the movement of detainees to GTMO and intelligence focus from a Theater perspective.
Q: Did you know CPT [redacted] How? When did you first meet or come to know her?
A: Yes. She was our operations officer in the interrogation section located at the BCP. I don't recall the exact date, but believe it was Aug or Sep 2002.
Q: What was CPT [redacted] role in the BCP?
A: As operations officer, she directed the interrogators in their interrogation effort supervising them and giving them their daily work priorities and intelligence focus. CPT [redacted] and her team would provide weekly intelligence summaries to the CJTF Commander and Staff on the results of their efforts. They played the major role in determining if a PUC met SECDEF criteria for detention. They were instrumental in doing the final screenings in this determination and then preparing the packets of those detainees we recommended for transfer to GTMO. These packets were forwarded through CENTCOM to the Joint Staff for approval resulting in the order to transfer Detainees to GTMO. As we sent 4 or 5 groups of detainees to GTMO in 10 months, this was a crucial task and one that was problematic prior to my arrival and a focus area for me as tasked by the CG. We (CJ2, CJ2 Ops, CJ2X and the interrogation cell) worked hard to fix this process and put procedures in place to ensure only Al Quaeda (AQ), Taliban (TB) or HIG operatives went to GTMO. The Bagram process included a multi-organizational review board to determine SECDEF criteria for which CPT [redacted] team provided major contributions. The board was made up of all major US combat organizations, Criminal Investigative Task Force (CITF), Leadership Targeting Cell (LTC), Defense HUMINT Service(DHS) and Other Governmental Agencies (OGA) as I recall.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 318

1620

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

Q: Did you supervise CPT [redacted] in her role as the BCP interrogation team chief? ((If not, what was her supervisory chain?))
A: I was not in her rating chain. She was a member of A Co, 519th MI Bn and fell under CPT [redacted] I believe the rating chain went back to LTC [redacted] the battalion commander. CPT [redacted] company fell OPCON under Dragon Brigade (COL [redacted] was the commander). We in the CJ2 provided their intelligence focus and priorities, coordinated with them for in/out-bound Detainees/PUCs, coordinated with them for access to Detainees by other organizations (CITF, OGA and JTF 5/11). Occasionally I would give CPT [redacted] direct guidance concerning what we were looking for, her priorities for interrogations or the circumstances under which the individual was captured, which was always difficult to get from the capturing units. Most of her guidance came from the CJ2 staff, specifically CJ2X. On one occasion I did not support their request to have relaxed grooming standards and civilian clothes for the interrogators. We wanted to ensure the XVIII Abn Corps appearance standards were maintained and saw this as a potential discipline issue over the long period if allowed. I did support their request to use sanitized Desert Camouflage Uniform (DCU)s to protect their identities and approved the use of civilian clothes in rare cases.
Q: Describe any issues that you remember discussing with her and how you handled those issues.
A: Discussed above.
Q: How did you do that? How often did she report to you to discuss issues from the BCP? What types of information did she provide?
A: Discussed above. In addition there were coordination issues over who had access to the Detainees/PUCs. OGA and JTF 5/11 would show up at their office and demand access to individuals for questioning. I engaged to require them to coordinate this request through the CJ2 staff so that it was not disruptive to the interrogation priorities. We also had problems with JTF5/11 attempting to take interpreters out of the facility without coordination to support their missions. We had them put their requests through the CJ3 for support like everyone else. Another issue came out of the AR 15-6 investigation of the two detainee deaths. It was alleged that two interrogators were physically abusive to possibly several detainees (knee to the crotch, pushed one up against a wall) during the interrogation

STATEMENT OF [redacted], TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

process. As the Senior Intelligence Officer, I directed that the two interrogators were not to conduct anymore interrogations until the investigation was complete. This directive was given through the CJ2 staff to CPT [redacted] and CPT [redacted]. To the best of my knowledge, these two individuals rotated back to the U.S. before the investigation was complete. They did not do anymore interrogations in AFG.

Q: Did she often bring issues to you for resolution or did she make you aware of issues in the facility that she had resolved? If not you, who would she have brought those issues to?

A: No, most issues that did arise usually came through the CJ2 staff (CJ2X or CJ2 Ops) to me. I am sure I talked to her directly concerning coordination issues, but don't recall the specific events.

Q: Did CPT [redacted] ever discuss with you the application of specific techniques or the use of safety positions?

A: I do not recall a specific conversation with her on this topic, but may have as I was aware they used kneeling as a safety position.

Q: Did you ever become involved with MAJ [redacted] and/or the Military Police (MP) or Military Intelligence (MI) units at the BCP related to the operating procedures and standard practices within the BCP? What types of practice or procedure issues were raised to your attention and what did you do about them or what advice did you provide?

A: We did work with all concerning certain issues as they would come up. The general procedures and practices in the BCP were in place when I arrived and saw little change until after the deaths. Besides the changes we made in the interrogation processes in the BCP as a result of the 15-6 discussed later in this document, I recall working the following issues with SJA, MP and MI. Working with external organizations, we did establish a rule that no outside organization could conduct an interview/interrogation of a Detainee/PUC without one of our interrogators present. I specifically wanted to ensure that the outside agencies did not physically abuse the Detainees and made this clear to CPT [redacted] and CPT [redacted]. The CJ2 staff and I did work closely with MAJ [redacted] and the PMO concerning operations in the BCP. The issues usually concerned the coordination of visitors to the facility such as VIPs or the ICRC. We worked closely with the PMO for the transfer of PUCs particularly from Quandahar. We had an established practice to hold PUCs at Quandahar only 72 hours or less. This was due to

FOR OFFICIAL USE ONLY

EXHIBIT 318

b6 7C 1622

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

the temporary nature of the facility on the base and the lack of personnel at Quandahar to conduct long term detainee operations. We coordinated for the movement of these individuals with the PMO to Bagram. Occasionally, we would ask Quandahar to continue the screening process beyond 72 hours to ensure we brought only those PUCs to Bagram, which met SECDEF criteria. We totally relied on the MI interrogators at Qandahar (82d Abn Div) to determine SECDEF criteria and supported their recommendations. Holding the PUCs at Quandahar took close coordination from the PMO and Quandahar units to make this happen. This process significantly cut down on the number of non-combatants that came to Bagram because they were in the wrong place at the wrong time and the TF thought they were potentially TB. Additionally, on rare occasions we would receive individuals from the AFG forces stating they were TB, but in fact were nothing more than a competitor or tribal enemy. Careful and thorough screenings ensured their early release, but again required close coordination due to the issues stated above. We would also coordinate when an ISN was given to a PUC. As I recall a rule was established which required the assignment of an ISN within two weeks of arrival. The primary reason for a delay on assigning a number was to ensure a thorough screening for SECDEF criteria before assigning an ISN. Once they had an ISN, it required the SECDEF to personally approve their release. This was a long and difficult process. On at least one occasion we delayed giving a number to an AQ operative in the initial interrogation. Once a PUC was given an ISN, the ICRC could request to see them. In the AQ case, we would not have been successful in gaining information from him if ICRC questioned him. I do not think we exceeded the two week procedure and ICRC eventually talked to him and took correspondence from him for his family. His information led to the apprehension of a top AQ leader in the CENTCOM AOR (details are classified).

Q: To be clear, was there an MI SOP in place prior to the deaths? Or was the standard FM 34-52?

A: The standard was FM 34-52 and I am unaware if there was a written SOP prior to the deaths. We were writing SOPs throughout the task force to capture lessons learned and improve the transition for the next units and personnel rotating in.

Q: Were you ever aware of differences of opinion between MI and MPs over the operation of the BCP or the roles of the respective units and personnel? What types of issues were raised to you - either by the units or by another staff member?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

667C 1623

EXHIBIT 318

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

A: There were occasions when minor differences occurred, but most of these were handled between commanders and staff action officers. Overall the relations were good. I do not recall significant issues until after the AR 15-6, when the MPs decided not to support the interrogators with sleep adjustment.
Q: Were you ever made aware of what complaints the ICRC lodged relative to the treatment of detainees at the BCP? When and by whom? What were the complaints that you remember?
A: The SJA handled all ICRC visits. I was made aware of some issues, but recall they related to conditions within the facility and don't remember the specifics. I am sure there is a historical record within the 180 database. I was looking for any reported interrogator abuse by the ICRC, but do not recall any reported incidents by the ICRC.
Q: Did any intelligence practice or procedure within the BCP change during your tour because of complaints from ICRC? Who changed it and why?
A: I don't recall any changes recommended by the ICRC. However, the two week ISN requirement may have been due to an ICRC request.
Q: Were you aware if prior notification to the BCP was required for ICRC visits?
A: I remember the SJA telling us of ICRC planned visits usually less than 24 hours prior to their arrival.
Q: Was any information withheld from ICRC or were practices modified during their visits? If so, explain.
A: The ICRC could request to see any detainee with an ISN. If we had a new arrival as discussed above, we did not necessarily provide that info to the ICRC as I recall. I believe all with the exception of one OGA detainee we were transferring to GTMO eventually were accessible to ICRC and he was delivered, processed and flew on the GTMO bird within a few days. The ICRC should have access to him at GTMO since he arrived with an ISN.
Q: Were you aware that the Military Police in the BCP removed certain information from their facility status boards when the ICRC visited?
A: I am not sure of the specifics, but it may have been relating to new arrivals who had not received ISNs.
Q: Do you know if this was this authorized or directed? If so, by whom? Were you ever consulted about it?
A: The ISN process and two week requirement was know by all. I am not sure of what the MPs removed.
Q: Do you know why this was believed necessary?

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 318

1624

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

A: Already discussed above.
Q: Were you aware of the use of enforced standing/standing restraint for punishment within the BCP? How did you become aware of it?
A: I was aware of this practice and observed at least one individual standing with his arms shackled and attached to the entrance door at waist level in the main population cells on the main floor of the facility. When I asked why he was like that, I was told it was due to an infraction of the rules (possibly talking). I recall it as only temporary; I think 1 hour or less. Later the BCP had a holding cell built on the main floor to the left just as you come in the entrance. It was made of wood, with a wood door, which had an observation window and had steel rods across the top of the cell to ensure the PUCs could not climb out. I also saw a set of shackles hanging from the steel rods. I asked what they were used for and was told they were to restrain a belligerent PUC during in-processing and believed they were for temporary use. I recall saying they better ensure the individuals feet could touch the floor. I never recall seeing a detainee constrained in that manner and again thought it was standard, but temporary practice used to constrain a combative PUC.
Q: Were you aware of its use in the execution in courses of sleep deprivation? How did you become aware of that use?
A: No, I knew we used sleep adjustment some times but thought it was relating to keeping the Detainee/PUC awake or if standing having them walk around. I do not recall using standing restraint particularly over the head for sleep adjustment.
Q: What was your complete understanding of enforced standing or standing restraint practices? How was it employed? (Review Brand's sketch.) Does this look like what you understood to be being used?
A: Not sure of the sketch or the detailed MPs procedures for punishment through standing restraints other than what I have described above.
Q: Did you ever observe any detainee in standing restraint? Explain exactly how the detainee was restrained when you observed this (make drawing).
A: Stated above.
Q: Did the manner in which the detainee was restrained disturb you in any way personally or professionally? If not, why not? If so, in what way did it disturb you? What did you do about it?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 318

1625

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

A: No, although it prompted a question as stated above. I felt the answer was reasonable, assisted the MPs in enforcing discipline for rules violation. The individual was in plain site of the entire population, MP staff and any visitors.
Q: Did you observe detainees restrained to fixed objects in any other way (for punishment or sleep deprivation)?
A: No.
Q: Prior to the deaths in Dec 02, were you aware of any limitations placed on the use of standing restraint for sleep deprivation? If so, by whom and what were they?
A: I don't recall using standing restraint for the purposes of sleep adjustment.
Q: Were you asked to or did you provide any guidance on limitations for the use of standing restraint for punishment or sleep deprivation? If so, what advice did you give and why?
A: No, other than what I have already discussed, I was not asked and did not give guidance to the MPs or interrogators on handling Detainees/PUCs.
Q: To your knowledge, what was the maximum length of time a detainee could be restrained in a standing position? How often and for how long would a detainee have to be "let down" from this position to rest?
A: I had no knowledge of this process/procedure used by the MPs other than my own observations stated above.
Q: How was this maximum time determined? Who was consulted to determine it?
A: No knowledge in this area.
Q: Were you briefed on the interrogation procedures being used in the BCP? If so, what were you told? If not, why didn't you seek to supervise this aspect of intelligence operations?
A: The interrogators were trained to utilize the procedures laid down in FM 34-52. This is what I understood and expected. By nature of my position on the staff, I could not directly supervise daily interrogations, but relied on others to pass information positive or negative regarding the interrogation process. At the death of the second individual in the BCP, I personally went to the CG and asked for a 15-6 to ensure the interrogation side had no problem areas. When we were informed of a potential problem, I took action to deny interrogators access to detainees until the investigation was complete and findings were published.
Q: During any review of interrogation procedures, to include sleep deprivation, did you or any of your subordinates consider

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 318

1626

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

or consult (or recommend that someone else consult) with medical personnel such as the JTF surgeon on the physical implications upon the human body of the effects of standing restraint? If so, what did they say? If not, why not?
A: Not to my knowledge although medical personnel were regularly in the BCP and took part in the in-processing of all PUCs.
Q: Were you aware of the quasi senior-subordinate role of MI to MPs relative to the imposition and enforcement of sleep deprivation?
A: To my knowledge there was not any senior to subordinate role. MI could request assistance and the MPs had a choice to support. As I recall, sometimes they assisted the interrogators and other times they said no.
Q: Did anyone discuss with you the legality of the practice of standing restraint for the purpose of sleep deprivation?
A: No, I thought this was used by the MPs for punishment or combative Detainees/PUCs.
Q: Who? What issues did they raise? What was discussed? What did you or they advise? What was the final resolution? Who made the final decision?
A: This was not discussed with me.
Q: Was the use of standing restraint to achieve sleep deprivation ever officially authorized by anyone? Who? When? Was this decision documented? Where would that document be?
A: I have no knowledge regarding this area.
Q: Who in the JTF was aware that standing restraint was being used to enforce sleep deprivation?
A: JTF became aware after the death, but I thought it was for punishment, not sleep adjustment. I recall being told that the two individuals were combative.
Q: Did anyone discuss with you concerns about the legality and medical dangers of standing restraint?
A: No.
Q: How were the limitations or guidelines with regard to standing restraint disseminated and to whom?
A: I have no knowledge regarding this area.
Q: Where is a written record of that guidance maintained?
A: I have no knowledge regarding this area.
Q: Were you ever consulted regarding any other MI activities inside the BCP? By whom? What was discussed? How did you resolve it?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 318

1627

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

A: We worked to ensure the AR 15-6 made recommendations which would make it hard for interrogators to abuse detainees/PUCs (this was based on the report of the two interrogators previously mentioned). This included two-way mirrors in the interrogation booths, cameras in the booth with links to the interrogation operations cell, bolts in the floor to restrain the Detainee/PUC. I also placed a MI O-5 (LTC [redacted] in the BCP to take over the interrogation operations. I had previously attempted to send a new LTC arrival in the fall (LTC [redacted] to the interrogation cell, but he proved not to be competent for the job.

Q: What was your contact with or advice regarding MI tactics, techniques and procedures (TTPs) for interrogations prior to the deaths in Dec 02?

A: The procedures were in place when I arrived 20 July 2002 as the task force had been in AFG since May. The SECDEF had determined we would not afford EPW status to captured individuals in AFG. However, we still followed FM 34-52 as our interrogation guide and the law of land warfare applied for all. This was understood by all.

Q: Are you aware of any guidance regarding specific interrogation techniques issued by CENTCOM or other commands or headquarters prior to those deaths? How about any time after but before you left Afghanistan?

A: Not before the deaths, but guidance was published afterwards due to problems at GTMO and the incidents in AFG.

Q: Did CJTF-180 or any of its staff or subordinate elements either formally or informally issue any guidance regarding specific interrogation techniques that were authorized or prohibited? If not, why not? If so, who issued the guidance? Who performed the legal review of that guidance? Where is this documented?

A: After the deaths, the CG through the SJA provided guidance on what interrogation methods the interrogators could or could not use. I believe he gave similar guidance to the MPs for handling Detainees.

Q: Are you aware of any internal guidance issued by CPT [redacted] or anyone within the J2, JIIC, or Intelligence Fusion Cell relative to the treatment or interrogation procedures for Afghan detainees? Where would that guidance be located now?

A: No, as I said the interrogation procedures were outlined in 34-52. CPT [redacted] may have produced an internal SOP for her

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 b7C

EXHIBIT 318

1628

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

section as all the elements in CJTF-180 were writing SOPs to capture their daily operations.
Q: Did you review or approve of it?
A: Not a BCP SOP.
Q: Were distinctions ever made relative to treatment of detainees based upon their suspected status - meaning as suspected Taliban/Al Qaida vs. unlawful local combatant or other security threat detainees? If so, what distinctions were made? If not, why would the task force not have made distinctions in treatment for those individuals not suspected of being Al Qaida or Taliban but who were just local unaffiliated security threats? Who decided these issues? Did you provide or assist in providing legal advice to the decision-maker? If not, who did? Do you know what advice was given?
A: All PUCs were treated like AQ/TB or HIG until it was determined that they did not meet SECDEF criteria. At that point I believe they were segregated in the main population cells, but certainly they were separated once they identified for release. We had a couple of detainees in special status who we were working toward release. They were separated from the main population for the entire time I was there. One was released while I was there and the other after I came home. Details are classified.
Q: Did you request a legal review or request higher approval of the BCP interrogation procedures prior to the deaths of the two Afghan detainees in Dec 02?
A: No. I did not have an indicator that problems existed to warrant a review and the SJA visited the BCP on a regular basis.
Q: Were you aware of the approved TTPs for MI as listed in FM34-52?
A: Yes.
Q: Did you ever observe any interrogations? When, where, what were the circumstances?
A: I did observe a few but do not recall specific dates. The few I saw conducted by the 519th interrogators were mostly while walking through the facility and looking in the interrogation rooms. My recollection was that the Detainee/PUC was seated at the table and the interrogator was seated asking questions through the translator. The detainee head was uncovered. I know we used bags to obscure the eyesight of an individual we were questioning when we had another detainee/PUC in the room to confirm or deny his story, although I did not observe this technique. We later replaced the bags with blacked out goggles.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 318

1629

STATEMENT OF [redacted], TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

I observed an OGA interrogation in the Aug 2002 timeframe in an interrogation booth on the main floor of the BCP. They were interrogating a senior AQ operative. They had the detainee on his knees in a safety position with a bag over his head. They were continually questioning him and utilized loud noises (hitting a board on a table, dropping something). At no time did I observe them strike the individual. I ensured we had an interrogator in the room to provide oversight against physical abuse.

Q: What was your opinion regarding the adherence to the guidance in FM 34-52, during any interrogations you observed?

A: I felt it was understood that this was the standard for our Army interrogators and they followed it.

Q: Was there additional interrogation TTP guidance or modifications authorized for use in Afghanistan? If so, what modifications were made, authorized, and by whom? What documents that and where would that document be maintained?

A: Not that I am aware of.

Q: Were you aware of the interrogation techniques identified in Para 7 a thru h of COL [redacted] AR 15-6 investigation prior to the deaths in Dec 02?

A: If you are discussing the report of the two A/519th interrogators as I have discussed earlier who physically abused detainees, I was made aware during the conduct of the 15-6 and took action to deny their access to detainees It has been over 18 months since I saw the 15-6, so I am not sure of your question.

Q: When and how did you become aware of these procedures?

A: Already discussed above

Q: To your knowledge, were you or any other intelligence officer asked to review these techniques or provide input regarding them prior to Dec 02?

A: Already discussed above

Q: If so, what advice was provided by whom? What references/resources were used in forming the advice? If someone other than you provided the advice, did you provide any input? What input did you provide?

A: Already discussed above.

Q: Did you perceive a conflict between conflict between obtaining accurate, timely information and treating detainees humanely?

A: No, absolutely not. At no time did the Chain of command place any pressure on me or the J2 staff to push interrogators

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

to gain information. Likewise, I did not put pressure on the interrogation cell to violate standards to gain information. I would rather not receive the information than harm an individual to produce it. Most of the data we received was not actionable, but provided background information on operational areas.
Q: Did you consider there to be a difference between the interrogation you were doing and traditional force on force interrogations? What was the difference?
A: Only in the sense that force on force interrogations did not always determine SECDEF criteria by nature of the operations. We had one case where an individual happened to have a similar name to a high level TB and was picked up. Only through a thorough screening did we determine his innocence and subsequently release him.
Q: Would it make a difference whether the information believed to be in the possession of an individual was tactical or strategic in nature?
A: A suspected high level AQ operative would take priority over planned interrogations based on our PIR.
Q: Did you perceive a conflict between obtaining information from detainees and humane treatment? What was the conflict and how should it have been resolved in your opinion?
A: There should have been no conflict in anyone's mind. Again there was no pressure to produce intelligence through violations of the law or regulations.
Q: What was your involvement with the CID investigation into the deaths in Dec 02 and Jan 03?
A: Very little, other than I knew it was going on.
Q: At any point, were you aware of potential misconduct on the part of any MI soldier? Of what did you become aware?
A: Yes as previously discussed.
Q: Are you aware of the requirement to report any potential MI misconduct or failure to follow procedural rules for an investigation - sometimes referred to as a Procedure 15?
A: Yes.
Q: Are you aware of the requirement to report derogatory information to the CCF for security clearance determinations?
A: Yes.
Q: Did you advise or recommend either of these actions by MI leadership in relation to the investigation surrounding the deaths of the detainees in Dec 02? If not, why not? If so, what did you recommend to whom, and was/were that/those recommendation(s) followed?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 318

163

STATEMENT OF [redacted], TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

A: I believe I stated the 519th chain of command needed to follow up on the 15-6 findings, particularly if interrogator misconduct was identified. I do not recall who I said this too. Certainly the Company Commander was aware his soldiers were under 15-6 investigation and the Company chain of command knew I had denied access for two individuals under investigation. In regards to the Procedure 15 and Derog report, these are both the responsibility of a commander to execute. However, I did not specifically direct the initiation of either one.
Q: Is there anything you wish to add to this statement?
A: No.//////////////////End of Statement//////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b67C

EXHIBIT 318

1632

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 11 Jun 2004, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 16. 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 oaths, this 11th day of June 2004 at Fort Bragg, NC 28310

[redacted]

(Signature of Person Administering Oath)

SA [redacted] Seq #[redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2b7C

EXHIBIT 318

1637

AGENT'S INVESTIGATION REPORT | 0095-04-CID038-

CID Regulation 195-1 | PAGE 1 OF 1 PAGE

DETAILS:

About 0900, 7 Jun 04, this office received a CAT I Request for Assistance from SA [redacted] Head Quarters, USACIDC, Fort Belvoir, VA, requesting this office locate, fully identify and interview SFC [redacted] [redacted] 142nd Military Police Company, Yongsan, APO AP 96205, as a witness to a detainee abuse, which resulted in his death.

About 1900, 7 Jun 04, SA [redacted] interviewed SFC [redacted] who provided a sworn statement wherein he detailed the events surround one incident where a detainee was struck by a member of the 377th MP Co. SFC [redacted] further stated he did recognize the detainee in question, who died as a result of being beaten to death, but does not remember when or where he observed this particular detainee.

About 1745, 10 Jun 04, SA [redacted] re-interviewed SFC [redacted] who stated he did not witness the incident wherein two MP's from the 377th MP Co struck a detainee at the Kandahar Air Strip in Sep 02. SFC [redacted] also stated he only heard about the incident and took corrective action in form of retraining the group of 377th MP's. SFC [redacted] re-stated SGT [redacted] was present and could probably identify the two MP's that struck the detainee.

STATUS: All requested investigative activity has been completed and no further assistance is expected.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted]

ORGANIZATION
21st Military Police Detachment (CID)
U.S. Army CID, Unit 15305
APO AP 96205-0078

SIGNATURE [redacted]

DATE 10 Jun 04

EXHIBIT 319

CID Form 94
1 Feb 77

FOR OFFICIAL USE ONLY

PROTECTIVE MARKINGS IS EXCLUDED FROM AUTOMATIC TERMINATION (Para 13, AR 340-16)

PREVIOUS EDITIONS OF THIS FORM WILL BE USED UNTIL EXHASTED.

b2b7C

1634

SWORN STATEMENT

File Number : 0095-04-CID038
Location : 21st MP Det (CID), Yongsan, APO AP 96205
Date : 7 Jun 04 **Time:** 1900
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** [redacted]
Org/Address : 142nd Military Police Company, 2nd Platoon, Yongsan, APO AP 96205

[redacted], want to make the following statement under oath: I was assigned to the 21st MP Co and one platoon was in Bagram from May 02 until Sep 02. I was then moved to Kandahar in Sep 02, where the companies other 3 platoons were located. I worked there until Dec 02, when I re-deployed back to Ft Bragg.

Q: SA [redacted]
A: SFC [redacted]
Q: What is your Military Occupational Specialty (MOS)?
A: 31B4P, Military Police, Airborne.
Q: How long have you held that job?
A: Since Aug 91.
Q: Have you previously deployed? If so, where and what was your mission on those deployments?
A: I deployed to Kosovo for 6 months. I was a squad leader and conducted riot control, cordon searches and security patrols.
Q: Do you have previous experience with detention facilities, detainees or EPW operations? If so, please explain.
A: In Kosovo. During that deployment we took high-risk personnel to detention centers.
Q: What were the dates of your deployment to Afghanistan?
A: May 02 through 10 Dec 02.
Q: What unit did you belong to?
A: 21st MP Company. In Bagram we fell under the HQ's 18th Airborne Corps and in Kandahar we fell under 82nd Airborne Division.
Q: What was your mission in Afghanistan?
A: In Bagram our main mission was CJTF-180 security. We also ran escorts for the CG and prisoners from Bagram to Kandahar, from Kandahar to Bagram or from the confinement facility back to their communities. Kandahar was a collection point and from there the detainees would be transported to Bagram, the main facility, or Guantanamo Bay, Cuba. We ran very few of these types of missions. [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2b7C

EXHIBIT 320

1635

Fnd 2

STATEMENT OF [redacted] TAKEN AT 21st MP Det (CID), Yongsan, APO AP 96205, DATED 7 Jun 2004, CONTINUED:

[redacted] Did your mission include escorting detainees from Kandahar to the Bagram Collection Point (BCP), at the Bagram Air Base?
A: Yes. While I was at Bagram, our platoon did a few. I was not involved in any of those. When I was at Kandahar, I was involved in between 5 and 10 detainee escorts.
Q: Describe your responsibilities while performing your escort mission?
A: As the senior NCO I was responsible for ensuring the Kandahar facility was ready to receive new detainees. Checking to make sure the was no overcrowding, dangerous materials or objects, searches of the detainees, documenting their arrival, security while MI conducted interviews, rehearsals for detainee transport by aircraft, ensuring the aircraft was properly configured to haul passengers, and ensuring the main facility at Bagram was prepared to receive them.
Q: How were the aircraft configured for detainee transport?
A: The aircraft were configured with the seats up and the detainees were daisy chained together, no more than five at a time, and secured to the floor of the plane. We never transported more than 20 detainees at time.
Q: How often did you perform escort missions? How many total missions to Bagram do you estimate you participated in?
A: The platoons rotated the escort missions. The escort missions were conducted on average twice a week. I participated in about 5 to 10.
Q: CID has shown you a digital photograph of a detainee named DILAWAR (PUC 421), do you recognize this man as one you escorted to the BCP on or about 5 Dec 2002?
A: He looks familiar and I am sure I have seen him before, but I can't place him at any particular time or event.
Q: Do you recall escorting any detainees in Afghanistan, which were problematic, non-compliant or difficult? If so, describe.
A: I can't remember who or when, but one time there was a detainee who was out of control. This guy was non compliant. We took him from his cell to an interview room. During the move he was kicking and sticking the MP's. After he was placed in the interview room he had to be placed in hand irons because was kicking the Plexiglas divider, between himself and the MI interrogators. We wondered if the guy was crazy or just playing crazy. The Physicians Assistant was called and she administered a sedative to the detainee, which calmed him down. The detainee was due to be transported to Bagram the next day and the PA stated the sedative would wear off in about 6 to 8 hours and he [redacted]

FOR OFFICIAL USE ONLY

b67C

EXHIBIT 320

1636

STATEMENT OF [redacted] TAKEN AT 21st MP Det (CID), Yongsan, APO AP 96205, DATED 7 Jun 2004, CONTINUED:

[redacted] would need another sedative before he was transported and he was given another sedative before he was transported.

Q: Were any of the detainees you escorted ever injured when you transported them? If so, how were those injuries documented?

A: None of the detainees that were escorted by us were ever injured. One detainee who was at our facility got sick from the food that he was not used to. The detainee was seen by the Company Medic, who stated the detainee was going into shock. The PA was then called got gave him some medicine, which corrected the problem. The incident was document on a DA Form 1594, Staff Duty Log Journal.

Q: Were any of the detainees you escorted injured during the escort process? If so, what was the process for obtaining medical care?

A: No. Not injured.

Q: The 377th MP Company ran the BCP from Sep 02 to Feb 03. During your escort missions, what was the length of time you were in contact with the 377th MP Co, which ran the BCP?

A: We had missions, which we were with the 377th from 1-½ hours up to 4 hours.

Q: What was the Chain of Command related to the responsibility for the operation of the BCP? Did this include any other MP elements, PMO?

A: The BCP was strictly run by the 377th exclusively. The platoon we had there in Bagram was just for security for the CJTF180. We did escorts as an additional tasking.

Q: Did you billet with the 377th MPs during any overnight missions?

A: No but they billeted with us on one of the first escort missions we did with them.

Q: Did you spend anytime socializing with the 377th MPs during escort missions?

A: No. They once had a cookout and they invited us, but that was it.

Q: Did you participate in any training with the 377th MP Company?

A: In Sep 02, we did some training for the 377th. This training included the procedures for securing and transporting the detainees from Kandahar to Bagram. We taught them how to do it and then they conducted an escort mission under our supervision. While conducting that mission two of the 377th soldiers got a little physical with one of the detainees. The detainee was either wearing blackout goggles or a hood over his head, hand[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 320

1637

STATEMENT OF [redacted] TAKEN AT 21st MP Det (CID), Yongsan, APO AP 96205, DATED 7 Jun 2004, CONTINUED:

and leg restraints and ear muffs like hearing protection for shooting. We taught the 377th soldiers how to get the detainees to do what had to be done by physically moving them to walk, stop, sit or stand up. Because the detainees were sight impaired and could not understand us, the detainees would respond to physical commands. Example. If you wanted a detainee to walk forward, you grabbed his arm and moved him forward. If you wanted a detainee to sit down, you bent his knee and pushed him downward. It was also explained to the 377th soldiers that the detainees were probably very frighten about what was happening to them. On this particular mission the two 377th soldiers assumed a detainee was being non compliant to their commands for him to sit down, when in fact he probably just didn't know what they wanted him to do, so they knocked him to the ground and struck him in the face. I also recall that the soldiers of the 377th stated that it was us that struck the detainee. However, seeing that our commander was present during the incident, that allegation was unfounded and further explained the PMO. The commander did not react unfavorably in regards to the striking of the detainee as the NCO's of the 21st MP Co, took corrective actions with 377th soldiers. He did however, get very upset at the fact that the 377th soldiers were trying to pin the incident on us.

Q: Who was the 21st MP Company Commander? Do you remember any other 21st MP Company Soldiers who witnessed this incident?

A: CPT [redacted] was the commander. I don't remember which one of my soldiers were on that escort detail. SFC [redacted] may also have been present.

Q: Do you remember any of the 377th MP's names that were involved in roughing up the detainee during the Sep 02 escort missions?

A: Yes. One of the guys from the 377th was SGT [redacted] He was not one of the soldiers that struck the detainee, but he was there and could possibly identify the soldiers that did strike the detainee.

Q: Approximately how many times did you have contact with the 377th MP Co, prior to the event described above?

A: This was my first contact with the 377th.

Q: Were any of the 377th MPs receptive to the "on the spot" correction about their use of excessive force and misunderstanding the detainees behavior?

A: Yes. They all were.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 320

1638

STATEMENT OF [redacted], TAKEN AT 21st MP Det (CID), Yongsan, APO AP 96205, DATED 7 Jun 2004, CONTINUED:

Q: Did the 21st MP Co Commander report the excessive force to anyone in the 377th MP Company chain of command? Or anyone at the Bagram Air Base? Or the CJTF180 PMO?
A: I don't know. We were initially blamed so it stands to reason that it was reported at least to the PMO, but I am not sure by whom.
Q: As a senior, experienced MP, did you formulate any opinions about the 377th MP Company (who ran the BCP from Sep 02 to Feb 03), their attitude, performance or opinions of their leadership?
A: I can't really formulate an opinion, as my dealings with the 377th were very limited.
Q: Is there anything you wish to add to this statement?
A: No.///End of Statement//[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 320

1639

F.1 2

STATEMENT OF [redacted] TAKEN AT 21st MP Det (CID), Yongsan, APO AP 96205, DATED 7 Jun 2004, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 [redacted] 7th day of June 2004 at _____.

[redacted]

(Signature of Person Administering Oath)

SA [redacted] Seq #[redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4, UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2b6TC

EXHIBIT 320

1640

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

PAGE / OF / PAGES

DETAILS

Between 1030 and 1735 hrs, 18 Jun 2004, SA [redacted] 3609 and SA [redacted] interviewed **COL [redacted] Headquarters, NORAD-USNORTHCOM, Peterson Air Force Base, CO** who was the CJTF180 Staff Judge Advocate from May 02 to Apr 03 and served as the primary legal advisor to the Commander CJTF180. [redacted] was advised of his rights for the offense of Dereliction of Duty, based upon information developed that he advised CJTF180 that AR 190-8 EPW, CI and Other Detainee guidance did not apply to operations within the Bagram Collection Point (BCP). [redacted] waived his rights and discussed his decisions and recollections with CID Agents, but refused to sign the written statement produced during the interview. During the interview, [redacted] provided a hand drawn organizational chart, detailing the chain of command and positions of the officers assigned to him as the CJTF180 SJA Staff. [redacted] had trouble recalling much of the detailed information of interest, having only vague recollection of ICRC meetings and restraint issues in the BCP. Additionally, during the interview a baton chart was referenced by [redacted] and he was shown a smaller black and white version of the Monandock Baton Chart, which he did not recognize. *(See Waiver Certificate, Unsigned/Unsworn Statement, Organizational Chart of [redacted] and Baton Chart for additional details).*

AGENT'S COMMENT: [redacted] reviewed the written statement for 45 minutes and made a number of handwritten corrections and revisions to the document, but ultimately stated it was not in his best interest to make a "sworn statement" in the event that some of the data he provided proved to be incorrect.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 18 Jun 2004	EXHIBIT 321

1 FEB 7 [redacted]

0137-02-CID369-23533
0137-02-CID369-23534

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	2. DATE	3. TIME	4. FILE NO.
Fort Carson, Colorado	18 Jun, 04 [redacted]	1103 [redacted]	0134-02-CID369-23533

5. NAME *(Last, First, MI)*	8. ORGANIZATION OR ADDRESS
[redacted]	Headquarters, NORAD-USNORTHCOM
6. SSN [redacted] / 7. GRADE/STATUS [redacted]	Peterson Air Force Base, CO

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)* SA [redacted]	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE HQ, USACIDC, 6010 Sixth Street, Ft Belvoir, VA 22060 (703)806-0299	4. SIGNATURE OF INVESTIGATOR [redacted]
2a. NAME *(Type or Print)*	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881 NOV 89 EDITION OF NOV 84 IS OBSOLETE

b6 b7C 11.42

EXHIBIT 32

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Fort Carson, Colorado
Date : 18 Jun 04 Time: 1435
Statement of: [redacted]
SSN : [redacted] Grade/Status: [redacted]
Org/Address : Headquarters, NORAD-USNORTHCOM, Peterson AFB, CO

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

Q: What is your functional area?

A: I'm a Staff Judge Advocate.

Q: How long have you been a lawyer? Briefly list what positions you have held.

A: Since 1984, I went Law School at the University of Texas, under the Fully Funded Legal Education Program (FLEP) and after college I returned to Fort Bragg and worked as a Trial Counsel in the 82nd Airborne Division, as a prosecutor for three years. I was Senior Defense Counsel at Fort Hood for a couple years. I was the Chief of Justice with 2nd Armored Division, then I went to the Faculty at the JAG School. I taught Criminal Law and was the Head of the Crim Law Department. I worked in Litigations Division in DC. I went back to Fort Bragg, NC and was the SJA for the 82nd Abn Div and then served on the Joint Staff for a year. I was in the J5 International Negotiations. Then I attended the Army War College. I was then the Head of the Government Appellate Division, overseeing all military courts martials for a year. I returned to Fort Bragg, in 2001 and became the SJA for XVIII Abn Corps.

Q: Briefly describe any other military experience you have.

A: I spent five years as a Combat Engineer, all of it in the same Battalion of the 82nd Airborne Division. I was a Platoon Leader twice, a Company XO and a Company Commander in the 307th Engineer Battalion.

Q: Had you ever been deployed prior to the Afghanistan deployment?

A: The only combat deployment I've been on was to Afghanistan.

Q: What dates were you deployed to Afghanistan?

A: I think it was from about 16 May 2002 and I left Bagram on 1 Apr 2003 and returned to the US on 3 Apr 2003. I left Afghanistan twice during my tour, once for mid-tour leave and then for my son's surgery. The leave was 3-29 Oct 2002, it also included a TDY for a military function. I also returned to the US from 13 Jan - 26 Feb 2003, for a surgery on my son's back.

Q: What were you duties while deployed to Afghanistan?

FOR OFFICIAL USE ONLY

D2b6C

EXHIBIT 322

1643

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO, DATED 18 Jun 2004, CONTINUED:

A: I was the SJA for CJTF180, which was comprised of elements of XVIII Abn Corps and other augmentees. I was the senior legal advisor to the Commander CJTF180.

Q: What were your responsibilities regarding the BCP?

A: I don't think my specific duties were ever defined. I had a senior attorney from my office assigned to act as a liaison with the International Committee of the Red Cross. The person on the staff with primary responsibility for how that facility was run would have been COL [redacted] or COL [redacted]

Q: Who worked in your office or whom did you supervise during the Afghanistan deployment? *Provide names, rough dates of service, principle duties, and applicable chains of supervision or rating chains.*

A: I had about six attorneys for the first six months and the same number for the second rotation. Initially, I had my Deputy (LTC [redacted] on the ground and he was the BCP ICRC Liaison. Then [redacted] left and was replaced by LTC [redacted] I also had a MAJ [redacted] who served in that position (for roughly six months from May 02 to mid/late Nov 02), then MAJ [redacted] was there from Nov 02 until I PCS'd.

Q: What prompted the large rotation of personnel in CJTF-180 legal office in November 2002?

A: It was the normal six month rotation.

Q: Where did you normally perform your duties in Afghanistan?

A: We had a work station in the JOC tent and offices in the Headquarters Admin Building.

Q: Did anyone share office space with you? Whom?

A: It was an open area, we built cubicles with plywood. I was there, my Deputy (whether that was [redacted] or [redacted] There was also a CPT from Legal Assistance and my NCOIC.

Q: When you arrived in Afghanistan, whom did you replace? What unit was he/she with?

A: I replaced COL [redacted] the 10th Mtn Div SJA and now [redacted] is SOUTHCOM SJA.

Q: How much oversight did you personally provide to the Bagram Collection Point (BCP)?

A: I visited it about four times, usually when we had a key visitor. In fact that was the only time I visited it. When I first got there, I went over on an orientation tour with COL [redacted] When it comes down to supervision role, the only time I would comment on it was when someone came to me with a question. It was a J2 operation. When there was a problem, like with some of the construction projects, I would get a call from my BCP

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 322

1644

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO, DATED 18 Jun 2004, CONTINUED:

Liaison Officer. They would request I assist them in getting a higher priority for construction projects and I think that happened twice while I was there.

Q: How often were you briefed on its operations and activities?

A: Usually post ICRC visit.

Q: Did you receive routine reports from the BCP Legal Advisor? What were they and from whom did you receive them?

A: He would just tell me items of interest. MAJ [redacted] or MAJ [redacted] prepared a report on the visit and it was posted on our website. Those reports were forwarded to the CENTCOM SJA (CAPT [redacted], USN). I did see some written reports, but not all of them. I also received verbal updates.

Q: Who were the BCP legal advisors during your deployment?

A: LTC [redacted] MAJ [redacted] and MAJ [redacted] I'm not sure that is an accurate description of their responsibilities. Originally, when we began advising on the BCP, it was primarily for the purpose of acting as the ICRC Liaison. There were no complaints and it was a very small fraction of the duties assigned to those officers, perhaps 10%. To say they were the BCP Legal Advisor may provide an impression that was their primary mission, it was not.

Q: What approximate dates were they assigned to those duties?

A: LTC [redacted] was from 1 May 02 to 1 Jul 02; MAJ [redacted] from 1 Jul 02 to mid Nov 02; and MAJ [redacted] from Nov 02 to Apr 03.

Q: How often did you interact with them?

A: Daily, but not on issues surrounding the BCP. They also dealt with Operational Law issues, Use of Force and Rules of Engagement questions.

Q: Were the deputies (LTC [redacted] and LTC [redacted]) included in all of your discussions with BCP legal advisors? If not, why not.

A: I would try to include them as much as I could. A lot of times, MAJ [redacted] or MAJ [redacted] would go to them before coming to me. And of course, when I was gone they were in charge. I wanted them to know as much about operations as I did.

Q: Prior to the deaths, were you aware of or did you direct any training in the BCP regarding rules for the use of force (RUF) with regard to detainees?

A: No. I did get a call from an Army SJA LTC [redacted] (I can't recall her last name) from GTMO. She was looking for guidance on detainee handling. I asked MAJ [redacted] to look into what guidance was present, but I don't recall closing the loop on it. I remember the interrogators telling us, that the detainees expected to be treated badly and they just talked to them. We

FOR OFFICIAL USE ONLY

b6 b7C 1645 EXHIBIT 322

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO,
DATED 18 Jun 2004, CONTINUED:

treated them better than they usually lived. They just were decent and patient with them and were getting great results. We fell in on an operation, which was running smoothly and there were no complaints. I don't remember ever reviewing or approving anything about detainee handling. I don't recall seeing anything in print, just briefings or verbal descriptions about in-processing practices and procedures and interrogations.

Q: What was your perception of the relationship or command structure of the BCP and that between the MPs and MI within the BCP?

A: I don't know how the BCP was structured under the CJTF180. I do know the J2 was overall responsible for the operation of the BCP. When I had a complaint registered about access to detainees by CITF, or construction projects, I went to the J2 and he handled it. So I can't say how the chain of command or command relationship within the BCP worked. My perception was the MPs controlled the detainees/PUCs and kept them safe, secure, fed and escorted to interviews. MI would interview the detainees. That was my perception from my limited contact with the BCP.

Q: When new units arrived were they trained on theater specific ROE or RUF? Why or why not?

A: They should have been trained before they arrived in country, at their home station. When they arrived, they also got a standard block of instruction from the command on ROE from Base Operations, Dragon Brigade personnel.

Q: Did the 377th MP Company get RUF training from your office? Who conducted it?

A: No, not from my office. The training came from Base Ops, Dragon Brigade. They could not leave the area and begin working until they got the in-processing instructions and training. It was very basic ROE, layout of the base, survival tips. It was not JAG Officers who gave the training.

Q: What was your understanding of applicable RUF for detainees, not only in the BCP, but from capture to detention to release?

A: Once you apprehended someone you applied the 5 S's and you treat them all the same. You are expected to treat them professionally, treat their wounds, cloth them, feed them, give them water. That standard is the same for all theaters and all personnel detainees. I would expect the same treatment within the BCP. It should have been within the spirit of the Geneva Convention. You want to treat them the way you'd like to be treated if you were ever captured.

INITIALS _____

FOR OFFICIAL USE ONLY

D67C

1646

EXHIBIT 322

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO, DATED 18 Jun 2004, CONTINUED:

Q: Was that RUF different than the ROE? How?
A: That area is still open to much philosophical discussion. There were separate standards for within the wire and outside the perimeter. We were more restrictive on the rules for combat forces inside the perimeter, because it was a more controlled area. When soldiers were placed on perimeter guard, they got additional training on the more restrictive ROE.
Q: What about the RUF for handling detainees or PUCs?
A: My understanding was the MPs were using the same guidelines that they would use at Fort Leavenworth in the Disciplinary Barracks. In my earlier meetings, with the MI interrogators it was clear they knew they could not use force and did not need to. They were decent and it worked well for them.
Q: What was your role in relation to the International Committee for the Red Cross (ICRC) inspections of the BCP?
A: If the ICRC saw something, then MAJ [redacted] and MAJ [redacted] would bring it to me and I did meet with the Senior ICRC Rep in Afghanistan [redacted] on 1 Jul 02. He told me he liked the facility and we were treating folks well. The complaints were of the nature of asking for special dietary requests (tea, hot meals), showers and laundering their uniforms. I was very happy with our relationship and the ICRC seemed very satisfied with our facility and the treatment.
Q: Did you participate or were you briefed on every visit? Who briefed you? What information were you provided?
A: I did not participate in every visit. MAJ [redacted] and MAJ [redacted] brought any significant issues to me, then they prepared a report and I tried to read most of the reports. It would be unrealistic to say I read them all.
Q: Do you recall any significant issues, which were brought to you, by either MAJ [redacted] or MAJ [redacted]
A: They asked about people they thought were being held and they could not find. They wanted progress on the winterization of the BCP for the cold weather in the Afghan winter. They wanted to see everyone, but during the first couple weeks, they were not afforded access, which we explained to them. They also made unspecific complaints about treatment of detainees at the forward field locations during post capture. ICRC could not or would not provide data to pursue the complaints, names, locations, etc. So LTG [redacted] and I both asked for more detail and then since none was forthcoming, LTG [redacted] decided to reinforce with all the front line units, the standards of

INITIALS _____

FOR OFFICIAL USE ONLY

b67C

EXHIBIT 322

1649

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO,
DATED 18 Jun 2004, CONTINUED:

treatment expected. It was the best we could do, based on the lack of specificity.

Q: Did you notice a change in the quantity or seriousness of ICRC complaints or allegations of detainee mistreatment during your tour? If so, describe when that change occurred and what the changes were?

A: Not until the fatalities. We had one guy die in early December 02. We thought it was a one time thing, the detainees were not in the best of health when they arrived. We knew that we needed to conduct an autopsy and we encouraged as much outside participation as possible. There was an Army pathologist from AFIP who did the autopsy. There was a German, Jordanian, and [redacted] doctor present and I think MAJ [redacted] also went. It took a couple days, but when it was complete [redacted] told me that the results were homicide (a medical determination not a legal one). The pathologist flew out on the 9th of Dec 02 and shortly thereafter, maybe that same night, another detainee died. When the second death occurred, the interrogations were shut down and we suspended basically all operations in the BCP and let CID conduct their investigation. We also coordinated with CENTCOM to determine the appropriate level to initiate an AR 15-6. I talked with CW3 [redacted] about the preliminary findings, he was based out of Uzbekistan and he came down to run the investigation. We waited for him to finish his interviews, before we resumed interrogations.

Q: What did [redacted] tell you about the results of the CID investigation?

A: He told me the first guy was very combative and athletic. He told me the MPs related to him they were treating the detainee in accordance with existing policy to strike a detainee ~~with a baton~~ in a fleshy portion of the body. I had never heard that before. [redacted] produced a copy of picture, which depicted the human body and where on the body a blow could be delivered. I believe there was text associated with the picture. I had never seen anything like it before. The blows were delivered by MPs, (according to [redacted] over time and over multiple shifts, without advising other MPs about the previous blows. The second detainee was smaller, more frail, but also combative and he had some visible bruises. One of them you could see the bruising, but I can't recall which one.

Q: Did [redacted] tell you the blows were delivered with a baton?

A: I'm pretty sure he indicated they used different things to administer blows, I also recall I'm pretty sure that he

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 322

1648

STATEMENT OF [redacted], TAKEN AT Fort Carson, CO,
DATED 18 Jun 2004, CONTINUED:

mentioned a baton was used. I also recall seeing batons, when I went through on VIP tours. I just know that the severity of the injury would have required a lot of force. It seems logical that batons were used. He said in the statements, they stepped on them, kneeled on them and used their fists. From what I know about the administration of force, knees, feet and fists were not sufficient to cause that level of damage.

Q: When [redacted] briefed you on the case, did he show you statements he had taken?

A: I don't think I saw all of them. I did see some parts and I had MAJ [redacted] reviewing all of them. He is a real crackerjack attorney and he worked closely with CID throughout the preliminary inquiry.

Q: Were you aware of any misconduct in the case, by anyone?

A: There were a pair of interrogators who manhandled a detainee during an interview. One was a female E5 and the other was a male E4. I think they struck the detainee, kneed him, picked him up by the ears.

Q: Who was providing legal advice to the criminal investigation?

A: My understanding was that CID had to provide their results to CID command and CID's Chief Lawyer was LTC [redacted] I was told (by [redacted] the CID Commander himself was reviewing the investigation. I was very frustrated because they inclusion of CID Headquarters caused the investigation to take longer than I thought it should. I checked with LTC [redacted] in Feb (after I returned from leave) and then again before I left. It was not closed when I left. I understand the interest of CID in making sure the investigation was done well, but [redacted] informed me he could not make any decisions without approval from CID Headquarters.

Q: Were you aware of the use of compliance blows prior to the deaths? How did you become aware of this practice?

A: No. To my knowledge, we never had a non-compliant prisoner and we never heard anything from ICRC about blows.

Q: After the deaths, what was your understanding of a compliance blow and its use?

A: It was only to be used if the MPs could not control a prisoner using less forceful means. That was the understanding I derived from SA [redacted] interviews with the MPs.

Q: In your opinion was a compliance blow a lawful use of force?

A: I will tell you I was never asked, but if you asked me today, I would say yes. In self-defense or to control a

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO,
DATED 18 Jun 2004, CONTINUED:

detainee when less forceful means are insufficient to maintain control.

Q: How did you derive your opinion?

A: Primarily from my discussions with SA [redacted] and the documentation and expertise he provided. [redacted] told me that the use of baton blows was MP doctrine and accepted practice. I did not have the background or training in corrections.

Q: Who did you assign to advise CID on their criminal investigation into the two detainee deaths in December 2002?

A: LTC [redacted] was responsible. Although I was of the opinion, when I left that CID was getting their own internal advice from LTC [redacted] ~~and later LTC~~ [redacted]

Q: Were you aware CID was provided an opinion the case should be sent to be closed without titling any soldier with an offense?

A: No. I thought we at least titled the two MI interrogators. That decision was not made when I left.

Q: Based on the knowledge you had at the time, would closing this investigation without titling be appropriate?

A: I relied on the information CID gave me. I was not making the call, because I was the advisor to the commander, so I did not make those decisions. It was not appropriate for me given my role as command advisor. Nor was it appropriate for [redacted] because of his involvement in the BCP as the ICRC Liaison. [redacted] was also talking to [redacted] and [redacted], but we all would have relied upon what CID advised they had evidence to support. I told [redacted] that I would support any additional assets they needed to conduct the investigation. I'm not sure if he had any assistance with these cases, but he did get some with another case involving some SF soldiers involved in a shooting.

Q: Who should have provided CID with the titling opinions?

A: LTC [redacted]. But again, I had several talks with LTC [redacted] and felt very frustrated that CID was withholding our ability to take action in what I felt was our case in our theater.

Q: Was there any discussion about whether or not courts martials would be conducted in Afghanistan?

A: I had made the decision that we would not conduct a courts martial in Afghanistan because there was a cap on the number of forces in theater and trying to conduct a courts martial there would have been almost impossible. We did due courts martials on cases from Uzbekistan, but they were conducted in CONUS.

INITIALS _____

FOR OFFICIAL USE ONLY

D67C 1650 EXHIBIT S222

STATEMENT OF [redacted], TAKEN AT Fort Carson, CO,
DATED 18 Jun 2004, CONTINUED:

Q: Prior to the deaths, were you or your attorneys aware of the use of enforced standing (by chaining detainee in a standing position) for punishment within the BCP? How did you become aware of it?

A: I think [redacted] raised that with me. I think it came to my attention after the deaths, because one of the men was found hanging in restraints. When we discussed why he was like that, it was explained to me that was done to keep them awake. I never realized it happened before the man died. I never recall seeing an uncooperative detainee in the facility during my visits. I did see men standing the airlock with handcuffs on, but not chained to anything. I saw men put their hands through the wire for cuffing to move them somewhere.

Q: Were you aware of chaining to effect standing in the execution in courses of sleep deprivation? How did you become aware?

A: I heard about it, I don't remember when. When the second guy was found chained, I know I knew about it then. It did not seem like a good way to treat someone. I just can't recall if it was briefed to me, or how I found out sleep deprivation was being used.

Q: Who authorized chaining to effect sleep deprivation?

A: I don't know.

Q: Describe your understanding of enforced standing or standing restraint? How was it employed?

A: The only time I heard about ~~that~~ was when I went on VIP visits. I know I discussed it with either MAJ [redacted] or MAJ [redacted] but I don't recall when. I understand that's a critical factor, but I honestly don't recall when it was discussed. I do know they (MPs) wanted to keep the detainees awake. If they would not stay awake, the MPs would direct them to stand. At some point,

Q: If MAJ [redacted] said he discussed it with you, would you have any reason to doubt him?

A: ~~No. If he told me about it, it would not surprise me~~. The fact that the one man was found chained when he was dead did not look good and you don't know if it was a contributing factor in his death. It meant no one was watching him, there was no one keeping an eye. It was just a technique that we don't need to have them doing.

Q: CID has provided a sketch authored by SPC [redacted] 3 Feb 04. After reviewing the sketch, did you know detainees were restrained in this manner for any reason?

INITIALS _____

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 322

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO,
DATED 18 Jun 2004, CONTINUED:

A: No. I only visited the Isolation Cells once and I don't even recall them having ceilings at that time.
Q: Did the manner in which the detainee is restrained in the sketch disturb you in any way personally or professionally?
A: Yeah.
Q: Did you observe detainees restrained to fixed objects in any other way or for any reason?
A: No. I never saw it but I did hear about it and I can't recall if it was MAJ [redacted] or MAJ [redacted] who told me. I can't recall if the conversation was before or after the deaths. But I recall being told that if a detainee refused to stand, he was instructed to place his hands through the bars on the airlock and was handcuffed so that he could not sit down.
Q: Under what circumstances would restraint to fixed objects be legally authorized or justified?
A: When you want to maintain control, I've never been asked to render a legal opinion with regard to that. I can conceive of hypothetical situations where it would be authorized and others where it is not.
Q: Did any aspect of AR 190-8 apply to detainee operations in Bagram? Why or why not?
A: I think we used it as a reference or guide. I think that is what MAJ [redacted] and MAJ [redacted] used as a guideline. I don't remember personally having to go in there and pull something out.
Q: Review AR 190-8, paragraphs 1-1b, 1-5b and 1-5c. In hindsight, would any of these paragraphs apply to the BCP during your tour there?
A: I would think so. I think if the reg was determined not to apply then we would try to act in accordance with these policies.
Q: Who made the determination regarding whether AR 190-8 applied to the BCP? I don't know.
A: ~~The personnel running the BCP.~~
Q: Who would that be in your mind?
A: Technically you could make the argument that it is the Commander in the Theater. I was his legal advisor, but I would defer to my subject matter experts on the area, which were MAJ [redacted] and MAJ [redacted]
Q: Would these paragraphs prohibit using knee or baton strikes (sometime called compliance blows) against detainees for punishment or for any reason other than self-defense?

FOR OFFICIAL USE ONLY

b6 7C 165L

EXHIBIT 322

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO,
DATED 18 Jun 2004, CONTINUED:

A: Arguably if the guy is just resisting then it's corporal punishment. Blows in self-defense would be authorized. Hitting someone because they spit on you would not be authorized.
Q: Would these paragraphs prohibit hooding of a detainee for punishment?
A: I think that is a question of fact that would depend on the circumstances.
Q: Would these paragraphs prohibit chaining a detainee to a fixed object? Why or why not?
A: Not ~~in~~ in all circumstances, I think that would be too restrictive an interpretation. You would have to examine each individual case.
Q: If AR 190-8 was not the standard, why is it so heavily referenced and quoted in the AR 15-6 Investigative Report?
A: If you don't have guidance to go from, you go to the closest applicable regulation you have to use as a guide.
Q: Have you reviewed AR 190-47 Army Corrections?
A: I've heard of it and probably read portions of it, again as it is referenced in the 15-6.
Q: Prior to the deaths in Dec 02, were you aware of any limitations placed on the use of standing restraint? If so, who imposed them and what were they?
A: I don't remember. I don't remember approving those techniques.
Q: Did you or anyone from the SJA office provide any guidance on limitations for the use of standing restraint for punishment or sleep deprivation? I don't remember
A: I would say probably. If it was asked or either MAJ [redacted] or MAJ [redacted] they would have given advice and if they came and asked me I would have provided guidance. I'm not sure that anyone ever asked about it.
Q: To your knowledge, what was the maximum length of time a detainee could be restrained in a standing position?
A: I don't remember.
Q: Prior to the deaths, did any other staff sections, to include medical personnel or the Command Surgeon provide input or opinions on the health implications of standing restraint?
A: I don't remember.
Q: Did anyone (MI or MP) discuss with you the legality of the practice of standing restraint for the purpose of sleep deprivation?
A: No, not that I can recall.

INITIALS _____

FOR OFFICIAL USE ONLY

567C

1653

EXHIBIT 322

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO,
DATED 18 Jun 2004, CONTINUED:

Q: Were did the use of standing restraint or enforced standing originate?
A: That's a good question, I recall when the second death occurred it came up but in the CID investigation and the 15-6, I can't recall it ever having been asked before.
Q: Were you aware of the use of standing restraint for punishment or sleep deprivation at any other location?
A: No.
Q: Prior to the deaths in Dec 02, were you ever aware that detainees were being subjected to standing restraint for periods in excess of 2 hours without being let down at all to rest and recover?
A: I knew based on the briefings from interrogators that they were kept awake and that involved being up for a period of time and down for a period of time. It could have been a couple hours.
Q: Did you see any legal problems with sleep deprivation? By chaining?
A: It did not shock me that they were kept awake the first couple days of captivity, but I just don't remember if I knew it was being achieved by chaining them standing up.
Q: On 1 Dec and 2 Dec 02, the ICRC visited the BCP and reported to MAJ [redacted] a complaint by a detainee that another detainee was chained to the ceiling for more than a day. Did you know about this complaint?
A: No. This is the first I have heard of it.
Q: Did you see the ICRC notes and response from 1 Dec and 2 Dec 02 visit? When?
A: I don't remember seeing it. I think that anyone who read it (at my level or CENTCOM's level) would have asked questions.
Q: Did you ever recommend against an investigation into any allegations of detainee mistreatment?
A: No.
Q: Are you aware of AR 190-47's restriction against restraining inmates to fixed objects? Did this restriction apply to the BCP? Why not?
A: No. Maybe NO
Q: Did anyone on the CJ2 staff ever seek formal or informal legal review of interrogation techniques being used in the BCP?
A: I don't remember that, but I don't think so.
Q: Did anyone else seek your guidance regarding the legality of interrogation techniques being used in the facility?
A: No.

INITIALS _____

FOR OFFICIAL USE ONLY

b6 7C

1654

EXHIBIT 322

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO,
DATED 18 Jun 2004, CONTINUED:

Q: What was your understanding of the TTPs for interrogations being applied by MI personnel inside the BCP?
A: The only knowledge I had was what they briefed when the VIPs visited.
Q: Were you aware of the interrogation techniques identified in Para 7 a thru h of COL [redacted] AR 15-6 investigation prior to the deaths in Dec 02?
A: The only one I recall specifically was sleep deprivation.
Q: When and how did you become aware of these procedures?
A: I can't recall specifically.
Q: To your knowledge, were you or any other judge advocate asked to review them or provide legal advice regarding them prior to Dec 02?
A: I don't remember. Personally no. You would have to ask my OSJA attorneys what they recall.
Q: Were you aware of the categories of interrogation techniques referenced in COL [redacted] report of investigation? Can you provide your general understanding of what they are? No
A: I don't recall them.
Q: What was your understanding of safety positions?
A: I derived my understanding from SA [redacted] The only one I recall is kneeling and having them cross their feet. The purpose was described to me as for the safety of the interrogator.
Q: When did you become aware of interrogators using safety positions?
A: During the conduct of this investigation, when SA [redacted] briefed me.
Q: What is your opinion as to the legality of safety positions?
A: Under certain circumstances they could be appropriate.
Q: Would that opinion change if they are not being used for safety?
A: I believe and I was told that safety positions were used for the safety of the interrogator.
Q: Did you ever meet with the ICRC representative, Ms. [redacted] regarding detainee treatment issues? How often? What issues do you recall discussing?
A: Yes, I met her a couple times, but I can only be very generic about the complaints (green tea, blankets, showers, clean clothes, letters to write, etc). I don't recall anything about physical abuse in Bagram.
Q: Did you meet with [redacted] regarding whether chaining detainees to fixed objects to enforce standing was humane?
A: I don't remember that.

INITIALS _____

FOR OFFICIAL USE ONLY

b6 7C

165

EXHIBIT 322

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO, DATED 18 Jun 2004, CONTINUED:

Q: Did [redacted] make any complaints to you about chaining people to fixed objects to make them stand was humane?
A: I don't remember that.
Q: Did you inform [redacted] AR 190-8 did not apply to detainee operations in Bagram?
A: No, I don't recall any discussion with [redacted] about handcuffing in the airlock
Q: Do you know on what information COL [redacted] based his conclusion the MPs knew, were following and strictly applying the RUF?
A: No, I would have to see the 15-6 or even ask him about that. I may have known at the time, but I do not recall now.
Q: Did you see evidence to support [redacted] conclusion in his investigative report? Conduct the legal review
A: I didn't ~~review it~~. I think I looked at it after I got back. I don't remember reviewing it until I got back and I briefed LTG [redacted] on the findings.
Q: Do you recall a discussion regarding an MP who repeatedly punched a shackled detainee in the chest in order to subdue him?
A: It sounds like something [redacted] shared with me, I seem to recall hearing a detainee resisted in the airlock and had to be pulled out. I don't recall the specifics of the incident.
Q: At any point, were you aware of potential misconduct on the part of any MI soldier?
A: Yes, the female [redacted] and the male [redacted]
Q: Of what did you become aware? When and how did you become aware of it?
A: Assaulting the detainee they were interrogating, stepped on his legs, pushed him against the wall, kneed him, grabbed him by his ears. [redacted] said the interpreter told CID about it and then the soldiers admitted to it.
Q: Did this misconduct warrant titling?
A: Yeah at least for assault.
Q: Do you know why there was no proposal to title this misconduct when the CID field office submitted this investigation for closure?
A: No, I was under the impression they were going to be titled, based on my discussion with SA [redacted] during the preliminary investigation, before he had to forward everything to CID Headquarters
Q: Are you aware of the requirement to report any potential MI misconduct or failure to follow procedural rules for an investigation - sometimes referred to as a Procedure 15?

FOR OFFICIAL USE ONLY

b6 7C 1656 EXHIBIT 322

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO,
DATED 18 Jun 2004, CONTINUED:

A: No.
Q: Are you aware of the requirement to report derogatory information to the CCF for security clearance determinations?
A: No. I don't.
Q: Did you advise or recommend either of these actions by MI leadership in relation to evidence in the investigation surrounding the deaths of the detainees in Dec 02?
A: I don't think I did, if I did not know about the requirement, then I don't think I would have. I talked with COL [redacted] knew about the misconduct and he would have given direction in this regard.
Q: Did you or any of your attorneys recommend any commander take any adverse action against any soldier based on the results of the criminal investigations into these deaths? Why or why not?
A: The only person that I thought there would have been a recommendation against would be the two interrogators. Based on the information provided to me by SA [redacted] I don't recall anyone making any recommendation to take action against any of the MPs regarding the deaths. [redacted] told me that many MPs were delivering blows, but that in each case the blows were justified as self-defense or as a control measure. He also told me that no "one" blow could be determined to have caused the death. I got the impression from him that he thought the use of force was justified. I asked him about appropriateness and whether any of it appeared excessive, but that was during the preliminary phase of the investigation. Then I left country for the purposes described above, when I returned nothing substantive changed in his findings.
Q: Did your office recommend SGT [redacted] (formerly [redacted] be removed from the BCP in January 2003? Who recommended that action? Why was that action recommended?
A: I think COL [redacted] made that decision. I thought they took action against her based on what was developed so far. I thought both soldiers were to receive Article 15s
Q: In your video taped comments to The Center for Law and Military Operations, you implied MPs were using batons to strike detainees and the use of batons may have accounted for the injuries in both deaths. Where did you derive this opinion?
A: Based on [redacted] conversation with me. He told me they used batons among other things to strike these guys. I could be mistaken, but it really sticks in mind that I got that from him.

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO,
DATED 18 Jun 2004, CONTINUED:

Q: There was no evidence of baton use in either the AR 15-6 investigation or in the initial criminal investigation. Did you ever direct (or recommend the CG direct) CID to thoroughly question MPs about the use of batons and other potentially excessive uses of force by MP or MI personnel? Why not?
A: I thought the 15-6 would have done that. It was part of the charter for the 15-6. I would have to review the 15-6.
Q: Based on the severity of the injuries, documented in the medico-legal autopsy, is it your professional opinion excessive force was used?
A: Based on what I was told by [redacted] I can't say that. If you wanted to call anything excessive it would have been the repeated blows over time. However, at the time, it was reasonable to conclude at the time that repetitive administration of legitimate force resulted in all the injuries we saw.
Q: What advice did you provide then MG [redacted] regarding the criminal investigation and any potential wrong-doing by US soldiers?
A: I told him what [redacted] communicated to me. That we were not going to be able to identify a particular person or persons as responsible for the injuries. I did tell him about the interrogator's assaults. — at that time but the investigation was ongoing
Q: Did you support closure of the criminal cases without finding out what happened because it would be too difficult to discover who might be responsible for the deaths?
A: No.
Q: Did your pre-determination not to conduct a courts martial in Afghanistan effect your legal advice or judgment with regard to the criminal investigations into these two detainee deaths?
A: No, as evidenced by the other courts martials that were conducted. It was only a venue issue, not whether one should be conducted.
Q: In regard to AR 190-8, was there a conflict between you and any of your attorneys about the applicability of the regulation?
A: I don't recall having a discussion about which provision applied or did not apply.
Q: What did your contact with or visits to the US Disciplinary Barracks at Fort Leavenworth, KS consist of?
A: One visit to a client on death row and observations on that occasion.
Q: Earlier today, you stated MI Interrogators knew they could not and did not use force, on what did you base that impression?

FOR OFFICIAL USE ONLY
b6 7C
EXHIBIT 322
1658

STATEMENT OF [redacted] TAKEN AT Fort Carson, CO,
DATED 18 Jun 2004, CONTINUED:

A: During a briefing by MI, the briefer told the VIP that they were gaining good results by treating the detainees nicely and just talking with them. The VIP then asked the MI briefer if any force was used during interrogation. His reply was no, it was not permitted.
Q: Is there anything you wish to add to this statement?
A: No.
//////////////////////End of Statement//////////////////////

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 17. 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.

REFUSED TO SIGN
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of June 2004 at Fort Carson,

[redacted]
Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

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

INITIALS _____

FOR OFFICIAL USE ONLY

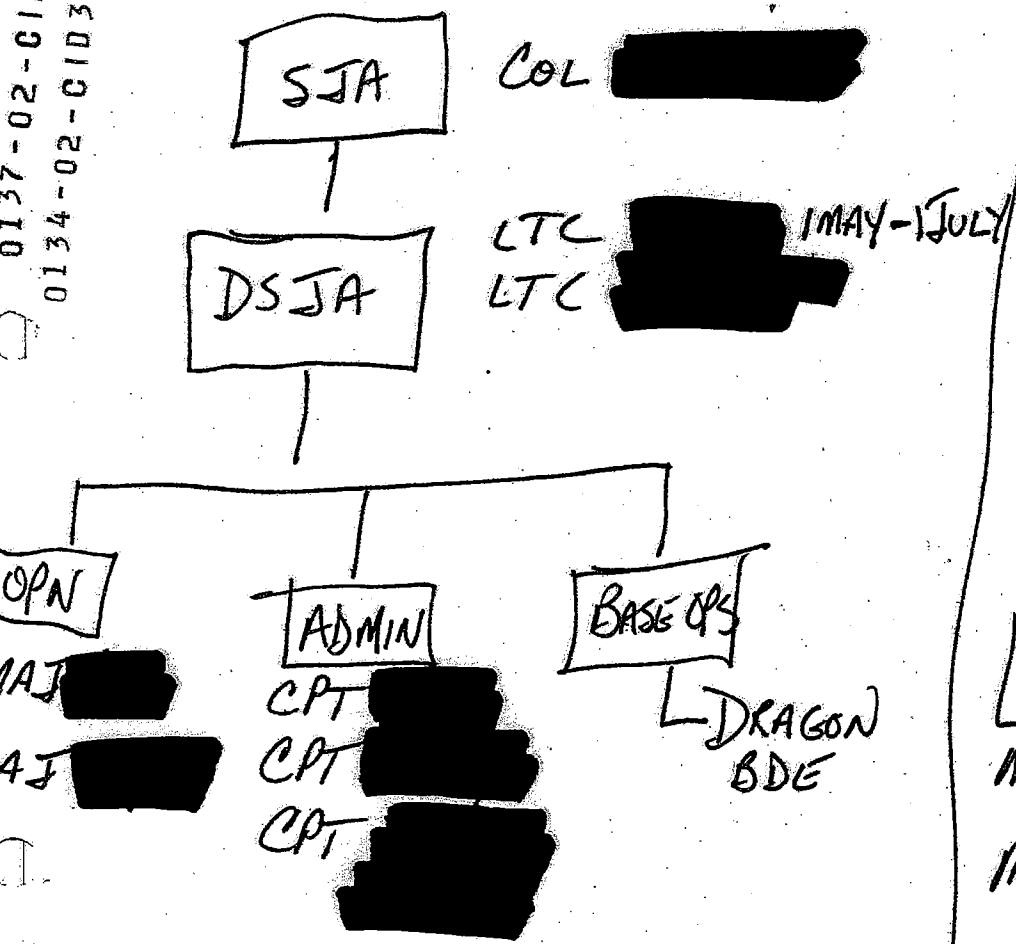
b2b6 7C

EXHIBIT 322

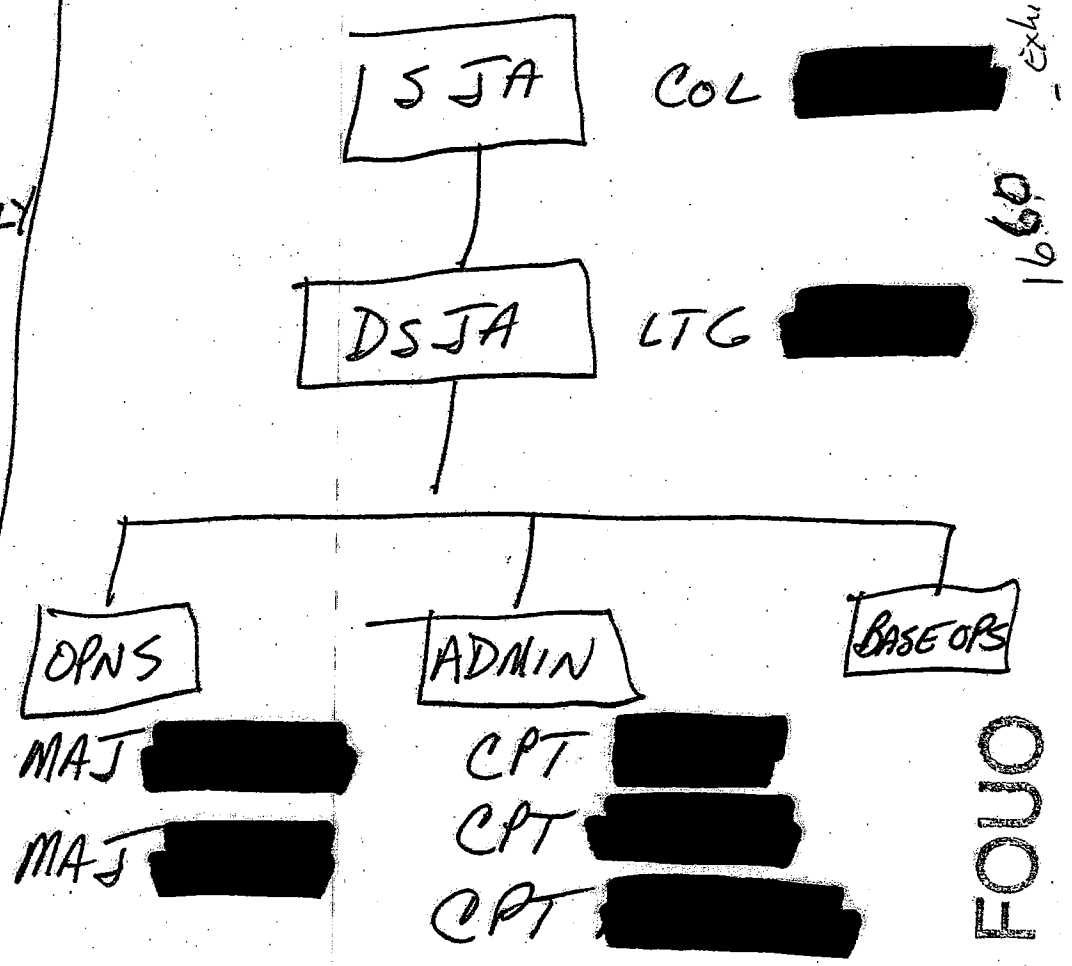
1659

0137-02-CID369-2
0134-02-CID369-235

MAY - NOV 02



NOV 02 - APR 03



ORGANIZATIONAL CHART OF BAGRAM SJA
PROVIDED BY: COL [redacted]
18 JUN 04 [redacted]
SA [redacted]

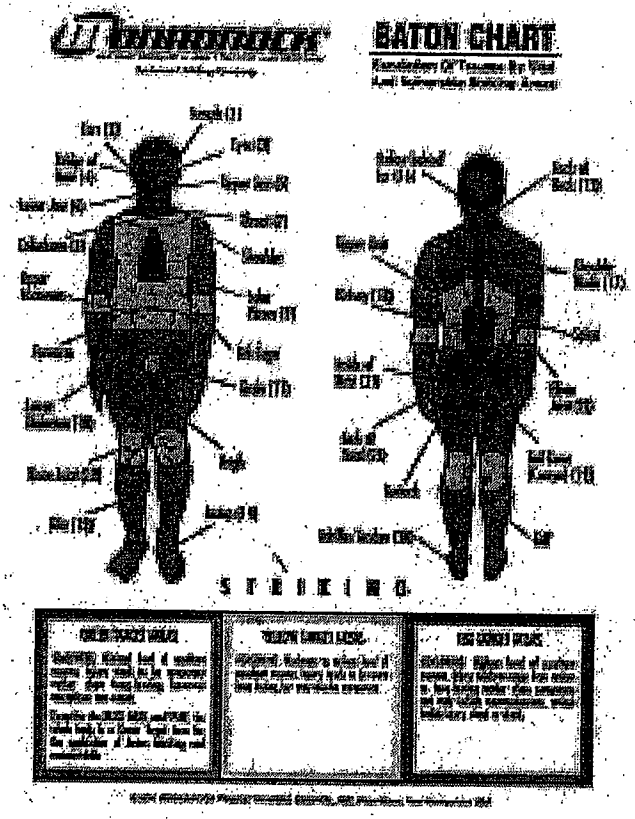
EXHIBIT 322

1660

FOUO

b2b67C

0137-02-CID369-23533
0137-02-CID369-23534



SHOWN TO COL [redacted] ON 18 JUN 04

"NOT THE SAME ONE [redacted] SHOWED M

[redacted]

SA [redacted]

18 JUN 04, FORT CARSON, CO EXHIBIT 3

FOUO

166

b2h.7c

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

~~0134-02-CID369-23533~~
0137-02-CID369-23534

PAGE 1 OF 1 PAGES

DETAILS

At 0738, 16 Jun 04, SA [redacted] advised **SPC [redacted], 377th Military Police Company, Cincinnati, OH 45237**, of his legal rights for the offenses of Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner, which he waived and provided a sworn statement. [redacted] witnessed members of 3rd Platoon enter a detainee's isolation cell and cause the detainee to cry out "Allah". [redacted] stated he later noticed a bruise that grew over time on the detainee's leg. (*See Waiver Certificate and Sworn Statement of [redacted] dated 16 Jun 04, for additional details*)

At 0945, 16 Jun 04, SA [redacted] advised **1LT [redacted], 377th Military Police Company, Cincinnati, OH 45237**, of his legal rights for Dereliction of Duty, Negligent Homicide, Cruelty and Maltreatment of a Prisoner and False Official Statement, which he invoked by refusing to say anything. (*See Non-Waiver Certificate of [redacted] dated 16 Jun 04, for additional details*)

At 1048, 16 Jun 04, SA [redacted] interviewed **SSG [redacted], 377th Military Police Company, Cincinnati, OH 45237,** who provided a sworn statement detailing an escort mission in which he, SFC [redacted] and SSG [redacted] worked with the 21st Military Police Company, Fort Bragg, NC. [redacted] denied any soldiers struck a detainee during the mission, which was the only one he participated in with the 21st Military Police Company. *(See Sworn Statement of [redacted] dated 16 Jun 04, for additional details)*

At 1210, 16 Jun 04, SA [redacted] interviewed **SFC [redacted] 377th Military Police Company, Cincinnati, OH 45237**, regarding the escort mission SSG [redacted] described. [redacted] described the incident exactly as SSG [redacted] had described.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 16 Jun 04	EXHIBIT 323

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2b7C 1662

0[illegible]7-02-CID369-23534

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 377th Military Police Company, Fort Leavenworth, KS 66027		2. DATE 16 Jun 04	3. TIME 0704 16 June 04
5. NAME *(Last, First, MI)* [redacted]		8. ORGANIZATION OR ADDRESS 377th Military Police Company	4. FILE NO.
6. SSN [redacted]	7. GRADE/STATUS SPC	Cincinnati, OH 45237	

PART 1 - 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: Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner

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

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

- or -

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

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

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
1a. NAME *(Type or Print)*	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF [illegible] [redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC, 5010 Sixth Street Ft. Belvoir, VA 22060

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

FOUO b2 b6 7C

1663. EXHIBIT 329

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

a. "You do not have to answer my questions or say anything."

b. "Anything you say or do can be used as evidence against you in a criminal trial."

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

- or -

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

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

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

0134-02-CID369-23533

0137-02-CID369-23534

SWORN STATEMENT

File Number :
Location : 377th Military Police Company, Cincinnati, OH 45237
Date : 16 Jun 04 Time: 0759 16 June 04
Statement Of: [redacted]
SSN : [redacted] Grade/Status: [redacted]
Org/Address : 377th Military Police Company, Cincinnati, OH 45237

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: How do you know that SPC [redacted] SPC [redacted] and the majority of first platoon came by and gave Person Under Control (PUC) DILAWAR common peronial strikes?

A: I don't know either of the detainee's names that died, but the one I saw receive all the strikes was the second detainee that died. I knew they gave the detainee the strikes because I was there when [redacted] and [redacted] gave the strikes and I heard people talking about it. It was mostly third platoon that I saw give the strikes. At some point before the detainee died, I can't recall the exact date, third platoon came by for guardmount and picked up their lunch. Some of the big guys, [redacted] and [redacted] and quite a few of the other guys in the platoon that I don't remember, went to the isolation cells and went into the detainee that died's cell and I saw them give him common peronial strikes. I think they all gave him at least one common peronial strike. I was standing on the catwalk, and they did not know that I was there. I saw them go into the cell one at a time and give him the strikes while he was in standing restraints, restrained to the ceiling. After I saw a couple of them do that, I turned my head away in disgust, but I could still hear them doing the strikes and the detainee crying out "Allah!". I didn't actually see anyone give the strikes, but I would see them go into his cell and the next thing you would hear is the guy cry out "Allah, Allah, Allah". Later, I heard people talking about if you hit the detainee, he would cry out "Allah!" [redacted]

Q: Who did you see strike the detainee that died while you were on the catwalk?

A: I don't recall, I just know it was one of the guys from 3rd platoon. [redacted]

Q: What shift were you working when you were on the catwalk and 3rd platoon gave the detainee the strikes?

FOR OFFICIAL USE ONLY

b2b7C

1665

STATEMENT OF [redacted] TAKEN AT 377th Military Police Company, Cincinnati, OH 45237; DATED 16 Jun 04; CONTINUED:
A: It was toward the end of the night shift. [redacted]
Q: How do you know [redacted] and [redacted] gave the detainee common peronial strikes?
A: I saw both of them go into the cell one at a time from where I was standing on the catwalk. They went into the cell and then I heard the detainee scream out "Allah". [redacted]
Q: Who else saw third platoon guys go into the detainee's cell and make him scream "Allah"?
A: I don't know, but the isolation guard let them into the cell. I don't recall who that was. I don't know if anyone else saw what happened [redacted]
Q: Who did you see deliver common peronial strikes to either detainee that died and when did you see them?
A: I saw [redacted] strike the second detainee that died. I think it happened within a couple days of the detainee getting there. He gave the detainee a common peronial strike while he was in standing restraints in the isolation cell before 3rd platoon did. I heard he was the one who figured out that if you give the detainee a strike, he cries out "Allah". I really can't remember any other details about how or why it happened. [redacted]
Q: Who all talked about giving the second detainee that died common peronial strikes?
A: So many people were talking about it in all platoons, that I can't really tell you who specifically talked about it. It became a conversational piece within the unit, so everyone was talking about it [redacted]
Q: When did these strikes occur in relation to the second detainee's death?
A: I don't remember [redacted]
Q: How do you know nearly all of 2nd platoon gave the second detainee that died common peronial strikes?
A: I just heard people talking about it. I don't remember specifically who talked about it doing it, but some talked about it. I don't know any of the specifics about who did it when or why. [redacted]
Q: Did any of the other platoons talk about giving either of the detainees that died or any other PUC common peronial strikes?
A: I don't know [redacted]
Q: Was the second detainee that died always restrained when the common pronial strikes were given?
A: Yes [redacted]
Q: How do you know the second detainee that died was struck for

STATEMENT OF [redacted] TAKEN AT 377th Military Police Company, Cincinnati, OH 45237; DATED 16 Jun 04; CONTINUED:
fun and not because of some type of bad behavior?
A: Because everyone was talking about wanting to hear him cry out "Allah, Allah, Allah".
Q: Who else would know about the strikes besides you? [redacted]
A: Everyone in the unit knew about it [redacted]
Q: Are you sure SFC [redacted] knew about the strikes?
A: He was aware of what was going on and nipped it in the bud. That's when he gave us the order to stop giving common peronial strikes to anybody. [redacted]
Q: What exactly did you tell SFC [redacted] about what was going on?
A: I think I told SFC [redacted] that the detainee that later died's leg was looking bad. His pants would fall down sometimes while he was in standing restraints. The first time that I saw him, I noticed he had a bruise on one of his thighs. Over time, I noticed it was getting bigger and he was beginning to put his weight on one leg. I assumed he already knew about how the bruise was getting bigger (from the common peronial strikes), because he seemed to know everything about what was going on in there. I don't recall what I told him about people giving the detainees common peronial strikes. [redacted]
Q: Did you tell anyone else about the bruising?
A: I told a field medic, I have no idea who he was, about the bruising when he came by for his once a day medical check. He checked it out and said it was okay. [redacted]
Q: What did SFC [redacted] say to you when you told him about the strikes or the bruising?
A: He told me not to do any common peronial strikes because there was no need for them [redacted]
Q: Did anyone else notice the detainee's bruising?
A: I'm not sure, except for the medic. [redacted]
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT// [redacted]

Q: Exhibit: 324 INITIALS [redacted] PAGE 3 OF 4

FOR OFFICIAL USE ONLY

b6 7C

1668

STATEMENT OF [redacted] TAKEN AT 377th Military Police Company, Cincinnati, OH 45237; DATED 16 Jun 04; CONTINUED:

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 16th day of June, 2004 at Cincinnati, OH.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 324 INITIALS [redacted] PAGE 4 OF 4

FOR OFFICIAL USE ONLY

1668

b6 7C

0137-02-CID369-23534

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	2. DATE	3. TIME	4. FILE NO.
377th Military Police Company, Cincinnati, OH 45237	16 Jun 04 [redacted]	0945 [redacted]	

5. NAME *(Last, First, MI)*	8. ORGANIZATION OR ADDRESS
[redacted]	HHC, 15th Psychological Operations Battalion
6. SSN [redacted] / 7. GRADE/STATUS [redacted]	Cincinnati, OH 45237

PART 1 - 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: Dereliction of Duty, Negligent Homicide, Cruelty and Maltreatment of a Prisoner, False Official Statement

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

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

- or -

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

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

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
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 SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC, 5010 Sixth Street Ft. Belvoir, VA 22060

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 [redacted]

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

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

b2b67C FOUO 1669 EXHIBIT 325

0037-02-CID369-23534

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

a. "You do not have to answer my questions or say anything."

b. "Anything you say or do can be used as evidence against you in a criminal trial."

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

- or -

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

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

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

0137-02-CID369-23533

SWORN STATEMENT

File Number :
Location : 377th Military Police Company, Cincinnati, OH 45237
Date : 16 Jun 04 Time: 1150
Statement Of:
SSN : Grade/Status:
Org/Address : 377th Military Police Company, Cincinnati, OH 45237

I, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Do you recall an incident in which two Military Police soldiers shoved and struck a blindfolded detainee on the face during an escort mission from Kandahar to Bagram while you were deployed to Afghanistan?

A: No.

Q: Do you recall a mission in which you were conducting an escort mission under the supervision of the 21st Military Police Company?

A: I remember a mission from Kandahar to Bagram that they were in charge of in which they were training us on how to do the escort mission. We took three persons being repatriated to ~~Kabul~~ KANDAHA. and brought a few back. There were no incidents at all during that mission in which a Military Police soldier struck a detainee. I never saw any soldiers hit a detainee with a fist at any time. Don't get me wrong, I have seen soldiers utilize force to get a detainee to comply by basically wrestling them to the ground, but no strikes were ever used. That was the only escort mission from Kandahar to Bagram that I participated in with the 21st Military Police Company. Myself, SSG and SSG were the only ones on that mission from the 377th and I know for a fact that none of us hit or struck a prisoner. There were some bad feelings between the 21st Military Police Company and the 377th Military Police Company. It all stemmed from this mission. The mission began with us reading a prepared statement to the detainees which basically just expressed that the United States was sorry for their troubles and the need to detain them because these detainees were being repatriated. The detainees were all old men and they didn't give us any trouble. When we flew into Kandahar, though, the 21st Military Police Company treated them like they had just got there in a type of "shark attack" mode. They didn't do anything wrong, but it just seemed wrong to read the "I'm sorry" briefing and then treat them like crap again before releasing them. It just seemed like the timing was wrong, if they have to still be treated like that then we should wait to say "I'm sorry"

Q: Exhibit: 326 INITIALS PAGE 1 OF 3

b2b7C 16th

STATEMENT OF [redacted] TAKEN AT 377th Military Police Company, Cincinnati, OH 45237; DATED 16 Jun 04; CONTINUED: until we are actually ready to release them. We had flown in at night so the detainees were going to have to stay the night at Kandahar before being flown out to where they would be repatriated. When we flew back to Bagram, I talked to an Air Force captain that I called CPT [redacted] I don't know if [redacted] was [redacted] first name or last name. I told her what I thought about the timing of the "I'm sorry" letter. She then went and talked to the 21st MP Company about it and it all got blown out of proportion. They took it to mean we were attacking the way they do business. I had no problem with the way they do business, they were very professional. [redacted]

Q: Do you recall any allegations that members of the 377th struck a detainee while on an escort mission with the 21st?

A: No. [redacted]

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

A: No.///END OF STATEMENT//[redacted]

FOR OFFICIAL USE ONLY

b6 7C

1672

STATEMENT OF [redacted] TAKEN AT 377th Military Police Company, Cincinnati, OH 45237; DATED 16 Jun 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 16th day of June, 2004 at Cincinnati, OH.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 326 INITIALS [redacted] PAGE 3 OF 3

FOR OFFICIAL USE ONLY

b6 b7C

16 75

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	0134-02-CID369-23533 0137-02-CID369-23534 PAGE 1 OF 1 PAGES

DETAILS

At 1111, 17 Jun 04, SA [redacted] advised **SFC [redacted] 377th Military Police Company, Cincinnati, OH 45237**, of his legal rights for the offenses of Aggravated Assault, Negligent Homicide, Cruelty, Maltreatment of a Prisoner, and False Official Statement, which he waived and provided a sworn statement. [redacted] denied he was aware Military Police within his unit struck a detainee to hear the detainee cry, "Allah". [redacted] stated he instructed his platoon to not use common peronial strikes as they were unnecessary since a minimum of two guards were utilized to escort detainees and the strikes were not meant to be used as a corrective action. [redacted] stated he likely reinforced that instruction during a guardmount after the detainee's deaths had occurred. [redacted] could not recall if a soldier reported seeing a bruise on a detainee that they were concerned about, but stated he would have instructed the soldier to seek a medic, if they had. *(See Waiver Certificate and Sworn Statement of [redacted] dated 17 Jun 04, for additional details)* ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060	
SA [redacted]		
SIGNATURE [redacted]	DATE 17 Jun 04	EXHIBIT 327

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

D2b67C 167

0034-02-CID369-23534
0034-02-CID369-23533

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	2. DATE	3. TIME	FILE NO.
3/338th LNO, Camp Atterbury, IN	17 Jun 04	11:11	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	3/338th Military Police Company
6. SSN: [redacted] / 7. GRADE/STATUS: [redacted]	Columbus, OH 43004

PART 1 - 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: Dereliction of Duty, Negligent Homicide, Cruelty and Maltreatment of a Prisoner, False Official Statement

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (*If available*)	3. [redacted]
1a. NAME (*Type or Print*)	
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME (*Type or Print*)	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC, 5010 Sixth Street Ft. Belvoir, VA 22060

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. ☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881 NOV 99 EDITION OF NOV 84 IS OBSOLETE

FOR OFFICIAL USE ONLY

b2b7C 167

EXHIBIT 32

0134-02-CID369-23533

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

FOR OFFICIAL USE ONLY

1676

EXHIBIT 328

SWORN STATEMENT

File Number :
Location : 3/338th LNO, Camp Atterbury, IN
Date : 17 Jun 04 Time: 1145
Statement Of: [redacted]
SSN : [redacted] Grade/Status: [redacted]
Org/Address : 3/338th Military Police Company, Columbia, OH 43004

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Were you aware of guards striking a detainee just to hear him say, "Allah"?

A: No. If I had heard about that I would have kicked them out of the facility just like I did [redacted] I mean, I kicked him out just for twisting cuffs, so if I had heard of anything like that they would have been kicked out, too. [redacted]

Q: Did you give a briefing in which you stated you knew common peronial strikes were being overused and they needed to stop?

A: I told my guys that I didn't want anyone doing common peronial strikes because we were doing two man escorts in which the detainee was restrained and there would be no need for common peronial strikes to control a detainee. [redacted]

Q: When did you instruct your platoon not to use common peronial strikes in relation to the detainee deaths?

A: I believe it was right when we first got into the facility because we were doing two man escorts right off the bat, so there was no need. [redacted]

Q: Did you have any inclination that soldiers may be overusing common peronial strikes?

A: I had heard that ~~third~~ [redacted] platoon was using common peronial strikes on ~~soldiers~~ detainees who were not cooperative. I don't remember where I heard that or from whom, but I had heard that they were using common peronial strikes and I didn't want my platoon to be doing that. I may have specifically reinforced to my platoon during a guardmount that they were not to use the common peronial strike based upon hearing that third platoon was using them on uncooperative detainees. [redacted]

Q: Do you recall any specific instances that third platoon gave a common peronial strike to an uncooperative detainee?

A: No. [redacted]

Q: Why didn't you want your soldiers administering common peronial strikes to detainees who were not cooperative?

FOR OFFICIAL USE ONLY

b2b7C

167

STATEMENT OF [redacted] TAKEN AT Camp Atterbury, IN; DATED 17 Jun 04; CONTINUED:
A: It wasn't in the SOP to do that for one, and it was unnecessary. Everything was done with a two man escort, and they can control anything a restrained detainee did. [redacted]
Q: Did a soldier ever report to you that one of the detainees had a bruise on their leg that appeared to be worsening?
A: I don't remember that. Not to say it didn't happen, but I don't remember it happening. [redacted]
Q: What would have been your response to such a report?
A: I would have told the medic to check him out to see if it was okay. If the medic would have said it was okay, we probably would have documented it in the logbook. If the medic thought it was a problem, it was their responsibility to report it to the doctor. [redacted]
Q: Do you recall any medical problems being brought to your attention regarding either detainee that later died?
A: No. [redacted]
Q: Do you have anything to add to this statement?
A: No.///END OF STATEMENT/// [redacted]

Exhibit: 328 INITIALS [redacted] PAGE 2 OF 3

b6 7C

1678

STATEMENT OF [redacted] TAKEN AT Camp Atterbury, IN; DATED 17 Jun 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 17th day of June, 2004 at Camp Atterbury, IN.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS:

_____

_____

_____

Exhibit: 328 INITIALS [redacted] PAGE 3 OF 3

FOR OFFICIAL USE ONLY

b6 b7C

1679

0134-02-CID369-23533

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0137-02-CID369-23534

PAGE 1 OF 1 PAGES

DETAILS

At 0952, 18 Jun 04, SA [redacted], advised **SPC [redacted], 377th Military Police Company, Cincinnati, OH 45237,** of his legal rights for the offenses of Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner and False Official Statement, which he waived and provided a sworn statement. [redacted] recalled a conversation in which SPC [redacted] described giving a common peronial strike to a detainee and then imitated the detainee by crying out "Allah, Allah, Allah". [redacted] stated this conversation was the only incident in which a detainee cried out "Allah" that he could recall. *(See Waiver Certificate and Sworn Statement of [redacted] dated 18 Jun 04, for additional details)*///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 18 Jun 04 / EXHIBIT: 329

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2b7C

1680

34-02-CID369-23533
0137-02-CID369-2353

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	2. DATE	3. TIME	4. FILE NO.
377th Military Police Company, Cincinnati, OH 45237	18 Jun 04 [redacted]	0952 [redacted]	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	377th Military Police Company
6. SSN [redacted] / 7. GRADE/STATUS [redacted]	Cincinnati, OH 45237

PART 1 - 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: Aggravated Assault, Negligent Homicide, Cruelty and Maltreatment of a Prisoner, False Official Statement

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

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

- or -

(*For civilians not subject to the UCMJ*) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me appointed for me before any questioning begins.

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (*If available*)	3. SIGNATURE OF INTERVIEWEE
1a. NAME (*Type or Print*)	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [redacted]
2a. NAME (*Type or Print*)	SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HQ, USACIDC, 5010 Sixth Street Ft. Belvoir, VA 22060

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 EDITION OF NOV 84 IS OBSOLETE

b26b7C 168

EXHIBIT 33

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

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

THE WAIVER

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

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

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

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

COMMENTS (*Continued*)

FOR OFFICIAL USE ONLY

SWORN STATEMENT

File Number : 1030 [redacted]
Location : 377th Military Police Company, Cincinnati, OH 45237
Date : 18 Jun 04 [redacted] Time: 1030 [redacted]
Statement Of: [redacted]
SSN : [redacted] Grade/Status: [redacted]
Org/Address : 377th Military Police Company, Cincinnati, OH 45237

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Did soldiers give the second detainee that died common peronial strikes to hear him cry out "Allah"?

A: The only thing I know about that is when we were in Qatar when we were heading back from Afghanistan, some guys started talking about the detainees that died. This was the same conversation that I described in my previous statement in which [redacted] said he had given the detainee fifteen common peronial strikes. During that conversation, SPC [redacted] came into the middle of the conversation and when he figured out who we were talking about, he said, "Oh yeah, I got a good shot on him, too." He said he sized the guy up like a photographer and made hand gestures like a photographer sizing up something he is going to take a picture of then he made common peronial strike motion and screamed, "Bam!" real loud. Then SPC [redacted] did an imitation of the detainee by spreading his arms like the detainee was hung up in his restraints and he said, "Allah, Allah, Allah, Allah". [redacted]

Q: Did anyone else describe striking the detainee and causing him to say "Allah"?

A: No, that was the only incident I heard of striking him and causing him to say that. [redacted]

Q: Did you ever see soldiers go into the detainee's cell and hear him cry out "Allah" while you were on shift?

A: No, I don't recall hearing any crying or anything like that. [redacted]

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

A: Just like my last statement, I think there was something that came up in a conversation at Qatar, but I can not remember what it was. If I can recall it, I will contact you about it. [redacted]

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

A: No.///END OF STATEMENT// [redacted]

Exhibit: 330 INITIALS [redacted] PAGE 1 OF 2

FOR OFFICIAL USE ONLY

b2b7C

1683

STATEMENT OF [redacted] TAKEN AT 377th Military Police Company, Cincinnati, OH 45237; DATED 18 Jun 04; CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of June, 2004 at Cincinnati, OH.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 330 INITIALS [redacted] PAGE 2 OF 2

FOR OFFICIAL USE ONLY

b6 7C

168

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1
For Official Use Only/Law Enforcement Sensitive

ROI NUMBER **0137-02-CID369-23534**
0134-02-CID369-23533

DETAILS

Between 0920 and 1025 hrs, 22 Jun 04, SA [redacted] and SA [redacted] interviewed **Internment Serial Number (ISN) #** [redacted] who reported he was held at the Bagram Collection Point (BCP) for over eleven months, from roughly the end of March 2002 to 7 Feb 2003. He indicated one stay, which was intended to last a day, in the Isolation Cells on the 2nd floor of the BCP. He noted there were six cells in the Isolation Ward and his stay was not for discipline reasons. It was apparently intended to be a privilege for him, but he did not view any significant benefit. He found the atmosphere in the room intolerable, stating he could not breathe. He stated it caused him to suffer and asthma attack. He was in the Isolation Cell with another man and was not restrained in any manner, inside the cell. He stated it was very easy to hear every noise coming from the other cells, but he did not hear anyone complaining of pain or discomfort, during the day he was in the Isolation Cell. He did indicate he knew newly arrived detainees were kept in the Isolation Cells when they initially arrived and they were taken to interview rooms (upstairs) where they were interrogated. [redacted] stated he heard shouting and screaming "all the time" in the BCP, often from upstairs.

He was aware of the punishment of chaining to the airlock for various infractions of the facility rules for times ranging from 30-60 minutes. He stated some men sat in the airlock for punishment, some were told to stand and some were chained because they would not stand. He described the chaining as "overhead". Often these men were hooded and common complaints were that they could not breathe. [redacted] denied he was ever restrained to the cell or airlock. He also stated it was not uncommon for several men at a time, to be punished by chained standing to the door and no effort was made to conceal the punishment. The airlocks were out in the open and everyone in the facility could see the men being punished.

He also indicated he was never kept awake during his stay at Bagram. He knew someone men were kept awake by chaining them in the airlock in a standing position (when they refused to stay awake or to stand) for as much as four hours (at a time), over the course of several days. When asked about the possible physical abuse of detainees, he stated he was never beaten or struck by anyone at Bagram. He was poked a few times and was walked around "bent over with his hands cuffed behind his back". Once he was also hogtied (handcuffed behind his back with his cuffed hands then tied to is feet) and laid on his side for a period of time, when they believed he was not being truthful.

He recounted a group of Arab detainees (possibly comprised of a Libyian, an Algerian and one other man) were taken to an interrogation room and "dragged around" by a man (who was described as possibly Special Forces, muscular, white, male, wearing a sleeveless shirt and very solidly built). The three men came back (to general population) covered in dust, but denied they were struck. The told [redacted] they were not beaten, only "dragged around". The interrogator employed in this incident was reportedly an Egyptian/American man.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC, Investigative Operations Division Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 28 Jun 04	EXHIBIT 331

b2b7C

1689

DETAILS

[redacted] also recounted an escape attempt by a detainee (he believed Bagram Temporary #[redacted] which the man got out of the cell area, by climbing through the latrine and he was caught by the MPs and "beaten badly". [redacted] believed this escape attempt occurred in Jul 02, but never saw the man again, so he was uncertain of his disposition.

[redacted] described an incident which occurred in Dec 02, wherein an Afghan male detainee (he believed the man to be BT 421 – after being shown a photograph of DILAWAR) who was supposed to stay awake. The man was struck by at least two MPs, inside the airlock of General Population Cell #2. He knew the difference between MPs and other military in the BCP, by their uniforms (which bore a "dragon" patch and American flag on the right sleeve). The Afghan male, believed to be (BTB) DILAWAR, was intended to stay awake, but would not stay up, so MPs entered the airlock and attempted to restrain him. [redacted] described the detainee's behavior as not aggressive or violent, stating "he was simply limp". The MPs viewed the behavior as uncooperative and one MP (described as tall, probably 6'2", white, male, SSG, with brown hair) punched DILAWAR (PUC 421) in the chest/ribcage several times, using his fist. [redacted] believed the blows were delivered by the SSG's left fist, in the detainee's left side, but added it was hard to see who was striking whom and where. Another MP also struck DILAWAR. [redacted] described the other MP as a white, male, approximately 6', blonde haired and wore a mustache. He said the second MP was "chubby" and was a '[redacted]. He recalled the detainee was then taken upstairs to the Isolation Cell area, and there was a lot of commotion (MP and medical activity). He recalled statements of serious concern form some of the MPs about getting into trouble over the incident. He stated the reaction of several MPs cued him in that something serious had occurred. An MP [redacted] knew as '[redacted] (who he said was of Puerto Rican descent) said "we are going to be in shit for this". Doctors and medics came and the man was carried out and [redacted] never saw that detainee again.

He stated most of the people in the facility got medical care, when they asked for it and he assisted in translating during those requests from men who spoke any of the languages [redacted] has mastery of.

AGENT'S COMMENT: When shown a photograph of DILAWAR (PUC 421) at the hospital shortly after his death, [redacted] stated he believed it was the same man he saw punched in the chest. He said it was difficult to be certain, because the man had a hood over his head and was facing away from him most of the time. He also recalled the man talked a great deal and was in obvious discomfort. He recalled the man (BTB DILAWAR) chanted, muttered, prayed, sometimes asked for something softly, then repeated the request louder as he was ignored. However, [redacted] does not speak Pashtun, so he could not tell what the man was saying or asking for. His opinion the man was requesting something is an impression [redacted] cannot explain. [redacted] did not recognize HABIBULLAH (PUC 412) when shown an in-processing photograph of him.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC, Investigative Operations Division Fort Belvoir, VA 22060	
	DATE 28 Jun 04	EXHIBIT 331

DETAILS

[redacted] stated he was primarily interrogated by FBI and other governmental agencies (OGA) during his stay at Bagram. He recalled being interviewed by military interrogators, "[redacted]" (BTB SGT [redacted] 591th MI Bn, FBNC) early in his stay and "[redacted]" (BTB SPC [redacted] 519th MI Bn, FBNC) later, but had no complaints about either man. He stated "[redacted]" once put him on his knees and had him hold his hands (interlaced) behind his head for a few minutes, but he felt it was [redacted] way of demonstrating who was "in charge". He did not have any complaints about the military interrogators who questioned him.

[redacted] did feel some of the MPs had an attitude about the detainees and they held a grudge against some detainees, based upon what they suspected the detainees had done. He described one such man as 5'10', white, male, MP SSG/SFC, who was in charge of the nightshift. He wore a "dragon" patch on his right shoulder. To illustrate the attitude, [redacted] described an incident wherein the SSG/SFC participated in a cell search one night, as evening prayers were concluding. The detainees were ordered to the back of the cell, one man who had not completed his prayer did not move. The MP SSG/SFC grabbed the man by his clothes and threw him to the back of the cell. [redacted] also stated there were a many "good MPs" and provided the following names, but was concerned they might get into trouble because he knew their names and indicated they treated him decently: [redacted] (BTB PFC [redacted] SGT [redacted] SGT [redacted] SPC [redacted] and "[redacted]" (BTB SPC [redacted].

Between 1100 and 1430, 22 Jun 04, SA [redacted] compiled photographic lineups consisting of unit members of Company A, 519th MI Bn and 377th MP Company, who were known to have worked within the BCP at the time of the deaths. The purpose of the photographic lineups were to determine if the detainees recognized anyone who worked within the facility for any reason, with no specific regard to those individuals identified as subjects of the investigation at the time of the viewing. Their composition is detailed below:

- A: (1) [redacted] (2) [redacted] (3) [redacted] (4) [redacted] (5) [redacted] (6) [redacted]
- B: (1) [redacted] (2) [redacted] (3) [redacted] (4) [redacted] (5) [redacted] (6) [redacted]
- C: (1) [redacted] (2) [redacted] (3) [redacted] [AKA: [redacted], (4) [redacted] (5) [redacted] [AKA: [redacted], (6) [redacted]
- D: (1) [redacted] [AKA: [redacted], (2) [redacted] [AKA: [redacted], (3) [redacted], (4) [redacted] (5) [redacted] (6) [redacted]
- E: (1) [redacted] (2) [redacted] (3) [redacted] (4) [redacted] (5) [redacted] (6) [redacted]
- F: (1) [redacted], (2) [redacted] (3) [redacted] (4) [redacted] (5) [redacted] (6) [redacted]
- G: (1) [redacted] (2) [redacted] (3) [redacted] (4) [redacted] (5) [redacted] (6) [redacted]

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC, Investigative Operations Division Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 28 Jun 04	EXHIBIT 331

b2b7C 1689

DETAILS

- H: (1) [redacted] (2) [redacted], (3) [redacted], (4) [redacted], (5) [redacted], (6) [redacted]
- I: (1) [redacted] (2) [redacted], (3) [redacted], (4) [redacted] (5) [redacted] (6) [redacted]
- J: (1) [redacted] (2) [redacted], (3) [redacted], (4) [redacted], (5) [redacted] (6) [redacted]
- K: (1) [redacted] (2) [redacted] (3) [redacted], (4) [redacted], (5) [redacted] (6) [redacted]
- L: (1) [redacted] (2) [redacted], (3) [redacted] (4) [redacted], (5) [redacted] (6) [redacted]
- M: (1) [redacted] (2) [redacted] (3) [redacted] (4) [redacted] (5) [redacted] (6) [redacted]
- N: (1) [redacted] (2) [redacted] (3) [redacted], (4) [redacted], (5) [redacted], (6) [redacted]

At 1625 hrs, 22 Jun 04, SA [redacted] and SA [redacted] conducted a photographic lineup with ISN [redacted] at GTMO. During the lineup, [redacted] made the following comments regarding viewing the lineups:

- A2 ([redacted] – he stated "that looks like [redacted].
- B, C, D, and E - he identified no individuals and made no comments.
- F2 [redacted] he identified as the man he observed strike DILAWAR in the chest in the airlock of General Population Cell 2.
- G2 [redacted] he identified as the MP who daisy chained detainee's hands together between their legs to escort them to the shower. He stated he [redacted] did strange things with the detainees's but never hurt them.
- H3 [redacted] he identified as the MP who was in charge during the day shift.
- I6 ([redacted] he identified as the MP who was sergeant of the guard for the night shift.
- J - he identified no individuals and made no comments.
- K3 [redacted] he identified as the man who was the [redacted] and who he saw strike DILAWAR during the airlock incident.
- L5 [redacted] he identified as the MP in charge at night and did not like detainees. He said [redacted] entered the general population cell and grabbed a detainee, dragging him and throwing him towards the rear of the cell during a cell search.
- M1 [redacted] and M4 [redacted] he identified as having worked night shift. M2 [redacted] M3 [redacted] and M6 [redacted] as having worked days and M5 [redacted] he believed was the First Sergeant, because he had more rank than the other soldiers.
- N4 [redacted] he identified as the MP Sergeant of the Guard (SOG) at night and N2 [redacted], who was the MP SOG during the day.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC, Investigative Operations Division Fort Belvoir, VA 22060	
[redacted]	DATE 28 Jun 04	EXHIBIT 331

DETAILS

[redacted] also recalled that the [redacted] (mentioned earlier) was [redacted]. He had a familiarity with most of the persons depicted within lineups C thru N. [redacted] also drew a sketch, which was copied by SA [redacted] depicting the interior of the BCP during the December 2002. Depicted was ISN [redacted] location in relation to DILAWAR (PUC-421), during the airlock incident in December 2002, described within his earlier interview. In the sketch [redacted] identified two additional potential witnesses, PUC [redacted] Arab) and PUC [redacted] (who spoke English, Pashtu and Arabic).

When asked about the identity of a PUC commonly referred to as "[redacted]", [redacted] knew a detainee by that name, who talked to himself, ran around naked, ate his own feces and was not of sound mind. He believed "[redacted]" may have been schizophrenic. He did not known "[redacted]" PUC number nor name and believed the moniker "[redacted]" came from the television show "South Park". [redacted] described [redacted] as an Afghan male and believed he was released from Bagram.

Between 1520 and 1550 hrs, 23 Jun 04, SA [redacted] and SA [redacted] interviewed **ISN #** [redacted] with the assistance of an interpreter (Mr. [redacted] Civilian Contractor, SOS Corporation/Titan Services). [redacted] was shown the in-processing photographs of both HABIBULLAH (PUC 412) and DILAWAR (PUC 421) and did not recognize either man. He stated he "somewhat" remembered his stay at Bagram Air Base, but he did not remember when he was kept there. He stated it was a "normal jail and I could not tell if it was isolation or not, I was with other people". He stated "it was possible other detainees were taken to isolation, but I did not see". He was asked about sleep deprivation and responded "it was a jail". He indicated he was cuffed with leg irons, handcuffs and a belt chain when being moved to an interrogation (as he was restrained during today's interview). He stated he was not fastened to any object, not struck nor did he see anyone struck while he was at Bagram. He did not recall his interrogator, but indicated if he was shown photographs and he recognized anyone he would say so. He stated no one touched him during interviews and he never asked for medical assistance at Bagram. He did admit to hearing other detainees ask for medical assistance and indicated there was a doctor present who did see them when it was requested. He did not know of any deaths at Bagram during his stay there. He was asked about any complaints he had and he asked "does this look humane to you?" His last statement was the most he had to say and it was "I really have nothing to offer you. These things are expected. There are all stripes of people. You find the high and the low"

AGENT'S COMMENT: At 1540 hrs, 23 Jun 04, 894 was shown lineups A, B, C and D, which contained pictures of all interrogators. He recognized no one in any series of photos.

At 0710 hrs, 24 Jun 2004, SA [redacted] coordinated the AIR entries of early interviews at Guantanamo Bay Naval Base (GTMO), Cuba with CW4 [redacted] Senior Intelligence Analyst, Criminal Investigative Task Force (CITF), GTMO. The purpose of the coordination was to ensure the data

DETAILS

recorded in written entries was appropriately classified. [redacted] assessed the data to be "For Official Use Only/Law Enforcement Sensitive (FOUO/LES). Additionally, [redacted] determined PUC [redacted] and PUC [redacted] (as referenced in the interview of ISN [redacted] were released by CJTF [redacted] PUC [redacted] (who was allegedly involved in an escape attempt) was transferred out of the BCP in Aug 02. He was therefore not present at the time of the deaths of HABIBULLAH and DILAWAR.

Between 0925 and 1010 hrs, 24 Jun 04, SA [redacted] and SA [redacted] interviewed **ISN #** [redacted] with the assistance of Mr [redacted] Civilian Contract Interpreter, Titan Services. [redacted] admitted he was at Bagram, but he did not know when he was captured. He offered that an interpreter at Bagram told him he was captured on the 3rd day of Eid (the feast following Ramadan) in 2002. [redacted] stated he was held in an Isolation Cell for two weeks. He described the room stating "the walls were wood, the ceiling was like a fence, it was on the bottom floor". He stated he was restrained with handcuffs and leg irons, but denied he was restrained to any fixed object in the cell. He was "not allowed to stand or walk around, only sit". If he stood up, [redacted] was told to sit down. He was aware other men (Afghanis) were also in Isolation, because they "could see each other". He indicated they were not permitted to talk. [redacted] stated he was kept awake at Bagram by yelling at him every two to three minutes if they saw him sleeping. He stated "they never poked at or hit me". In a different prison in Kabul (where he stayed for 9/10 months), before his Bagram stay, [redacted] stated he was chained to the ceiling once and once to the side of a door, by Americans and Afghanis. He described this prison as being ran by Afghanis, but interrogations conducted by Americans. He also claimed he was struck by the Afghanis each way on trips to interrogations, while housed in Kabul, but stated he was never struck by any of the MPs at Bagram. When asked directly, he denied being chained to any object while at Bagram.

When asked about interrogations [redacted] stated everyone in the interrogations at Kabul (to include the interpreter/translators) touched him. He stated he was struck in the stomach and chest and they cursed his mother. He stated he could not pick out the interrogators from photographs, because they put a hood over his head and goggles over his eyes, while they struck him. He stated he was not touched nor injured at Bagram and he did not hear of any other detainees who were hurt at the BCP. He did not recognize HABIBULLAH (PUC 412) nor DILAWAR (PUC 421) from photos and couched that by saying "I was housed with the Afghanis, but I didn't pay attention to who they were. Their numbers were close to my number I think we were there at the same time, but I don't remember them. My number at Bagram was #[redacted]"

He stated when he asked for medical assistance at Bagram, he was seen by a doctor. He added that when he asked to see a doctor at Kabul, he did not get to see one. He stated he "did not pay attention" to whether other detainees asked for medical assistance. He thought most of them had ample opportunity to see a doctor, as the doctor was in the BCP at a specific time every day. He was

DETAILS

asked about others who might have been injured at Bagram and he replied " an Afghan guy told me his friend died at Bagram". He said the Afghan man was 20-23 YOA from northern Afghanistan (a city named Kubis) and his PUC # was in the 300's or 400's.

AGENT'S COMMENT: At 0945 hrs, 24 Jun 2004, [redacted] made a lengthy statement about his opinion on the line of questioning. It was "I do not wish to discuss this area anymore. What's done is done, I'm not going to cry about it. Whenever they ask me I say my treatment was good. A lot of bad things happened there. About me I'm not concerned and I don't know about them (PUCs 412/421)".

Between 1030 and 1145 hrs, 24 Jun 04, SA [redacted] and SA [redacted] interviewed **ISN #** [redacted] with the assistance of Mr [redacted], Civilian Contract Interpreter, Titan Services. [redacted] admitted he was detained at the Bagram Collection Point (BCP) about the 1403rd day of the Arabic Calendar, which he explained was about the 1st day of Eid during the night. [redacted] stated he was held within the isolation cell on the bottom floor, which he described as a pigeon cell with a fence on the ceiling, wooden walls with a window in the door of the cubed shaped cell. He said he was restrained while within the isolation cell with handcuffs on his hands and leg shackles on both his ankles and wrists. [redacted] was unsure about other individuals being detained within the facility, as he was unable to see anyone. He explained when he was moved, a bag was always placed over his head, however, he could hear the MP's talking to others. He said that while detained at Bagram the treatment was OK. [redacted] clarified his statement by explaining he had been held at several prisons prior to being moved to Bagram. He called the prison he had been held at just before being moved to the BCP as "darkness", because they always kept it dark and he was unable to see any daylight. [redacted] believed he had been held at 2 Afghan prisons and one American facility prior to being moved to the Bagram BCP. [redacted] stated while held within the BCP isolation cell, he heard the screams of a detainee within the general population cells which he attributed to someone possibly being injured. He described an incident he witnessed during which a detainee was being escorted by two MPs. The man was unable to move one side of his body, as if he had suffered a stroke. [redacted] related the MPs beat the man with fists, kicked him in the stomach, legs and feet and also kicked him on the sides of the legs. [redacted] stated, when he was first brought to the Bagram BCP, he was chained to a pipe in the ceiling. He said because he was short, he tried to rest by interlacing his fingers over the pipe. [redacted] said when the guards found him interlacing his fingers, they beat him with a wooden stick, which he described as about a meter long and being a "wood" color. [redacted] related while he was held at the BCP, he was struck in the stomach and kicked on the sides of the legs, but he was unable to identify who had struck him, as they had placed a bag over his head. He stated the strikes had occurred when he was being held within the isolation cells 2-3 days after he had initially arrived at the BCP. [redacted] initially denied he had been touched during any of his interrogations, however, then explained on the first day he was taken into an interrogation room and made to kneel on the floor with his hands above his head. [redacted] stated he was not sure if this was an interrogation or not. [redacted] related when he stood up

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC, Investigative Operations Division Fort Belvoir, VA 22060	
SIGNATURE: [redacted]	DATE 28 Jun 04	EXHIBIT 331

DETAILS

during the interrogation, he was, "hit in the heart" by the interrogator with a fist, whom he described as a white male. [redacted] was shown photographs of interrogation personnel present within the BCP during the time of his internment, however, was unable to identify any of the represented individuals. [redacted] stated he had heard from another detainee that two other detainees may have died from punishment involving beatings within the BCP. When shown photographs of HABIBULLAH and DILAWAR, [redacted] recognized HABIBULLAH as an Afghan he believed had been known as "[redacted]" who was kept within his cellblock. [redacted] ***identified PUC 412, HABIBULLAH, as [redacted]. However, records show HABIBULLAH was never held within the general population area of the BCP. Therefore, it is probable that [redacted] was mistaken.*** He did not recognize the photograph of DILAWAR. [redacted] said HABIBULLAH was not struck by anyone while in the presence of [redacted] however, may have been struck during interrogations. He did not know of anyone striking DILAWAR, as he did not recognize him. [redacted] stated while at the BCP he requested medical assistance for his teeth, two of which were removed while he was detained at the BCP. He was not sure about anyone else requesting or receiving medical assistance. When asked about anyone being mistreated at the BCP, [redacted] described a detainee who was made to clean the floor with a toothbrush as a punishment.

At 1055 hrs, 24 Jun 04, 893 made a statement "It was a "gift from God". One of the MP's thought I looked like an actor named [redacted], so I got treated well. The MP told the other MP's and then I was treated well."

At 1300 hrs, 24 Jun 04, SA [redacted] coordinated with CW4 [redacted] to locate the man described by ISN [redacted] and [redacted] the closest match located based upon known information was ISN # [redacted] coordinated with his case handler (SA [redacted] at Fort Belvoir and obtained permission for CID Agents to speak with him regarding the two deaths under investigation.

AGENT'S COMMENT: During the 24 Jun 2004 interview, CID Agents [redacted] and [redacted] Headquarters, USACIDC, Fort Belvoir, VA 22060, conducted with **ISN#** [redacted], he disclosed troubling behavior from MPs stationed at Guantanamo Naval Base, Cuba (GTMO), which was unrelated to the CID investigations (ROI #0134-02-CID369-23553 & 0137-02-CID369-23534).

The subject of the CID interview surrounded mistreatment of detainees at the Bagram Collection Point (BCP), Afghanistan in Dec 2002. [redacted] asked "what about the MPs here?" during the interview. Therefore at the conclusion of the interview, CID explored his complaint regarding treatment at Camp 4, GTMO with the detainee. He stated he "saw with my own two eyes, a detainee who was pushed to the floor, handcuffed, and dragged across a concrete floor between two buildings to interrogations. It scraped the man's face up and when the MP Commander confronted the two MPs, they told the CPT that the man was fighting and they had to subdue him." [redacted] then described another incident in which

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC, Investigative Operations Division Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 28 Jun 04	EXHIBIT 331

b2b67C
1192

DETAILS

a man was praying and MPs entered empty cells on either side of the praying man and sprayed him with pepper spray. [redacted] also complained he was hit on the ear during a cell search by men in hoods with shields and stated "sometimes they bring the dog on you". He was asked about the identities of the MPs he observed dragging the man and he could only provide "they wore the "pepsi" patch" and drew a circle divided by two horizontal lines into three portions, coloring the center portion dark.

AGENT'S COMMENT: The patch described appears similar to a subdued version of the Forces Command patch, also sometimes called the "Pepsi" patch by soldiers, due to it's red, white and blue coloring in the Class A version. [redacted] had not seen the MPs in sometime, stating new MPs replaced them, seeming to indicate the unit may have been from the GTMO 4 rotation. The unit with a FORSCOM patch from GTMO, according to knowledgeable personnel, originated from an MP unit, based at Fort Leonardwood, MO or Fort Polk, LA.

On 28 Jun 2004, this information was provided to Joint Task Force (JTF) Staff personnel for action they deemed appropriate. It was also provided to the HQ, USACIDC, Detainee Abuse Task Force (DATF) for posterity. The alleged misconduct is not pursued in this report.

Between 0840 and 0910 hrs, 25 Jun 04, SA [redacted] and SA [redacted] interviewed **ISN #** [redacted] with the assistance of Mr. [redacted] Civilian Contract Interpreter, Titan Services. [redacted] reported he was held at the BCP, where his PUC# was [redacted] after being held a Kabul for a long time. The abuse he suffered was primarily at the prison in Kabul and he stated he was never held in the Isolation Cells at Bagram, only at Kabul and Khandhar. He was aware that at the beginning of their stay each newly captured detainee went first to Isolation and later were housed with the other men. [redacted] stated he was subjected to sleep deprivation for 24 hours when he was placed standing in the airlock, handcuffed/leg irons emplaced and hooded. He stated he stood on his own and if he sat the MP would instruct him to stand. He denied he was chained to any fixed object at Bagram. He also denied seeing anyone strike a detainee at Bagram. He stated none of the interrogators touched him at Bagram, explaining "when I was in Kabul, that's where I was abused. At Bagram, they asked me simple questions, which I answered". [redacted] stated he knew no one else who was injured at Bagram and did not recognize either HABIBULLAH (PUC 412) nor DILAWAR (PUC 421) and added "there were two detention areas, one inside rooms and one with the other people. I was with the other people, but you could not look at each other or you were punished." He denied anyone died while he was at Bagram and indicated "each night the doctor would come and give us pills or whatever." He stated he was not injured nor knew of no one mistreated by American forces at Bagram. [redacted] stated "in Bagram I did not get tortured, the only thing they did was stand me up for 24 hours." [redacted] was shown some of the photos in the lineup series to attempt to identify his interrogation team, he could not. He was shown lineups: A, B, C and D. His only response was to identify D5 ([redacted] as an "MP".

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC, Investigative Operations Division Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 28 Jun 04	EXHIBIT 331

DETAILS

AGENT'S COMMENT: [redacted] echoed early comments from detainees that he suffered a lot of abuse at Kabul. When asked who abused him at Kabul, he stated it was both American and Afghanis describing it "for month I did not see the daylight. I was chained with both legs together and one hand to them, the other hand was chained to a wall some distance away. He demonstrated the posture, by climbing onto the floor of the cell. A rough sketch and notes were constructed to capture his position. He also stated he was chained hanging from a big pipe/metal rod (hands over head with just his toes touching the floor) during his stay at Khrawsh Airport, Kabul. He said, "I heard my brother's voice and he would tell me he was being beaten". The beatings were reportedly by American men (in civilian clothes), but the he added he could not recognize them because it was dark and the men covered their faces. [redacted] also stated the men who abused him in Kabul "shined lights in our faces, so we could not see them".

Between 0930 and 1035 hrs, 25 Jun 04, SA [redacted] and SA [redacted] interviewed **ISN #** [redacted] with the assistance of [redacted] Civilian Contract Interpreter, Titan Services. [redacted] reported he was held at the Bagram Collection Point (BCP). While at the BCP, he was held for a period of time within the isolation cells. He described the isolation cell as a small room on the second floor made of wood. There was a door in one of the walls and he did not pay attention to the ceiling. [redacted] stated he was made to wear a black bag over his head and he was unable to make observations. [redacted] stated while he was held in the isolation cells, they kept him retrained in handcuffs and a hood over his head, also making him drink lots of water. He said the guards made him stand up and if he sat down, he would be beaten. [redacted] said he could not identify anyone who struck him, as he wore a black bag over his head and could not see to identify anyone. [redacted] said the detainees were chained 24 hours, day and night. He said at one point, he became sick from his treatment in the isolation cells and was taken to the hospital where the doctors treated him for pain in his chest and problems with urination, after which he was returned to the BCP. [redacted] was unable to identify any other detainees within the isolation cells as they were not permitted to speak and the black sacks they wore over their heads prevented them from observing anything. [redacted] stated he was made to stand to keep him from sleeping and said when he sat down; the guards would open the cell door, grab him by the throat and stand him up. He said they would also kick him and make him fall over, as he was wearing leg shackles and was unable to take large steps. He said the guards sometimes would fasten his handcuffs to the isolation cell door so he would be unable to sit down.

[redacted] denied having witnessed other detainees being struck, but said he could hear a lot of crying and noise including cries of, "for God's sake, do not beat me up", and detainees crying for their mothers. [redacted] related he was kicked and hit, as well as being pushed down stairs at the BCP, but was unable to identify anyone who may have kicked or punched him. He said when the guards were escorting him within the BCP (mostly to the bathroom and between trips to the interrogation rooms); they would

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, Investigative Operations Division Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 28 Jun 04	EXHIBIT 331

DETAILS

push he and other detainees down the stairs. [redacted] stated the interrogators never struck him, but they told the MP's to beat him after the interrogations were completed. He said the interrogators often placed him in a position along the wall where he was sitting without a chair with his arms outstretched. [redacted] said while he was detained at Kabul, before being brought to the BCP, his nose was broken. He said due to being kicked and beaten at the BCP, he experienced chest pains and difficulty with urination. He said he could not tell if it was from the beatings, but his physical condition did not improve.

At 1000 hrs, 25 Jun 04, SA [redacted] showed [redacted] photographic identification lineups of interrogation personnel at the BCP. [redacted] was unable to identify any of the interrogators, however did identify the individual C2 ([redacted]) as an MP. When asked how he knew the interrogators were instructing the MP's to strike him, [redacted] related the interrogators told him he they were going to have the MP's beat me and the beatings always followed an interrogation session. [redacted] stated after he was moved from isolation to the large holding cell with other detainees, the beatings stopped. He did not know of any other detainees whom were injured at the BCP. When shown identification photographs of HABIBULLAH and DILAWAR, [redacted] stated he did recognize either man. [redacted] stated while held at the BCP, the doctor would come to the facility and provide pills for his pain, which he took. He did not know of anyone asking for a doctor, as the detainees were not permitted to speak within the BCP. He did not know of anyone else being mistreated in the BCP but added "you could not see anything, but you could hear screaming from the areas of the isolation cells". SA [redacted] showed [redacted] photographic identification lineups of interrogation and guard force personnel present at the BCP during his internment. He made the following comments and observations:

- C2 ([redacted]) by stating, "I know her, she used to punish us – standing us up".
- C4 ([redacted]) was identified by his comment, "she used to stand me up a lot". She never hit me or chained me to anything; he just made me stand with my hands up.
- F6 ([redacted]) as having brought him from Khost in a helicopter. [redacted] stated [redacted] used to beat him up by throwing him down the stairs on the way to the restroom.
- G2 ([redacted]) as a very inhumane person who used to beat up the detainees a lot. He said [redacted] came into the room, grabbed him by the throat, threw him to the ground and pushed him down the stairs. [redacted] stated he was hooded during trips to the bathroom, however, once there, the hoods were removed and he was able to see and identify [redacted]
- H5 ([redacted]), however, was not sure about his involvement in the treatment of detainees.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC, Investigative Operations Division Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 28 Jun 04	EXHIBIT 331

DETAILS

- L2 ([redacted]) as an individual who would yell at the detainees but would not hit them, only yell at them.

- G3 ([redacted] as, "a very bad person". He then stated it could be this man, if it is, he used to beat me alot.

AGENT'S NOTE: During his interview, [redacted] stated he had lost faith in doctors. He said the interrogators always tell him they will provide him with a doctor and according to [redacted] doctors never came. [redacted] complained of painful urination and intestinal pain. Following the interview SA [redacted] coordinated with the MP guards, who stated [redacted] has been on sick call several times for similar complaints. The MP guard ordered [redacted] to be placed on sick call so his medical concerns could be addressed.

Between 0825 and 0940 hrs, 28 Jun 2004, SA [redacted] and SA [redacted] interviewed **ISN#** [redacted] (BT [redacted]) with the assistance of Mr. [redacted], Civilian Contract Interpreter, Titan Services. Expressing reluctance [redacted] stated "I can not talk anymore today. I am afraid. If I tell you who hurt me, this I may be taken to a worse place. Bagram was a scary place. If I tell you about the Army, they man take revenge on me." After the investigation and it's aims were explained to him, [redacted] admitted he was held in the BCP for eight months and he was held for two weeks in the upstairs Isolation Cells where he was chained hands and feet, but not affixed to any object. He stated he was kept awake for two weeks by poking him with a stick, which he described as "like a baseball bat, one meter long, light colored wood, not all of them, but some had a little thread in the end" *NOTE: [redacted] description meets that of a standard MP Riot Baton.* He also indicated he was chained to the door of the cage (airlock) of General Population Cell #2 and sometimes #3, with his hands over head level, but in front of him. He described the prison as "about 70 men in six different cell blocks. We weren't allowed to breathe or move or do anything." He said this restriction limited his ability to observe other detainees but [redacted] admitted he saw another man chained to the top bars (forming the ceiling of the cage) and the man was hanging, his feet did not touch the ground. He described it thus "there was a man who they kept hanging from his hands, for two days. He was screaming and moving. They let him down one one shift and then hung him back up. His feet were off the floor. The MPs changed shifts and he was still screaming. They hit him and threw him out on the floor – about six MPs were beating him. I talked to him before and 21 sounds familiar, he was a taxi driver. [redacted] stated the detainee (BTB DILAWAR) did nothing to provoke the MPs, he was simply screaming and yelling in Pashtu, but [redacted] could not understand what he was saying, because he does not speak Pashtu.

AGENT'S COMMENT: DILAWAR (PUC 421) is documented to have been restrained in the airlock in a standing position and is reported (by the MPs) to have been twisting his cuffs, forcing them to recuff

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, Investigative Operations Division Fort Belvoir, VA 22060	
SA [redacted]		
SIGNATURE [redacted]	DATE 28 Jun 04	EXHIBIT 331

DETAILS

him, whereupon he attacked them. Both ISN[redacted] and ISN[redacted] describe a different version in which DILAWAR is not fighting nor kicking, but in fact is being beaten by a number of MPs.

[redacted] also described another incident in which an unidentified detainee was in isolation and the MPs took him to the bathroom. According to [redacted], "he could not walk, his legs were hurt, he could not even sit down to crap. A black male MP threw him to the ground and they (the MPs) had to carry him back upstairs." [redacted] believed this man to be another detainee, not DILAWAR, but he did not recognize HABIBULLAH (PUC 412) at all.

[redacted] reported he was routinely kicked, beaten and tortured during interrogations. He described being kneed in the groin, stomach and chest repeatedly and being leaned against the wall with only his forehead touching. He also stated he was put on his knees during interrogations and thrown by two interrogators from wall to wall. The abuse also included threats of and actual sexual assaults. "One man pulled his penis out and said he was going to rape me. He laid his penis against my face. Later, the man stood behind me clothed and a girl stood in front and held me still. The girl said she wanted to have sex with me. They forced me to stand while the man put his groin against my rear. I could not see the girl, because a bag was over my head. Two male interrogators threw me around the room, hitting me, kneeing me in the chest, groin and stomach, grabbing me by the throat and choking me and throwing me into walls. That's what happened to me."

[redacted] stated he never asked for a doctor during his stay at Bagram, but did hear others do so and stated "the medical care over there was better than here (GTMO)". He did complain that he endured five rectal exams in eight months at the BCP and another upon arrival at GTMO. He said it "seemed strange to me and they laughed like it was a joke to them." He stated he knew about the taxi driver (BTB DILAWAR) died at the BCP, but heard rumors that another man tried to escape and the MPs beat him to death.

At 0855 hrs, 28 Jun 2004, [redacted] was shown the photographic lineup images and made the following identifications, comments and descriptions:

- A2 ([redacted]) was not his interrogator, but was the head of torture. "He was in charge of torture. He had a [redacted] on the inside of his forearm. He showed me his penis and put it against my face. He hit me between the legs, in the chest and threw me around the room. This guy had a friend, a buddy. They were always together. His picture is not here, but he had a lot of tattoos, covering both from the wrist to the elbow." [redacted] described [redacted] partner as tall (6'2" – 6'4") white, male, always wore a white tank top and wore a big cross on his neck. "These two guys were scary". He also stated B6 was the same guy as A2, both are photographs of [redacted].

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] SA [redacted]	HQ, USACIDC, Investigative Operations Division Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 28 Jun 04	EXHIBIT 331

DETAILS

- B2 ([redacted]) interrogated him once or twice; B4 ([redacted]) interrogated him once – made him sit on the floor. Neither man hit nor kicked him. He indicated another interrogator (Chinese or Japanese – BTB [redacted]) kicked him.
- Lineups C, D and E – he stated " I remember every one of these, they were all okay – good".
- F2 ([redacted]) he identified involved with the man (DILAWAR – PUC 421) who was hanging in the airlock, "he was a sergeant (SGT), shift supervisor, I didn't see him hit the man, but he was there."
- G2 [redacted] – "I saw him one time with an Afghani prisoner, holding his hands from behind and pulling up. The Afghani was screaming and yelling. He was very scary."
- H3 ([redacted]) – "He was in charge of a shift". "No problems with any of them" indicating no one on the H lineup was a problem from his perspective.
- I – "They're okay. I4 ([redacted]) threatened me with a stick one time, but he didn't use it. I was going to the shower, he hit the cage with the stick and said some things in English, which I did not understand".
- J – He made no comment on.
- K3 ([redacted]) – "A new detainees (an Afghani), he threw him to the floor and dragged him." Also [redacted] added K3 [redacted] "punched the hanging man, the taxi driver (BTB DILAWAR – PUC 421) more than five times and struck him with his knee on the outside of the man's thigh repeatedly. He was with another guy (I6 [redacted]) who was punching and kicking also. Always there are two – one on each side punching and kicking." He described K3/I6 ([redacted]) as punching and kicking the taxi driver, who was yelling in Pashtu. "They they threw him on the floor and carried him out on a stretcher. We heard him screaming from Isolation. We used to hear him yelling and screaming, then one day I heard the MPs talking on the radio and they said this man's number – 421 – had died. A couple days later I asked an MP (G6 – [redacted]) what happened and he told me a detainee died. He said he had a heart attack. After this event, all the hitting, things started to change. The food was better, no hanging from chains, the punishment was not as severe. If we were caught talking they made us stand up with our hands in the air."

DETAILS

- L- "These guys have no problem, they were good."
- M – He made no comment on.
- N4 ([redacted] – "is the guys as I6, who was punching the taxi driver with K3 ([redacted]

At 1600 hrs, 28 Jun 2004, SA[redacted] and SA[redacted] conducted an out brief with COL [redacted], Chief of Staff, JTF, GTMO who was apprised of the basic findings in this investigation and the specific allegations made by [redacted] with regard to GTMO MPs.

This AIR was provided to SA [redacted], Assistant Special Agent in Charge, Criminal Investigative Task Force (CITF), GTMO for inclusion in the referenced detainee's case files.

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC, Investigative Operations Division Fort Belvoir, VA 22060
SA [redacted]	DATE: 28 Jun 04 / EXHIBIT: 331

b2b7C

1699

34-02-CID369-23533
37-02-CID369-23534

DEPARTMENT OF THE DEFENSE
CRIMINAL INVESTIGATION TASK FORCE - GUANTANAMO
APO AE 09360

CITF-G

29 June 2004

SUBJECT: NAVSTA GTMO DEPARTURE SECURITY CHECKLIST, for SA [redacted] CITF, Ft. Belvoir, VA 22060.

1. This letter serves as a security checklist for CITF and CITF sponsored personnel departing NAVSTA Guantanamo Bay, CUBA.

   a. I hereby certify that I am not carrying any classified material, to include classified electronic media. (signature) [redacted] (date) 29 Jun 04

   b. I hereby certify that I am carrying classified material, that the material is properly packaged according to security regulations, and that I have a valid U.S. Government courier card. (signature)_____(date)_____

[redacted]
CW4 [redacted]
Operations Officer
CITF-GTMO
APO AE 09360
DSN: 660-3211
COMM: 011 5399-3211

b2b67C

1700

Exhibit 331

FOR OFFICIAL USE ONLY

During a 24 Jun 2004 interview, CID Agents [redacted] and [redacted] Headquarters, USACIDC, Fort Belvoir, VA 22060, conducted with ISN# [redacted], he disclosed troubling behavior from MPs stationed at Guantanamo Naval Base, Cuba (GTMO), which was unrelated to the CID investigations (ROI #0134-02-CID369-23553 & 0137-02-CID369-23534).

The subject of the CID interview surrounded mistreatment of detainees at the Bagram Collection Point (BCP), Afghanistan in Dec 2002. [redacted] asked "what about the MPs here?" during the interview. Therefore at the conclusion of the interview, CID explored his complaint regarding treatment at Camp 4, GTMO with the detainee. He stated he "saw with my own two eyes, a detainee who was pushed to the floor, handcuffed, and dragged across a concrete floor between two buildings to interrogations. It scraped the man's face up and when the MP Commander confronted the two MPs, they told the CPT that the man was fighting and they had to subdue him." [redacted]hen described another incident in which a man was praying and MPs entered empty cells on either side of the praying man and sprayed him with pepper spray. [redacted] also complained he was hit on the ear during a cell search by men in hoods with shields and stated "sometimes they bring the dog on you". He was asked about the identities of the MPs he observed dragging the man and he could only provide "they wore the "pepsi" patch" and drew a circle divided by two horizontal lines into three portions, coloring the center portion dark.

AGENT'S COMMENT: The patch described appears similar to a subdued version of the Forces Command patch, also sometimes called the "Pepsi" patch by soldiers, due to it's red, white and blue coloring in the Class A version. [redacted] had not seen the MPs in sometime, stating new MPs replaced them, seeming to indicate the unit may have been from the GTMO 4 rotation. The unit with a FORSCOM patch from GTMO, according to knowledgeable personnel, originated from an MP unit, based at Fort Leonardwood, MO.

On 28 Jun 2004, this information was provided to Joint Task Force (JTF) Staff personnel for action they deemed appropriate. It was also provided to the HQ, USACIDC, Detainee Abuse Task Force (DATF) for posterity. The alleged misconduct is not pursued in this report.

Exhibit 332

Page(s) 1702 a-n withheld

Photographs of Unit Members

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

Between 1030 and 1815 hrs, 13 Jul 2004, SA [redacted] and SA [redacted] interviewed **SPC [redacted] Headquarters and Headquarters Service (HHS), 519th MI Battalion, 525th MI Brigade, Fort Bragg, NC 28310** who was the a member of the MI interrogation element in the BCP in Dec 02. [redacted] described the pervasive use of safety positions by all interrogators to demonstrate dominance and assist them in the obtaining of information from detainees. He stated he rarely used the techniques, but often saw them applied by other interrogators and described [redacted] and [redacted] as some of the "roughest" with detainees. [redacted] also completed sketches of the manner in which he observed detainees chained standing in the airlock of general population and in the Isolation Cells, for both punishment and sleep adjustment. He felt sleep adjustment was the same as sleep deprivation, but added the imposition of any sleep treatment was directed at levels above him (by SGT [redacted] and SSG [redacted]. *(See Sworn Statement and Sketches of [redacted] for additional details).*

AGENT'S COMMENT: Post interview, in a discussion with MAJ [redacted] Task Force Legal Advisor, it became apparent he felt the imposition of safety positions in and of itself constituted physical coercion under international law. Neither agent understood this perspective prior to the interview and made an assessment due to pervasive use and knowledge within the BCP and CJTF180 staff that safety positions/stress positions were an accepted technique. Therefore, [redacted] was not considered by the agents to be suspect for any offense.

On 14 Jul 04, SA [redacted] and SA [redacted] visited Enlisted Separations and Transfers Branch, Soldier Support Center, and the S1 Section, 519th MI Bn, Fort Bragg, NC to locate forwarding addresses for soldiers no longer in the 519th MI Bn. The following records were found:

- [redacted] **(formerly SGT)**, [redacted] left the US Army in Jan 04, citing on his terminal leave request a home address of: [redacted] Phone [redacted]
- [redacted] **(formerly SPC)**, [redacted] left the US Army on 23 Jul 04, citing on his DD Form 214 an address of [redacted]
- **SSG** [redacted], was reassigned to the Presidio of Monterey, CA with a report date of 20 Jun 04. He was sent TDY enroute to BNCOC at Fort Huachuca, AZ from 15 Mar 04 to 13 Jun 04.
- **SGT** [redacted] completed an interpost transfer to USA Tactical Review Board, Fort Bragg, NC 28310 in Jun 03 and was sent TDY to BNCOC at Fort Huachuca, AZ from Jul 04 to Aug 04.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
[redacted]	DATE 15 Jul 2004	EXHIBIT 333

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

PAGE OF PAGE

DETAILS

On 15 Jul 04, MAJ [redacted] provided a copy of the Grant of Immunity (pertaining to SGT [redacted], which was signed by LTG [redacted] The grant was written in memorandum format and directed [redacted] (AKA [redacted] to cooperate with the government in answering questions related to MI Operations at the BCP, Afghanistan in Dec 02. *(See Grant of Immunity for SGT [redacted] dated 15 Jul 04 for additional details)*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 15 Jul 2004	EXHIBIT 333

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2b7C

1704

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Fort Bragg, North Carolina
Date : 13 Jul 04 **Time:** 1815
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** [redacted]
Org/Address : HHS, 519th MI Bn, 525th MI Bde, Fort Bragg, NC

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

Q: What is your functional area?

A: Interrogator, human intelligence it is now called.

Q: What did you do before you came in the Army?

A: I was a school teacher in Atlanta, GA for two years before I came in the Army. I got my BA in French from Morehouse College in May 1997. I came in the Army to pay off student loans and get away from the pressures of teaching. I taught French, Algebra, PE Coach at junior high and high schools in Dekalb County, GA.

Q: How long have you been an interrogator? Briefly list what positions you have held.

A: I graduated from Interrogation School at Fort Huachuca in May 2001. I was stuck there 11 months for a 15 week course. I had knee surgery and was a hold over for my security clearance, which was due to a paperwork error. I arrived at Bragg in Jul 2001.

Q: Had you ever been deployed prior to the Afghanistan deployment?

A: No, never.

Q: What dates were you deployed to Afghanistan?

A: 1st week of Sep 02 to the end of Jan 2003.

Q: Was there a period of time when you were not in Afghanistan? What were those dates?

A: I went to Uzbekistan for (rest and relaxation) R&R, myself, [redacted] and [redacted] We left on a Thursday and were supposed to be back that Saturday, but we got snowed in and did not get back until Tuesday. I don't recall when it was, but it was during football season, late in the year, maybe Nov/Dec 02.

Q: Who was responsible for training you, when you arrived in country?

A: A small detachment of Alpha Company, 519th MI Bn was sent over to replace the 325th MI Bn, a reserve battalion of the 525th MI Bde, was sent to Bagram in Aug/Sep 02. The changeover was complete when I arrived. So I never got any training per se.

FOR OFFICIAL USE ONLY

b2b7C

EXHIBIT 334
1705

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 13 Jul 2004, CONTINUED:

[redacted]

Q: What were you duties while deployed to Afghanistan?
A: I was an interrogator.
Q: Who worked in your unit during the Afghanistan deployment?
A: In the very beginning I may have worked for [redacted] (I can't recall his last name, but [redacted] sounds right). Later we went to a day and a night shift, then I worked for [redacted], and with SPC [redacted] SPC [redacted] and SPC [redacted] had the other team, which included [redacted], SPC [redacted], [redacted] and SPC [redacted] Both team fell under a SSG. His name was [redacted] There was a LT [redacted] (she became a CPT while we were there), but she mostly just reviewed our paperwork. If a decision had to be made it was up to [redacted] and [redacted] If there was a disagreement [redacted] made the decision.
Q: Where did you normally perform your duties in Afghanistan?
A: There was a main room with all our computers on the second floor of the BCP, we shared it with a civilian group, they weren't CID.
Q: Did anyone share office space with you? Whom?
A: I think they were civilians, they went on missions to the towns and sometimes they took MI, but I never went with them. I am pretty sure they were CITF, they had their own computers, satellite phone and did their own interviews with designated detainees. The FBI came in from time to time too. They screened detainees for movement to Cuba, and gave them polygraphs.
Q: Was there any discussion of or trading of interrogation techniques, between the 519th MI soldiers and any civilians also interviewing in the BCP?
A: No.
Q: Was there an interrogations standard operating procedure for use in the BCP? Were you using FM 34-52?
A: No, I don't recall an SOP, but I don't recall references to the FM either.
Q: What was the process for interviewing detainees? How were you instructed to perform your duties?
A: The MPs brought them in, changed their clothes and gave them the rules. I only attended two or three of those sessions. Then the initial screening would be done. There wasn't really any structure or technical instruction. The screening team ([redacted] and others at times) assessed the available information and suggested an approach. The first interview was primarily to obtain information about their capture, so we could compare it with the data provided and assess their level of

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 334
1706

STATEMENT OF [redacted], TAKEN AT Fort Bragg, NC, DATED 13 Jul 2004, CONTINUED:

[redacted] truthfulness. The detainees usually came in at night, so in the morning the screeners would brief us. As part of the initial process, every detainee would start out in Isolation, as his level of cooperation progressed, he would be moved to the general population. As we got information, we did interviews and as time progressed we would develop an interrogation plan and forward it to [redacted] for review. If he liked it, we used it, if not we changed it. That decision was up to SSG [redacted] or [redacted]

Q: What types of approaches were available to you?
A: There was the friendly approach, the fear up harsh, fear up low, love of family, fear of incarceration, incentives (better accommodations, cigarettes, juice, snacks, etc). Sometimes we did the good cop/bad cop thing, cause we always went in as two interrogators and one interpreter. The first interrogation was to collect information about their capture. I used the friendly approach a lot, because that's what I'm best at. You have to use what works for you and that works best for me. It's really hard to act through an approach in another language, it just isn't useful. We also used sleep adjustment. [redacted] and SSG [redacted] made the decision to use sleep adjustment also.

Q: What is sleep adjustment?
A: I guess according to the Geneva Convention, I'm not sure how much sleep they are supposed to have. SSG [redacted] and [redacted] would direct the MPs to do sleep adjustment.

Q: How did sleep adjustment worked?
A: I guess if they were allotted four hours, then you wouldn't allow them to sleep. To me it was sleep deprivation, but they called it adjustment. It was a way to play with the law without really breaking it. You could say that I slept eight hours, but if it wasn't continuous, was I really getting eight hours sleep?

Q: Who decided a detainee would be placed on sleep adjustment?
A: [redacted] made the decision and brought it to [redacted] and he approved it. If they weren't getting any information out of the detainee, they tried sleep adjustment to speed up the process. It depended on their level of cooperation, what information we thought they had. We had problems with judging this. Sometimes the interpreters translated answers differently, so it could appear they were lying. There was one time when the man was saying the same thing all week, but the interpreters translated it differently, so it appeared to us he was lying. Then also the Afghans have no concept of time, they don't know when they

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 334
1907

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 13 Jul 2004, CONTINUED:

[redacted] were born and they have little education, so they are hard to pin down to answers.

Q: How did [redacted] and [redacted] (SSG [redacted] know if a detainee was being uncooperative or was lying?

A: After each interrogation, we produced an interrogation summary and those were filed in the detainees' folder. CPT [redacted] reviewed them and the final version was printed out and read by SSG [redacted] and [redacted] There were two types of notes, our personal notes that were kept in a file locally and the Interrogation Summaries. Then before every shift there was a meeting and we were given our assignments. They tried to keep us with the detainee for continuity, unless you weren't getting good info. Then perhaps they would switch interrogators. There was some discussion about sleep adjustment, but only [redacted] and [redacted] could talk to the MPs and direct it.

Q: When [redacted] and/or [redacted] directed the MPs to put a detainee on sleep adjustment, could the MPs say no?

A: I never saw them refuse to do something, but I guess they could have.

Q: Did you see who [redacted] or [redacted] talked to, to have someone put on sleep adjustment?

A: Just whoever was in charge of the MPs that shift, or one of the guards in the Isolation Cell area.

Q: How did the MPs keep detainees on sleep adjustment awake?

A: In General Population, they would have them chained overhead to the bars in the ceiling. I think the cage was about 8 feet high and there was a set of ankle chains looped over the bar in the ceiling and the detainee was chained to them, at the wrist. They had a hood on usually when I saw this, and it was usually because they were in trouble for something like talking.
If their sleep was being adjusted, then they were in Isolation on the second floor and the detainees' hand were chained to a small bar in the window of the door of the cell. The actual increments, I don't know. [redacted] and [redacted] handled that.

Q: Who authorized sleep adjustment?

A: I don't remember being taught sleep adjustment in school. It was not discussed at my level.

Q: Did the manner in which you saw detainees restrained (as depicted in your sketches) disturb you in any way personally or professionally?

A: Sure, when you'd interrogate them after a sleep adjustment phase, you could see it in their eyes, sometimes they would fall asleep on you.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 334
1708

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 13 Jul 2004, CONTINUED:

[redacted]

Q: Did you think sleep adjustment was a useful tactic?
A: No, I never got useful information to contribute to PIR. It is used to show authority, who's in charge. I remember talking to one guy and he asked me to let him sleep. I explained to him that if he cooperated, I would talk to my superior on his behalf. I went to [redacted] and recommended he be let off sleep adjustment.
Q: Did you feel your suggestions were followed?
A: I don't recall what happened to that man (described above), but generally we made assessments and people above us, people not doing interrogations made decisions. We recommended lots of folks be released from the BCP, but they were not. I believe some people ended up at GTMO that had no business being sent there. A lot of times [redacted] did not listen to us, he made the call. You have to understand some folks were detained because they got turned in by neighbors or family members who were feuding with them. Yes, they had weapons, everyone had weapons, some were Soviet era and could not even be fired.
Q: How often and for how long would a detainee have to be "let down" from this position to rest?
A: I don't know. I have no idea what increments were used. [redacted] would probably know, how many minutes up and how much rest.
Q: Was the use of sleep adjustment recorded anywhere?
A: No, not that I recall. I know [redacted] kept a log of who was on sleep adjustment in a handwritten notebook. He wrote notes about the detainees in there. Each morning, there was an oral summary provided by the interrogators to the whole team and suggestions were made on what to do next.
Q: Do you know what happened to [redacted] notebook?
A: As far as I know, once we wrote our notes into the computer, all handwritten stuff got thrown away in a burn bag (brown bag with red stripes). I am sure [redacted] threw away his notebook before our departure.
Q: What was CPT [redacted] contribution to the effort in the Interrogation Operation?
A: Nothing substantive. She spent most of her time on the computer --- writing reports, writing emails, answering emails and she had no contribution to the interrogation "day to day" business that I could tell. [redacted] ran the show.
Q: Did the use of stress positions disturb you?
A: Yes, I discussed it with [redacted] It seems to me a weakness and by resorting to stress/safety positions, we signaled failure

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 334
1709

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 13 Jul 2004, CONTINUED:

[redacted] to achieve our goals through questioning and techniques we were taught. I felt it was unnecessary and I rarely used the positions.

Q: How is fear up harsh different than fear up low?

A: Fear up low incorporates other aspects, like love of family to motivate the person to cooperate. Fear up harsh was more angry and unbalanced. A lot of times the interrogator would scream and act crazy. There really wasn't even time for the interpreter to translate. [redacted] was really good at this technique. He was intimidating and threatening.

Q: How did the detainees arrive for interrogation? How were they restrained?

A: They were usually brought in by the MPs in leg chains, handcuffs and we had the chains removed based on our comfort level and how safe we felt, if we'd been talking to them a long time then we knew the detainee.

Q: How would a detainee end up in a safety position during an interrogation?

A: I didn't use safety positions much, but I was with others who did. The interview would start by asking general questions, if the detainee gave different answers than he had before or was not being forthcoming, the interrogator would instruct (thru the interpreter) the detainee into a safety position.

Q: What was the purpose of the safety position?

A: To show them who was in control.

Q: Were safety positions painful for the detainee?

A: I wouldn't say painful, but stressful. It's a moderate form of muscle failure, like we do to trainees in basic training.

Q: Where did the term "safety" positions come from?

A: I think they now call them "stress positions". I've never been attacked or threatened by detainees, but I heard other interrogators (before our group) were attacked and had to be restrained.

Q: Where did you learn how to do safety positions?

A: Being partnered with other interrogators. It was something they were using at Bagram. I did not learn it at Huachuca. [redacted] and I talked about it, it seemed to both of us a measure employed out of frustration. You are not talking to me, or saying what I want, so I'll put you on your knees. We felt it was ineffective and I rarely used.

Q: What safety positions did you observe?

A: Kneeling and kneeling with hands overhead, holding hands overhead, sitting against a wall with no chair under them,

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 334

1710

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 13 Jul 2004, CONTINUED:

[redacted] sometimes with their hands held out and the interrogation would continue while this was going on.

Q: The times you observed safety positions employed, who employed them and were they effective?

A: I think everyone did them occasionally. It was hard to tell the level of truthfulness. Sometimes detainees talked, sometimes they didn't, sometimes they made things up, after awhile you could tell.

Q: Did you ever see any interrogators touch a detainee during an interrogation?

A: Yes, [redacted] and [redacted] If the detainee failed to keep his hands up, then they would pull up on the chain. [redacted] would rub his hands in the detainees hair, to make the man uncomfortable.

Q: Did [redacted] ever threaten the detainees with sexual assault?

A: It's possible, he used to do some crazy stuff. The other interrogators would use his reputation in interrogations. They would tell the detainee, if you don't cooperate we'll have to get "Monster (meaning [redacted] and he won't be as nice as we are."

Q: Did you observe or do you otherwise have knowledge of [redacted] sexually assaulting any of the detainees?

A: No, he used to talk about his sexual exploits a lot, even in front of the two girls in our unit [redacted] and [redacted] but I never saw him do that to a detainee. He always talked about midgets sexually. Sometimes he seemed kinda sick and demented, but we always thought it was weird, but funny. When he got sent back from Iraq, I was the Designated Driver and we went to a strip club. [redacted]

Q: Are you permitted to touch detainees, during an interrogation?

A: After the deaths, we were warned about even consoling or comforting a detainee who was crying or upset. We are not permitted to cause a detainee pain or discomfort, except mentally.

Q: If a detainee failed to comply with a directive, like instructions on a safety position, would it be permissible to physically manipulate them to get them in the position?

A: No, it's not allowed, but I saw both [redacted] and [redacted] guide detainees into positions. They would grab them by the shoulders and guide them to a kneeling position. When the

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 334

1711

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 13 Jul 2004, CONTINUED:

[redacted] detainee would lower his arms, they would grab the chains between his hands and raise his arms using the chains. I observed them assist a detainee into a position, using a little force to maintain a position. I would not have been able to stand for anything that would hurt a detainee during an interrogation.

This bothered me because I did not think it was necessary. I remember once [redacted] wanted me to go in and do a fear up harsh on a detainee and I told him I couldn't do it. He sent [redacted] instead. I heard yelling, banging, commotion, but I couldn't tell you what went on inside the booth. I would also be bothered by the way the MP's would bring the detainees to the interrogation room. They would be handling them roughly as they guided the detainees who were wearing bags over their heads and could not see. I saw some of the detainees that had bruises and marks on their wrists and ankles.

Q: Were there any interrogators who seemed more predisposed to rough treatment of detainees?

A: The two people I observed who seemed to like the rough treatment of detainees were [redacted] and [redacted] both of whom were not school trained interrogators. I think that was part of the problem, they did not understand the mission of the interrogator was more of a mental skill rather than a physical one. They seemed to gain excitement from the control aspect of interrogating the detainees. [redacted] seemed to act like it was a contest, as he was trying to get the most hours in the interrogation booth.

Q: If [redacted] and [redacted] are not interrogators, what is their job, what are they trained?

A: They are both 97B Counter Intelligence Agents. We are both trained at the same school, but they do not attend the interrogation phase. They have no training in interrogation techniques. Their job is to recruit informants and gain sources of information in the local community.

Q: Do you know how [redacted] and [redacted] ended up doing interrogations in the BCP?

A: When I first got to Bagram, they sent me to the Joint Operations Center and sent [redacted] and [redacted] to the BCP. When they realized I did not have a TS clearance, they moved me to the BCP. I believe [redacted] started out as a screener and made his way into the interrogation booth.

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 334
1712

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 13 Jul 2004, CONTINUED:

[redacted]

Q: What specifically did you see [redacted] and [redacted] do that made you feel they were predisposed to rough treatment of detainees?

A: I assisted [redacted] in only one or two interrogations. He was on the other team. He talked about getting excited about interviews. It was like a contest for him, how many hours he could get in the booth. They chose [redacted] to be the first interrogator detainees saw when they came in. [redacted] often took part in the screening process. During the screening process, they used [redacted] as an intimidator and threatened detainees with seeing him again later. When the detainees first came in, the MP's would lay them down on their stomachs restrained in a holding room. They would also chain them standing to a pole running across above them and [redacted] would play heavy metal music to disorient and scare the detainees.

Q: Did you see [redacted] use force to enforce safety positions?

A: Yes, but not to the extent it would have caused injury to the detainee.

Q: Did anyone talk to you about the deaths or ask you not to talk with anyone about the incidents?

A: Our commander here told us recently that if asked about the 519th or CPT [redacted] we were to refer those questions to Public Affairs Office. In country, the interrogators involved in the incidents were suspended from interrogations and we had to do all the interrogations for awhile. They never told us the results of the autopsy, so we never knew if they died of natural causes or not. Right after we came back, the unit turned around and redeployed to Iraq. [redacted], [redacted] and [redacted] came back early. The rumor was they were in trouble. I asked them about it, but none of them would discuss it. I know SSG [redacted] was called back off terminal leave, and I overheard him say that it was regarding the deaths of the two detainees in Afghanistan.

Q: Did you ever talk with either of the men who died?

A: No.

Q: Why didn't you use safety positions?

A: I wasn't comfortable based on my beliefs as a Christian in some of the rougher approaches. I did not feel I needed to use safety positions, other than maybe having their hands held up. Once [redacted] instructed me to use an approach that I didn't feel I could do, so he had [redacted] do it.

Q: Were you able to opt out of those interview approaches you did not feel comfortable with?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 334

1713

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 13 Jul 2004, CONTINUED:

[redacted]

A: Not, so much opt out, but if there was someone who could do a technique better, or someone who was more suited to a technique, then you'd use them instead. Some people were just better than others at certain approaches. Like I said, friendly worked best for me.

Q: Was the application of safety positions recorded in interview summaries or notes?

A: Not that I can recall.

Q: What is your opinion as to the legality of safety positions?

A: I don't think they really need to be used. As to whether they are legal or not, I don't know. As long as they do not bring about undue pain to the person you are placing in that position.

Q: Would that opinion change if they are not being used for safety?

A: I don't think they were being used for safety to begin with. To me they looked like a very desperate way for the interrogator to vent his frustration by placing the detainee in a postion where the interrogator was in a position of dominance over the detainee.

Q: Were you ever asked to do anything (even if you did not do it) that you felt was morally or ethically wrong?

A: [redacted] once asked me to do a smoking session with one of the detainees and I told him that I was not comfortable doing it. I asked him what was the point of doing the session with the detainee and [redacted] told me that he felt it was needed. I really did not want to do it because I could not see the point in doing it. I did not feel comfortable doing it. I don't recall specifics about the detainee and situation because I was involved in so many interrogations and the amount of time which has elapsed, I cannot recall the specifics.

Q: What do you mean by a "smoking session"?

A: Forced physical activity such as push-ups and sit-ups.

Q: Was it common for detainees to be subjected to "Smoking Sessions" as part of their interrogation process?

A: Not at all. I think while I was there, I only recall of two or three times that these sessions took place. It seemed to be a desperation move for me.

Q: Prior to the deaths, were you aware of or did you direct any training in the BCP regarding rules for the use of force (RUF) with regard to detainees?

A: No. When I arrived, everything was already set up.

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 13 Jul 2004, CONTINUED:

[redacted]

Q: Do you recall attending any briefings or having received any information related to the rules of force with regard to detainees?

A: As far as I can recall, there was no particular training session, which addressed the use of force with regard to detainees. However, the schoolhouse made it clear that one could get in trouble for using force or for example bringing a weapon in the interrogation booth.

Q: Were you aware of ICRC visits to the BCP? How did they affect Interrogation operations?

A: Yes, on the days of the ICRC visits, there were no "fear up" interrogations. There was a front put on those days with issuing water to the detainees and we would be told that the ICRC was visiting so no "harsh" practices for the day.

Q: Do your recall a dry erase status board, which was displayed near the MP guard post at the Isolation Cell on the second floor?

A: Yes vaguely. I think the MP would make the notes on the board. [redacted] would make the instructions to the MP. I do not recall if the information on the board was erased during ICRC visits or not. It was not our status board, so we did not have anything to do with it.

Q: Were you aware of the use of compliance blows prior to the deaths? How did you become aware of this practice?

A: No. I do not know what a compliance blow is.

Q: Have you ever heard or observed MP's being rough with detainees?

A: Yes. I would see them when they would bring the detainees to the interrogation booths. They would push them up the steps, rushing with the detainee. The detainee would be wearing leg shackles, which would limit their mobility, and the MP's would shout at them to hurry and drag them. I saw that the treatment was making marks on the ankles of the detainees. I spoke with several MP's about how they were treating the detainees and how I did not think it was necessary for them to treat the detainee roughly.

Q: Did any of the detainees ever tell you an MP struck them?

A: The detainee sometimes told us that the MP's were being rough with them. He would tell me this through the interpreter. I did not explore the issue further with the detainee, assuming he was referring to the rough treatment I observed as they were brought to the interrogation room. I did tell them that I would talk with the MP's. I think I did talk with the MP about

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 334

1915

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 13 Jul 2004, CONTINUED:

[redacted] treatment of the detainee's and I think on one occasion, I spoke with my supervisor.

Q: Did you ever see an MP physically strike a detainee?

A: No.

Q: Did you have information on were informal operational tactics, techniques and procedures from Guantanamo Bay (GTMO) being provided to the BCP?

A: No.

Q: Prior to the deaths in Dec 02, were you ever aware that detainees were being subjected to standing restraint for periods in excess of 2 hours without being let down at all to rest and recover?

A: I was aware that the detainees were in standing restraint, however, I did not know the length of time was that long. The first time I saw a detainee being restrained standing; I asked an MP why the detainee was restrained. I was told that the detainee violated the rules and was talking. After a while, when I would observe other detainees in standing restraint, it became common and I did not question it further.

Q: Were there any cliques in the unit?

A: Yes, [redacted] hung out with the other reservists. [redacted] and [redacted] were "[redacted]", very close. [redacted] was rumored to be [redacted], [redacted] and she socialized with lots of folks. I mostly kept to myself. I read books or went to the PX, so I did not socialize with them much outside of the BCP. [redacted] was my roommate before we left for Bagram. He used to fall asleep listening to heavy metal music, which I find distasteful.

Q: Did any of the interrogators talk about manhandling detainees or being physical with them?

A: I lived in a tent with most of the male unit members. The only thing I recall was the night [redacted] got sent in (by [redacted] to do the fear up harsh, he came back boasting the detainee ended up on the table and [redacted] was poised over him scaring him. I'm not really clear on what he was describing, so I can't shed more light on what he meant.

Q: Is there anything you wish to add to this statement?

A: No.

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

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 334

1716

[redacted]

STATEMENT OF [redacted] TAKEN AT Fort Bragg, NC, DATED 13 Jul 2004, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 13. 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 oaths, this 13th day of July 2004 at Fort Bragg, NC 28310

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 334

1917

Exhibit 334

Page(s) 1718 – 1719 withheld.

Exemption(s) b2.

0137-02-CID369-23533
0137-02-CID369-23534

AFZA-JA-C

15 JUL 04 [redacted]

MEMORANDUM FOR Sergeant [redacted]
Company A, 519th Military Intelligence Battalion, Fort Bragg, North Carolina 28310

SUBJECT: Grant of Immunity and Order to Testify

1. As an officer empowered to convene general courts-martial and IAW the provision of R.C.M. 704(c), Manual for Courts-Martial, United States, 1984, I hereby make the following findings:

a. Sergeant [redacted] possesses relevant information regarding the criminal investigation of the treatment of detainees (a/k/a persons under control), both during intelligence operations and otherwise, at the Bagram Collection Point (a/k/a Bagram Detention Facility), Bagram Airfield, Afghanistan.

b. Sergeant [redacted] may have engaged in misconduct with regard to these offenses.

c. If questioned during the course of the criminal investigation regarding the treatment of detainees, both during intelligence operations and otherwise, only at the Bagram Collection Point, under UCMJ Art. 31 Sergeant [redacted] would have the right to refuse to answer questions, and would likely invoke her right to remain silent under Art. 31, UCMJ.

d. It is likely that Sergeant [redacted] cooperation in the continuing criminal investigation by providing information about her involvement in, and knowledge of, the treatment of detainees, both during intelligence operations and otherwise, only at the Bagram Collection Point, Bagram Airfield, Afghanistan, during the period of your deployment there, from 13 July 2002 to 28 January 2003 will significantly aid the criminal investigators and is, therefore, necessary to the public interest.

b2b7C

FOR OFFICIAL USE ONLY

1720

EXHIBIT 335

AFVC-JA-C
SUBJECT: Grant of Immunity and Order to Testify

2. On the basis of these facts, pursuant to RCM 704, I order Sergeant [redacted] to cooperate with the government and to provide it with complete and truthful statements and any other relevant information regarding her involvement in, and knowledge of, the treatment of detainees, both during intelligence operations and otherwise, only at the Bagram Collection Point, Bagram Airfield, Afghanistan, during the period of your deployment there, from 13 July 2002 to 28 January 2003. I further order Sergeant [redacted] to provide complete and truthful information regarding your involvement in, and knowledge of, any effort by any individual to conceal the truth, impede investigations, or mislead commanders, staff officers, investigators, or any other person in any manner whatsoever regarding treatment of detainees at the Bagram Collection Point, Bagram Airfield, Afghanistan during the period of your deployment there. This grant of immunity does not extend to statements or information regarding treatment of detainees at any other time or in any other country or area of operations.

3. You are hereby granted testimonial immunity pursuant to R.C.M. 704(a)(2), MCM, 1998. No testimony or other information you provide to the government or defense pursuant to this order, which is related to the treatment of detainees, both during intelligence operations and otherwise, only at the Bagram Collection Point, or any other information directly or indirectly derived from such testimony or information, shall be used against you in a trial by court-martial or proceeding pursuant to Article 15, UCMJ, except in a prosecution of perjury, giving a false statement, or otherwise failing to comply with this order.

[redacted]
Lieutenant General, USA
Commander

b6 7C

1721

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0137-02-CID369-23534
0134-02-CID369-23533

DETAILS

About 1600, 20 Jul 04, SA [redacted] interviewed **USAF MSGT [redacted] (NMN) [redacted], 305th Security Forces Squadron (SFS), McGuire Air Force Base, NJ 08641.** [redacted] stated between 3 Jan 03 and an undetermined date during Dec 03, he was assigned to Fort Dix, NJ. During this assignment, he served as a trainer for military forces during their pre-deployment training for Afghanistan and other theaters of operation. During the preliminary portion of the deployment, [redacted] explained he and the other trainers developed lesson plans and prepared for the training of the various deploying units. [redacted] related he concentrated most of his training on aircraft familiarization, which included the up-load, trans-load and off-load of detainees from the aircraft. [redacted] stated this training was provided primarily to the US Military units who would be assisting USAF elements in the air transportation and security of detainees between Afghanistan and Guantanamo bay, Cuba. Although the unit identification of the 377th Military Police Company seemed familiar to [redacted], he could not place the unit and explained he had assisted in training over 800 military personnel at several locations during his deployment. [redacted] stated he had never heard of the term "compliance blow". He said they did train the MP units in distraction techniques, which included the use of the common peroneal strike. [redacted] explained this was a distraction technique designed to be used while escorting a detainee and would only be utilized if the detainee became combative. [redacted] related they also instructed handcuffing techniques, however, never instructed that a detainee would be secured to any fixed objects while handcuffed. [redacted] explained during air transportation, the leg chains of detainees would be secured to a cable in the floor of the aircraft using a "D" ring, to limit the movement of a detainee's legs during the flight. [redacted] repeated handcuffs were never to be affixed to any stationary objects.

About 1425, 22 Jul 04, SA [redacted] interviewed **USMC GYSGT [redacted] US Marine Corps Detachment, Lackland Air Force Base, San Antonio, TX 78250.** [redacted] related he was deployed to Fort Dix, NJ to support a training requirement as an instructor for about a week. He could not recall the exact dates, just that the deployment occurred during the Sep-Oct 2001 time frame. [redacted] explained after they arrived at Fort Dix, NJ, the training team conducted one training session, due to the length of time between the end of the first training session and the next scheduled class, he was sent back to his unit. [redacted] related he trained soldiers in handcuffing techniques and was present to assist during other blocks of instruction, which included the use of the ASP baton and detainee movement drills. [redacted] said no training was provided related to Enemy Prisoner of War (EPW) operations or facility operations. The training focused on movement to and from an aircraft and proper procedures for handling detainees while onboard an aircraft. [redacted] could not recall any of the nit designations, which he trained. [redacted] stated during the handcuffing training, soldiers were never instructed to fasten a detainee to a fixed object while in handcuffs. [redacted] had never heard of the term "compliance blow" and did not recall the common peroneal strike being taught.

?// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 22 July 2004	EXHIBIT 336

CID FORM 94 [redacted] FOR OFFICIAL USE ONLY
1 FEB 77

b2b67C

1722

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 1017 hrs, 22 Jul 2004, SA [redacted] attempted to interview **SSG [redacted] Security Operations Training Facility (SOTF), Fort Bragg, NC 28310 (FBNC)** who was a member of Alpha Company, 519th MI Bn, FBNC in an earlier rotation to Afghanistan. [redacted] stayed on beyond the six month deployment (Feb – Aug 02) to train members of A Co, 519th MI on the Aug 02- Feb 03 rotation. [redacted] was advised of his rights for Dereliction of Duty, in that some of the techniques he taught may have been unlawful. [redacted] invoked his rights, requesting an attorney, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 22 Jul 04,for additional details).*

At 1025 hrs, 25 Jul 2004, SA [redacted] attempted to interview **SSG [redacted] Delta Company, 229th MI Battalion, Defense Language Institute (DLI), Foreign Language Center (FLC), Presidio of Monterey, CA 93944** who was a member of Alpha Company, 519th MI Bn, FBNC in an earlier rotation to Afghanistan. [redacted] stayed on beyond the six month deployment (Feb – Aug 02) to train members of A Co, 519th MI on the Aug 02- Feb 03 rotation. [redacted] was advised of his rights for Dereliction of Duty, in that some of the techniques he taught may have been unlawful. [redacted] invoked his rights, requesting an attorney, at which time the interview was terminated. *(See Non-Waiver Certificate of [redacted] dated 25 Jul 04,for additional details).*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 25 Jul 2004 / EXHIBIT: 337

1 FEB 7[redacted]

FOR OFFICIAL USE ONLY

b2b7C

1723

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: Fort Huachuca, AZ DATE: 22 Jul 04 TIME: 1017
FILE NUMBER: 0134-02-CID369-23533/0137-02-CID369-23534
NAME (Last, First MI): [redacted] SSAN: [redacted] GRADE / STATUS: [redacted]
ORGANIZATION OR ADDRESS: Security Operations Training Facility (SOTF), Fort Bragg, NC 28307

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

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

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

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

or

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

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.
5. COMMENTS: Are you currently represented by legal counsel for any reason? Yes____ No [redacted]

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.

Witness# 1

Signature of Witness

Signature of Interviewee

Witness# 2

Signature of Witness

[redacted]
Headquarters, USACIDC
Fort Belvoir, VA 22060

NON-WAIVER CERTIFICATE

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

Signature of Interviewee [redacted]

DA Form 3881-E

FOR OFFICIAL USE ONLY

b2b7C

1724

0134-02-CID369-23533

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: Monterey, CA DATE: 25 Jul 0[redacted] TIME: 1015HRS
FILE NUMBER: 0134-02-CID369-23533/0137-02-CID369-23534
NAME (Last, First MI): [redacted] SSAN: [redacted] GRADE / STATUS: [redacted]
ORGANIZATION OR ADDRESS: Delta Company, 229th MI Bn, Defense Language Institute (DLI), Foreign Language Center (FLC), Presidio of Monterey, CA 93944

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/~~accused~~: Dereliction of Duty/////
Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

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

- or -

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

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.
5. COMMENTS: Are you currently represented by legal counsel for any reason? Yes_____ No X[redacted]

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.

Witness# 1

_____
Signature of Witness

_____
Signature of Interviewee

Witness# 2

_____
Signature of Witness

[redacted]
SA
Headquarters, USA
Fort Belvoir, VA 22060

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: [redacted]

DA Form 3881-E

FOR OFFICIAL USE ONLY

b2b7C

1725

EXHIBIT 339

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0137-02-CID369-23534
0134-02-CID369-23533

DETAILS

About 1415, 26 Jul 04, SA [redacted] telephonically interviewed **SPC [redacted] 377th Military Police (MP) Company, Cincinnati, OH 45251.** [redacted] stated during an undetermined time period at the Bagram Collection Point (BCP), Afghanistan, SSG [redacted] 377th MP Company, Cincinnati, OH 45251, found a straight jacket in a storage area within the BCP. SSG [redacted] while joking with other unit members, placed himself in the straightjacket, mask and protective headgear. [redacted] explained there was a strap hanging betwee[redacted]egs, which she grabbed, at which time a photograph was taken. [redacted] stated this event was done in jest and was not related to training or the treatment of any detainees within the BCP. This event took place within the administrative area of the BCP neat the tactical Operations Center (TOC) and was not observed by any detainees.

About 1500, 27 Jul 04, SA [redacted] elephonically interviewed **SSG [redacted] 377th Military Police (MP) Company, Cincinnati, OH 45251.** [redacted] related he was familiar with the photographs of himself in a straightjacket, facial mask and protective headgear. He was unable to recall the time frame when the photographs were taken. [redacted] said the equipment was found within a supply room in the BCP, which also contained other riot gear type equipment. He said several soldiers were present and a training class was given as to the proper way to secure an individual utilizing the equipment. [redacted] aid he served as the demonstrator and SPC [redacted] assisted in securing him in the equipment. [redacted] explained the photographs were taken during a break in the training and were intended to be humorous. [redacted] stated the equipment was never utilized on any detainees, nor were any detainees present or observe any of the training.

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
	DATE 27 July 2004	EXHIBIT 340

1 FEB 77

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0137-02-CID369-23534
0134-02-CID369-23533

PAGE 1 OF 1 PAGE

DETAILS

About 1050, 22 Jul 04, SA [redacted] coordinated with Mrs. [redacted] Supervisor, Brooke Army Medical Center, Patient Administration System's Bio-statistical Activity (PASBA), MCHS ISD, 1216 Stanley Rd, Suite 25, Ft. Sam Houston, TX. 78234-5053. [redacted] stated they had completed the review of the records to include a box of miscellaneous documents received from the unit, which replaced the 48th CSH at Bagram, Afghanistan. [redacted] related they had located several documents related to HABIBULLAH and DILAWAR (BT-412 and BT-421).

About 0920, 28 Jul 04, SA [redacted] forwarded a DA Form 4254-R, Request for Private Medical Information to the Brooke Army Medical Center, PASBA, Fort Sam Houston, TX, requesting a copy of any medical records they maintained related to Mr. HABIBULLAH and Mr. DILAWAR. (See DA Form 4254-R for Details)

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 28 July 2004 / EXHIBIT: 341

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2b7C

1727

REQUEST FOR PRIVATE MEDICAL INFORMATION
For use of this form, see AR 40-66; the proponent agency is the OTSG

1. Date.
28 July 2004

2. Patient's Name and SSN.
HABIBULLAH, Mullah; male; Afghan
(AKA: BT-412)

3. Medical Treatment Facility *(Name and Location)*
~~Fort Sam Houston~~ Medical Center, PASBA, MCHS ISD,
1216 Stanley Rd, Suite 25, Ft Sam Houston, TX 78234

4. Reason for Request.
CID criminal investigation documented under Report of Investigation (ROI) numbers 0134-02-CID369-23533 and 0137-02-CID369-23534.

5. Private Medical Information Sought *(Specify dates of hospitalization or clinic visits and diagnosis, if known)*
Mr. HABIBULLAH was detained under the custody of US forces at Bagram, Afghanistan during December 2002. Medical treatment was provided by the 48th Combat Support Hospital (CSH). Request all medical records which would identify any medical care or consultations provided to Mr. HABIBULLAH while under the control of US military forces.

6. Requestor's Name, Title, Organization and

[redacted] Special Agent, [redacted] US Army Criminal Investigation Command, Fort Belvoir, VA 22060
(703) 806-0224

FOR USE OF MEDICAL TREATMENT FACILITY ONLY

7. Check applicable box.

☐ Approved ☐ Disapproved *(State reason for disapproval)*

8. Summary of Private Medical Information Released.
IP record located + copied. 14 pages. Memo done. 5 Aug 04
Records put in mail. 5 Aug 04

9. Signature of Approving Official.

10. Date.

DA FORM 4254-R, NOV 91 — DA FORM 4254-R, Jul 74 IS OBSOLETE — USAPPC V1.00

FOR OFFICIAL USE ONLY

1728

0137-02-CID369-23533

REQUEST FOR PRIVATE MEDICAL INFORMATION
For use of this form, see AR 40-66; the proponent agency is the OTSG

1. Date: 28 July 2004

2. Patient's Name and SSN.
DILAWAR; male; Afghan
(AKA: BT-421)

3. Medical Treatment Facility *(Name and Location)* BROOKE ARMY ~~Fort Sam Houston~~ Medical Center, PASBA, MCHS ISD, 1216 Stanley Rd, Suite 25, Ft Sam Houston, TX 78234

4. Reason for Request.
CID criminal investigation documented under Report of Investigation (ROI) numbers 0134-02-CID369-23533 and 0137-02-CID369-23534.

5. Private Medical Information Sought *(Specify dates of hospitalization or clinic visits and diagnosis, if known)*
Mr. DILAWAR was detained under the custody of US forces at Bagram, Afghanistan during December 2002. Medical treatment was provided by the 48th Combat Support Hospital (CSH). Request all medical records whcih would identify any medical care or consultations provided to Mr. DILAWAR while under the control of US military forces.

6. Requestor's Name, Title, Organization and [redacted]
[redacted] Special Agent, [redacted] US Army Criminal Investigation Command, Fort Belvoir, VA 22060
(703) 806-0224

FOR USE OF MEDICAL TREATMENT FACILITY ONLY

7. Check applicable box.

☐ Approved ☐ Disapproved *(State reason for disapproval)*

8. Summary of Private Medical Information Released.
IP Record located + copied. 10 pages. Memo done. 5 Aug 04.
Records put in mail. 5 Aug 04

9. Signature of Approving Official.

10. Date.

DA FORM 4254-R, NOV 91 DA FORM 4254-R, Jul 74 IS OBSOLETE USAPPC V1.00

FOR OFFICIAL USE ONLY

1729

EXHIBIT

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533 / 0137-02-CID369-23534

DETAILS

Between 1015, 31 Jul 04 and 2010, 1 Aug 04, SA [redacted] interviewed **SGT [redacted] (Formerly [redacted]), [redacted] Company A, 519th Military Intelligence (MI) Battalion, Fort Bragg, NC 28310.** [redacted] was served with a Grant of Immunity and Order to Testify, dated 15 Jul 04, signed by LTG [redacted] which compelled [redacted] to disclose information related to her knowledge, involvement and treatment of detainees at Bagram, Afghanistan. [redacted] provided a sworn statement in which she detained her knowledge of the operational aspects of Company A, 519th MI as they related to the interrogation of detainees at the Bagram Collection Point (BCP), Bagram Afghanistan. Additionally, [redacted] provided information related to her knowledge and involvement in the alleged assaults and treatment of detainees by MI personnel. [redacted] also detained an incident in which a member of the 377th MP Company informed her unidentified MP's had kicked at least one of the detainees who died in the thighs using their knees, prior to the death. [redacted] provided a sketch depicting the MI operational area within the BCP to include the interrogation rooms used by the MI interrogators. (See Grant of Immunity Order to Testify, Sworn Statement and sketch for details).

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
[redacted]	DATE: 1 August 2004 / EXHIBIT: 343

CID FORM 94
1 FEB 77

b2b7C

1730

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Fort Bragg, North Carolina 28310
Date : 1 Aug 2004 **Time:** 2010
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** [redacted]
Org/Address : Alpha Company, 519th Military Intelligence (MI) Battalion, Fort Bragg, NC 28310

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

This statement is being provided in accordance with the grant of testimonial immunity, which was served to me on 31 July 2004. After consultation with CPT [redacted] Trial Defense Services, Fort Bragg, NC, I understand and agree to my responsibility to fully cooperate and provide my full and truthful knowledge in support of the criminal investigation related to the death of two detainees within the Bagram Collection Point (BCP), Bagram, Afghanistan, during December 2002.

Q: When did you enter the U.S. Army?

A: On 2 March 2000, I enlisted into the Minnesota National Guard. I enlisted as a 31R, which was a signal communications field. I remained in the National Guard until I came on active duty 13 June 2001. When I came on active duty, I signed a contract to become a 97B, which is a counter intelligence agent.

Q: Describe your assignments since you entered the U.S. Army?

A: After I enlisted in the National Guard, I attended basic training between 8 June 2000 and Late August 2000 at Fort Leonard Wood, MO. I was assigned to the 134th Signal Brigade, Inver Grove Heights, MN. When I enlisted on Active Duty, I went to Fort Leonard Wood, MO awaiting completion of my security clearance. On 28 July 2001, I attended Military Intelligence Advanced Individual Training (AIT), At Fort Huachuca, AZ, until 7 December 2001. On 8 December 2001, I arrived at Fort Bragg, NC and signed into Company A, 519th MI Bn, on 21 December 2001. That is the unit I remain assigned to currently.

Q: What is your Military Occupational Specialty (MOS)?

A: I am a 97B, counter intelligence agent.

Q: What is your experience as a MI interrogator?

A: During AIT training to achieve our MOS, we spend about a week working hand in hand with the MI interrogators. That is to teach us how to work together, as we are sister MOS's and work closely together. I am not school trained as an MI interrogator. I received training during AIT in the conduct of

FOR OFFICIAL USE ONLY

b2b7C

EXHIBIT 344

1731

[redacted] counter intelligence interviews, but those are different from MI interrogations.

Q: During your military career, what deployments have you participated in?

A: Operation Enduring Freedom, 23 July 2002 through 28 January 2003. Operation Iraqi Freedom from 11 March 2003 through 23 September 2003.

Q: During your deployment in support of Operation Enduring Freedom, 23 Jul 02 - 28 Jan 03, what unit were you assigned to?

A: I was assigned to Company A, 519th MI Bn, Fort Bragg, NC.

Q: During your deployment in support of Operation Iraqi Freedom, 11 Mar 03 - 23 Sep 03, what unit were you assigned to?

A: Company A, 519th MI Bn, Fort Bragg, NC.

Q: What dates were you deployed to Afghanistan as part of Co A, 519th MI Bn?

A: I was deployed 23 Jul 2002 through 28 January 2003.

Q: Did you attend any pre-deployment training prior to your deployment to Afghanistan?

A: Yes. The unit conducted pre-deployment training at Fort Bragg for approximately a month before we deployed.

Q: During the pre-deployment training, what was taught?

A: We trained on how to react to fire, combat drills, first aid, weapons qualifications and NBC training. Law of land Warfare, SAEDA briefings. That is all I can remember, it was a long time ago.

Q: During the pre-deployment training, were there any classes taught related to information/intelligence gathering or interrogations?

A: To be honest with you, I do not remember.

Q: What were your duties while deployed to Afghanistan?

A: I was assigned as an interrogator.

Q: Were you trained to proficiency to perform this duty?

A: No.

Q: Who assigned you to the duty as an interrogator?

A: The Chain of Command, the Company Commander was CPT [redacted] There was a change of command while we were in Afghanistan during September 2002 and CPT [redacted] assumed command of the unit. All of us kept our same roles and responsibilities under CPT [redacted]

Q: Why were you assigned to a duty for which you were not qualified? Did you notify anyone that you were not qualified as an MI interrogator?

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1732

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

A: The Chain of Command knew there was an unbalance between MI interrogators and counter intelligence agents. In order to fulfill the mission, the unit balanced the missions and some of the counter intelligence agents were pulled over to fill vacancies as interrogators. This was done to ensure we were able to complete all the assigned missions. All of us who were 97B counter intelligence agents went to our Platoon Sergeant, SSG [redacted] and told him that we were not trained as interrogators, that we were counter intelligence agents. He said he would speak with the unit 1SG, 1SG [redacted] We knew that SSG [redacted] spoke with the 1SG, because he came back to us and informed us that the decision had been made and we were going to fill the responsibility as interrogators.

Q: When the decision was made to use the 97B counter intelligence agents as interrogators, were you provided any training in how to conduct interrogations or the rules to follow while conducting interrogations?

A: We went over the Geneva Conventions, but I cannot recall what else we did, it has been too long. I don't remember going through any specific training related to interrogations.

Q: Where did you normally perform your duties?

A: Inside the Bagram Collection Point (BCP), Bagram, Afghanistan.

Q: Where was that located in Afghanistan?

A: Along Disney drive, Bagram Air Base

Q: Where was your work area located at the BCP?

A: On the second floor. When you entered the front door, you turned to your immediate right there was a stairwell that would take you to the second floor. The MI office was at the top of those stairs. We would work out of that office unless we were conducting interrogations. The interrogation rooms were also on the second floor along a hallway next to the MI office.

Q: With whom did you billet during your tour in Afghanistan?

A: CPT [redacted] and SGT [redacted] (Formerly SGT [redacted]. SGT [redacted] came during Sep 02 and stayed until Jan 03. I resided with CPT [redacted] the entire tour.

Q: Which MI personnel worked together in teams? Did these teams change?

A: The teams were not developed until the November 2002 time period. Prior to that time, everyone worked together and there were not designated teams. If someone needed assistance with an interrogation, they would use one of the available soldiers. When the teams were developed, I was assigned to work on a team

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344
1733

STATEMENT OF SGT [redacted], TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted] which consisted of [redacted] and [redacted]. The other team was made up of [redacted] and [redacted] would fluctuate between the two teams. There was also a "command" team, which consisted of the Officer in Charge (OIC) CPT [redacted] and Non Commissioned Officer in Charge (NCOIC) SSG [redacted] and his assistant NCOIC SGT [redacted]. There were also personnel responsible for the computers, filing reports, which were written, basically the administrative function of the detainee operations and they were [redacted] SGT [redacted] SSG [redacted] and CW2 [redacted] (the spelling of the last name may be incorrect).

Q: While deployed to Bagram, Afghanistan, did the MI unit ever conduct any training related to interrogations to assist those members of the unit who were not school trained MI interrogators?

A: I don't remember if we did or did not.

Q: Of the individuals you worked with, who were school trained MI interrogators?

A: CPT [redacted] SSG [redacted] SPC [redacted] SGT [redacted] SPC [redacted] and SPC [redacted] and SGT [redacted]

Q: Which of the personnel you worked with was school trained as 97B, counter intelligence agents?

A: Myself, PFC [redacted] SGT [redacted] SGT [redacted] and SPC [redacted]. I cannot recall what MOS SGT [redacted] or SGT [redacted] had.

Q: Describe and diagram the MI work area within the BCP?

A: The MI Office was on the secod floor of the BCP. The door opened in and that was the only door to the office. There was a window along the far wall, which overlooked the main floor of the BCP where the main detainee cells were located. There was a storage room along the wall opposite the doorway were we stored sensitive items and weapons. CPT [redacted] sat to the right of the main door and that is where the MI Operations had several seats. There were several computers along the wall next to the MI operations, which extended to the window area. Those computers were the ones, which the interrogators would use. One of those computers was unclassified for the Internet. There were wooden tables in the center of the room, which served as a workspace for other Governmental Agencies, CID and ourselves. There was an area for MI operations along the wall of the storage room. There were benches along the wall to the left side of the main

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1734

entry door. We put up a doorway in the hallway outside the MI office, which lead to the balcony. Along the balcony were several interrogation rooms, which would be used to interrogate the detainees.

Q: Would the MI unit hold daily operational briefings? If so, where and who would attend the briefings?

A: Yes, we had a daily briefing at 0400z or 0430z at the MI office. All of the interrogators would attend as well as OPS personnel, OIC/NCOIC personnel, CID, Other Governmental Agencies and representatives from CJTF-180. CPT [redacted] was present 99% of the time. It was required that you attend the briefing unless you had a special circumstance. Our interpreters would also be present and the schedule would be discussed as far as what detainee was being interrogated and when.

Q: What type of information would be discussed during these briefings?

A: Every interrogation that happened since the briefing on the previous morning. You would discuss the highlights of each briefing to include the information you gathered if anything. Also, they briefed news that went on in the area, which had intelligence value that we would be able to gather or benefit from. They would put out company level information related to details and assignments.

Q: During these briefings and discussions related to the results of interrogations, were interrogation techniques or methods discussed or decided?

A: Yes, they were discussed as far as during the previous interrogation what techniques were attempted or used and whether or not they were successful, but only on certain detainees they were discussed.

Q: As an NCO within Alpha Company 519th MI, what are your normal responsibilities?

A: I was not an NCO during the time of the deployment. I was a Private First Class (PFC) until Nov 02, when I was promoted to Specialist (SPC) 1 Nov 02. My normal responsibilities were to attend the daily briefing and to conduct interrogations as scheduled. Keep the facility clean.

Q: Describe the staff relationships relative to the BCP for MI operations? Please include the role of the JIIC, the J2, the PMO, the J3, and the Fusion Cell if you know. Provide names to go with those positions if possible.

A: Based on my responsibility and duties, I had no working involvement with anyone outside of my immediate chain of command.

Q: Describe your relationship within the MI chain of command at the BCP?

A: I was a team member and my team leader was [redacted] (during the Nov 02 timeframe). My chain of command included [redacted] then to [redacted] then [redacted] and then CPT [redacted] If you wanted to after CPT [redacted] you could see the 1SG and the Company Commander.

Q: Was there a Standard Operating Procedure (SOP) for Alpha Company 519th MI related to conducting the MI interrogation mission at the Bagram BCP? If so, did you read it? Was it discussed with MI Interrogators?

A: Yes, we read and signed the SOP.

Q: When did you review and sign the SOP?

A: I reviewed the SOP in Bagram. When we initially arrived for the deployment, I do not recall there being an SOP. I don't even know when, but I know sometime later during the deployment, a SOP was provided. I reviewed the SOP and signed it. I know I reviewed the SOP before December 2002, but I don't know exactly when.

Q: Who wrote the SOP you reviewed?

A: I don't remember who wrote it. It was drafted and produced by members of the unit while we were at Bagram.

Q: Who was responsible for writing and approving the SOP?

A: I don't know.

Q: Do you recall the name or date of the SOP?

A: No.

Q: Was the SOP you reviewed and signed specifically related to MI interrogation and operations or was it inclusive of the entire BCP operation?

A: Just the interrogations.

Q: Was any Standard Operating Procedure (SOP) in force at the BCP during December 2002?

A: Yes, once we read and signed it, we were told to follow it.

Q: Who told you to follow the SOP after you reviewed and signed it?

A: SSG [redacted] and CPT [redacted]

Q: **Do you know if SSG [redacted] or anyone within the MI Chain of Command ever referenced a MI SOP or other SOP pertaining to the BCP and the handling of detained personnel?**

A: I don't recall.

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1736

Q: What was CPT [redacted] role within the MI unit at the BCP?
A: She was the OIC of the MI aspect of the facility.
Q: As the OIC, what were CPT [redacted] responsibilities?
A: She would oversee the NCOIC and liaison between the MI unit and the CJTF-180 staff. Some liaison with the MP's and the rest of the MI chain of command.
Q: Did CPT [redacted] have knowledge of daily operations to include proposed interrogation techniques and results of interrogations of detainees at the BCP?
A: Yes. She would attend the daily briefings.
Q: What was SSG [redacted] role within the MI unit at the BCP?
A: He was the NCOIC of the MI aspect of the facility.
Q: As the NCOIC, what were SSG [redacted] responsibilities?
A: He was responsible for all the interrogators. He acts as our Platoon Sergeant. He was responsible for scheduling the interrogations for the day. He was also responsible for what "game plan" to use on detainees during their interrogation. He was also responsible for liaison with the MP's, as far as if we wanted something done with one particular detainee; he would liaison with the MP's to have them do things instead of us.
Q: What do you mean by "game plan"?
A: Different interrogation techniques.
Q: What type of things would the MP's do in support of the MI instruction at the BCP related to detainees?
A: Sleep deprivation, or adjusted sleep schedule is what they called it. As far as extra duties within the facility such as taking out the trash or having to separate the meals for the detainees. Almost as if the detainee was in trouble and had been given extra duty.
Q: Did SSG [redacted] have knowledge of daily operations to include proposed interrogation techniques and results of interrogations of detainees at the BCP?
A: Yes, we briefed him every day on what happened. He oversaw the interrogation plan for upcoming interrogations as well.
Q. What did MI see as the mission at Bagram, Afghanistan?
A: To collect viable intelligence for the CJTF-180 Commander and other intelligence of value to help save soldiers lives and protect soldiers. Valuable intelligence.
Q: What information was MI trying to obtain from detained personnel?
A: Valuable intelligence for CJTF-180 Commander and to stop future attacks.

FOR OFFICIAL USE ONLY
b6 7C

EXHIBIT 344
1739

Q: Was the training provided by the MI school effective in supporting the mission at Bagram, Afghanistan?
A: No, because I was trained as a counter intelligence agent.
Q: Why is it different to interrogate suspected terrorists, insurgents, ~~ect?~~ etc [redacted]
A: My opinion was that the difference was that knowing the individual had killed an American. It makes you frustrated or angry knowing the individual had killed an American and the detainee is sitting right in front of you.
Q: What were the rules of engagement related to physical contact with the detainees during interrogations?
A: What I remember is that you were not to physically harm a detainee unless the detainee was trying to physically harm you. Basically a self-defense sort of thing. If you needed something done with a detainee, you were to ask the MP's to do it.
Q: What sort of things would you want done with a detainee that you would have to ask the MP's to do it?
A: Transport him back down to the cells. Give the detainee a shower if he smelled bad. Bring a detainee up from a cell. That was it as far as I remember.
Q: Does the instruction at the MI interrogation school allow for physical contact with individuals being interrogated?
A: I don't know, I did not go to the interrogator school.
Q: Understanding you did not attend the interrogation school, did the SOP you reviewed address any limits for physical contact between MI personnel and individuals they were interrogating?
A: To a certain extend, but I do not remember specifically.
Q: Describe the interrogation techniques used by members of the 519th MI Bn at the BCP?
A: We used an adjusted sleep schedule. We would tell SSG [redacted] that a specific detainee would need to be placed on an adjusted sleep schedule. He would make the final decision as to if the sleep adjustment would be used and then coordinate with the MP's if it was going to be used. Another technique that we would use was a friendly approach. That was when the interrogator would act as a friend to the detainee and generally act in a nice manner. The technique of good cop / bad cop would be used. This was when either you or your partner or your team and another team would come into the interrogation and begin talking with you, basically using the friendly approach. The other team would then come into the interrogation and be upset, yelling and screaming. Both teams were never present in the interrogation room at the same time except when they were

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344
1738

entering and leaving the room. During the initial screening, we would sometimes use dogs and loud music as a distraction and disorientation technique. The detainees would be brought into the facility and brought into the screening room. The K-9 unit from the Military Police would be called to the facility and normally he was there before the detainees arrived. The detainees would be brought into the room and the dog would be barking. The MP K-9 handler would bring the dog into the facility on a leash and the dog was normally muzzled. Once inside the building, the muzzle would be removed to allow the dog to bark. The MP K-9 handler always kept the dog on a leash. If there were only a few detainees brought into the facility, he would stay for about 15 minutes. If more detainees were present, he may stay longer. Another technique we used was to have the detainees do physical training. Sometimes we would do the training with them as in jumping jacks, pushups, sit-ups, Iron Mikes (lunges with your hands on your hips), wall sits where the detainee assumed a seated position along a wall without a chair and holding their hands out to their front. We would also have them jog in place. Another technique we used is what I called the "round robin". Some other people may have called it by another name, but I am not sure. This was when one interrogator would use a specific technique, then the interrogator would switch and another interrogator would come in and use a different technique. There was usually one main interrogator who would periodically come into the interrogation room to determine if the technique was effective or if it would be continued. We would sometimes use food and incentives as an interrogation technique. The detainees were very limited in what they were provided to eat. We would bring food items in from outside the facility (candy, baked goods, etc) and try to befriend the detainee with the items in exchange for intelligence information. Another technique was an angry (fear-up) interrogation approach. That was when the interrogators came into the room yelling and screaming, never giving the detainee a chance to talk, belittling the detainee. We would sometimes use stress positions as an interrogation technique. That would be anything from sitting on the floor with no chair, standing with a chair next to you, but not being able to sit down in it. Kneeling on the floor with your hands interlocked behind your head, lying on your back with your hands and feet in the air. Some of us tried these stress positions to see how long you could stand to be in those positions. Once you knew

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted] how long you could stay in one of the positions, you never told the detainee to stay in the stress position for a period of time longer than you could stay in it. The king interrogation technique was the opposite of the angry approach. Instead of belittling the detainee, you spoke very highly of them and made them feel as if they were the king of the world. The We Know All interrogation technique was to confront the detainee with the fact that we (the US Forces) know everything about the detainee to include his name, family information, birthday, etc., so there was no reason for the detainee not to be truthful with us. The love of family technique was on the same lines as the friendly approach. You are asking the detainees about their family, children, toys the children plays with. This usually causes an emotional side to come out of the detainee which causes a slight bond between the interrogator and the detainee. The detainee realizes that you are the one who may be able to get him back to his family. He is more apt to speak openly with you, because he believes you are the one who will be able to get him back to his family. There are many other techniques, but not that I can recall off the top of my head. It is basically anything you can think of to use.

Q: Why would SSG [redacted] coordinate with the MP's related to sleep adjustment?

A: He did it, because he was the NCOIC of the facility. If each of the interrogators were to be coordinating with the MP's, then they would begin to question who was authorizing the activity. If the request came from SSG [redacted] as the NCOIC, then he was the one who was authorizing it.

Q: What is the difference between sleep adjustment and sleep deprivation?

A: None, they are the same thing, just a different name.

Q: Why was it necessary for SSG [redacted] to coordinate sleep adjustment with the MP's?

A: Because not every detainee was on an adjusted sleep schedule.

Q: Who would decide and how often were dogs used at the BCP during the initial screening process?

A: SSG [redacted] made that decision. He would decide when, how long and how often.

Q: You described an "angry" interrogation technique, is this similar to the "Fear Up Harsh" interrogation technique?

A: Yes. There is fear up harsh and fear up mild. Depending upon the interrogators personality, which one would be used. I

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b67C

EXHIBIT 344

1740

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted] personally did not do well with a fear up harsh approach, as I do not have the voice and angry mentality to be effective.

Q: While employing the interrogation techniques, especially those involving physical activity or requiring physical stamina by the detainee, what would you do when the detainee could no longer perform the requested task?

A: It depended if the detainee attempted to do it or not. If the detainee attempted to do the task and he was physically tired and could not continue, then we would allow him to rest or sit down. If the detainee just quit and did not try, then we would give them another exercise.

Q: Are you familiar with AR 381-10, US Army Intelligence Activities?

A: I do not know the ins and outs of it, I know the name of it, that is about it.

Q: Are you familiar with Field Manual (FM) 34-52, which describe MI interviews and interrogations?

A: Not aside of knowing it is an Army regulation of some kind.

Q: Based upon the instruction within FM 34-52, are MI interrogators permitted to have physical contact with persons whom they are interrogating?

A: I don't know.

Q: Why did MI deviate from FM's, schoolhouse techniques and approved tactics and switch over to the practices used at Bagram in the BCP?

A: I don't know what was taught at the schoolhouse. I do know that the techniques that we were told to use and not use at the BCP came from SSG [redacted] and CPT [redacted] The MI 1SG and Commander backed CPT [redacted] on what was approved to be used by MI in interrogations at the facility, because she was solely responsible for the MI activity within the BCP.

Q: Where did new or alternate techniques come from?

A: Basically from the interrogators. It was a combined effort from everyone, when someone would think of trying a new technique, like offering food, they would write it into their interrogation plan. The interrogation plan would be reviewed and approved by SSG [redacted]

Q: What was non-doctrinal about the techniques used at Bagram?

A: I don't know.

Q: Did anyone say the techniques used at the BCP by MI were non-doctrinal?

A: Not that I ever heard.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1941

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: Did Other Governemntal Agencies (OGA) or the Defense Intelligence Agency (DIA) ever influence your tactics and techniques?
A: Not that I am aware of. They never came to the interrogators if they did.
Q: Did you have any knowledge of the term "questionable activity"?
A: No.
Q: Did you maintain records of interrogations? If so, where?
A: Yes. Several places. There is an interrogation plan coversheet, that would be filed in the detainee folder. There were individual notes by the interrogators or their partners would also be placed inside the respective detainee folder. There was an interrogation report following the interrogation. Those reports were saved on the computer and also filed in the individual detainee's folder. There was also a computer database that stored information, which included the date, time of interrogation and end time of interrogation. A brief summary of information obtained, the detainee number, the interpreter and the identification number of the interrogator and their partner. There was a report generated every morning that was presented at the daily brief, which was compiled from the database. The detainee folders were filed and maintained within the MI office at the BCP.
Q: When your unit re-deployed, did you bring any records with you related to detainee interrogatins?
A: No. All of the records stayed at the BCP.
Q: Explain the screening and interrogation process used by MI related to detainees brought to the BCP?
A: It is a long process. The detainee is brought into a holding area. The screening effort is a combination between the MP's, MI and CID. Usually one of the MI Interpreters would be present, because no one else had any available. The detainee would normally be secured with zip cuffs and hooded. They are brought into a separate room specifically for screening one at a time. The hood is removed and the zip cuffs are cut off. Medical personnel would examine them and medically clear them. They would note any injuries or malformation. The MP's would then tell the detainee the rules of the facility. Usually CID and the MI personnel would take a photograph of the detainee, like a police mug shot with the detainee holding a number in front of them. CID would fingerprint them; while MI would ask them their name, age, tribe and language they spoke. The

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1742

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

detainee would be given a detainee uniform, placed in a hood, cuffs and leg shackles. They would be returned to the original holding area with the rest of the detainees. The process would continue until all of the detainees were screened. Once all the detainees are screened, they are brought into a separate room one by one, and the MI personnel with the use of the interpreter would collect the basic biographical information of the detainee. Once this process was complete, the MP's would come and move the detainee to a holding cell.

Q: Who would decide whether a detainee was going to be placed in a holding cell or an isolation cell?

A: SSG [redacted] if he was a new detainee. If he was an old detainee and he was in general population, we would suggest to SSG [redacted] the MP's move him to isolation if we felt he was conversing with the other detainees too much and there was room in the isolation cells.

Q: Were soldiers concerned with specific interrogation tactics?

A: Not that I know of.

Q: Which tactics caused the most concern? Why?

A: The only one that might cause a concern was if an interrogator only used the fear up harsh approach continuously and that was the only technique they used.

Q: Was there a problem with an MI interrogator using the fear up harsh approach on a continuous basis?

A: Yes, [redacted] SSG [redacted] spoke to him and he began to try using different techniques.

Q: Why was [redacted] only using the fear up harsh approach during interrogations?

A: His personality. He is very self centered and very anti anyone else. You can't help him or talk to him, but he also does not brag about himself. He has a hateful attitude.

Q: Were any actions taken by the soldiers or the Chain of Command related to the concerns over interrogation tactics?

A: The MI interrogator, partner, or an observer, saw or heard something that concerned them, then it would be addressed to the individual, usually SSG [redacted] The issue was always addressed with the individual to clarify why it was happening and to either justify what was happening or to ensure it did not happen again.

Q: Who made the decision as to which interrogation approach to use?

A: The interrogator suggested the approach, backed up by the reasons why. The information was provided to SSG [redacted] to approve the approach or to suggest changes to the approach.

Q: Define the "fear up" interrogation technique?

A: Yelling, screaming, belittling, throwing chairs and tables against the wall, throwing your notebook on the floor. Yelling in the detainee's face. Basically trying to scare the detainee.

Q: When was the "fear up" interrogation approach used?

A: Whenever the interrogator felt the approach was necessary. That was based upon the interrogator and the detainee.

Q: Was the fear up interrogation technique used with either Mr. HABIBULLAH (BT412) or Mr. DILAWAR (BT421)?

A: Maybe a fear up mild, but I was not the interrogator. I don't recall exactly what was briefed. Based on what the other interrogators were saying, I would say a fear up mild approach was used.

Q: What were you told and by whom in regard to the interrogations of BT 412, Mr. HABIBULLAH and BT 421, Mr. DILAWAR?

A: I never distinguished between the two detainees. Most of us were surprised that they were dead and we did not know why. Two individuals were nervous because they had interrogated one of the detainees before he died. [redacted] and [redacted] and they said that one of the detainees was dead and he was one of them that they had just interrogated. My assumption is that they used either the fear up harsh or the fear up mild approach because they are the more strenuous interrogation techniques. When you are using the other techniques, even the PT or the stress positions, you are still timing them and monitoring them for a specific portion of time. When you are using the fear up harsh or mild approach, you are combining the techniques to include PT and stress positions and the detainee would only have a very short recovery time.

Q: Who authorized the fear up interrogation technique to be used during the interrogation of Mr. HABIBULLAH or Mr. DILAWAR?

A: I don't know since I was not the interrogator. Based on policy, I would assume SSG [redacted] since he approved all the rest of them.

Q: Did interrogations, and treatments of detainees generally, become harsher at any particular time?

A: Yes, if the detainee had been in custody for two weeks and not told you anything or changed the information he was providing on a regular basis.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1744

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: What does it mean that the GITMO techniques never officially arrived in Bagram? When and how did they get there?
A: I have never heard of any GITMO techniques at the BCP.
Q: What techniques were introduced to the BCP that originated in GITMO?
A: I don't know.
Q: What guidance was given and by whom related to any techniques from GITMO?
A: There was no guidance that I can remember.
Q: Was adjusted sleep schedule used as a technique within the screening and interrogation process at the BCP?
A: Not in the screening process. During the interrogation process, it would be used only on detainees who would not talk or changed their information on a regular basis.
Q: Were there any discussions regarding the legitimacy or ramifications of adjusted sleep schedules?
A: Yes. The ramifications were discussed more than the legitimacies. The result was why detainees were placed on adjusted sleep schedules, which ensured they slept so many hour per day, if they did not, it would make them mentally incompetent. The legitimacy was that if someone was so tired and wanted to get to sleep, they will start to talk to you, just to be able to get to go to sleep.
Q: Where did you learn about the use of adjusted sleep schedule?
A: SSG [redacted] and CPT [redacted] both. They were the ones who discussed the ramifications and legitimacy of the technique.
Q: Was adjusted sleep schedule a technique taught at the MI basic or AIT school?
A: I don't know. This was not discussed during the AIT training for the MOS [redacted] counter intelligence agent.
Q: How would the need for utilization of adjusted sleep schedule be determined? Who determined the need?
A: The interrogator discussed how the interrogation was going with SSG [redacted] A determination was made based on the two of them (the interrogator and SSG [redacted].
Q: Did you ever direct adjusted sleep schedule to be imposed upon any detainee at the BCP?
A: I probably did, I cannot recall anyone specifically, but I probably did.
Q: How would adjusted sleep schedule be enforced within the BCP?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 394

1745

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted]A: The MP's were responsible. They kept them awake, but I don't know exactly how. They told them to stand up, that they could not go to sleep.

Q: How often was adjusted sleep schedule used within the BCP? By whom?

A: It was a common practice. I would say that all of us used the technique. I would not say that it was regular, but I would also say that it was not uncommon for the technique to be used.

Q: Who monitored detainees who were assigned to adjusted sleep schedule regimens?

A: The MP's.

Q: Who determined the length of time adjusted sleep schedule would be imposed upon detainees at the BCP?

A: SSG [redacted] was the one who set the time and duration for the sleep adjustment to take place.

Q: What was the role of MI leadership in the imposition and monitorship of adjusted sleep schedule for detainees at the BCP?

A: SSG [redacted] was responsible for coordinating with the MP's for determining which detainees were to be placed on or taken off of the adjusted sleep schedule regime.

Q: Did adjusted sleep schedule ever get out of control? Describe the circumstances?

A: Not to my knowledge.

Q: Where did the idea of restraining detainees in a standing position to accommodate adjusted sleep schedule come from?

A: I do not know.

Q: Who at the BCP and in MI was aware that standing restraint was being used to enforce adjusted sleep schedule?

A: All of us were.

Q: By "all of us", whom do you mean?

A: All the MI personnel knew it was being used. That included all the interrogators, OPS personnel to include SSG [redacted] and CPT [redacted] Since the MP's were responsible for enforcing the adjusted sleep schedule, I would make the assumption that they all knew that was how to enforce it.

Q: Did you ever observe any detainee in standing restraint within the BCP?

A: Yes, because I worked there, it was a daily occurrence. Not necessarily for adjusted sleep schedule, the detainee would also be placed in standing restraint when they were in trouble from the MP's. All of the MI personnel to include the leadership observed detainees in standing restraint.

Q: Why was the detainee in standing restraint?

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1746

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted]: Either on the adjusted sleep schedule or for some type of punishment from the MP's, such as talking, throwing something, or refusing an order of the MP's.

Q: Describe how detainees were restrained while in "standing restraint"?

A: Usually either short cuffs or long cuffs. They would be standing in the small portion of the cell, which lead to the main cell area. If they refused to stand, they would be fastened with their wrists at forehead level to the door of the cell. If the detainee was located in the isolation cell, the MP's had a chain or a drop point from the center of the room which would put the detainees arms at the same height as if they were attached to the door.

Q: Who directed the use of standing restraint?

A: I do not know.

Q: Prior to the deaths in Dec 2002, were you aware of any limitations placed on the use of standing restraint for adjusted sleep schedule? If so, by whom and what were they?

A: No. To my knowledge, there were no changes made, even after the deaths.

Q: To your knowledge, what was the maximum length of time a detainee could be restrained in a standing position? How often and for how long would a detainee have to be "let down" from this position to rest?

A: I don't even know. I don't know how long they were allowed to rest.

Q: How was this maximum time determined? Who was consulted to determine it?

A: I don't know.

Q: Did you observe detainees restrained to fixed objects in any other way (for punishment or adjusted sleep schedule)?

A: No, not that I recall.

Q: Did the manner in which the detainee was restrained disturb you in any way personally or professionally? If not, why not? If so, in what way did it disturb you? What did you do about it?

A: No, I only saw them restrained to the front door and to the ceiling of the isolation cell.

Q: Did CPT [redacted] or any other senior member of the unit ever discuss the application of specific techniques or the use of "safety positions" with the members of the MI unit at the BCP?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b67C

EXHIBIT 344

1747

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

A: Safety positions are sometimes referred to as stress positions. They were discussed, but I cannot recall specifically what was said or when.

Q: Define the term "safety position"?

A: A detainee put in a position where the detainee cannot cause harm to himself or anyone else within the room. It is usually not in a position of comfort for the detainee.

Q: When did you first hear and use the term "safety position"?

A: They were used from the beginning, when we talked about stress positions.

Q: Define the term "stress position"?

A: Safety position, the same thing.

Q: Were "safety positions" or "stress positions" used during interrogations by members of the 519th MI Bn at the Bagram BCP?

A: Yes.

Q: Where did the concept of a "safety or stress position" come from?

A: Those of us that were [redacted] counter intelligence agents, were told by other MI personnel who were school trained interrogators about the positions and the different types.

Q: What are the different types of safety or stress positions you were told about?

A: Kneeling with your hands behind your head; the invisible chair or the wall sit; standing with your feet more than shoulder width apart. I am sure there are others, but I cannot recall right now.

Q: Did you use "safety positions" or "stress positions" during your interrogations?

A: Yes.

Q: Who authorized you to use "safety or stress positions" during your interrogations?

A: SSG [redacted]

Q: What was the purpose for the use of "safety or stress positions" during the interrogation process?

A: Safety of yourself. To place the detainee in a position of discomfort to make them want to be out of the position of discomfort to begin talking with the interrogator.

Q: Who are the individuals in the interrogation room during an average interrogation?

A: Two interrogators and an interpreter in addition to the detainee.

Q: During the interrogation, how is the detainee restrained?

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

A: Usually the detainee could be placed in a combination of short shackles and long shackles on the arms and leg shackles. The detainee would be taken out of shackles as an incentive.

Q: Why would an MI interrogator need to use a safety or stress position for the purpose of the safety of the interrogator, when there were superior numbers of US forces within the room and the detainee's would be escorted to the interrogation room secured by MP's?

A: When the MP's would bring the detainee to the interrogation room, they would often need to take the cuffs to escort the next detainee. On one occasion a detainee grabbed my wrist during an interrogation and would not let me go. The other interrogator had left the room and the interpreter grabbed the detainee's arm and we both pried the detainees hand until he let go of me. The MP's then were called back and escorted the detainee back to his cell. You never feel completely safe.

Q: Were there standards or guidance issued as to when stress or safety positions were to be used?

A: Just that they were authorized. SGT [redacted] and CPT [redacted] told us that.

Q: How often were safety positions or stress positions used during interrogations?

A: Often, I would say daily. I would say that maybe not by every interrogator on a daily basis, but at least one of us used them each day.

Q: Was the use of safety positions or stress positions briefed during the morning interrogation preparation meetings?

A: Ocassionally. On a special case basis, such as a high level detainee. The briefing would include that stress positions were used and were either successful or unsuccessful. They would not normally be briefed on every detainee during the morning meeting. After each interrogation, you would have to provide a back brief to SSG [redacted] and during those briefings you would discuss what had happened during the interrogation, to include the use of stress or safety positions.

Q: How would you enforce "safety or stress positions" with detainees who were unable to maintain the specified positions?

A: You would give them another position to maintain.

Q: Did you ever physically assist a detainee in maintaining a safety or stress position (raising hands, adjusting legs, etc)?

A: Yes. Often a detainee would just quit or he would forget. The interpreter would tell him what to do and the detainee would not do anything. I would walk over and reposition the detainee

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1749

STATEMENT OF SGT [redacted], TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

by raising his arms on top or over their heads. I would sit in front of the detainee on a chair and place my feet at the arches of their foot, so the detainee would not be able to bring their feet together. When the detainees were on their knees, they would often be in handcuffs and would want to sit back on their heals. I would grab the handcuffs and raise up on them until they were no longer sitting back on their heals. Either my partner or myself would stand with our foot between the detainees legs while they were kneeling, because then the detainee would not want to sit back on our foot. They would stay on their knees.

Q: Were you aware of other members of the 519th MI Bn who utilized "safety or stress positions" during interrogations?

A: Yes, all the interrogators. Everyone I had identified previously in the statement as being assigned to the interrogation teams. The OPS personnel (CPT [redacted] did not conduct interrogations and neither did the support administrative personnel. SSG [redacted] and SGT [redacted] did conduct some interrogations and I was partnered with them occasionally and observed them use the technique.

Q: Who in the chain of command knew or approved of the use of "safety or stress positions" during interrogations?

A: All of the chain of command to include, SGT [redacted] SSG [redacted] CPT [redacted] 1SG [redacted] and 1SG [redacted] and the Commander, CPT [redacted] nd CPT [redacted] I know that CJTF-180 knew, but I do not know who knew. The reason that I know is that some of the CJTF-180 staff attended our morning meeting where the use of safety and stress positions was discussed.

Q: What was MI's understanding on how stress or safety positions were to be achieved and monitored?

A: The technique would be used whenever the interrogator felt it was necessary. The interrogator, speaking through the interpreter would give verbal instructions to the detainee to direct them into the desired safety or stress position. If the detainee would not get into the position, then the detainee would normally be told another position. I would normally give the detainee three chances and after the detainee did not respond to the third direction, I would physically assist them into the desired stress or safety position.

Q: Was the use of safety or stress positions taught during the MI basic or Advanced Individual Training (AIT)?

A: I do not know.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1750

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: Was the use of safety or stress positions taught during the MI 97B counter intelligence agent AIT?
A: No.
Q: Did the use of safety or stress positions ever get out of control? Describe the circumstances?
A: Not to my knowledge.
Q: Are you aware of CPT [redacted] or anyone else at the BCP compiling a listing of the interrogation techniques, which appeared to be most effective?
A: Not that I know of. I don't recall anyone making a list. Maybe a mental note, I think we all did that as to what techniques worked best for ourselves.
Q: While at the BCP, were you ever briefed or trained on any interrogation techniques, which appeared to be more effective than others?
A: No, we trained on them all. The effectiveness of the techniques are based upon the interrogators personality, which ones are effective and which ones are not.
Q: Did you ever have physical contact with any detainee during an interrogation at the BCP?
A: Yes. Not outside of what we have already documented.
Q: Did you pull on a detainee's beard during an interrogation?
A: No. They are nasty.
Q: Other than what we have documented in the statement, what other physical contact did you have with any detainee during an interrogation?
A: Aside from when they were blindfolded, holding onto their shirt to keep them from falling over the chair and assisting them in sitting down. That also includes leading the detainee out of the interrogation room to the MP's.
Q: Do you know of any other interrogators who had physical contact with detainees during interrogations at the BCP?
A: Yes. [redacted] was my partner during several interrogations. Several times I have seen him grab detainee's beards and pull on them to turn their heads. I would sometimes leave the interrogation room to get something, back brief someone or to look something up. On one occasion when I came back to the room the detainee was lying on his back on the floor of the interrogation room. [redacted] was lying across the detainee's chest. When [redacted] got up off the detainee, he placed his foot between the detainee's legs in the crotch area. I don't recall the specific detainee or the exact time this occurred. There was an underlying understanding between interrogators that

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1751

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

you do not undermine the authority of the interrogator in front of the detainee. When I would come back in the room, I began asking the detainee questions, so that whatever [redacted] was doing with the detainee would stop. Later I confronted [redacted] and he told me that he was just making sure the detainee understood the rules. I never informed the chain of command as to what I had observed.

During one of the interrogations, Myself and [redacted] were acting as the good cops. [redacted] was acting as the bad cop. [redacted] and I came in as the friendly team, basically saying if the detainee would answer our questions, there would be no trouble. The detainee refused to answer our questions. We left the room and [redacted] would enter the interrogation room. We would wait different periods of time and then return to the interrogation room. On one occasion, we re-entered the room and I observed [redacted] holding onto the shirt of the detainee and dragged the detainee from the center of the room to the wall and pinned him against the wall. He held him against the wall until I began asking the detainee a question. I told the detainee to answer my one question and he would be let go. The detainee answered the question; [redacted] let go of him and left the room.

The other incident involved SGT [redacted] who was talking with other members of the unit, I cannot recall who was present. SGT [redacted] said she had kicked a detainee in the butt, because the detainee would not stop sitting on his heels during an interrogation. She said she kicked him in the butt and the detainee still would not get off his heels. I walked away from the conversation at that point and I do not know what else was discussed.

Q: When you returned to the interrogation room and observed [redacted] on top of the detainee, did you ever inquire from the detainee or the interpreter what had happened and how the detainee came to be on his back on the floor with [redacted] on top of him?

A: Did not ask, did not want to know, just did not want that to happen again.

Q: Did any detainee request medical assistance during an interrogation at the BCP?

A: Yes, I don't recall which detainee it was. It was at the end of the interrogation and I asked the detainee if there was anything he wanted to tell me. The detainee told me that he had a headache. I explained to him that the doctor was not at the facility and as soon as the doctor came back to the facility, I

INITIALS [redacted]

FOR OFFICIAL USE ONLY

D67C

EXHIBIT 344

1752

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted] would tell him about the detainee's claims of a headache and see what could be done. The detainee was satisfied with that response. There may have been others and I know that if the doctor was not present, he was always notified of any medical complaints detainees made to me. I don't have any idea as to what occurred with the other interrogators.

Q: What was the procedure if you determined a detainee required medical assistance or a detainee requested medical assistance during an interrogation?

A: I would ask the detainee what was wrong. That way I could tell the doctor what the detainee was complaining of. I would usually go to the balcony and call down to the MP's to see if the medic was in the facility. If the medic was there, I would have sent the detainee down to the medic with my interpreter if the medic could not come to the interrogation room. If the doctor was not there, which he usually was not when I was working, I would explain to the detainee that the doctor did not stay at the facility constantly. When the doctor came to the facility, I would tell them about the medical complaint of the detainee. As far as policy, no one was to be denied medical attention. When they were to get the medical attention was not determined, just that no one was to be denied medical attention.

Q: Are you aware of any internal guidance issued by CPT [redacted] or anyone within the J2, JIIC, or Intelligence Fusion Cell relative to the treatment or interrogation procedures for Afghan detainees? Where would that guidance be located now?

A: CPT [redacted] gave us guidance because she was responsible for running the facility. Everything that was written, signed or set as a policy was left for the unit replacing us.

Q: Are you aware of the approved Techniques Tactics and Procedures (TTPs) for MI as listed in FM 34-52?

A: No.

Q: Did you perceive a conflict between obtaining information from detainees and humane treatment? What was the conflict and how should it have been resolved in your opinion?

A: No. You can treat someone as a human being as you would want to be treated and still receive information. That is why I chose other interrogation approaches, which worked best for me.

Q: What was the personal and professional reputation of SPC [redacted]

A: Both personally and professionally he is obnoxious. Personally, he is very [redacted] He will make many [redacted] comments where most people, at least myself, are very

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1753

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted]ncomfortable. Personally he can be very irresponsible and gets into trouble causing mischief. He can be very trustworthy. Professionally he knows what it takes to be a soldier, but he can be very immature and has a mentality of everyone is out to get him if he is punished for anything. A lot of the time you are supposed to separate your personal life and your professional life. [redacted] is immature and cannot separate the two. Many times you will hear him making [redacted] jokes which should be reserved for his personal life in the workplace.

Q: Do you know if [redacted] was referred to as the "King of Torture"?

A: Yes. The two incidents that I saw would lead me to think that he was doing things to the detainees that he was not supposed to be doing. SSG [redacted] knew about it and even referred to [redacted] as the "King of Torture". [redacted] on several occasions acknowledged that he was known as the "King of Torture". The exact reason he was called that, I do not know, I can only assume based on what I observed.

Q: Did anyone dislike working with [redacted]?

A: No. He knew the limitations of each individual he was working with, so he was careful not to offend the individuals he was working with.

Q: Did [redacted] maintain any pornography or alcohol while you were deployed with him to Bagram, Afghanistan?

A: I cannot speak about the pornography, but I know that he had alcohol. I know that SGT [redacted] caught him with alcohol, because it was discussed amongst our team. The details of the incident, I was not told, but we were told that if you had alcohol, you needed to get rid of it.

Q: Did [redacted] show you or anyone else pornographic images?

A: Not me, I don't know if he showed anyone else.

Q: Did [redacted] ever mention or show you any websites he visited?

A: No.

Q: Were you present, did you witness or do you otherwise have knowledge of SPC [redacted] threatening to [redacted] a male detainee, [redacted] to the man, or [redacted] placing his penis along the man's face, during an interrogation?

A: I never witnessed and never saw. On one occasion [redacted] was having a conversation with several individuals from the unit. [redacted] joked about taking his [redacted] out of his pants and showing it to a detainee. I did not know if it was a joke or if it had actually happened. I did not want to know, so I

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1754

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted] did not ask. [redacted] knew that I was offended because I walked away and he never brought up the subject again. I do not recall who was standing with him when he made the comments.

Q: Did you hold a detainee in place while [redacted] simulated sexual acts with him, while both men were fully clothed, during an interrogation?

A: No.

Q: Were you present and did you witness any other physical assaults on detainees by MPs or MI Interrogators?

A: No, only the incidents which we have already documented previously within this statement.

Q: Did you hear anyone brag about things they had done to detainees, even things you were not present to see? Who? What did they brag had happened?

A: I have previously discussed two incidents involving members of Company A, 519th MI, who made statements regarding possible assaults on detainees. SGT [redacted] may have assaulted a detainee by kicking him on the buttocks. Further, [redacted] made jokes, which I have previously discussed in this statement about taking his penis out of his pants and showing it to a detainee. Additionally, a short time after the second death of a detainee, SSG [redacted] made an announcement to all the MI personnel that if they had any information about the treatment of the two detainees, to speak with him sometime during that day. Later that afternoon, I approached SSG [redacted] that one of the MP's (SPC [redacted] spoke to me and said that other MP's were beating one of the detainees who had died. [redacted] told me that the MP's were striking the detainee with their knees into the thighs of the detainees. He did not tell me what MP's were striking the detainee because I told him I did not want to know. SSG [redacted] told me he would tell the appropriate people. Later when CID started the investigation, SSG [redacted] told them that I had come forward and provided this information. CID spoke with me and I provided them with the same information that I had provided to SSG [redacted] CID documented a biography sheet during our conversation and they thanked me for the information. I do not know what happened after that, they never spoke with me again.

Q: Why did you not want to know what MP's had struck the detainee who had died?

A: I did not want to be responsible.

Q: Did you ever see or hear any other incidents of MP's striking detainees?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1755

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

A: No.
Q: Did CID take a statement from you regarding the information you had provided to them during their investigation?
A: I don't remember if they took a statement from me or not. They spoke to me, but I don't know if they wrote anything down or not. I don't remember signing any documents, they only had me complete a biography sheet.
Q: Did you and other MI soldiers threaten detainees with the [redacted] if they did not cooperate?
A: I know who the "[redacted]" is, but I never threatened my detainees with him. No other interrogators made this threat while I was their partner. I don't know about any of them doing that when I was not present.
Q: Who was the "[redacted]"?
A: PFC [redacted]
Q: Who developed the name of "[redacted]" and decided to employ [redacted] in this role as intimidator? Why?
A: [redacted] came from himself. He has a [redacted] of the word "[redacted]" on his stomach. SSG [redacted] decided to employ [redacted] in the role of the intimidator, because he was much larger than the rest of us and also due in part to his personality.

Agents Note: At 1915, 31 Jul 04, a decision was made to stop the interview and complete the remainder of the interview on 1 Aug 04. This decision was made due to the length of time of the interview and the anticipated time required to complete the interview. At 1300, 1 Aug 04, the interview was continued. SGT [redacted] was advised and stated she understood that the order to testify and grant of immunity ordered by LTG [redacted] was still in effect.

Q: With whom did you interrogate during your tour in Afghanistan?
A: During the initial deployment, there were no specific interrogation teams, so I worked with all of the interrogation personnel. I don't recall ever working with SGT [redacted] because it was a safety issue, having [redacted] interrogate a [redacted] detainee. I also never worked with [redacted] during an interrogation. These are the individuals with whom I either worked, or later was assigned as a partner in an interrogation team: [redacted] and

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 344

b6 7C

1756

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: During your interrogations, did you observe any physical contact between the individuals you identified in the previous question and detainees during interrogations? If so, what did you see?

A: [redacted] - I observed him grab the arms of detainees during interrogations to assist them back into a safety position or while he had the detainee doing PT. [redacted] - I saw him lying on top of a detainee and also with his foot in an inappropriate location (between the detainees legs near his groin). I observed him lifting arms and pushing the detainee's buttocks off their heals by pushing on the backs of the detainee's. [redacted] would lift the arms of the detainees using the handcuffs and would also push on their backs to get the detainee to sit up. [redacted] would lift with the shackles on the arms of the detainees. [redacted] would lift the arms of the detainees. Instead of using the shackles to lift detainees arms, [redacted] would stand behind the detainee and place his foot between their legs. His knee would be very close to the back of the detainee, which would cause the detainee to sit up. He would then grab them by the elbows and lift them from a seated position. He also dragged the detainee by grabbing the front of the detainee's shirt and forcibly moved him from the middle of the room to the wall. When he reached the wall, [redacted] pinned the detainee to the wall using his hands on the front of the shirt of the detainee.

[redacted] and [redacted] would all grab detainees by the shackles and pull up on their arms to raise the detainees to a seated position. This was the same activity I did also. I would lift up on the shackle chains to get the detainee to stop resting his buttocks on their heals. I saw all of the individuals leading detainees from the doorway to the chairs of the interrogation rooms because the detainees were blindfolded or had hoods placed over their heads. They would also lead them back to the door after the end of the interview so the MP's could take control of the detainee and return them to their cells. The only other physical contact I was present for was when the detainee I was interrogating was scared and angry. He grabbed my wrist and would not let go. The other interrogator had stepped out of the room and the interpreter grabbed the detainee by the arm and was trying to pull his fingers off me. We were able to get the detainee to let go of my arm and I left the room. The MP's came into the room and took the detainee downstairs.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1957

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: Did MI and the MP's play good cop/bad cop with one another to illicit information from detainees?
A: No. The only interaction with the MP's was when they would inform us of detainees who were talking and who they were trying to talk with. I was never aware of the MP's being used to try to gain information from any detainees.
Q: Did MI ever discuss techniques with person's outside the unit?
A: Only with the Other Governmental Organizations who were present at our morning meetings and worked in the same area. We learned tactics from the Other Governmental Organizations and the Australians. The Australians were working with us as part of the task force and they taught us some of their techniques to compare to American techniques.
Q: Was there significant interaction between MI and OGA/DIA?
A: Yes. Some of those organizations worked within our office and in order for them to use our facility, the policy was that one of us had to be present during their interrogations as a spectator. We had daily interaction with some groups and occasional interaction with other groups.
Q: Were these interactions formal or informal?
A: On their reports, we were not documented. We would prepare interrogation reports, which comes after every interrogation. The report would not identify the individuals by name, but would identify their organization or reference "other" as the organization. I would assume they had a formal agreement with the chain of command to be present and use the facility.
Q: Did OGA/DIA share information with MI?
A: Not to my knowledge.
Q: Did MI ever communicate to the MP's that certain detained individuals needed to be "softened up"?
A: Not to my knowledge.
Q: What do you believe is meant by the term "softened up"?
A: I would say making the detainee do extra details, treating him as if he was a trouble child. Making him carry all the water, make all the meals, take out the trash.
Q: Which MP's were present most often during interrogations?
A: There were never MP's present during interrogations. The deaths occurred and it was very close to Christmas. We slowed down the interrogation schedule. After the holiday, we began the train up for the incoming unit. During this time, I do not specifically recall MP's being present during any of the interviews I was involved in. The MP's were always available if

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1758

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

you wanted them to assist you, all you had to do was ask them, but they still needed to guard their positions, so they could not sit in on interrogations.

Q: Did MI and MP's get together off duty or any other time and discuss detainees, tactics, ect?

A: I never did. I hung out with the MP's off duty, but I never talked about the detainees. I found other topics to talk about on my off time. The MP's never talked to me about what they did with detainees.

Q: Did SJA ever get involved with interrogation review, procedures, or discuss anything with soldiers?

A: I remember the SJA walking through the facility, but I cannot remember if they ever spoke to us or not. I don't recall if there were any changes to policies or procedures based upon SJA review. If you had asked me this two years ago, I could have probably told you.

Q: Did MI and the MP's work well together, or were they antagonistic?

A: I would say we worked well together. Everywhere you go you always have one or two individuals you do not get along with.

Q: Are you aware of any problems or issues between the MP's and MI?

A: We were just mad because they locked the back door of the facility and we had to walk the long way to eat.

Q: Was there romantic, sentimental or sexual activity among the soldiers?

A: Not to my knowledge.

Q: Did MI have laptop computers with Internet access?

A: Yes, there were three computers, which had Internet access. Two of the computers were in the MI office area and a third computer was located at the top of the stairs in a room on the left. This computer was only there for a short time and it was taken away. We were told it was taken away because people were looking at sites they should not have been looking at.

Q: What type of sites were soldiers looking at that they should not have been?

A: The command did not say what sites were being visited.

Q: Which soldiers had alcohol or pornography? How do you know?

A: We thought that [redacted] had alcohol because [redacted] and I were watching a movie together. [redacted] was the only one who was not present. [redacted] pulled our team aside and told us that if we had alcohol, we had better get rid of it. We assumed that [redacted] had seen [redacted] with alcohol earlier, because [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1759

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted] stated he had observed a soldier with alcohol and since [redacted] and I had been together, I assumed it must have been [redacted]

Q: What did soldiers do for entertainment in their off duty time?

A: Watch movies and play cards. Listen to music and read books. Sleep and play basketball on the Air Force camp.

Q: Who within the unit had [redacted] Describe them?

A: [redacted] has the word "[redacted]" [redacted] on his stomach. He also has three oriental letters on either his right or left shoulder area above the bicep. The letters are red. He has a [redacted] on the back of the shoulder, I cannot recall if it was the right or left side. He also has a Christian depiction of the [redacted] on the inside of his forearm, I cannot recall right or left. [redacted] has an [redacted] between her shoulder blades below her neck. She also has a [redacted] across her lower back. [redacted] has a tattoo of a [redacted] on one of his shoulders and has a [redacted] tattooed on the back of one of his calves. [redacted] has a [redacted] on one of his shoulder biceps, I cannot recall right or left. These were the [redacted] the individuals had at the time we were deployed to Afghanistan. Since then, I have been told that [redacted] had the letters "[redacted]" tattooed on the inside of his lower lip. I have not seen the [redacted] myself. When we returned from the deployment, [redacted] attitude had changed and he had adopted the phrase "[redacted]". I had heard that he had the letters tattooed on his lip, but he has never shown them to me, so I am not sure if they are there or not.

Q: Did you ever consider whether alternate interrogation methods should be used instead of the methods, which were employed by MI at the BCP?

A: No, I just used the methods we were told to use.

Q: Did you feel the MI interrogation techniques used at the BCP were legitimate?

A: I would say yes to a certain extent. If you did not go outside the limitations of the approach or technique that were used then yes, they were legitimate. If you crossed the line and went outside the limitations of an approach, then no, these were not legitimate.

Q: Do you know of interrogators who went outside the limitations of the established interrogation techniques?

A: Yes. [redacted] and [redacted] when [redacted] laid on top of the detainee and [redacted] when he manhandled the detainee, moved him across the room and pinned him to the wall. There are no others

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1760

STATEMENT OF SGT [redacted], TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted]hat I witnessed. There were rumors of others but I did not see them.

Q: Were you aware detainees were being abused?

A: I assumed so when I saw [redacted] lying on top of the detainee. Also when the MP told me that the detainees were being beaten. I never saw any detainee being abused myself.

Q: If you were aware of abuse or suspected abuse, whom did you report this information to?

A: I informed SSG [redacted] about the information the MP had told me. I took care of [redacted] myself by telling him not to do that again. I never informed SSG [redacted] about what occurred with [redacted]

Q: Did you observe any MI interrogators physically touch or strike a detainee before or after an interrogation session?

A: Not before or after an interrogation session, I have already documented the incidents where I observed MI personnel assault detainees during interrogation sessions.

Q: Did you observe any MI personnel step on or kick any detainees?

A: I don't recall anyone ever stepping on the calves of any detainees or kicking them. I had only heard SGT [redacted] ([redacted] talking about kicking a detainee on the buttocks, but I did not see this happen.

Q: Did you talk with anyone about the deaths of the two detainees?

A: I probably did, but don't recall anything specific. More than likely I just said that two of them were dead.

Q: Who do you believe was responsible for the deaths of the detainees?

A: No idea.

Q: Did you ever observe the MP's handling any unruly detainees?

A: No.

Q: Do you know about an incident in which a MI interrogator was alleged to give water to a detainee by poking a hole in a water bottle and squeezing the bottle, forcing water into the detainee's mouth and choking him?

A: No I never heard anyone talking about anything like that.

Q: Do you know what background CPT [redacted] had prior to the deployment to Bagram, Afghanistan?

A: I know she had been to Bosnia that was all I know.

Q: Did you have any discussions with [redacted] regarding interrogation techniques?

A: Not that I recall.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1761

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: Since you shared a living space with CPT [redacted] during the deployment, did she or yourself engage in conversations related to the tactics, techniques and procedures within the BCP and which of those worked better than others?

A: No. We had conversations about family and friends but we did not discuss work issues. She may have mentioned that she was working alot, but that was obvious because she was not at the tent as often as the rest of us.

Q: Characterize your relationship with CPT [redacted]?

A: She was the OIC of the facility I worked in as well as the Company Executive Officer and one of the roommates of the tent I lived in. We had a professional relationship, but she also knew being [redacted] if there was a personal issue we could talk with her about it as well. Alot of us characterize her as being our [redacted] someone who would take care of us if we needed her to.

Q: Did [redacted] bring any policies, techniques, manuals or procedures from GTMO to the MI operation at the BCP?

A: Not that I ever saw.

Q: Did you have discussions with [redacted] regarding the use of alternate techniques or methods instead of using the established interrogation techniques?

A: Not that I recall. If I was going to use an alternate method or try a new method during an interrogation, I would discuss those with SSG [redacted]

Q: Did you talk with [redacted] regarding if the interrogation techniques used by MI at the BCP were legitimate?

A: No.

Q: What guidance did [redacted] provide regarding adjusted sleep schedule or sleep deprivation?

A: That was what we talked about before. She said that we could use the technique and it was effective for a period of time. We could not use the technique for a long period of time because it could make people mentally crazy.

Q: What guidance did [redacted] provide regarding stress or safety positions?

A: That we were allowed to use them, but only for a certain amount of time. I don't recall the time limit we were given.

Q: What guidance did [redacted] provide related to physical contact with the detainees?

A: I don't recall that she gave any guidance.

Q: What guidance did [redacted] provide related to other abuse against detainees?

A: Abuse was not allowed.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1762

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: What direction did [redacted] provide related to the utilization of MP's for interrogation purposes?
A: I don't remember if she said anything.
Q: Did [redacted] attend any interrogator de-briefings after interviews were conducted?
A: She sat in on the morning meetings, but I cannot recall if she ever sat in when we de-briefed with SSG [redacted]
Q: What input did [redacted] have on the content of the interrogation?
A: The only time she ever interjected on the content of an interrogation was when someone from the CJTF-180 staff would bring us information related to a specific detainee. She would provide us with the information and tell us to see if the information applied to the interrogation. She read through interrogation reports for clarity.
Q: Did you have any conversations with [redacted] about detainees being abused?
A: No.
Q: Did you have any conversations with [redacted] about interrogators striking detainees?
A: No.
Q: Did you have any conversations with [redacted] about interrogators stepping on the necks or kicking detainees?
A: No.
Q: Did you ever hear anyone talking about stepping on the necks of the detainees during interrogations?
A: No.
Q: Did the interpreters working with MI ever speak about concerns they had related to interrogation techniques or tactics?
A: They never spoke to the interrogators. They had been instructed to speak directly to SSG [redacted] if they had any concerns. I don't recall if that ever happened or not, it probably did. We saw interpreters come and work with us for short periods of time and I would guess they did not get along with someone or did not like something that was being done, so they left.
Q: Did you have any conversations with [redacted] about the general attitude and feelings of the MI mission and the interrogators job?
A: No, not that I recall.
Q: Did you have any conversations with [redacted] about the two dead detainees?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1763

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted]
A: Not that I remember.
Q: Did you have any conversations with [redacted] about who was responsible for the deaths of the detainees and why?
A: No.
Q: If you have characterized CPT [redacted] as a [redacted] like figure, why would you not discuss a traumatic event within the BCP such as the death of two detainees with her?
A: Didn't feel the need.
Q: Do you know what background [redacted] had prior to the deployment to Bagram, Afghanistan?
A: No idea.
Q: Did you have any discussions with [redacted] regarding interrogation techniques?
A: Yes, because he was the one we discussed our planned interrogation technique with.
Q: Did SSG [redacted] have the authority to approve or disapprove interrogation techniques used by MI within the BCP?
A: I would assume so, since he was the NCOIC.
Q: Who else within MI at the BCP had the authority to approve or disapprove interrogation techniques?
A: I would say CPT [redacted] since she was over SSG [redacted] SGT [redacted] was able to give approval if SSG [redacted] was not present.
Q: Did [redacted] bring any policies, techniques, manuals or procedures from GTMO to the MI operation at the BCP?
A: Not that I recall.
Q: Did you have discussions with [redacted] regarding the use of alternate techniques or methods instead of using the established interrogation techniques?
A: Yes, as we have previously discussed, all interrogation techniques, whether they were new or already established had to be approved by SSG [redacted]
Q: Did you talk with [redacted] regarding if the interrogation techniques used by MI at the BCP were legitimate?
A: I don't remember.
Q: What guidance did [redacted] provide regarding adjusted sleep schedule or sleep deprivation?
A: Same as discussed before. It was effective because the detainee will want to talk because they are tired. It could only be used for a short period of time because it could make the detainee mentally crazy.
Q: What guidance did [redacted] provide regarding stress or safety positions?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1764

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

A: They were authorized for a certain amount of time, but I do not remember how long that time was.

Q: What guidance did [redacted] provide related to physical contact with the detainees?

A: I can't remember if he gave us any guidance.

Q: What guidance did [redacted] provide related to other abuse against detainees?

A: Don't do it.

Q: What direction did [redacted] provide related to the utilization of MP's for interrogation purposes?

A: Just that the MP's would be there if we needed their help as far as escorts to and from the interrogation rooms, latrines, and water.

Q: Did [redacted] attend any interrogator de-briefings after interviews were conducted?

A: Yes, he was the one who debriefed all of the interrogators after each interrogation session.

Q: What input did [redacted] have on the content of the interrogation?

A: Whatever he wanted. If he wanted something added, he would tell you and if he wanted something taken out, he would tell you that as well.

Q: What input did [redacted] have on the implementation and maintenance of the adjusted sleep schedule program for detainees?

A: He was responsible for it. He could turn it on or off whenever he wanted.

Q: Did you have any discussions with [redacted] regarding interrogation techniques?

A: Yes, I would discuss all my planned interrogation techniques with him.

Q: Did you have discussions with [redacted] regarding the use of alternate techniques or methods instead of using the established interrogation techniques?

A: Yes, we would discuss all of the techniques because he was the NCOIC and in charge of that.

Q: Did you talk with [redacted] regarding if the interrogation techniques used by MI at the BCP were legitimate?

A: I don't recall ever discussing that.

Q: Did you have any conversations with [redacted] about detainees being abused?

A: Yes, when the MP came and told me that other MP's had been striking the detainee who died.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 344

1765

STATEMENT OF SGT [redacted], TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: Did you have any conversations with [redacted] about interrogators striking detainees?
A: I don't think I ever said anything to him.
Q: Did you have any conversations with [redacted] about interrogators stepping on the necks or kicking detainees?
A: No.
Q: Did you have any conversations with [redacted] about the general attitude and feelings of the MI mission and the interrogators job?
A: Yes we did. He was the one who told us what our job would be at the BCP when we first deployed. We would have ongoing discussions with SSG [redacted] about the relevance certain detainees had to the MI mission at Bagram and the information we were trying to develop.
Q: Did you have any conversations with [redacted] about the two dead detainees?
A: Yes, he was the one who told us the detainees were officially dead. I remember him talking to us, I don't recall anything specific other than they were dead.
Q: Did you have any conversations with [redacted] about who was responsible for the deaths of the detainees and why?
A: No.
Q: Did you have any discussions with [redacted] regarding interrogation techniques?
A: Only if he was my partner, we would then discuss the techniques that were going to be used for the interrogation and who was going to be the lead interrogator.
Q: Did you have discussions with [redacted] regarding the use of alternate techniques or methods instead of using the established interrogation techniques?
A: Not that I recall, I did not work with him very much.
Q: Did you talk with [redacted] regarding if the interrogation techniques used by MI at the BCP were legitimate?
A: No.
Q: Did you have any conversations with [redacted] about detainees being abused?
A: No.
Q: Did you have any conversations with [redacted] about interrogators striking detainees?
A: No.
Q: Did you have any conversations with [redacted] about interrogators stepping on the necks or kicking detainees?
A: No.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

1766

EXHIBIT 344

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: Did you have any conversations with [redacted] about the general attitude and feelings of the MI mission and the interrogators job?
A: No.
Q: Did you have any conversations with [redacted] about the two dead detainees?
A: I don't think so.
Q: Did you have any conversations with [redacted] about who was responsible for the deaths of the detainees and why?
A: No.
Q: Did you have any discussions with [redacted] regarding interrogation techniques?
A: Yes, if he was my partner. We would then discuss the techniques that were going to be used for the interrogation and who was going to be the lead interrogator.
Q: Did you have discussions with [redacted] regarding the use of alternate techniques or methods instead of using the established interrogation techniques?
A: Only if we were going to try something different, that one of us had an idea. I am not 100% positive but I believe he may have been my partner when I used homemade cookies as an incentive technique during an interrogation.
Q: Did you talk with [redacted] regarding if the interrogation techniques used by MI at the BCP were legitimate?
A: No, but when he was lying on the detainee, I told him not to do that again, because it was not appropriate. He said OK.
Q: Did you have any conversations with [redacted] about detainees being abused?
A: Just the one when I thought he was inappropriate by lying on top of the detainee.
Q: Did you have any conversations with [redacted] about interrogators striking detainees?
A: Just when he was lying on top of the detainee, I told him not to do that again.
Q: Did you have any conversations with [redacted] about interrogators stepping on the necks or kicking detainees?
A: No.
Q: Did you have any conversations with [redacted] about the general attitude and feelings of the MI mission and the interrogators job?
A: I don't believe so.
Q: Did you have any conversations with [redacted] about the two dead detainees?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b67C

1767

EXHIBIT 344

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

A: No.
Q: Did you have any conversations with [redacted] about who was responsible for the deaths of the detainees and why?
A: No.
Q: Did you have any discussions with [redacted] regarding interrogation techniques?
A: Only if he was my partner, we would then discuss the techniques that were going to be used for the interrogation and who was going to be the lead interrogator.
Q: Did you have discussions with [redacted] regarding the use of alternate techniques or methods instead of using the established interrogation techniques?
A: If he was my partner, we would discuss the techniques we were going to use. I don't know if we thought of any new techniques to try or not.
Q: Did you talk with [redacted] regarding if the interrogation techniques used by MI at the BCP were legitimate?
A: No.
Q: Did you have any conversations with [redacted] about detainees being abused?
A: No.
Q: Did you have any conversations with [redacted] about interrogators striking detainees?
A: No.
Q: Did you have any conversations with [redacted] about interrogators stepping on the necks or kicking detainees?
A: No.
Q: Did you have any conversations with [redacted] about the general attitude and feelings of the MI mission and the interrogators job?
A: No.
Q: Did you have any conversations with [redacted] about the two dead detainees?
A: No.
Q: Did you have any conversations with [redacted] about who was responsible for the deaths of the detainees and why?
A: No.
Q: Did you have any discussions with [redacted] regarding interrogation techniques?
A: Only if he was my partner, we would then discuss the techniques that were going to be used for the interrogation and who was going to be the lead interrogator.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C 1768

EXHIBIT 344

STATEMENT OF SGT [redacted], TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: Did you have discussions with [redacted] regarding the use of alternate techniques or methods instead of using the established interrogation techniques?
A: Not that I remember.
Q: Did you talk with [redacted] regarding if the interrogation techniques used by MI at the BCP were legitimate?
A: No.
Q: Did you have any conversations with [redacted] about detainees being abused?
A: No.
Q: Did you have any conversations with [redacted] about interrogators striking detainees?
A: No.
Q: Did you have any conversations with [redacted] about interrogators stepping on the necks or kicking detainees?
A: No.
Q: Did you have any conversations with [redacted] about the general attitude and feelings of the MI mission and the interrogators job?
A: No.
Q: Did you have any conversations with [redacted] about the two dead detainees?
A: No.
Q: Did you have any conversations with [redacted] about who was responsible for the deaths of the detainees and why?
A: No.
Q: Did you have any discussions with [redacted] regarding interrogation techniques?
A: Only if he was my partner, we would then discuss the techniques that were going to be used for the interrogation and who was going to be the lead interrogator.
Q: Did you have discussions with [redacted] regarding the use of alternate techniques or methods instead of using the established interrogation techniques?
A: I don't think so, but it is possible we may have come up with a new technique.
Q: Did you talk with [redacted] regarding if the interrogation techniques used by MI at the BCP were legitimate?
A: No.
Q: Did you have any conversations with [redacted] about detainees being abused?
A: No.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C 1769

EXHIBIT 344

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: Did you have any conversations with [redacted] about interrogators striking detainees?
A: No.
Q: Did you have any conversations with [redacted] about interrogators stepping on the necks or kicking detainees?
A: No.
Q: Did you have any conversations with [redacted] about the general attitude and feelings of the MI mission and the interrogators job?
A: He just always told me that he felt the mission we had at Bagram was "stupid".
Q: Did you have any conversations with [redacted] about the two dead detainees?
A: I don't believe so.
Q: Did you have any conversations with [redacted] about who was responsible for the deaths of the detainees and why?
A: No.
Q: Did you have any discussions with [redacted] ([redacted]) regarding interrogation techniques?
A: I may have discussed some, but I don't ever recall her being my partner.
Q: Did you have discussions with [redacted] ([redacted]) regarding the use of alternate techniques or methods instead of using the established interrogation techniques?
A: No.
Q: Did you talk with [redacted] ([redacted]) regarding if the interrogation techniques used by MI at the BCP were legitimate?
A: No.
Q: Did you have any conversations with [redacted] about detainees being abused?
A: No.
Q: Did you have any conversations with [redacted] ([redacted]) about interrogators striking detainees?
A: No.
Q: Did you have any conversations with [redacted] about interrogators stepping on the necks or kicking detainees?
A: Yes, I overheard her say that she had kicked a detainee in the buttocks when the detainee would not get off his heels. I did not have a true conversation about anything, I overheard what she said and then I left the area without speaking to her about the incident.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b67C 1770

EXHIBIT 344

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: Did you have any conversations with [redacted] about the general attitude and feelings of the MI mission and the interrogators job?
A: No.
Q: Did you have any conversations with [redacted] about the two dead detainees?
A: No, just that I had overheard her being nervous that they were dead.
Q: Did you have any conversations with [redacted] about who was responsible for the deaths of the detainees and why?
A: No.
Q: Did you have any discussions with [redacted] regarding interrogation techniques?
A: Only if he was my partner, we would then discuss the techniques that were going to be used for the interrogation and who was going to be the lead interrogator.
Q: Did you have discussions with [redacted] regarding the use of alternate techniques or methods instead of using the established interrogation techniques?
A: It is possible we may have brainstormed together.
Q: Did you talk with [redacted] regarding if the interrogation techniques used by MI at the BCP were legitimate?
A: No.
Q: Did you have any conversations with [redacted] about detainees being abused?
A: No.
Q: Did you have any conversations with [redacted] about interrogators striking detainees?
A: No.
Q: Did you have any conversations with [redacted] about interrogators stepping on the necks or kicking detainees?
A: No.
Q: Did you have any conversations with [redacted] about the general attitude and feelings of the MI mission and the interrogators job?
A: No.
Q: Did you have any conversations with [redacted] about the two dead detainees?
A: No.
Q: Did you have any conversations with [redacted] about who was responsible for the deaths of the detainees and why?
A: No.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C 1771

EXHIBIT 344

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: Did you have any discussions with [redacted] regarding interrogation techniques?
A: Yes, if he was my partner and that was what we were going to use. I can only think of one or maybe two times when SSG [redacted] was not around and since he was the assistant to SSG [redacted] we would discuss our interrogation technique with him for approval.
Q: Did you have discussions with [redacted] regarding the use of alternate techniques or methods instead of using the established interrogation techniques?
A: It is possible, because he was usually sitting there when we were discussing with SSG [redacted] Also, when SSG [redacted] was not at the BCP, we would go to SGT [redacted] for approval of the interrogation techniques.
Q: Did you talk with [redacted] regarding if the interrogation techniques used by MI at the BCP were legitimate?
A: No.
Q: Did you have any conversations with [redacted] about detainees being abused?
A: No.
Q: Did you have any conversations with [redacted] about interrogators striking detainees?
A: No.
Q: Did you have any conversations with [redacted] about interrogators stepping on the necks or kicking detainees?
A: No.
Q: Did you have any conversations with [redacted] about the general attitude and feelings of the MI mission and the interrogators job?
A: No.
Q: Did you have any conversations with [redacted] about the two dead detainees?
A: No.
Q: Did you have any conversations with [redacted] about who was responsible for the deaths of the detainees and why?
A: No.
Q: Did you have any discussions with [redacted] regarding interrogation techniques?
A: Only if he was my partner, we would then discuss the techniques that were going to be used for the interrogation and who was going to be the lead interrogator.
Q: Did you have discussions with [redacted] regarding the use of alternate techniques or methods instead of using the established interrogation techniques?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b67C 1772

EXHIBIT 344

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

A: It is possible, but I cannot remember specifics.
Q: Did you talk with [redacted] regarding if the interrogation techniques used by MI at the BCP were legitimate?
A: No.
Q: Did you have any conversations with [redacted] about detainees being abused?
A: No.
Q: Did you have any conversations with [redacted] about interrogators striking detainees?
A: No.
Q: Did you have any conversations with [redacted] about interrogators stepping on the necks or kicking detainees?
A: No.
Q: Did you have any conversations with [redacted] about the general attitude and feelings of the MI mission and the interrogators job?
A: No.
Q: Did you have any conversations with [redacted] about the two dead detainees?
A: No.
Q: Did you have any conversations with [redacted] about who was responsible for the deaths of the detainees and why?
A: No.
Q: Did you have any discussions with [redacted] regarding interrogation techniques?
A: Only if he was my partner, we would then discuss the techniques that were going to be used for the interrogation and who was going to be the lead interrogator.
Q: Did you have discussions with [redacted] regarding the use of alternate techniques or methods instead of using the established interrogation techniques?
A: It is possible, but nothing specific.
Q: Did you talk with [redacted] regarding if the interrogation techniques used by MI at the BCP were legitimate?
A: No.
Q: Did you have any conversations with [redacted] about detainees being abused?
A: No.
Q: Did you have any conversations with [redacted] about interrogators striking detainees?
A: No.
Q: Did you have any conversations with [redacted] about interrogators stepping on the necks or kicking detainees?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

1773

EXHIBIT 344

STATEMENT OF SGT [redacted], TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

A: No.
Q: Did you have any conversations with [redacted] about the general attitude and feelings of the MI mission and the interrogators job?
A: No.
Q: Did you have any conversations with [redacted] about the two dead detainees?
A: No.
Q: Did you have any conversations with [redacted] about who was responsible for the deaths of the detainees and why?
A: No.
Q: Did you have any discussions with anyone we have not already identified regarding interrogation techniques?
A: Not that I recall.
Q: Did you have discussions with anyone we have not already identified regarding the use of alternate techniques or methods instead of using the established interrogation techniques?
A: No.
Q: Did you talk with anyone we have not already identified regarding if the interrogation techniques used by MI at the BCP were legitimate?
A: No.
Q: Did you have any conversations with anyone we have not already identified about detainees being abused?
A: No.
Q: Did you have any conversations with anyone we have not already identified about interrogators striking detainees?
A: No.
Q: Did you have any conversations with anyone we have not already identified about interrogators stepping on the necks or kicking detainees?
A: No.
Q: Did you have any conversations with anyone we have not already identified about the general attitude and feelings of the MI mission and the interrogators job?
A: No.
Q: Did you have any conversations with anyone we have not already identified about the two dead detainees?
A: It is possible, but I do not recall anyone specific. Probably just that two detainees were dead.
Q: Did you have any conversations with anyone we have not already identified about who was responsible for the deaths of the detainees and why?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C 1774

EXHIBIT 344

STATEMENT OF SGT [redacted], TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted]: No.
Q: Did you ever interrogate BT 412, Mr. HABIBULLAH?
A: Not that I remember.
Q: Did you ever interrogate BT 421, Mr. DILAWAR?
A: Not that I remember.
Q: Where you present within the BCP when either BT412 (HABIBULLAH) or BT421 (DILAWAR) died?
A: No, I was working on day shift.
Q: How did you find out about the deaths?
A: SSG [redacted] told us. He pulled the interrogators aside and told us about the deaths. He told us that one of the detainees was dead and the cause of death was undetermined thus far. The same thing was said after the second detainee was dead as well.
Q: From your perspective, was the MI leadership involved in the day-to-day operations?
A: Yes.
Q: Who did you socialize with while you were at Bagram, Afghanistan?
A: On duty, the individuals I worked with to include the MI personnel and the MP's on the shift. Off Duty, some of the MI personnel and some of the MP's. The MI people I socialized with were SGT [redacted], SPC [redacted] and SGT [redacted] The MP personnel I socialized with was [redacted] I talked and did things with other people, but these were the people I spent the most time with.
Q: Did you discuss interrogation techniques with the individuals you identified in the previous answer?
A: No, unless it was the MI personnel while we were on duty.
Q: Did you discuss the death of the two detainees with any of the individuals with whom you socialized?
A: No, not that I remember.
Q: How did the deaths of the two detainees make you feel?
A: Upset. Because they were in our care and they were dead and we had not had any detainees die to that time.
Q: Did anyone with MI tell you not to discuss the techniques or procedures used at the BCP outside the unit?
A: Yes, SSG [redacted] CPT [redacted] the MI 1SG and Commander all told us not to talk about the techniques, procedures or our jobs outside the unit.
Q: What is your principle responsibility as a [redacted] counter intelligence agent?
A: Collect intelligence from local national personnel in their own environment.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

667C 1775

EXHIBIT 344

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: How are counter intelligence interviews different from interrogations?

A: You are in the local national's house or place of work and you cannot directly ask them about intelligence. You have to listen to all their concerns as well. You have to work the conversation to develop or gain intelligence that is valuable. During an interrogation, you are talking to a detained individual who is going nowhere if he does not talk and cooperate.

Q: Was the MI SOP you read and signed developed once your unit arrived in Afghanistan?

A: Yes.

Q: Were you provided with a copy of the MI SOP?

A: To keep? No. We signed it and it was filed, exactly where I am not sure. Somewhere in the MI office.

Q: Do you recall what the SOP stated regarding the conduct of interrogations?

A: I do not remember.

Q: Did your chain of command encourage you to report misconduct?

A: It was never stated one way or another that I remember.

Q: How is misconduct normally handled within your MI unit?

A: Brushed under the rug.

Q: Did you observe MP's or other personnel use sticks or clubs around the detainees to include the in processing of detainees?

A: Not that I ever saw.

Q: Did any detainees inform you they had been assaulted or injured by anyone during any of your interrogations?

A: Not that I remember.

Q: Did you ever use physical force to make a detainee perform a task as an interrogation technique?

A: Yes.

Q: Did you have a full understanding of your mission and responsibility while assigned to conduct interrogations at the BCP?

A: To a certain extent. Because there was no SOP when we first arrived. Even though there is an SOP, does not mean it fully explains what you can or cannot do.

Q: Did you ever ask your chain of command for additional training or reference material related to conducting interrogations?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C 1776

EXHIBIT 344

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

A: Yes. I asked SSG [redacted] because he was our Platoon Sergeant. But the most common response was "on the job training" and no materials were provided that I recall.

Q: What was the problem with SPC [redacted] using the fear-up harsh interrogation technique? SGT

A: He has a very angry mentality. Interrogators are told to use more than one interrogation technique to be successful. Meaning you cannot use the same technique on every detainee. He was only using the fear-up harsh technique.

Q: Could you deviate interrogation techniques, such as using safety or stress positions, once the original interrogation plan had been approved by SSG [redacted] or SGT [redacted]?

A: No.

Q: Was it common for new detainees to be placed on an adjusted sleep schedule for the first 24-72 hours at the BCP?

A: Not to my knowledge.

Q: Did anyone outside the BCP know that standing restraint was being used to enforce adjusted sleep schedule?

A: I do not know.

Q: Did you ever raise the issue of your personal safety with your chain of command related to you conducting interrogations?

A: No.

Q: As an interrogator, did you feel threatened while conducting interrogations of detainees?

A: Occasionally.

Q: Were safety positions used as an interrogation technique to illicit information from detainees?

A: Yes.

Q: Did an interrogator need prior approval to employ a safety or stress position during an interrogation?

A: Yes.

Q: Why did you not notify your chain of command related to [redacted] or [redacted] assaulting detainees during interrogations?

A: Handled at the individual level first. If it was a continual issue, then it was brought to the command.

Q: Did you ever hear [redacted] threaten a detainee with any sexual acts during an interrogation?

A: Not that I remember.

Q: Would you note a detainee's medical condition in your interrogation report if they made a medical complaint to you during an interrogation?

A: Yes I did. I don't know if the other interrogators did this or not.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C 1777

EXHIBIT 344

STATEMENT OF SGT [redacted], TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

Q: Did anyone from CJTF-180 observe any interrogations?
A: I know a few of the CJTF-180 observed a few interrogations, but I do not know who the individuals were, why the observed, for how long, or how many interrogations they observed.
Q: Did anyone from the SJA ever observe any interrogations?
A: I don't recall if they did or not.
Q: Who was responsible to oversee the decisions SSG [redacted] and SGT [redacted] made related to approval of interrogation techniques, adjusted sleep schedule, policies and procedures?
A: My assumption would be CPT [redacted] since she was over SSG [redacted]

Q: Is there anything you wish to add to this statement?
A: I do not think so.
//////////////////////End of Statement//////////////////////

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C 1778

EXHIBIT 344

STATEMENT OF SGT [redacted] TAKEN AT Fort Bragg, NC, DATED 1 August 2004, CONTINUED:

[redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 49. 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]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1st day of August 2004 at Fort Bragg, NC

[redacted]tering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

EXHIBIT 344

b67C 1779

SWORN STATEMENT

File Number :
Location : Fort Leavenworth Resident Agency (CID)
Date : 2 Aug 04 Time:
Statement Of: [redacted]
SSN : [redacted]
Org/Address : Battle Command Battle Laboratory, Fort Leavenworth, KS 66027 Grade/Status: [redacted]

I, CPT [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: When were you deployed to Afghanistan?
A: I was deployed from August 26, 2002 through January 27, 2003. I worked in the A Company, 519th Military Intelligence Battalion, headquarters in Bagram, Afghanistan[redacted]
Q: What were you duties while deployed there?
A: I was the company commander of A Company, 519th MI Bn. I provided administrative and logistical support to the interrogation platoon that worked at the Bagram Collection Point and the Counter Intelligence Human Intelligence teams (1 team in Bagram, 2 teams in Kabul and 1 team in K2, Uzbekistan). A typical day would start with reading email traffic, then attend daily meetings with the Task Force Dragon headquarters, which was kind of like a daily battle update briefing. I would also attend a daily Combined Joint Task Force (CJTF) 180 meeting which was an intelligence briefing to the Commanding General of the CJTF. I would deal with any supply or property accountability issues along with my First Sergeant. We would also handle any administrative paperwork issues. The First Sergeant and I would go down to the Bagram Collection Point and check on soldiers daily. Most of the time it was to deliver mail. If the Task Force Dragon Commandant was working to improve the facility, they would occasionally give the MP Company Commander, myself and the J2 a walk through to show us areas that were being improved. Frequently my Operations Officer, CPT [redacted] would be given a mission from J2 that I would sit in on. She had a requirement to brief interrogation operations at the collection point to the CG during the CJTF meetings, which I would sit in on. She received a lot of guidance from the J2 Operations and, occasionally, the J2X, who is the officer in charge of all human intelligence, such as interrogations and counter intelligence. The J2 Operations Officer was LTC [redacted], who I believe was out of Fort Bragg at the time, and the J2X was MAJ [redacted] who was a Reservist.

Exhibit: 346 INITIALS [redacted] PAGE 1 OF 7

b2b7C

1780

STATEMENT OF CPT [redacted] TAKEN AT Fort Leavenworth Resident Agency (CID); DATED 2 Aug 04; CONTINUED:
When I first got there, there was an OIC for the Intelligence operations at the BCP, a Major named [redacted] I think. That Major left about three weeks after I arrived and was replaced by a female Major [redacted] who was more of a liaison officer. She probably wouldn't say she was the OIC, but she was the senior ranking Intelligence Officer there. She left by October 2002, and CPT [redacted] became the defacto OIC for a couple months after MAJ [redacted] left. A new LTC became the OIC in about Dec 2002. I don't remember his name. Periodically, I would attend a morning briefing at the BCP, in which CPT [redacted] would give something like a shift briefing. Sometimes First Sergeant and I would go and sit in on that to see what was going on [redacted]
Q: What involvement did you have with the Bagram Collection Point (BCP) operations?
A: Little to none. I had UCMJ authority over the soldiers, so they were my soldiers. When it came to how interrogation operations were going to be run, that was the J2, COL [redacted] I remember COL [redacted] specifically telling me that he was in charge of interrogation operations and that any decision that was going to be made about how many soldiers were going to be working and how they would be broken down into shifts was ultimately going to be his decision. The interrogation collection plan came from the J2 shop. They would tell CPT [redacted] to go and talk to certain people. So, the J2 gave the intelligence collection focus and I am sure he was persuaded by the CG of the CJTF to look into certain areas. Like everything, I'm sure it was not planned in a vacuum [redacted]
Q: What was the Military Intelligence mission at the BCP?
A: Our mission was to collect intelligence on threats against CJTF 180 or U.S. or coalition forces and any force protection issues mainly at the strategic and operational level through the use of interrogation [redacted]
Q: How well do you believe your unit performed that mission?
A: I believe they did a very good job. I will say that there was a lot of pressure to get more intelligence and to conduct more interrogations coming from top down and probably the perception, on occasion, was that we weren't being as aggressive as we should have been on collecting intelligence. That is my perception of some of the things that I saw and heard other staff officers say [redacted]
Q: Did any of those staff officers give any guidance as to how to increase or produce better results?
A: There were occasions when the J2 channels, either the J2

FOR OFFICIAL USE ONLY

b6 7C

STATEMENT OF CPT [redacted], TAKEN AT Fort Leavenworth Resident Agency (CID); DATED 2 Aug 04; CONTINUED:
operations or J2X, would give guidance on how to structure shifts and put together certain teams. I can't recall any specific instruction on different approaches or things like that. It was more like putting together certain teams or shifts and that if you interrogated a guy forty-nine times, go ahead and interview them again. There was a detainee review board that was conducted either weekly or biweekly in which all the key players at Bagram (the PMO, SJA, CPT [redacted] J2 Operations, J2X, a J3 representative, and every agency that conducted interrogations at the collection point would usually send a representative, and the MP Company Commander) would meet and discuss detainee operations primarily focused on which detainees to release, which to hold, and which needed to go to Guantanamo Bay, Cuba. Occasionally, the First Sergeant and I would sit in on one of these boards for situational awareness and I would see either CPT [redacted] or SSG [redacted] the Bagram NCOIC for interrogations, ask about what type of techniques were allowed. From the beginning they were asking if they were allowed to put the detainees into safety positions or utilize sleep deprivation. I can tell you that up until the deaths of the two detainees, we never got a clear cut answer from the SJA as to what could or could not be done. Our guidance was "just don't violate the Geneva Convention. Look at these Powerpoint slides. [redacted]
Q: What interview/interrogation techniques were utilized by Military Intelligence personnel at the BCP?
A: The policy was that interrogators would go into the interrogation rooms in twos with an interpreter and an MP would, ideally, be posted outside the door. MP's weren't always there, though. Before the deaths, it was okay to put detainees into safety positions. The interrogators could actually put the detainees into the safety positions or defend themselves and that was the only times when they would be allowed to touch a detainee. Safety positions or stress positions were pretty much the same thing. If a detainee was combative, they could be put on their knees and not sit on a chair with some type of hand restraints. The only safety positions was on the knees or up against the wall in a "chair" position with their knees flexed and their backs against the wall. These positions were used on detainees who were either uncooperative or combative. After the first death, interrogators were no longer allowed to touch or put the detainees into the safety positions. The only thing they could do was defend themselves. That came down from Legal and the J2 Operations and was briefed to my soldiers by CPT [redacted] and SSG

FOR OFFICIAL USE ONLY

b6 7C

STATEMENT OF CPT [redacted], TAKEN AT Fort Leavenworth Resident Agency (CID); DATED 2 Aug 04; CONTINUED:
[redacted]. There were different approaches for interrogations that came straight out of FM 35-52, Interrogation Operations. From good cop-bad cop, fear up, fear down and a whole laundry list of different approaches [redacted]
Q: Who authorized the techniques used in the BCP?
A: The techniques were all okayed by the J2 Operations [redacted]
Q: How often did you talk with troops assigned to your command?
A: Daily. I believe First Sergeant and I were very approachable and the soldiers felt comfortable talking to either one of us [redacted]
Q: What did you discuss with your troops?
A: A lot of times we would discuss how they were doing and how things were at home. We wanted to know how their morale was. Every once in awhile, a soldier might get an "atta boy" for getting good intelligence. Mostly just talking about their morale or professional development/retention issues [redacted]
Q: Were you ever made aware of concerns or issues any of your soldiers had about their mission or other soldier's conduct?
A: I was never made aware of any negative conduct. First Sergeant and I were informed that a lot of soldiers were wore out and felt that there was a lot of pressure to perform. They were not very happy with the chain of command as far as higher than the company level about different issues that came up. There was a personality conflict with the first J2X, MAJ [redacted] who was in our battalion at one time. A lot of it was his opinion that our soldiers were lazy and weren't working hard. Different issues arose regarding the relaxed grooming standard and civilian attire. It was source of contention for MAJ [redacted] who would periodically go to the BCP and if he saw soldiers relaxing and playing a video game or reading a book, he would say they were lazy and not working hard. The soldiers weren't too happy about that. I never had a soldier come up to me and complain about how the detainees were being treated. Mostly, soldiers just wanted to know when they were going home. The First Sergeant and I began noticing about halfway through the deployment, after CPT [redacted] and SSG [redacted] came to us, that some interrogators were constantly using the Fear Up approach in which they would yell, scream and throw chairs around the room. So, we went to a Combat Stress Unit on Bagram and asked them to come to the unit and assess the unit. They held a sensing session and said that the soldiers seemed to be burned out and want to go home. I had a soldier extended past his ETS, SPC [redacted] and was real quiet during the meetings and the Combat Stress personnel thought he might be suicidal. We

FOR OFFICIAL USE ONLY

b6 7C

STATEMENT OF CPT [redacted] TAKEN AT Fort Leavenworth Resident Agency (CID); DATED 2 Aug 04; CONTINUED:
made a follow-up appointment for him and it turned out that he was just upset and didn't think speaking up would change anything. The guidance the Combat Stress people gave us was that we should try and give our soldiers more down time because if we kept going at the current operational tempo, we were going to wear them out. We told CPT [redacted] that we knew that J2 was the asset manager for the unit, but she should try and do what she could to give the guys more time off where she could. [redacted]
Q: Did anyone ever come to see you to discuss things they were uncomfortable with?
A: No [redacted]
Q: How often would you meet with CPT [redacted] and what would you discuss with her?
A: We would meet in a company huddle about three times a week. I would bring in my Warrant Officer from Counter Intelligence, CPT [redacted] SSG [redacted] and discuss Company administration things such as awards, evaluations and supply issues [redacted]
Q: Did you conduct counseling sessions with CPT [redacted]
A: Yes, I did her initial counseling and then quarterly counseling. I did that until she got promoted to Captain in December 2002, then her rating scheme changed and I was no longer her rater. She was assigned to me, but she always really worked for J2 Operations [redacted]
Q: What did CPT [redacted] tell you about what her soldiers were doing at the BCP?
A: She only discussed BCP operations with me if there was an issue. Mainly, she would say we need a decision on what exactly we could or could not do during interrogations. We would talk about civilian clothing and the relaxed grooming standards from time to time. All we could do is go to J2 Operations and ask them to help out CPT [redacted] and give her guidance and decisions. Several occasions it was brought up during the detainee review board, but here was never any real commitment until the two detainees died [redacted]
Q: What advice or guidance did you provide her?
A: I didn't give her any advice or guidance on Interrogations because she was more trained than I was in that area. I gave her advice where I could on leadership development, mostly trying to help her become a good company commander. I would ask her if there was any way to improve interrogation operations, but she was getting plenty of managerial guidance from the J2 Operations and J2X [redacted]

STATEMENT OF CPT [redacted] TAKEN AT Fort Leavenworth Resident Agency (CID); DATED 2 Aug 04; CONTINUED:
Q: If CPT [redacted] did not get guidance from you, who did she talk to about the mission and soldiers?
A: The J2 Operations and J2X and then the new LTC OIC when he came in [redacted]
Q: Who was your First Sergeant?
A: 1SG [redacted]
Q: Do you have anything to add to this statement?
A: I am not interrogation trained, I am a counter intelligence guy. The interrogators were tactical trained. I saw the training they received before deploying, and I can say most of the strategic and operational interrogations they were doing was on the job training. I think they worked hard and did a fantastic job. Another problem was that we had counter intelligence soldiers doing interrogations due to an interrogator shortage Army wide. So, there was a steep learning curve for what we tried to do. I think CPT [redacted] came up with a very good on the job training program while they were there and they would train every opportunity they had. Every Saturday morning was blocked off for training and they would get different organizations to come in and help them to fine tune their approaches. There was even an Army psychologist that came in and talked a few times. [redacted]
Q: Do you have anything else to add to this statement?
A: No.///END OF STATEMENT// [redacted]

STATEMENT OF CPT [redacted], TAKEN AT Fort Leavenworth Resident Agency (CID); DATED 2 Aug 04; CONTINUED:

AFFIDAVIT

I, CPT [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of August, 2004 at Fort Leavenworth, KS.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: 346 INITIALS [redacted] PAGE 7 OF 7

FOR OFFICIAL USE ONLY

b6 7C

1786

Page(s) 1787 withheld.

Exemption(s) b2.

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0134-02-CID369-23533
0137-02-CID369-23534

PAGE 1 OF 1 PAGES

DETAILS

At 1500, 2 Aug 04, SA [redacted] interviewed **CPT [redacted] Operations Group B, Battle Command Training Program, Fort Leavenworth, KS 66027 (formerly assigned to A Company, 519th Military Intelligence Battalion, Bagram, Afghanistan),** who provided a sworn statement detailing his duties as a Military Intelligence Company Commander deployed to Afghanistan. [redacted] provided administrative support and leadership to the interrogators at the Bagram Collection Point, while the Combined Joint Task Force 180 J2 section maintained operational control of the interrogators. *(See Sworn Statement of [redacted], dated 2 Aug 04, for additional details)*///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC, 6010 Sixth Street Ft Belvoir, VA 22060	
SIG [redacted]	DATE 2 Aug 04	EXHIBIT 345

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2b7C 1788

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

Between 1600 and 1913 hrs, 3 Aug 2004, SA [redacted] interviewed **MAJ [redacted] Headquarters and Headquarters Detachment (HHD), 503rd Military Police (MP) Battalion, Fort Bragg, NC 28310 (FBNC)** who was the Combined Joint Task Force (CJTF) 180 Provost Marshal (PM) from Nov 02 to May 03 and supervised detainee operations for the Commander CJTF180. [redacted] provided a written statement detailing his duties and responsibilities as the CJTF180 PM as well as observations he made about the treatment of detainees within the Bagram Collection Point (BCP). [redacted] stated he directed CPT [redacted] Cdr, 377th MP Company to discontinue enforcement of sleep deprivation (as directed by MI personnel), but during spot checks his staff found detainees chained, prompting [redacted] to reinforce the order and follow it up in email to the 377th MP Ops Staff. [redacted] further described his opinion of the 377th MP Company leadership during the deployment and how he was notified of the two deaths. *(See Sworn Statement of [redacted], dated 3 Aug 2004, for additional details).*

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
	DATE 3 Aug 2004	EXHIBIT 347

CID F[redacted]
1 F[redacted]

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Fort Bragg, NC
Date : 3 Aug 04 **Time:** 1900
Statement of: [redacted] **Grade/Status:** [redacted]
Org/Address : Headquarters and Headquarters Detachment (HHD), 503rd MP Battalion, 16th MP Brigade, Fort Bragg, NC 28310

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

Q: Please describe your law enforcement training and experience.

A: I've been in the Military Police Corps for 13 years and the first three years in the Army were with the Infantry. I've been a Company Commander(for 18 months), a Provost Marshal (for 23 months in Germany) and a Small Group Leader/Career Manager Captains Career Course at the US Army MP School (for four years).

Q: Do you have any experience involving corrections either military or civilian?

A: No.

Q: What were the dates of your deployment to Afghanistan and your duty position while assigned to the Bagram Air Base?

A: I think it was from 5 Nov 02 to 1 May 03, I was the CJTF180 Provost Marshal, a staff officer working for a joint headquarters.

Q: What was the scope of your duties in that position?

A: Providing policies and procedures for all the MPs in theater. I think at the time this included four MP companies doing very different missions ranging from running Short Term Holding Facility (STHF), detainee missions, duty law and order and training Afghani Army personnel. There was an MP Battalion there prior to my tour and we felt it was needed, so we put in a Request for Forces (RFF) to stand one back up.

Q: Did you ever have an opportunity to review the ICRC findings related to the BCP operations?

A: Yes, our SJA MAJ [redacted] escorted the ICRC on visits and then there was an outbrief on their findings. Someone from my shop was always at the outbrief.

Q: Were you aware of any problems thru the ICRC, prior to the deaths?

A: They did not like the "no talking" rule and wanted privileges like showers and reading material. I don't recall any complaints about the MP and nothing sticks in my mind about complaints that regarded the health of the detainees.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2b6 7C 1990

EXHIBIT 348

STATEMENT OF MAJ [redacted] AKEN AT Fort Bragg, NC, DATED 3 Aug 2004, CONTINUED:

Q: Do you recall any complaints about mistreatment?
A: I had discussions with MAJ [redacted] about the chaining of detainees to the ceiling, I don't know if it was prompted by the ICRC. I know I felt it was inhumane, it was a function of MI wanting them to stay awake for multiple hours at a time. They (MI) also wanted to play loud music and the chaining was explained to me as a way to keep the detainee from sleeping. It was not something I liked and I questioned it. MAJ [redacted] said we could affix detainees to objects to protect them from harm. For instance, there was one detainee who threw feces and urinated and defecated on the floor, we would have to restrain him for his own safety to prevent him from getting entangled in the razor wire surrounding the general population cell. After [redacted] and I talked, I told CPT [redacted] that the practice of chaining people to anything especially the hesco ceilings in Isolation had to stop. It created a problem with not having enough MPs closely monitor them and the potential problem created if they (the detainee) fell asleep in the chains [redacted]
Q: Did your conversation with CPT [redacted] directing the elimination of chaining occur before or after the two men died?
A: Before, because I remember when the second man died in his restraints (I was at Khandahar) and I recall saying to myself "that's not possible, we aren't chaining people up, I told them to stop that". [redacted]
Q: Did you deliver that directive to CPT [redacted]
A: Yes, to his face in person. The command team was not functioning well. The 1SG ([redacted] was not in the BCP and [redacted] started off as a MI officer, so he had a disadvantage of not having a strong foundation about his company's mission. [redacted]
Q: What types of things did the outgoing CJTF180 PM (MAJ [redacted] pass on to you regarding the operation of the BCP?
A: His biggest thing was the BCP SOP. He wanted me to read through it and make certain I understood it. We toured the facility and he told me I was to monitor the BCP itself, transfer people to GTMO, repat missions and cutting the FRAGO's to move detainees around theater. [redacted]
Q: Did you note any problems with the BCP SOP when you read it?
A: MAJ [redacted] told me, when he got there, there was no SOP. The way the PMO was structured, was there were two components, Detainee Operations and Operations. When I got there Operations was under the G4 (COL [redacted] and dealt with customs, law and order and deployment/redeployment functions. Detainee

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

1791

EXHIBIT 348

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 3 Aug 2004, CONTINUED:

Operations was under the G3 (COL [redacted], I worked during my tour to consolidate all MP Ops under the G3. [redacted]

Q: Please discuss the chain of command as it related to MP Operations on Bagram Air Base, in Afghanistan in December 2002.

A: It started out when I arrived, different from how it was when I left. MAJ [redacted] was rated by COL [redacted] and I asked to be rated by COL [redacted] and consolidated under the G3. CPT [redacted] worked for the Base Ops folks, but we had oversight for their mission. I think MAJ [redacted] was his rater, he was the Base Provost Marshal for Bagram. Our connection was as parallel leaders with different mission, but I did advise him of anything that impacted the DLO mission. [redacted]

Q: How often during your tour in Afghanistan, did you have occasion to visit and/or tour the interior of the Bagram Collection Point (BCP) also known as the Bagram Detention Facility (BDF)?

A: I tried to go down there about once every day, but on average it was more like four times a week. My purpose was to check on soldiers and sometimes I would go down at night for the in-processing. I also had my night crew of staff in the JOC go down there at night to check on things, cause if bad things are gonna happen, it will be at night. [redacted]

Q: Did you observe any problems during those tours?

A: They were not keeping good journal entries. I talked to CPT [redacted] about the poor quality of the logs. I talked to soldiers and sometimes I did not get a "warm and fuzzy" about their understanding of their mission. I really had to get on to [redacted] about his reports and the numbers not jiving a lot. And then just soldier issues, MI soldiers sleeping in the facility. We talked about getting them out of there and MI said it was their facility too. I wanted them in a separate building for work to discourage them from spending off time in the BCP. [redacted]

Q: Do you know who wrote the Standard Operating Procedure (SOP) for the BCP?

A: The one I saw was written by CPT [redacted] it was like 70 pages long. CPT [redacted] started on it, while MAJ [redacted] was the CJTF180 PM and it was finalized later in my tour. When LTC [redacted] was placed in charge of the BCP, he had input on the interrogation portion of the SOP, which was missing from earlier versions. [redacted]

Q: As the senior MP leader, did you have input into the drafting or review of the BCP SOP, as it existed in the fall of 2002?

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b6 7C 1792 EXHIBIT 348

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 3 Aug 2004, CONTINUED:

A: I had read through it before MAJ [redacted] left, and yes, it looked right to me. My question was why Interrogation practices belonged in the BCP SOP, which was an MP mission. That was when I sent it out for staffing to get input. My question was... did this SOP govern the entire scope of all functions in the BCP or just the "day to day" operations of the facility, which was an MP mission. [redacted]

Q: Did you observe any practices within the BCP, which were contrary to existing Army policies governing the treatment of detainees?

A: Just the chaining piece, which I talked with MAJ [redacted] I did not feel that practice was inhumane and it made me uncomfortable. I did not view the sanitary conditions of the place to be great. They were using cut off 55 gallon drums as toilets, I got that cleaned up and put in port-a-johns for them. I also questioned why they hooded detainees for movements within the facility. It's a small building, you can pretty much see it all from general population, so I could not see why we would hood them when that made movement over obstacles (doors, stairs, etc.) harder. [redacted]

Q: Did you see any detainees restrained by chaining them to the ceiling or bars in Isolation Cells and/or airlocks?

A: Yes. [redacted]

Q: Did you develop an impression of the detainees in the BCP and their combativeness?

A: I did not observe any violence from detainees personally, but I was told that there were violent detainees. I do remember getting to see one of the detainees who died get in-processed, the first one. He was very different than other men. He had a piercing gaze and was very confident, most were not. I heard that he later kicked an MP in the groin. [redacted]

Q: Are you aware of any Pressure Point Control Technique (PPCT) training conducted by the 377th MP Company, while in Afghanistan?

A: I don't remember them doing it, but I really was not in a position to observe their "day to day" ops and training. [redacted]

Q: Under what circumstances is a common peroneal strike used?

A: Just for self-defense. [redacted]

Q: Have you ever heard of the term compliance blow?

A: No, I have not. [redacted]

Q: Could a common peroneal strike be applied to a restrained person?

A: I wouldn't think so, because if they are restrained there would be no reason to. Only as a self-defense measure.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C 1793

EXHIBIT 348

STATEMENT OF MAJ [redacted], TAKEN AT Fort Bragg, NC, DATED 3 Aug 2004, CONTINUED:

Q: Did you have any familiarity with AR 190-8 (EPW Operations) or AR 190-47 (Army Corrections)?
A: Yes, I've seen both. [redacted]
Q: Do you have any knowledge that chaining someone to a fixed object is contrary to Army doctrine?
A: Yes, except for safety it should not be done, so I directed CPT [redacted] to stop using it. [redacted]
Q: Did you ever observe any detainees within the Isolation Cell restrained to any fixed objects?
A: Yes, as discussed above. [redacted]
Q: To your knowledge, were MI Interrogators at the BCP authorized to direct a course of sleep deprivation for detainees? If so, what was the basis of that authority?
A: Yes, they did. I don't know the basis of their authority to do it. They told us there was not a lot of doctrine governing their mission. What I did not like was the fact that MI was telling us to do something (sleep deprivation) that was authorized for them. It put the MPs in a bad position because they had to enforce MI dictates. [redacted]
Q: Were you aware of any quasi senior subordinate relationship between MI and MP, either through observations in the BCP or in discussions with 377th soldiers?
A: I think that was one of CPT [redacted] major complaints. He wanted to know who was in charge. I told him there was a distinct break between the interrogation process and the running of the BCP. I discontinued the MP's enforcing sleep dep for MI. If MI wanted to do it, and it was permitted for them to do so, then they should be responsible to enforce it. They said they did not have the personnel to do it, so it stopped happening. [redacted]
Q: Did you observe any sleep deprivation at the BCP and if so, how was it achieved?
A: I never actually saw them doing it. I got told about it during my initial tour when I arrived. I asked why we were doing it and was told that it helped MI and I told them it was not an MP function. I directed CPT [redacted] to not support MI in that area, but I kept hearing that he would start doing it again. I told him to knock it off. I think there were some discussions between CPT [redacted] and CPT [redacted] because MP enforcement of sleep deprivation was contrary to guidance I gave him and I think it was before the deaths. I discussed it with MAJ [redacted], who sat right next to me in the JOC and we wrote it into the BCP SOP that MPs would not be involved with any aspects of the MI interrogation. Usually I would tell CPT

FOR OFFICIAL USE ONLY

b6 7C 1794 EXHIBIT 348

STATEMENT OF MAJ [redacted], TAKEN AT Fort Bragg, NC, DATED 3 Aug 2004, CONTINUED: [redacted]

[redacted] in person and follow-up with an email to him and his Ops NCOs (SFC [redacted] and others) [redacted]

Q: Were you aware that 377th MP personnel were chaining detainees to the wire ceilings in Isolation Cells and in the airlocks of general population for prolonged periods of time (in excess of 4 hours)?

A: I don't remember it being that long, the punishment portion of the [redacted] said less than one hour I believe. [redacted]

Q: Did you have any contact with CPT [redacted] during which you discussed the mission's parameters prior to his company's arrival in Afghanistan?

A: No, he was there when I arrived. [redacted]

Q: What type of contact did you have with CPT [redacted] Cdr, 377th MP Company, after you arrived? What was the frequency of that contact?

A: I tried to find him every time I visited the BCP and talk with him about facility improvements, how CJTF180 could better support him and to familiarize myself with the facility and operations, we would often tour it together. [redacted]

Q: Did CPT [redacted] share with you any concerns about the operation of the BCP including the use of sleep deprivation or punishment provisions set forth for detainees?

A: I don't remember him expressing concerns, but he did a briefing for me the first time and told me how things worked in the BCP. I directed them to stop supporting MI with sleep deprivation and to discontinue chaining, but then later I found out it was still occurring. I remember one of my NCOs (SFC [redacted]) visited the facility at night and saw a detainee chained in the airlock. When she talked to me in the morning, she said "I thought you told them to stop that". I went down to the BCP and talked with CPT [redacted] and he told me that someone didn't get the word or did not know. [redacted]

Q: Did CPT [redacted] ever share with you any friction with MI element or CPT [redacted]?

A: Yeah, he said there was common friction. He said it felt at times like MI was trying to run his operations as well as their own. [redacted]

Q: Do you know if the BCP had an assigned legal advisor to consult with MP personnel in legitimate or authorized methods of punishment or uses of forces?

A: I think MAJ [redacted] was the defacto BCP legal advisor. He did the use of force training. As far as I know there was no other JAG officer assigned to the BCP.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b67C 1995 EXHIBIT 348

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 3 Aug 2004, CONTINUED:

Q: Speaking as a seasoned MP Officer, what were your impressions of the 377th MP Company leadership, based on your contact with them?

A: They were a very weak command team. It started from the fact CPT [redacted] and 1SG [redacted] did not get along. It filtered down, so that'd you'd hear some of the NCO's talking about how the Cdr was weak and indecisive. I don't know if they did not know how to lead or just weren't aggressive enough to execute, but it was a bad team and they did not execute the corrections mission well. [redacted]

Q: How did you learn of the deaths of the two detainees who died in December 2002? What did you think happened?

A: I was in the JOC for the first death and a call came in that said one of the detainee had gone to the hospital. I was contacted at Khandahar for the second death, so I learned about it from a phone call. I was present for both autopsies and learned the first man died from an embolism and the second from heart disease. The first death did not cause an enormous amount of concern caused it appeared natural, but the by the time the second one happened and then both were ruled homicide, we knew something was seriously wrong. [redacted]

Q: Is there anything you wish to add to this statement?

A: No.

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

INITIAL [redacted]

FOR OFFICIAL USE ONLY

b6 7C

1792

EXHIBIT 348

STATEMENT OF MAJ [redacted] TAKEN AT Fort Bragg, NC, DATED 3 Aug 2004, CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 8. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 oaths, this 3rd day of August 2004 at Fort Bragg, NC.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2b7C 1797 EXHIBIT 348

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0137-02-CID369-23534
0134-02-CID369-23533

DETAILS

About 1030, 23 Aug 04, SA [redacted], [redacted] received an authenticated duplication of the medical records pertaining to BT-412, Mr. HABIBULLAH. The records had been forwarded in response to a request for medical records previously submitted to Mrs. [redacted] Data Input Section, Patient Administration Systems and Biostatistics Activity (PASBA), Headquarters, US Army Medical Command, 1216 Stanley Road, Suite 25, Fort Sam Houston, TX 78234. The records packet included a copy of the DA Form 4254-R, Request for Private Medical Information dated 28 Jul 04, Memorandum verifying Authenticity of the Medical Record dated 5 Aug 04, DD Form 2064, Certificate of Death (Overseas) 14 Dec 02 authored by LTC [redacted] Armed Forces Regional Medical Examiner (AFRME), DA Form 3894, Hospital Report of Death dated 4 Dec 02, DD Form 2064, Certificate of Death (Overseas) 4 Dec 02 authored by LTC [redacted] in Bagram, Afghanistan, a DD Form 565, Statement of Recognition of Deceased authored by LTC [redacted] dated 4 Dec 02, DA Form 3647, Inpatient Treatment Record Cover Sheet dated 4 Dec 02, a handwritten SF 600, Chronological Record of Medical Care documenting details of medical treatment and response to Mr. HABIBULLAH dated 4 Dec 02, copies of various laboratory test reports, a handwritten DA Form 2985, Admission and Coding Information Sheet and an automated DA Form 2985, Admission and Coding Information Sheet dated 4 Dec 04. (See Medical Records Packet for Details)

About 1045, 23 Aug 04, SA [redacted], received an authenticated duplication of the medical records pertaining to BT-421, Mr. DILAWAR. The records had been forwarded in response to a request for medical records previously submitted to Mrs. [redacted] Data Input Section, Patient Administration Systems and Biostatistics Activity (PASBA), Headquarters, US Army Medical Command, 1216 Stanley Road, Suite 25, Fort Sam Houston, TX 78234. The records packet included a copy of the DA Form 4254-R, Request for Private Medical Information dated 28 Jul 04, Memorandum verifying Authenticity of the Medical Record dated 5 Aug 04, DD Form 2064, Certificate of Death (Overseas) 13 Dec 02 authored by LTC [redacted] Armed Forces Regional Medical Examiner (AFRME), DD Form 2064, Certificate of Death (Overseas) 10 Dec 02 authored by MAJ [redacted] in Bagram, Afghanistan, a DD Form 565, Statement of Recognition of Deceased authored by MAJ [redacted] dated 10 Dec 02, a DA Form 5006-R, Authorization for Disclosure of Information, undated, bearing the name of MAJ [redacted] a DA Form 3647, Inpatient Treatment Record Cover Sheet dated 10 Dec 02, a SF 523, Authorization for Autopsy dated 10 Dec 02, a handwritten SF 600, Chronological Record of Medical Care documenting details of medical treatment and response to Mr. DILAWAR dated 10 Dec 02, a DA Form 2985, Admission and Coding Information Sheet and a handwritten DA Form 2985, Admission and Coding Information Sheet dated 10 Dec 04. (See Medical Records Packet for Details)

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 23 Aug 04 / EXHIBIT: 349

1 FEB 77

b2b67C 1798

MCHS-ISD
SUBJECT: Authenticity of Medical Record

(b)(6)

Deputy Director

(b)(6)

Chief, Data Input Section

FOR OFFICIAL USE ONLY

B

EXHIBIT 3

CERTIFICATE OF DEATH *(OVERSEAS)*
Acte de décès *(D'Outre-Mer)*

NAME OF DECEASED *(Last, First, Middle)* Nom du décédé (Nom et prénoms)	GRADE Grade	BRANCH OF SERVICE Arme	SOCIAL SECURITY NUMBER Numéro de l'Assurance Sociale
(b)(6)			

ORGANIZATION Organisation	NATION *(e.g., United States)* Pays	DATE OF BIRTH Date de naissance	SEX Sexe
(b)(2)-2	AFGHANISTAN	APPROX 1974	☒ MALE Masculin ☐ FEMALE Féminin

RACE Race	MARITAL STATUS État Civil	RELIGION Culte
☐ CAUCASOID Caucasique	☐ SINGLE Célibataire	☐ PROTESTANT Protestant
☐ NEGROID Négroïde	☐ MARRIED Marié	☐ CATHOLIC Catholique
☒ OTHER (Specify) Autre *(Spécifier)* PASHTUN	☐ WIDOWED Veuf	☐ JEWISH Juif
	☐ DIVORCED Divorcé	☒ OTHER *(Specify)* Autre *(Spécifier)* MUSLIM
	☐ SEPARATED Séparé	

NAME OF NEXT OF KIN Nom du plus proche parent	RELATIONSHIP TO DECEASED Parenté du décédé avec le susdit
(b)(6)	FATHER
STREET ADDRESS Domicilié à (Rue)	**CITY OF TOWN AND STATE** *(Include ZIP Code)* Ville (Code postal compris)

MEDICAL STATEMENT Declaration médicale

CAUSE OF DEATH *(Enter only one cause per line)* Cause du décès (N'indiquer qu'une cause par ligne)			INTERVAL BETWEEN ONSET AND DEATH Intervalle entre l'attaque et le décès
DISEASE OR CONDITION DIRECTLY LEADING TO DEATH[1] Maladie ou condition directement responsable de la mort[1]		PULMONARY EMBOLISM DUE TO BLUNT FORCE INJURY TO THE LEGS	
ANTECEDENT CAUSES Symptômes précurseurs de la mort,	MORBID CONDITION, IF ANY, LEADING TO PRIMARY CAUSE Condition morbide, s'il y a lieu, menant à la cause primaire		
	UNDERLYING CAUSE, IF ANY, GIVING RISE TO PRIMARY CAUSE Raison fondamentale, s'il y a lieu, ayant suscité la cause primaire		
OTHER SIGNIFICANT CONDITIONS[2] Autres conditions significatives[2]			

MODE OF DEATH Condition de décès	AUTOPSY PERFORMED Autopsie effectuée ☒ YES Oui ☐ NO Non	CIRCUMSTANCES SURROUNDING DEATH DUE TO EXTERNAL CAUSES Circonstances de la mort suscitées par des causes extérieures
☐ NATURAL Mort naturelle	MAJOR FINDINGS OF AUTOPSY Conclusions principales de l'autopsie	DECEDENT WAS FOUND UNRESPONSIVE IN HIS CELLWHILE IN CUSTODY
☐ ACCIDENT Mort accidentelle		
☐ SUICIDE Suicide	NAME OF PATHOLOGIST Nom du pathologiste (b)(6) LTC (P), MC, USA	
☒ HOMICIDE Homicide	SIGNATURE Signature (b)(6) MW	DATE Date 8 DEC 02
		AVIATION ACCIDENT Accident à Avion ☐ YES Oui ☒ NO Non

DATE OF DEATH *(Hour, day, month, year)* Date de décès *(l'heure, le jour, le mois, l'année)*	PLACE OF DEATH Lieu de décès
2014Z, 3 DEC 02	(b)(2)-2

I HAVE VEIWED THE REMAINS OF THE DECEASED AND DEATH OCCURRED AT THE TIME INDICATED AND FROM THE CAUSES AS STATED ABOVE.
J'ai examiné les restes mortels du défunt et je conclus que le décès est survenu à l'heure indiquée et à, la suite des causes énumérées ci dessus

(b)(6)	dicin militaire ou du médicin sanitaire LTC (P), MC, USA	TITLE OR DEGREE Titre ou diplômé ARMED FORCES REGIONAL MEDICAL EXAMINER
GRADE Grade LTC (P)	INSTALLATION OR ADDRESS Installation ou adresse LANDSTUHL REGIONAL MEDICAL CENTER	
DATE Date 14 DEC 02	(b)(6)	

[1] *State disease, injury or complication which caused death, but not mode of dying such as heart failure, etc.*
[2] *State conditions contributing to the death, but not related to the disease or condition causing death.*
[1] *Préciser la nature de la maladie, de la blessure ou de la complication qui a contribué à la mort, mais non la manière de mourir, telle qu'un arrêt du cœur, etc.*
[2] *Préciser la condition qui a contribué à la mort, mais n'ayant aucun rapport avec la maladie ou à la condition qui a provoqué la mort.*

C

DD FORM 2064, APR 1977 REPLACES DA FORM 3565, 1 JAN 1972 AND DA FORM 3565-R (PA), 28 SEP 1975 WHICH ARE OBSOLETE. USAPA V1.00

FOR OFFICIAL USE ONLY

EXHIBIT 38C

0137-02-CID369-23533
0137-02-CID369-23534

HOSPITAL REPORT OF DEATH

FOR USE OF THIS FORM, SEE AR 40-2; THE PROPONENT AGENCY IS THE OFFICE OF THE SURGEON GENERAL.

(b)(2)-2

Instructions - Medical Officer in attendance will:
Prepare, in one copy only, Items 1 through 10 and sign Item 11. Print or type entries.
Send form, without delay to the Registrar or Administrative Officer of the Day, for necessary action and for preparation of required number of copies.

SECTION A - ATTENDING MEDICAL OFFICER'S REPORT

PERSONAL DATA

1. PATIENT DATA *(Patient's ward plate will be used to imprint identifying data if available)*
PUC 412

Patient's name (Last, first, middle initial), Grade, Social Security Account No., Register Number and Ward Number

2. TIME OF DEATH *(Hour-day-month-year)*
2014Z 3 Dec 02

3. MEDICAL EXAMINER CORONER'S CASE
☑ YES ☐ NO

4. RELIGION
Muslim

5. CHAPLAIN NOTIFIED
☐ YES ☑ NO

6. NAME, ADDRESS AND RELATIONSHIP OF RELATIVE OR FRIEND PRESENT AT DEATH

CAUSE OF DEATH

		APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH
7a. DISEASE OR CONDITION DIRECTLY LEADING TO DEATH *(This does not mean the mode of dying, e.g., heart failure, asthenia, etc. It means the disease, injury, or complication which caused death)*	DUE TO *(or as a consequence of)* cardiorespiratory arrest	immediate
7b. ANTECEDENT CAUSES *(Morbid conditions, if any, giving rise to the above cause, stating the underlying condition last)*	DUE TO *(or as a consequence of)* (1) renal failure	unknown
	(2) hyperkalemia	
8. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO THE DEATH, BUT NOT RELATED TO THE DISEASE OR CONDITION CAUSING IT	a. (Autopsy pending)	
	b.	

9. DATE	10. TYPED OR PRINTED NAME AND GRADE OF MEDICAL OFFICER IN ATTENDANCE	11. SIGNATURE OF MEDICAL OFFICER IN ATTENDANCE
4 Dec 02	(b)(6) MC, LTC	(b)(6) MS

SECTION B - ADMINISTRATIVE ACTION

TYPE OF ACTION	HOUR	DAY	MONTH	YEAR	INITIALS OF RESPONSIBLE OFFICER
12. TELEGRAM TO NEXT OF KIN OR OTHER AUTHORIZED PERSON					
13. POST ADJUTANT GENERAL NOTIFIED					
14. IMMEDIATE CO OF DECEASED NOTIFIED					
15. INFORMATION OFFICE NOTIFIED					
16. POST MORTUARY OFFICER NOTIFIED					
17. RED CROSS NOTIFIED					
18. OTHER *(Specify)*					
19.					

SECTION C - RECORD OF AUTOPSY

20. AUTOPSY PERFORMED *(If yes, give data and place)*
☐ YES ☐ NO

21. AUTOPSY ORDERED BY *(Signature)*

22. PROVISIONAL PATHOLOGICAL FINDINGS

23. DATE	24. TYPED NAME AND GRADE OF PHYSICIAN PERFORMING AUTOPSY	25. SIGNATURE OF PHYSICIAN PERFORMING AUTOPSY

26. DATE	27. TYPED NAME AND GRADE OF REGISTRAR	28. SIGNATURE OF REGISTRAR
		d

DA FORM 1 OCT 72 3894 REPLACES DA FORM 8-247, 1 JAN 61, WHICH WILL BE USED.

FOR OFFICIAL USE ONLY

☆U.S. GPO: 1986—491-003/#

EXHIBIT 38

01-37-02-CID369-23534

CERTIFICATE OF DEATH *(OVERSEAS)*
Acte de décès *(D'Outre-Mer)*

NAME OF DECEASED *(Last, First, Middle)* Nom du décédé (Nom et prénoms)	GRADE Grade	BRANCH OF SERVICE Arme	SOCIAL SECURITY NUMBER Numéro de l'Assurance Sociale
(b)(6)	N/A	N/A	N/A

ORGANIZATION Organisation	NATION *(e.g., United States)* Pays	DATE OF BIRTH Date de naissance	SEX Sexe
PUC IDF			[X] MALE Masculin [ ] FEMALE Féminin

RACE Race	MARITAL STATUS État Civil	RELIGION Culte
[ ] CAUCASOID Caucasique	[ ] SINGLE Célibataire	[ ] PROTESTANT Protestant
[ ] NEGROID Négride	[ ] MARRIED Marié	[ ] CATHOLIC Catholique
[X] OTHER *(Specify)* Autre *(Spécifier)*	[ ] WIDOWED Veuf	[ ] JEWISH Juif
	[ ] DIVORCED Divorcé	OTHER *(Specify)* Autre *(Spécifier)*: Muslim
	[ ] SEPARATED Séparé	

NAME OF NEXT OF KIN Nom du plus proche parent	RELATIONSHIP TO DECEASED Parenté du décédé avec le susdit
(b)(6)	
STREET ADDRESS Domicile à (Rue)	**CITY OR TOWN AND STATE** *(Include ZIP Code)* Ville (Code postal compris)
	(b)(2)-2

MEDICAL STATEMENT Declaration médicale

CAUSE OF DEATH *(Enter only one cause per line)* Cause du décès (N'indiquer qu'une cause par ligne)		INTERVAL BETWEEN ONSET AND DEATH Intervalle entre l'attaque et le décès
DISEASE OR CONDITION DIRECTLY LEADING TO DEATH [1] Maladie ou condition directement responsable de la mort [1]	Cardiorespiratory arrest	Immediate
ANTECEDENT CAUSES Symptômes précurseurs de la mort — MORBID CONDITION, IF ANY, LEADING TO PRIMARY CAUSE Condition morbide, s'il y a lieu, menant à la cause primaire	hyperkalemia	Unknown
ANTECEDENT CAUSES Symptômes précurseurs de la mort — UNDERLYING CAUSE, IF ANY, GIVING RISE TO PRIMARY CAUSE Raison fondamentale, s'il y a lieu, ayant suscité la cause primaire	Renal failure	Unknown
OTHER SIGNIFICANT CONDITIONS [2] Autres conditions significatives [2]		

MODE OF DEATH Condition de décès	AUTOPSY PERFORMED Autopsie effectuée [ ] YES Oui [ ] NO Non	CIRCUMSTANCES SURROUNDING DEATH DUE TO EXTERNAL CAUSES Circonstances de la mort suscitées par des causes extérieures
[X] NATURAL Mort naturelle	MAJOR FINDINGS OF AUTOPSY Conclusions principales de l'autopsie	
[ ] ACCIDENT Mort accidentelle		
[ ] SUICIDE Suicide	NAME OF PATHOLOGIST Nom du pathologiste	
[ ] HOMICIDE Homicide	SIGNATURE Signature / DATE Date	AVIATION ACCIDENT Accident à Avion [ ] YES Oui [X] NO Non

DATE OF DEATH *(Hour, day, month, year)* Date du décès *(l'heure, le jour, le mois, l'année)*	PLACE OF DEATH Lieu de décès
3 December 02	(b)(2)-2

I HAVE VIEWED THE REMAINS OF THE DECEASED AND DEATH OCCURRED AT THE TIME INDICATED AND FROM THE CAUSES AS STATED ABOVE.
J'ai examiné les restes mortels du défunt et je conclus que le décès est survenu à l'heure indiquée et à, la suite des causes énumérées ci dessus

NAME OF MEDICAL OFFICER Nom du médicin militaire ou du médicin sanitaire	TITLE OR DEGREE Titre ou diplômé
(b)(6)	LTC, MC MD
GRADE Grade: LTC/O-5	**INSTALLATION OR ADDRESS** Installation ou adresse: (b)(2)-2
DATE Date: 4 Dec 02	**SIGNATURE** Signature: (b)(6) MD

[1] *State disease, injury or complication which caused death, but not mode of dying such as heart failure, etc.*
[2] *State conditions contributing to the death, but not related to the disease or condition causing death.*
[1] *Préciser la nature de la maladie, de la blessure ou de la complication qui a contribué à la mort, mais non la manière de mourir, telle qu'un arrêt du cœur, etc.*
[2] *Préciser la condition qui a contribué à la mort, mais n'ayant aucun rapport avec la maladie ou la condition qui a provoqué la mort.*

e

DD FORM 2064, APR 1977 REPLACES DA FORM 3565, 1 JAN 1972 AND DA FORM 3565-R(PAS), 26 SEP 1975, WHICH ARE OBSOLETE. USAPA V1.00

FOR OFFICIAL USE ONLY

3

EXHIBIT 350

STATEMENT OF RECOGNITION OF DECEASED

For use of this form see FM 10-63. Proponent agency is TRADOC.

PRIVACY ACT STATEMENT

AUTHORITY: 10 USC Sections 1481 through 1488.

PRINCIPLE PURPOSE: To establish initial identification of deceased personnel.

ROUTINE USE: For documentation of visual identification of deceased personnel.

DISCLOSURE: Disclosure of required information is voluntary and will in no way affect or jeopardize the individual effecting the visual identification of the deceased person.

1 INFORMATION ON DECEASED

a. NAME (Last, First, Middle Initial)	b. RANK	c. SSN
PUC 412	N/A	N/A

d. ORGANIZATION	e. SERVICE COMPONENT
(b)(2)-2	N/A

2. I HAVE PERSONALLY VIEWED THE REMAINS IDENTIFIED ABOVE. RECOGNITION IS BASED ON THE FOLLOWING:

a. SEX	b. APPROXIMATE AGE (Years)	c. APPROXIMATE HEIGHT	d. RACE
M	30	66"	Arabic

e. HAIR COLOR (If brown, indicate light or dark, as applicable)	f. BUILD/MUSCULARITY (Slender, medium, heavy or obese)
black	medium

g. IDENTIFYING MARKS (Fully describe by type and location ALL known scars, tattoos, birthmarks, amputations or other body markings/criteria to support the identification (if none, so state))

h. RELATIONSHIP TO DECEASED (CDR, ISG, Friend, Brother, etc.)	i. LENGTH OF TIME YOU KNEW DECEASED (Number of months or years)
	N/A

J. REMARKS

PUC, DOA at hospital

3. DETAILS OF VIEWING

a. DATE	b. TIME	c. PLACE

4. PERSON MAKING VISUAL IDENTIFICATION

a. NAME (Last, First, Middle Initial)	b. RANK / GRADE	c. SSN	d. ORGANIZATION

e. SIGNATURE	f. DATE SIGNED

5. WITNESS

I CERTIFY THAT THE INDIVIDUAL IDENTIFIED IN ITEM 4 HAS VIEWED THE REMAINS IN MY PRESENCE, THAT TO THE BEST OF MY KNOWLEDGE THE ABOVE STATEMENTS ARE TRUE, AND THAT THE REMAINS HAVE BEEN PROPERLY TAGGED AS THE ABOVE NAMED DECEASED.

a. NAME (Last, First, Middle Initial)	b. RANK	c. TITLE
(b)(6)	LTC	Emergency medicine physician

d. SIGNATURE	e. DATE SIGNED	f. ORGANIZATION
(b)(6) FOR OFFICIAL USE		(b)(2)-2

DD Form 565, AUG 84 *Previous editions are obsolete.*

EXHIBIT 35

Automated Facsimile

01A7-02-CID369-23534

IENT TREATMENT RECORD ER SHEET

For use of this form, see AR 40-400, the proponent agency is OTSG

1. Register Nbr	2. Name					3. Grade	Admission Remarks
2002548	(b)(6)						
4. Sex	5. Age	6. Race	7. Religion	8. LnthOfSvc	9. ETS	10. PrevAdm	
M	30Y	UNK				NO	
11. FMP	12. SSN	13. Organization				14. Ward	
20	(b)(6)						
15. FlyStatus	17. Dept / Ben		18. BranchCorps	19. UIC / ZIP		20. Type Case	
	K78 - PRISONER OF WAR/INTE					Inj	
21. Source of Admission			22. Hour Of Adm:	23. Clinic Service			
Carded for Record Only (CRO)				XXX			
24. Name/Relation of Emergency Addressee			25. Type Disp	26. Date of Disp			
			CRO/OTH	2002-12-04			
27a. Address of Emergency Addressee			27b. Telephone No	28. Date This Adm:		AdmittingOfficer:	
				2002-12-04			
29. ReportingMTF				30. Date Init Adm		32. Units Blood Components	
7040 -							

31. Selected Administrative Data

Marital Status: Z DoB: 1972 (b)(6)

In/Out Patient: Inpatient MOS:

33. Cause Of Injury:

989 INJ BY OTHER SPECIFIED AGENTS, NEC, ON LAND, OTHER

34. Diagnosis / Operations and Special Procedures:

pulmonary embolism due to blunt force injury to the legs

Diag Code(s): 41519 9597 E9682

Procedure Code(s): 4275 D0 586 D0 2767 D0

35. Total Days This Facility

Absent Sick Days	Other Days	ConLv / Coop Care Days	Supplemental Care	Bed Days	Total Sick Days

35. Total Days This Facility

Absent Sick Days	Other Days	ConLv / Coop Care Days	Supplemental Care	Bed Days	Total Sick Days

Signature of Attending Medical Officer

Signature of PAD or Medical Records Officer

FOR OFFICIAL USE ONLY

9

Automated Facsimile - DA FORM 3647, MAY 79

EXHIBIT 350 5

01[illegible]-02-C10369-23533
AUTHORIZED FOR LOCAL REPRODUCTION

MEDICAL RECORD | **CHRONOLOGICAL RECORD OF MEDICAL CARE**

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (Sign each entry)
4 Dec 02	ER/PM note
03 00	30 yo AM POC found unresponsive this AM at facility, EMS found
	pt apneic, pulseless with fixed & dilated (mid-position) pupils. Ø overt
	hx inj/trauma evident, found on side, last seen 20-30" prior
	Noted to be uncooperative during 2 day stay, was spitting on
	staff earlier with disruptive behavior. No Noted respiratory distress,
	levine sign, diaphoresis, focal neuro changes. unremarkable
	intake physical exam per Dr (b)(6)
	PMH, SH unknown
	ROS refusing food last 2 days.
	GCS 3 rectal temp 102.5
	HEENT pupils fixed, boxed retinal changes, TM, op nl Ø Fb
	neck mdln trach, no SQ air, no ligature marks
	chest pattern bruise (L) costal margin, asystole confirmed in 2 leads
	abd Ø bowel sounds, nondistended
	extr Ø spontaneous motion, wrists well padded Ø deformity
	edema (L) medial knee, old bruise (L) lat thigh, (L) nose Ø ligature
	skin Ø fixed lividity Ø petechiae
	skeletal survey Ø Acute fx Ø cardiomegaly

7.7	16.4	b/ 260	155	90	38 105	CKMB >125	131	95	57 130
25.1	421K	230	>8.5	14	6.3		8.6	29	7.0

CK reading high piccolo

PITAL OR MEDICAL FACILITY (b)(2)-2	STATUS	DEPART./SERVICE	RECORDS MAINTAINED AT
NSOR'S NAME	SSN/ID NO.	RELATIONSHIP TO SPONSOR	

ENT'S IDENTIFICATION: (For typed or written entries, give: Name - last, first, middle; ID No or SSN; Sex; Date of Birth; Rank/Grade.)	REGISTER NO.	WARD NO.
UC # 412		

CHRONOLOGICAL RECORD OF MEDICAL CARE
Medical Record
STANDARD FORM 600 (REV. 6-97)
Prescribed by GSA/ICMR
FIRMR (41 CFR) 201-9.202-1 USAPA V2.00

FOR OFFICIAL USE ONLY

EXHIBIT 356h

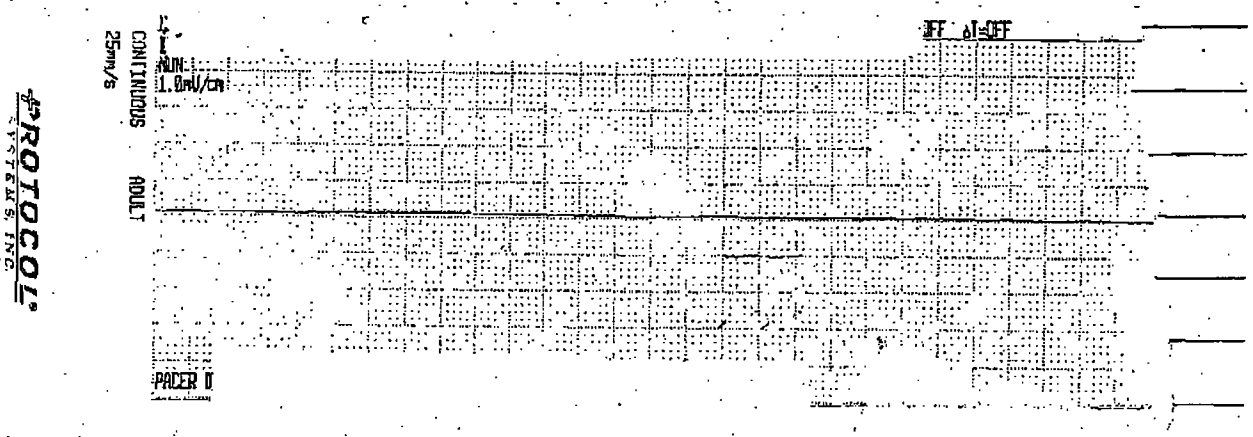
DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (Sign each entry)
1 Dec02	Page 2

Nursing staff unable to cath, even with coude, obstruction at area prostate
Post mort fem stick for specimen collection
suprapubic tap, blood culture pending
A/P # cardiorespiratory arrest, dead on arrival - Abn renal
functions verified on separate instruments, clothing
preserved, command & CID notifications made.
toxicology pending. initial impression = arrythmia 2°
hyperkalemia due to renal failure, duration of nephropathy
unknown. Autopsy decision pending.

(b)(6)

MC LTC USAR

(b)(2)-2



FOR OFFICIAL USE ONLY

0137-02-GID369-235

STANDARD FORM 545 (REV 10-75)
545-

LABORATORY REPORT DISPLAY

☆ GPO : 1988-216-456

NSN 7540-00-181-8358 PREVIOUS EDITION US

======= PICCOLO =======
12/04/02 02:43 PM
REFERENCE RANGE: MALE
PATIENT #: 4120
METLYTE 8
DISC LOT #: 23128A4
OPER #: 193 DR #: 000
SERIAL #: 0000100564

GLU	38*	73-118	MG/DL
BUN	105*	7-22	MG/DL
CRE	6.3*	0.6-1.2	MG/DL
CK	♦♦♦	39-380	U/L
NA+	155*	128-145	MMOL
K+	>8.5*	3.3-4.7	MMOL
CL-	90*	98-108	MMOL
tCO2	14*	18-33	MMOL

INST QC: OK CHEM QC: OK
HEM 0 , LIP 0 , ICT 0

TEST(S)		
SPECIMEN TAKEN		
DATE	TIME	A.M. P.M.
RESULTS	REQUESTED	(X)
	GLUCOSE	
	UREA N.	
	CREATININE	
	URIC ACID	
	SODIUM	
	POTASSIUM	
	CHLORIDE	
	CO_2	
	PHOSPHATE	
	CALCIUM	
	TOTAL PROTEIN	
	ALBUMIN	
	GLOBULIN	
	ALKALINE PHOSPHATASE	
	ACID PHOSPHATASE	
	SGOT	
	LDH	
	CPK	
	BILIRUBIN (TOTAL)	
	BILIRUBIN (DIRECT)	
	CHOLESTEROL	
	TRIGLYCERIDES	
	AMYLASE	
	LIPASE	
	PROFILE (Specify)	

REMARKS (b)(6)

Enter in above space REQUESTING PHYSICIAN'S SIGNATURE PATIENT IDENTIFICATION—TREATING FACILITY—WARD NO.—DATE

Chem 8 Metlyte 8 (CC Pan CLEAR)

REPORTED BY TECH MD DATE

URGENCY ☐ ROUTINE ☐ TODAY ☐ PRE-OP ☐ STAT

CHEM 1

PATIENT STATUS ☐ BED ☐ AMB

SPECIMEN SOURCE ☐ BLOOD ☐ OTHER (Specify) ☐ OUTPATIENT ☐ NP ☐ DOM

LAB. ID. NO.

PATIENT'S MED. RECORD

CHEMISTRY I
STANDARD FORM 546 (Rev 8-77)
General Services Administration and Interagency Committee on Medical Records, FPMR 101-11.8
546-106

ALIGN ALL LABORATORY

INSTRUCTIONS: This form may be used to display laboratory re... flow sheet to be read as a progressive table. If so, a separate sheet should be used for each type of report form. When assorted report forms are mounted on the display sheet, both test names and results should always be visible.

ENTER IN SPACE BELOW: PATIENT IDENTIFICATION—TREATING FACILITY—WARD NO.—DATE

- ☐ CHEMISTRY I (SF 546)
- ☐ CHEMISTRY II (SF 547)
- ☐ CHEMISTRY III (SF 548)
- ☐ HEMATOLOGY (SF 549)
- ☐ URINALYSIS (SF 550)
- ☐ SEROLOGY (SF 551)
- ☐ SPINAL FLUID (SF 555)
- ☐ PARASITOLOGY (SF 552)
- ☐ IMMUNOHEMATOLOGY (SF 556)
- ☐ ASSORTED FORMS
- ☐ OTHER (Specify)

MOUNTED ON STRIPS 1, 4, AND 7

- ☐ MICROBIOLOGY I (SF 553)
- ☐ MICROBIOLOGY II (SF 554)
- ☐ MISCELLANEOUS (SF 557)
- ☐ ASSORTED FORMS

Prescribed by GSA/ICMR
FIRMR (41 CFR) 201-45, 505

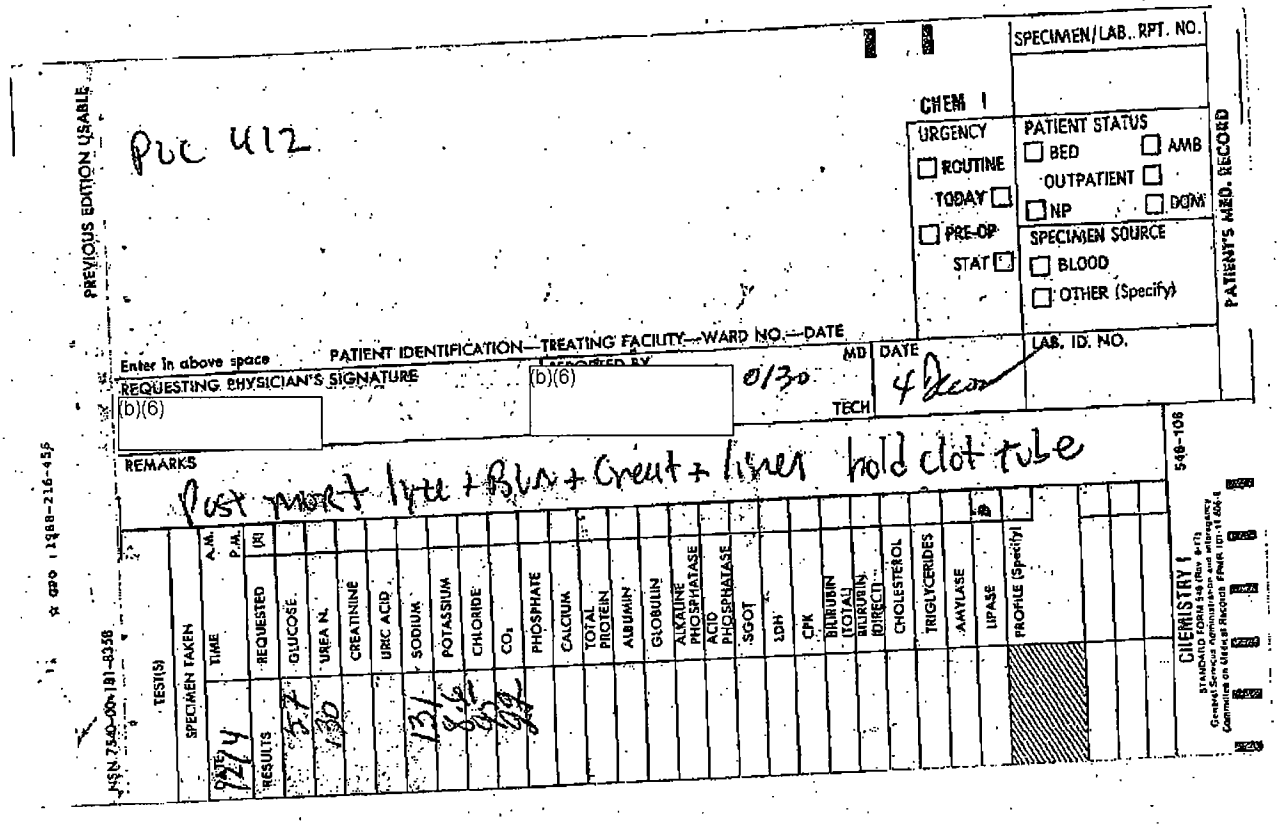
LABORATORY REPORT DISPLAY

FOR OFFICIAL USE ONLY

☆U.S. GOVERNMENT PRINTING OFFICE : 1991 0 288-923

EXHIBIT 350

FOR OFFICIAL USE ONLY



======= RICCOLO =======

12/04/02 01:33 AM

REFERENCE RANGE: MALE

PATIENT #: 0001

GENERAL CHEMISTRY 12

DISC LOT #: 2241AA4

OPER #: 193 DR #: 000

SERIAL #: 0000100579

ALB	3.7	3.3-5.5	G/DL
ALP	76	26-84	U/L
ALT	118*	10-47	U/L
AMY	73	14-97	U/L
AST	243*	11-38	U/L
TBIL	1.6	0.2-1.6	MG/DL
BUN	108*	7-22	MG/DL
CA++	9.0	8.0-10.3	MG/DL
CHOL	104	100-200	MG/DL
CRE	6.6*	0.6-1.2	MG/DL
GLU	69*	73-118	MG/DL
TP	7.6	6.4-8.1	G/DL

INST QC: OK CHEM QC: OK

HEM 1+, LIP 0 , ICT 0

☆ GPO : 1988-216-456

NSN 7540-00-181-8358

PREVIOUS EDITION USABLE

PUC 412

TEST(S)

SPECIMEN TAKEN

DATE 12/4	TIME	A.M. P.M.
RESULTS	REQUESTED	(X)
57	GLUCOSE	
130	UREA N.	
	CREATININE	
	URIC ACID	
131	SODIUM	
8.6	POTASSIUM	
95	CHLORIDE	
22	CO_2	
	PHOSPHATE	
	CALCIUM	
	TOTAL PROTEIN	
	ALBUMIN	
	GLOBULIN	
	ALKALINE PHOSPHATASE	
	ACID PHOSPHATASE	
	SGOT	
	LDH	
	CPK	
	BILIRUBIN (TOTAL)	
	BILIRUBIN (DIRECT)	
	CHOLESTEROL	
	TRIGLYCERIDES	
	AMYLASE	
	LIPASE	
	PROFILE (Specify)	

REMARKS

Post mort lyte + Bun + Creat + liver hold clot tube

Enter in above space

REQUESTING PHYSICIAN'S SIGNATURE (b)(6)

PATIENT IDENTIFICATION—TREATING FACILITY—WARD NO.—DATE

(b)(6)

MD 0130

TECH

DATE 4 Dec

CHEM I

URGENCY ☐ ROUTINE ☐ TODAY ☐ PRE-OP ☐ STAT ☐

PATIENT STATUS ☐ BED ☐ AMB ☐ OUTPATIENT ☐ NP ☐ DOM

SPECIMEN SOURCE ☐ BLOOD ☐ OTHER (Specify)

LAB. ID. NO.

SPECIMEN/LAB. RPT. NO.

PATIENT'S MED. RECORD

CHEMISTRY I

STANDARD FORM 548 (Rev. 8-77)

General Services Administration and Interagency Committee on Medical Records FPMR 101-11.606-1

548-106

K

EXHIBIT 350

9

0134-02-CID369-235

0137-02-CID369-235

0134-02-CID369-23533
0137-02-CID369-23

PREVIOUS EDITION USABLE

NSN 7540-00-181-8958

☆ GPO : 1988-216-456

— Puc 412 —
Ent
LN Mae

CHEM F

SPECIMEN/LAB. RPT. NO.

URGENCY
☐ ROUTINE
TODAY ☐
☐ PRE-OP
STAT ☐

PATIENT STATUS
☐ BED ☐ AMB
OUTPATIENT ☐
☐ NP ☐ DOM

SPECIMEN SOURCE
☐ BLOOD
☐ OTHER (Specify)

PATIENT'S MED. RECORD

Enter in above space: PATIENT IDENTIFICATION—TREATING FACILITY—WARD NO.—DATE

REQUESTING PHYSICIAN'S SIGNATURE: Dr. (b)(6)

REPORTED BY: (b)(6)

MD / TECH

DATE: 4 Dec 02

LAB. ID. NO.

REMARKS

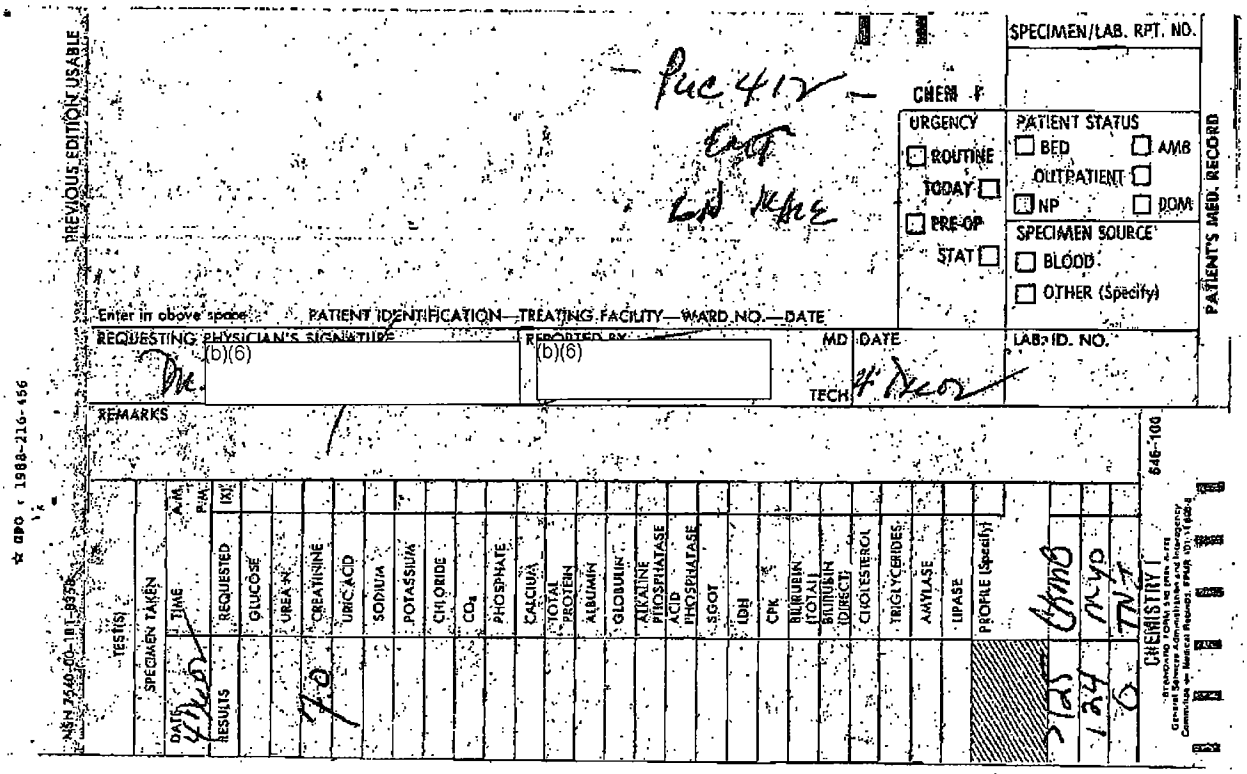
646-100

TEST(S)	SPECIMEN TAKEN DATE	TIME A.M. P.M.	RESULTS	REQUESTED (X)
	4 Dec 02			
GLUCOSE				
UREA N				
CREATININE			7.0	
URIC ACID				
SODIUM				
POTASSIUM				
CHLORIDE				
CO_2				
PHOSPHATE				
CALCIUM				
TOTAL PROTEIN				
ALBUMIN				
GLOBULIN				
ALKALINE PHOSPHATASE				
ACID PHOSPHATASE				
SGOT				
LDH				
CPK				
BILIRUBIN (TOTAL)				
BILIRUBIN (DIRECT)				
CHOLESTEROL				
TRIGLYCERIDES				
AMYLASE				
LIPASE				
PROFILE (Specify)				
			125	CKMB
			124	MYO
			0	TNI

CHEMISTRY I

STANDARD FORM 1 (Rev. 6-72)
General Services Administration and Interagency Committee on Medical Records, FPMR (D) 101-11.6

ACCESSION NO. 00021224



12-04-02 2:13 USER ID 999999999

NORMAL RANGES: CARDIAC
CKMB 0 - 4.3
MYO 0 - 107
TNI 0 - 1.0

CARDIAC DLN 28315
PATIENT ID 412

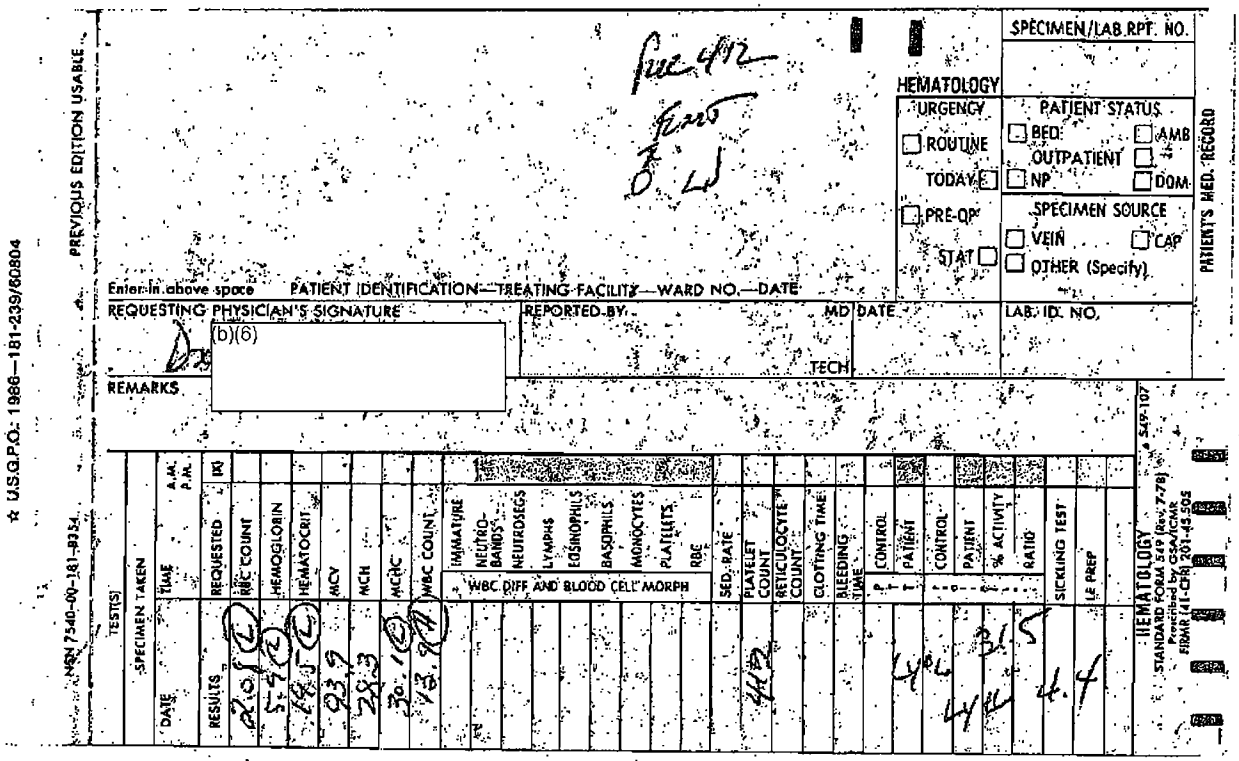
CKMB 125 ng/mL
MYO 124 ng/mL
TNI 0.0 ng/mL
PAT. RESULT ABNORMAL

L

FOR OFFICIAL USE ONLY

EXHIBIT 350 11

0137-02-CID369-23533
0137-02-CID369-235



HEMATOLOGY

SPECIMEN/LAB.RPT. NO.

URGENCY: ☐ ROUTINE ☐ TODAY ☐ PRE-OP ☐ STAT

PATIENT STATUS: ☐ BED ☐ AMB ☐ OUTPATIENT ☐ NP ☐ DOM

SPECIMEN SOURCE: ☐ VEIN ☐ CAP ☐ OTHER (Specify)

PATIENT'S MED. RECORD

Enter in above space PATIENT IDENTIFICATION—TREATING FACILITY—WARD NO.—DATE

REQUESTING PHYSICIAN'S SIGNATURE (b)(6)

REPORTED BY TECH MD DATE

LAB. ID. NO.

REMARKS

TEST(S)	SPECIMEN TAKEN DATE	TIME A.M. P.M.	RESULTS	REQUESTED	RBC COUNT	HEMOGLOBIN	HEMATOCRIT	MCV	MCH	MCHC	WBC COUNT	WBC DIFF AND BLOOD CELL MORPH: IMMATURE	NEUTRO-BANDS	NEUTROSEGS	LYMPHS	EOSINOPHILS	BASOPHILS	MONOCYTES	PLATELETS	RBC	SED. RATE	PLATELET COUNT	RETICULOCYTE COUNT	CLOTTING TIME	BLEEDING TIME	CONTROL	PATIENT	CONTROL	PATIENT	% ACTIVITY	RATIO	SICKLING TEST	LE PREP
					2.05	5.4	18.5	93.2	28.3	30.1	13.9											442							31.5				
																												44		4.4		

HEMATOLOGY
STANDARD FORM 549 (Rev. 7-78)
Prescribed by GSA/ICMR
FIRMR (41 CFR) 201-45.505

☆ U.S.G.P.O.: 1986—181-239/60804

PREVIOUS EDITION USABLE

NSN 7540-00-181-9934

549-107

FOR OFFICIAL USE ONLY

M

EXHIBIT 3.50 11

FOR OFFICIAL USE ONLY

======= PICCOLO =======
12/04/02 02:23
REFERENCE RANGE: MALE
PATIENT #: 412
GENERAL CHEMISTRY 12
DISC LOT #: 2241AA4
OPER #: 193 DR #: 000
SERIAL #: 0000100540

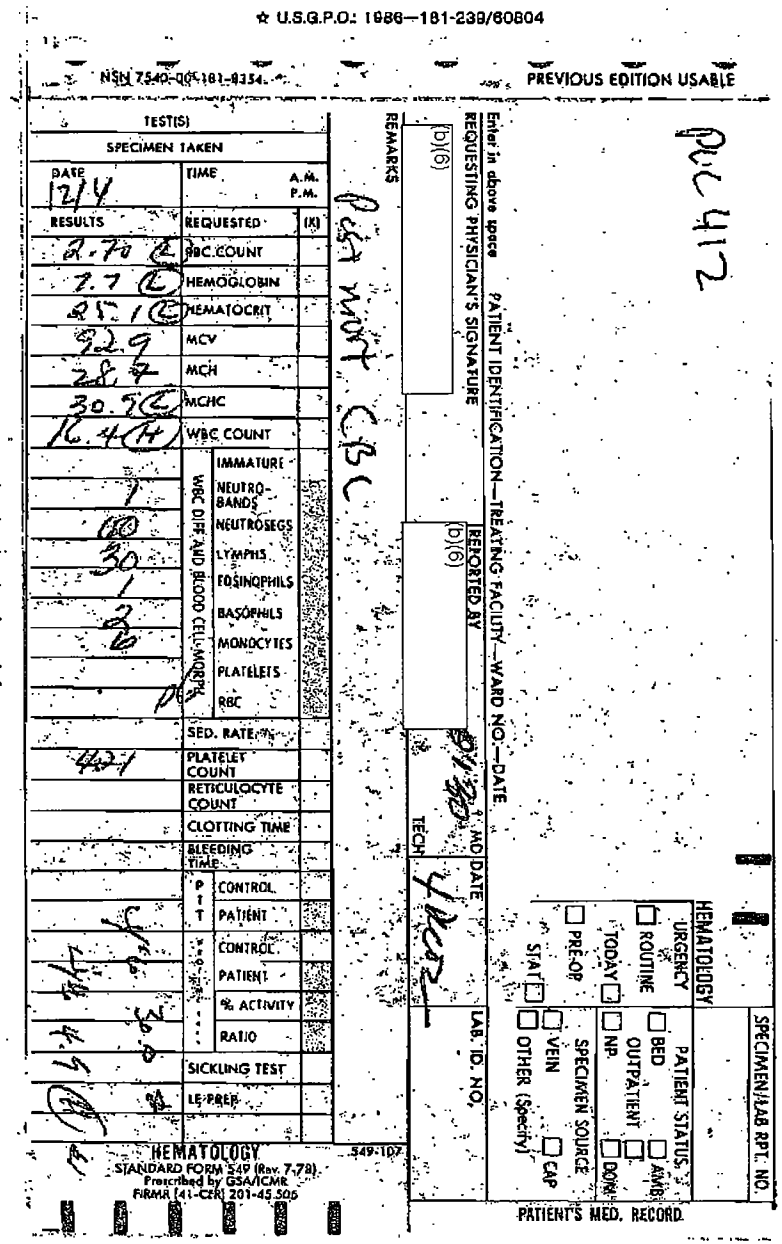
ALB	3.5	3.3-5.5	G/DL
ALP	70	26-84	U/L
ALT	112*	10-47	U/L
AMY	71	14-97	U/L
AST	226*	11-38	U/L
TBIL	1.5	0.2-1.6	MG/DL
BUN	110*	7-22	MG/DL
CA++	9.5	8.0-10.3	MG/DL
CHOL	91*	100-200	MG/DL
CRE	6.5*	0.6-1.2	MG/DL
GLU	43*	73-118	MG/DL
TP	7.3	6.4-8.1	G/DL

INST QC: OK CHEM QC: OK
HEM 1+, LIP 0 , ICT 0

======= PICCOLO =======
12/04/02 02:28 PM
REFERENCE RANGE: MALE
PATIENT #: 412
METLYTE 8
DISC LOT #: 2312BA4
OPER #: 193 DR #: 000
SERIAL #: 0000100564

GLU	38*	73-118	MG/DL
BUN	104*	7-22	MG/DL
CRE	6.4*	0.6-1.2	MG/DL
CK	♦♦♦	39-380	U/L
NA+	147*	128-145	MMOL/L
K+	>8.5*	3.3-4.7	MMOL/L
CL-	89*	98-108	MMOL/L
tCO2	15*	18-33	MMOL/L

INST QC: OK CHEM QC: OK
HEM 0 , LIP 0 , ICT 0



34-02-CID 369-235333
0137-02-CID369-23

EXHIBIT 350

ADMISSION AND CODING INFORMATION

For use of this form, see AR 40-400; the proponent agency is OTSG

1. REPORTING MTF	2. MTF LOCATION (State or Country Code.)
(b)(2)-2	

3. REGISTER NUMBER						
9	10	11	12	13	14	15
2	0	0	2	5	4	8

NAME (Last, First, Middle Initial): (b)(6)

4. PAY GRADE	
16	17

5. SEX
18
M

6. DATE OF BIRTH (YYYYMMDD)								
19	20	21	22	23	24	25	26	
1	9	7	2	(b)(6)				

7. AGE AT ADMISSION		
27	28	29
3	0	Y

8. RACE
30
X

9. ETHNIC BACKGROUND
31
9

RELIGION

10. LENGTH OF SERVICE		
32	33	34

ETS

11. FMP	
35	36
2	6

12. SOCIAL SECURITY NUMBER								
37	38	39	40	41	42	43	44	45
(b)(6)								

ORGANIZATION (Active Duty Only)

13. MARITAL STATUS
46
D

HOUR OF ADMISSION

BRANCH / CORPS

14. FLYING STATUS		
47	48	49

15. BENEFICIARY CATEGORY		
50	51	52
R	7	8

16. ZIP CODE OF RESIDENCE								
53	54	55	56	57	58	59	60	61

17. UNIT LOCATION (State or Country Code)	
62	63
A	F

18. MOS							
64	65	66	67	68	69	70	71

19. TRAUMA

PREV. ADMISSION: YEAR ☐ NO

20. SOURCE OF ADMISSION/ AUTHORITY FOR ADMISSION
72
1

WARD

NAME/RELATIONSHIP OF EMERGENCY ADDRESSEE

ADDRESS OF EMERGENCY ADDRESSEE (Include ZIP Code)

NAME AND LOCATION OF MEDICAL TREATMENT FACILITY: (b)(2)-2

TELEPHONE NUMBER OF EMERGENCY ADDRESSEE

21. TYPE OF DISPOSITION	
73	74
5	D

22. MTF TRANSFERRED TO					
75	76	77	78	79	80

23. DATE OF DISPOSITION (YYYYMMDD)							
81	82	83	84	85	86	87	88
2	0	0	2	1	2	0	4

24. CLINIC SVC - ADMITTING			
89	90	91	92
X	X	X	A

25. MTF TRANSFERRED FROM					
93	94	95	96	97	98

26. DATE THIS ADMISSION (YYYYMMDD)							
99	100	101	102	103	104	105	106
2	0	0	2	1	2	0	4

27. LOCATION OF OCCURRENCE (Battle Casualty Only)	
107	108
A	F

28. MTF OF INITIAL ADMISSION					
109	110	111	112	113	114

29. DATE INITIAL ADMISSION (YYYYMMDD)							
115	116	117	118	119	120	121	122

FOR LOCAL USE

Dy 41519 4275
9597 586
29682 2767

Inj Trauma
959 9

Blood: No
Autopsy: Yes
Cause of Death: DG1

ADMITTING OFFICER (Signature, as required)

SIGNATURE OF ADMITTING CLERK

0

DA FORM 2985, MAR 2000 EDITION OF MAR 88 IS OBSOLETE USAPA V1.00

FOR OFFICIAL USE ONLY

EXHIBIT 350

1. Reporting Unit	2. Unit Location	Admission and Coding Information
7040 -	IZ	For use of this form, see AR 40-400; the proponent agency is OTSG

3. Register Number	Name (Last, First, MI)	4. Pay Grade	5. Sex
2002548	(b)(6)		M

0137-02-010369-23
0134-02-010369-23533

6. DoB (YYYYMMDD)	7. Age at Admission	8. Race	9. Ethnicity	Religion
1972 (b)(6)	30Y	UNK	9	

10. Length of Service	ETS	11. FMP	12. Social Security Number
		20	(b)(6)

Organization (Active Duty Only)	13. Marital Status	Hour of Admission	Branch / Corps:
	Z		

14. Flying Status	15. Beneficiary Category	16. Zip Code of Residence:
	K78 - PRISONER OF WAR/INTERNEES	

17. Unit Location	18. MOS	19. Trauma	Prev. Admission
AF		Inj	NO

20. Source of Admission	Ward:	Name / Relationship of Emergency Addressee
Carded for Record Only (CRO)		Address of Emergency Addressee

Name and Location of Medical Treatment Facility:	Telephone Number of Emergency Addressee
7040 -	

21. Type of Disposition	22. MTF Transferred To	23. Date of Disposition (YYYYMMDD)
CRO/OTH		2002-12-04

24. Clinic Svc - Admitting	25. MTF Transferred From	26. Date this Admission (YYYYMMDD)
XXX		2002-12-04

27. Location of Occurrence	28. MTF of Initial Admission	29. Date of Initial Admission

FOR LOCAL USE

Type Patient (Inpatient / Outpatient): Inpatient

Diagnosis Narrative: pulmonary embolism due to blunt force injury to the legs

Cause of Injury Narrative: INJ BY OTHER SPECIFIED AGENTS, NEC, ON LAND, OTHER/UNSPEC

Admitting Officer (Signature, as required)	Signature of Admitting Clerk

Automated Facsimile - DA FORM 2985, MAR 2000

FOR OFFICIAL USE ONLY

P

EXHIBIT 350 14

0137-02-CID369-23534
0134-02-CID369-23533

DEPARTMENT OF THE ARMY
HEADQUARTERS, U. S. ARMY MEDICAL COMMAND
1216 STANLEY ROAD, SUITE 25
FORT SAM HOUSTON, TEXAS 78234-5053

REPLY TO
ATTENTION OF

MCHS-I

5 August 2004

MEMORANDUM FOR Investigative Operations, Headquarters, US Army Criminal Investigation Command, ATTN: SA (b)(6) 6010 6th Street, Fort Belvoir, VA 22060-5506.

SUBJECT: Authenticity of Medical Record – EPW (b)(6)

1. The US Army Patient Administration Systems and Biostatistics Activity (PASBA) certifies this is a true copy of the original document.

2. Our point of contact is Mrs. (b)(6) Data Input Section, PASBA, 1216 Stanley Road, Suite 25, Fort Sam Houston, TX 78234-5053, (b)(6) (b)(6)

(b)(6)

Encl

MAJ, MS
Acting Director,
Patient Administration Systems
and Biostatistics Activity

Q

FOR OFFICIAL USE ONLY

EXHIBIT 351

0134-02-CID369-23533
0137-02-CID369-23534

MCHS-ISD
SUBJECT: Authenticity of Medical Record

(b)(6)

Deputy Director

(b)(6)

Chief, Data Input Section

FOR OFFICIAL USE ONLY

R

Exhibit 351

0137-02-CID369-2353

CERTIFICATE OF DEATH *(OVERSEAS)* 0134-02-CID369-23533
Acte de décès *(D'Outre-Mer)*

NAME OF DECEASED *(Last, First, Middle)* Nom du décédé (Nom et prénoms)	GRADE Grade	BRANCH OF SERVICE Arme	SOCIAL SECURITY NUMBER Numéro de l'Assurance Sociale
(b)(6)	CIVILIAN	N/A	

ORGANIZATION Organisation	NATION *(e.g., United States)* Pays	DATE OF BIRTH Date de naissance	SEX Sexe
(b)(2)-2	AFGHANISTAN	AGE APPROX. 35 YRS	☒ MALE Masculin ☐ FEMALE Féminin

RACE Race	MARITAL STATUS État Civil	RELIGION Culte
☐ CAUCASOID Caucasique	☐ SINGLE Célibataire	☐ PROTESTANT Protestant
☐ NEGROID Négroïde	☒ MARRIED Marié	☐ CATHOLIC Catholique
☒ OTHER (Specify) Autre *(Spécifier)*	☐ WIDOWED Veuf	☐ JEWISH Juif
	☐ DIVORCED Divorcé	☒ OTHER *(Specify)* Autre *(Spécifier)* MUSLIM
	☐ SEPARATED Séparé	

NAME OF NEXT OF KIN Nom du plus proche parent	RELATIONSHIP TO DECEASED Parenté du décédé avec le susdit
(b)(6)	FATHER

STREET ADDRESS Domicile à (Rue)	CITY OF TOWN AND STATE *(Include ZIP Code)* Ville (Code postal compris)

MEDICAL STATEMENT Déclaration médicale

CAUSE OF DEATH *(Enter only one cause per line)* Cause du décès (N'indiquer qu'une cause par ligne)		INTERVAL BETWEEN ONSET AND DEATH Intervalle entre l'attaque et le décès
DISEASE OR CONDITION DIRECTLY LEADING TO DEATH[1] Maladie ou condition directement responsable de la mort[1]	BLUNT FORCE INJURIES TO LOWER EXREMITIES COMPLICATING CORONARY ARTERY DISEASE	
ANTECEDENT CAUSES Symptômes précurseurs de la mort,	MORBID CONDITION, IF ANY, LEADING TO PRIMARY CAUSE Condition morbide, s'il y a lieu, menant à la cause primaire	
	UNDERLYING CAUSE, IF ANY, GIVING RISE TO PRIMARY CAUSE Raison fondamentale, s'il y a lieu, ayant suscité la cause primaire	
OTHER SIGNIFICANT CONDITIONS[2] Autres conditions significatives[2]		

MODE OF DEATH Condition de décès	AUTOPSY PERFORMED Autopsie effectuée ☒ YES Oui ☐ NO Non	CIRCUMSTANCES SURROUNDING DEATH DUE TO EXTERNAL CAUSES Circonstances de la mort suscitées par des causes extérieures
☐ NATURAL Mort naturelle	MAJOR FINDINGS OF AUTOPSY Conclusions principales de l'autopsie	DECEDENT WAS FOUND UNRESPONSIVE IN HIS CELL WHILE IN CUSTODY
☐ ACCIDENT Mort accidentelle		
☐ SUICIDE Suicide	NAME OF PATHOLOGIST Nom du pathologiste (b)(6) MAJ, MC, USAF	
☒ HOMICIDE Homicide	SIGNATURE Signature (b)(6) DATE Date 13 DEC 02	AVIATION ACCIDENT Accident à Avion ☐ YES Oui ☒ NO Non

DATE OF DEATH *(Hour, day, month, year)* Date de décès *(l'heure, le jour, le mois, l'année)*	PLACE OF DEATH Lieu de décès (b)(2)-2

I HAVE VIEWED THE REMAINS OF THE DECEASED AND DEATH OCCURRED AT THE TIME INDICATED AND FROM THE CAUSES AS STATED ABOVE.
J'ai examiné les restes mortels du défunt et je conclus que le décès est survenu à l'heure indiquée et à, la suite des causes énumérées ci dessus

NAME OF MEDICAL OFFICER Nom du médicin militaire ou du médicin sanitaire	TITLE OR DEGREE Titre ou diplômé
(b)(6) LTC (P), MC, USA	ARMED FORCES REGIONAL MEDICAL EXAMINER

GRADE Grade	INSTALLATION OR ADDRESS Installation ou adresse
LTC (P)	LANDSTUHL REGIONAL MEDICALCENTER
DATE Date 13 DEC 02	SIGNATURE Signature (b)(6)

[1] *State disease, injury or complication which*
[2] *State conditions contributing to the death, but not related to the disease or condition causing death*
[1] *Préciser la nature de la maladie, de la blessure ou de la complication qui a contribué à la mort, mais non la manière de mourir, telle qu'un arrêt du coeur, etc.*
[2] *Préiser la condition qui a contribué à la mort, mais n'ayant aucun rapport avec la maladie ou à la condition qui a provoqué la mort.*

S

Exhibit 351 1

0137-02-C10369-23534

CERTIFICATE OF DEATH *(OVERSEAS)*
Acte de décès *(D'Outre-Mer)*

NAME OF DECEASED *(Last, First, Middle)* Nom du décédé (Nom et prénoms)	GRADE Grade	BRANCH OF SERVICE Arme	SOCIAL SECURITY NUMBER Numéro de l'Assurance Sociale
(b)(6)			

ORGANIZATION Organisation	NATION *(e.g., United States)* Pays	DATE OF BIRTH Date de naissance	SEX Sexe
~~HP~~ PUC ~~412~~ 421 (b)(6)	Afganistan		☒ MALE Masculin ☐ FEMALE Féminin

RACE Race	MARITAL STATUS État Civil		RELIGION Culte	
CAUCASOID Caucasique	SINGLE Célibataire	DIVORCED Divorcé	PROTESTANT Protestant	OTHER *(Specify)* Autre *(Spécifier)*
NEGROID Négroïde	MARRIED Marié	SEPARATED Séparé	CATHOLIC Catholique	
OTHER (Specify) Autre *(Spécifier)* Afgan	WIDOWED Veuf		JEWISH Juif	

NAME OF NEXT OF KIN Nom du plus proche parent	RELATIONSHIP TO DECEASED Parenté du décédé avec le susdit
STREET ADDRESS Domicilé à (Rue)	CITY OF TOWN AND STATE *(Include ZIP Code)* Ville (Code postal compris)

MEDICAL STATEMENT Declaration médicale

CAUSE OF DEATH *(Enter only one cause per line)* Cause du décès (N'indiquer qu'une cause par ligne)		INTERVAL BETWEEN ONSET AND DEATH Intervalle entre l'attaque et le décès
DISEASE OR CONDITION DIRECTLY LEADING TO DEATH [1] Maladie ou condition directement responsable de la mort. [1]	Cardiopulmonary Arrest	
ANTECEDENT CAUSES Symptômes précurseurs de la mort. — MORBID CONDITION, IF ANY, LEADING TO PRIMARY CAUSE Condition morbide, s'il y a lieu, menant à la cause primaire		
UNDERLYING CAUSE, IF ANY, GIVING RISE TO PRIMARY CAUSE Raison fondamentale, s'il y a lieu, ayant suscité la cause primaire		
OTHER SIGNIFICANT CONDITIONS [2] Autres conditions significatives [2]		

MODE OF DEATH Condition de décès	AUTOPSY PERFORMED Autopsie effectuée ☐ YES Oui ☐ NO Non	CIRCUMSTANCES SURROUNDING DEATH DUE TO EXTERNAL CAUSES Circonstances de la mort suscitees par des causes exterieures
NATURAL Mort naturelle	MAJOR FINDINGS OF AUTOPSY Conclusions principales de l'autopsie	
ACCIDENT Mort accidentelle		
SUICIDE Suicide	NAME OF PATHOLOGIST Nom du pathologiste	
HOMICIDE Homicide	SIGNATURE Signature / DATE Date	AVIATION ACCIDENT Accident à Avion ☐ YES Oui ☒ NO Non

DATE OF DEATH *(Hour, day, month, year)* Date de décès *(l'heure, le jour, le mois, l'année)*	PLACE OF DEATH Lieu de décès
10 DEC 2002 0630 Lima	(b)(2)-2

I HAVE VIEWED THE REMAINS OF THE DECEASED AND DEATH OCCURRED AT THE TIME INDICATED AND FROM THE CAUSES AS STATED ABOVE.
J'ai examiné les restes mortels du défunt et je conclus que le décès est survenu à l'heure indiquée et à, la suite des causes énumérées ci dessus

(b)(6) u médicin sanitaire	TITLE OR DEGREE Titre ou diplôme
	MD

GRADE Grade	INSTAL (b)(2)-2
0-4	
DATE Date	SIGNAT (b)(6)
10 DEC 2002	

[1] *State disease, injury or complication which caused death, but not mode of dying such as heart failure, etc.*
[2] *State conditions contributing to the death, but not related to the disease or condition causing death.*
[1] *Préciser la nature de la maladie, de la blessure ou de la complication qui a contribué à la mort, mais non la manière de mourir, telle qu'un arrêt du coeur, etc.*
[2] *Préciser la condition qui a contribué à la mort, mais n'ayant aucun rapport avec la maladie ou à la condition qui a provoqué la mort.*

DD FORM 2064, APR 1977 REPLACES DA FORM 3565, 1 JAN 1972 AND DA FORM 3565-R(PAS), 28 SEP 1975, WHICH ARE OBSOLETE. USAPA V1.00

FOR OFFICIAL USE ONLY

Exhibit 351 2

0137-02-CID369-2353

0134-02-CID369-23533

STATEMENT OF RECOGNITION OF DECEASED

For use of this form see FM 10-63. Proponent agency is TRADOC.

PRIVACY ACT STATEMENT

AUTHORITY: 10 USC Sections 1481 through 1488.

PRINCIPLE PURPOSE: To establish initial identification of deceased personnel.

ROUTINE USE: For documentation of visual identification of deceased personnel.

DISCLOSURE: Disclosure of required information is voluntary and will in no way affect or jeopardize the individual effecting the visual identification of the deceased person.

1 INFORMATION ON DECEASED

a. NAME (Last, First, Middle Initial)	b. RANK	c. SSN
PUC 421	N/A	N/A

d. ORGANIZATION	e. SERVICE COMPONENT
(b)(2)-2	N/A

2. I HAVE PERSONALLY VIEWED THE REMAINS IDENTIFIED ABOVE. RECOGNITION IS BASED ON THE FOLLOWING:

a. SEX	b. APPROXIMATE AGE (Years)	c. APPROXIMATE HEIGHT	d. RACE
M	35		Arabic

e. HAIR COLOR (If brown, indicate light or dark, as applicable)	f. BUILD/MUSCULARITY (Slender, medium, heavy or obese)
black	slender

g. IDENTIFYING MARKS (Fully describe by type and location ALL known scars, tattoos, birthmarks, amputations or other body markings/criteria to support the identification (if none, so state))

h. RELATIONSHIP TO DECEASED (CDR, ISG, Friend, Brother, etc.)	i. LENGTH OF TIME YOU KNEW DECEASED (Number of months or years)
	N/A

j. REMARKS

PUC, DOA on arrival

3. DETAILS OF VIEWING

a. DATE	b. TIME	c. PLACE

4. PERSON MAKING VISUAL IDENTIFICATION

a. NAME (Last, First, Middle Initial)	b. RANK / GRADE	c. SSN	d. ORGANIZATION

e. SIGNATURE	f. DATE SIGNED

5. WITNESS

I CERTIFY THAT THE INDIVIDUAL IDENTIFIED IN ITEM 4 HAS VIEWED THE REMAINS IN MY PRESENCE, THAT TO THE BEST OF MY KNOWLEDGE THE ABOVE STATEMENTS ARE TRUE, AND THAT THE REMAINS HAVE BEEN PROPERLY TAGGED AS THE ABOVE NAMED DECEASED.

a. NAME (Last, First, Middle Initial)	b. RANK	c. TITLE
(b)(6)	MAS	Emergency medicine MD

d. SIGNATURE	e. DATE SIGNED	f. ORGANIZATION
(b)(6)	10 Dec 2002	(b)(2)-2

DD Form 565, MAY 1999 (Previous editions are obsolete)

Page 1 of 1

0134-02-CID569-23533
0137-02-CID369-23534

MEDICAL RECORD	AUTHORIZATION FOR DISCLOSURE OF INFORMATION For use of this form, see AR 40-66; the proponent agency is Office of The Surgeon General

This form will not be used for authorization to disclose alcohol or drug abuse patient information from medical records or for authorization to disclose information from records of an alcohol or drug abuse treatment program. For authorization to disclose alcohol or drug abuse patient information, see 42 USC section 20dd, 42 CFR part 2, AR 40-66, and AR 600-85.

(Pursuant to the Privacy Act of 1974, 5 USC section 552a)

PHYSICIAN OR MEDICAL TREATMENT FACILITY AUTHORIZED TO RELEASE INFORMATION	
(b)(2)-2 (b)(6) MAJ, MC	It is understood that this authorization may be revoked at any time, if requested in writing, except to the extent that action will have already been taken.

PATIENT DATA

NAME *(Last, First, MI)*	DATE OF BIRTH	SOCIAL SECURITY/IDENTIFICATION NUMBER

PERIOD OF TREATMENT *(Month, Day, Year)*	TYPE OF TREATMENT
	☐ OUTPATIENT ☐ INPATIENT ☐ BOTH

RESTRICTIONS ON INFORMATION *(Specify)*

USE OF MEDICAL INFORMATION

☐ FURTHER MEDICAL CARE ☐ INSURANCE CLAIM(S) ☐ ATTORNEY ☐ DISABILITY DETERMINATION
☐ OTHER *(Specify)*

INFORMATION DESTINATION

INDIVIDUAL OR ORGANIZATION TO WHOM INFORMATION SHOULD BE RELEASED *(Name and Address)*

(ANY DISCLOSURE OF MEDICAL RECORD INFORMATION BY THE RECIPIENT(S) IS PROHIBITED EXCEPT WHEN IMPLICIT IN THE PURPOSES OF THIS DISCLOSURE)

RELEASE AUTHORIZATION

I hereby request and authorize the named physician/medical treatment facility to release the medical information described above to the named individual/organization indicated.	DATE
SIGNATURE OF PATIENT/PARENT/GUARDIAN	RELATIONSHIP TO PATIENT

IMPRINT OF PATIENT IDENTIFICATION PLATE WHEN AVAILABLE

V

DA FORM 5006-R, OCT 81

FOR OFFICIAL USE ONLY

USAPA V1.01

Exhibit 35 H

Automated Facsimile

0134-02-C1D369-23533534

[illegible]IENT TREATMENT RECOR[illegible]ER SHEET

For use of this form, see AR 40-400, the proponent agency is OTSG

1. Register Nbr	2. Name	3. Grade	Admission Remarks
0000482	(b)(6) #421		

4. Sex	5. Age	6. Race	7. Religion	8. LnthOfSvc	9. ETS	10. PrevAdm
M	35Y	UNK				NO

11. FMP	12. SSN	13. Organization	14. Ward
20	(b)(6)		

15. FlyStatus	17. Dept / Ben	18. BranchCorps	19. UIC / ZIP	20. Type Case
	K78 - PRISONER OF WAR/INTE			Inj

21. Source of Admission	22. Hour Of Adm:	23. Clinic Service
Carded for Record Only (CRO)		XXX

24. Name/Relation of Emergency Addressee	25. Type Disp	26. Date of Disp
	CRO/OTH	2002-12-10

27a. Address of Emergency Addressee	27b. Telephone No	28. Date This Adm:	AdmittingOfficer:
		2002-12-10	

29. ReportingMTF	30. Date Init Adm	32. Units Blood Components
7438 -		

31. Selected Administrative Data

Marital Status: M DoB: 1967(b)(6)

In/Out Patient: Inpatient MOS:

33. Cause Of Injury:

989 INJ BY OTHER SPECIFIED AGENTS, NEC, ON LAND, OTHER

34. Diagnosis / Operations and Special Procedures:

not breath

Diag Code(s): 9597 41400 E9682 4275

Procedure Code(s): 9604 D0

35. Total Days This Facility

Absent Sick Days	Other Days	ConLv / Coop Care Days	Supplemental Care	Bed Days	Total Sick Days

35. Total Days This Facility

Absent Sick Days	Other Days	ConLv / Coop Care Days	Supplemental Care	Bed Days	Total Sick Days

Signature of Attending Medical Officer	Signature of PAD or Medical Records Officer
	W

Automated Facsimile - DA FORM 3647 May 79

FOR OFFICIAL USE ONLY

Exhibit 351 5

0137-02-CID369-235
0134-02-CID369-23533

CLINICAL RECORD | AUTHORIZATION FOR AUTOPSY

In the event authorization for autopsy is obtained by letter, telegram, voice recorded or monitored telephone call, paragraphs 1, 2, and 3 shall be completed by medical facility authorities and the letter, telegram, voice recording or memorandum confirming telephone call of authorization attached to this form for permanent file.

1. NAME AND LOCATION OF MEDICAL FACILITY
(b)(2)-2

DATE AND TIME
0840 Lima
10 DEC 2002

2. I (We) request and authorize the physicians in attendance at the above named medical facility to perform a complete autopsy on the remains of _____. I (We) understand that a complete autopsy may include, but not be limited to, examination of the head, eyes, spinal cord, chest, abdomen and extremities unless excluded under restrictions hereinunder, and I (We) authorize the removal and retention or use for diagnostic, scientific, or therapeutic purposes any parts, tissues, or organs as such physicians or their designees may deem proper, and the final disposal thereof in such manner as may be prescribed by competent authority (Commanding Officer, Medical Director, etc.) in this facility.

This authority is granted subject to the following restrictions: _____

_____

_____

_____

(If No Restrictions, Write "None")

The following special examinations are requested: _____

_____

_____

3. I (We) represent that I am (we are) the _____
(Relationship/Authority)
of the deceased and entitled by law to control the disposition of the remains.

Signed _____

WITNESSES (medical facility staff members):

Signed _____

Signed _____
(Name and Title)

Signed _____

Signed _____
(Name and Title)

FOR ADMINISTRATIVE USE ONLY

Case falls within jurisdiction of Medical Examiner/Coroner . . . . . YES ☐ NO ☐

Medical Examiner/Coroner released remains from his jurisdiction to this authority . . . . . YES ☐ NO ☐

SIGNATURE	TITLE	DATE

PATIENTS IDENTIFICATION *(For typed or written entries give: Name—last, first, middle; grade; date; medical facility)*	REGISTER NO.	WARD NO.

AUTHORIZATION FOR AUTOPSY
Standard Form 523 (Rev. 10-75)
Prescribed by General Services Administration and Interagency Comm. on Medical Records
FPMR 101-11.806-8 — 523-108

X

Exhibit 351

FOR OFFICIAL USE ONLY

0134-02-CID369-23533
0137-02-CID369-235

The Joint Commission on the Accreditation of Hospitals and Public Law 89–97 (Medicare), provides the guidelines for requesting the voluntary information on SF–523. A uniform medical record format must be available recording the patient's clinical course. The form is used to authorize physicians in attendance at a medical facility to perform a complete autopsy. Failure to complete this form will prevent the performing of an autopsy on the remains. Standard Form 523 will remain in the deceased's medical file and will only be released through a court order, subpoena, or statute.

☆ U.S. Government Printing Office: 1988—201-424/70803

Standard Form 523 Back (Rev. 10–75)

Y

Exhibit 351

M

FOR OFFICIAL USE ONLY

0137-02-CID369-235
0134-02-CID369-235 533

CAL RECORD | CHRONOLOGICAL RECORD OF MEDICAL CARE

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (Sign each entry)
EL2002	~ 35 yo Afgan male c̄ Hx of being found not breathing ~~1252~~ 0128z CAR started 0130Z at detainee area, Patient ∓ pulse CPR contd. Ambulance arrived 0140 Z, CPR enroute, upon arrival pt Apnec, fixed dialated, and cold. Pt well developed ∓ obvious signs of trauma
	Arrival (b)(6) (b)(6) ~~[illegible]~~ rupils Fixed dialated, monitor c̄ Asystole
	A: Pt BVM, Intubated c̄ 7.0 tube 22 inches at teeth. Good breath sounds Bilat, Good fog in tube, good color change on monitor.
	B: BV tube; Rate 18-20 BPM
	C: Pulses nonpalpable, IV established X1, monitor asystolic, Epi x3, Atropine x3 mg, CPR
	D: Fixed, Dilated, GCS 3T
	E: Ø obvious signs of trauma noted. Patient rolled abrasion (L) flank very superficial old escar (L) ankle, Ø contusions, Ø Lacerations Ø penitrating wounds.

PITAL OR MEDICAL FACILITY	STATUS	DEPART./SERVICE	RECORDS MAINTAINED AT
NSOR'S NAME	SSN/ID NO.	RELATIONSHIP TO SPONSOR	

ENT'S IDENTIFICATION: (For typed or written entries, give: Name - last, first, middle; ID No or SSN; Sex; Date of Birth; Rank/Grade.)	REGISTER NO.	WARD NO.
427		

CHRONOLOGICAL RECORD OF MEDICAL CARE
Medical Record
STANDARD FORM 600 (REV. 6-97)
Prescribed by GSA/ICMR
FIRMR (41 CFR) 201-9.202-1
USAPA V2.00

FOR OFFICIAL USE ONLY

Exhibit 351 8

Admission and Coding Information

For use of this form, DD 400; the proponent agency is OTSG

0137-02-C10369-2353

0134-02-C10369-23533

7438 -	AF			
3. Register Number: 0000482	Name (Last, First, MI): (b)(6) #421		4. Pay Grade	5. Sex: M
6. DoB (YYYYMMDD): 1967(b)(6)	7. Age at Admission: 35Y	8. Race: UNK	9. Ethnicity: 9	Religion
10. Length of Service	ETS	11. FMP: 20	12. Social Security Number: (b)(6)	
Organization (Active Duty Only)		13. Marital Status: M	Hour of Admission	Branch / Corps:
14. Flying Status	15. Beneficiary Category: K78 - PRISONER OF WAR/INTERNEES		16. Zip Code of Residence:	
17. Unit Location: AF	18. MOS	19. Trauma: Inj	Prev. Admission: NO	
20. Source of Admission: Carded for Record Only (CRO)	Ward:	Name / Relationship of Emergency Addressee		
		Address of Emergency Addressee		
Name and Location of Medical Treatment Facility: 7438 -		Telephone Number of Emergency Addressee		
21. Type of Disposition: CRO/OTH	22. MTF Transferred To	23. Date of Disposition (YYYYMMDD): 2002-12-10		
24. Clinic Svc - Admitting: XXX	25. MTF Transferred From	26. Date this Admission (YYYYMMDD): 2002-12-10		
27. Location of Occurrence	28. MTF of Initial Admission	29. Date of Initial Admission		

FOR LOCAL USE

Type Patient (Inpatient / Outpatient): Inpatient

Diagnosis Narrative: not breath

Cause of Injury Narrative: INJ BY OTHER SPECIFIED AGENTS, NEC, ON LAND, OTHER/UNSPEC

Admitting Officer (Signature, as required)	Signature of Admitting Clerk

FOR OFFICIAL USE ONLY

Automated Facsimile DA FORM 2885, MAR 2000

Exhibit 357

9

7438

137-02-CID369-23534
034-02-CID369-23533

ADMISSION AND CODING INFORMATION

For use of this form, see AR 40-400; the proponent agency is OTSG

1. REPORTING MTF	2. MTF LOCATION (State or Country Code.)
(b)(6)	

3. REGISTER NUMBER	NAME (Last, First, Middle Initial)	4. PAY GRADE	5. SEX
0 0 0 0 4 8 2	(b)(6)	E	M

6. DATE OF BIRTH (YYYYMMDD)	7. AGE AT ADMISSION	8. RACE	9. ETHNIC BACK-GROUND	RELIGION
1 9 6 7 (b)(6)	3 5 Y	X	9	

10. LENGTH OF SERVICE	ETS	11. FMP	12. SOCIAL SECURITY NUMBER
		2 0	(b)(6)

ORGANIZATION (Active Duty Only)	13. MARITAL STATUS	HOUR OF ADMISSION	BRANCH / CORPS
	M		

14. FLYING STATUS	15. BENEFICIARY CATEGORY	16. ZIP CODE OF RESIDENCE
	K 7 8	

17. UNIT LOCATION (State or Country Code)	18. MOS	19. TRAUMA	PREV. ADMISSION
A F			YEAR ☐ NO

20. SOURCE OF ADMISSION/ AUTHORITY FOR ADMISSION	WARD	NAME/RELATIONSHIP OF EMERGENCY ADDRESSEE
C		ADDRESS OF EMERGENCY ADDRESSEE (Include ZIP Code)

NAME AND LOCATION OF MEDICAL TREATMENT FACILITY	TELEPHONE NUMBER OF EMERGENCY ADDRESSEE
(b)(2)-2	

21. TYPE OF DISPOSITION	22. MTF TRANSFERRED TO	23. DATE OF DISPOSITION (YYYYMMDD)
5 0		2 0 0 2 1 2 1 0

24. CLINIC SVC - ADMITTING	25. MTF TRANSFERRED FROM	26. DATE THIS ADMISSION (YYYYMMDD)
X X X A		2 0 0 2 1 2 1 0

27. LOCATION OF OCCURRENCE (Battle Casualty Only)	28. MTF OF INITIAL ADMISSION	29. DATE INITIAL ADMISSION (YYYYMMDD)
A F		

FOR LOCAL USE

Blood: No
Autopsy: Yes
Cause of Death: 1

Dx 9597
1 41400
E 9682

PR 9604

ADMITTING OFFICER (Signature, as required)	SIGNATURE OF ADMITTING CLERK
	4275

Inj Trauma
989 9 2

FOR OFFICIAL USE ONLY

DA FORM 2985, MAR 2000 EDITION OF MAR 89 IS OBSOLETE USAPA V1.00

Exhibit 351

10

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0065-04-CID277-

PAGE 1 OF 1 PAGE

DETAILS

About 1645, 23 Aug 04, SSG [redacted] [redacted] 66th Military Intelligence Group, Kelley Barracks, APO AE 09107, reported that he wished to make a statement concerning detainee abuse which he witnessed during the month of December 2002 while he was assigned to the Bagram Collection Point, Bagram, Afghanistan.

About 1730, 23 Aug 04, SA [redacted] briefed CW3 [redacted] Operations Officer, Bavaria District, of all known aspects of this investigation. CW3 [redacted] instructed SA [redacted] to contact the Department of Defense Criminal Investigation Task Force (CITF) to determine if they had information pertaining to this death investigation.

About 1800, 23 Aug 04, SA [redacted] made numerous attempts to contact Special Agents with the CITF, all efforts met with negative results.

At 1943, 23 Aug 04, SSG [redacted] provided a sworn statement wherein he detailed an incident of detainee abuse by SPC [redacted] (NFI), A Company, 519th Military Intelligence (MI) Battalion, 525th MI Brigade while he performed duties as an interrogator at the Bagram Collection Point, Bagram, Afghanistan. (See statement for details)

About 2000, 23 Aug 04, SA [redacted] assisted SSG [redacted] in preparing a composite sketch of [redacted]. This sketch was generated utilizing the Faces 3.0 composite software. (See composite sketch for details)
///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Stuttgart Branch Office (CID) Bavaria CID Battalion Unit 30401, APO AE 09107	
SIGNATURE [redacted]	DATE 23 Aug 04	EXHIBIT 3562

0134-03-CID-[illegible]-23533
0137-02-CID369-23

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
Stuttgart Branch Office (CID)	[redacted] 23 Aug 04	[redacted] 1943	
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
COMTECH, 66th Military Intelligence Group, Darmstadt, Germany

I, [redacted] want to make the following Statement under oath:
I was stationed at the Bagram Control Point (BCP) detention facility in December 2002. Sometime around December 15, I was supposed to interrogate a detainee (I believe that his number was 421). He was a taxi driver from Khowst who was picked up on suspicion of launching a rocket attack against a US base in Khowst. I had already interrogated the detainee once before and was just going to ask a few follow-up questions at the end of his interrogation with [redacted] (NFI), an MI interrogator with either A or B company, 519th MIBN, 525th MI BDE, named [redacted] At this point most of us were convinced that the detainee was innocent. I believe that my questioning plan for the interrogation may have been about the environment in Khowst itself and not about the rocket attack. I had worked until around midnight and made arrangements for [redacted] to wake me up when he was done with his portion of the interrogation. I slept in my office, which was a few doors away from the interrogation room. I woke on my own around 2 or 3 in the morning. I went to the interrogation room to see why [redacted] had not woken me up. I don't remember if the door to the room was opened or closed when I arrived. I remember that the detainee and [redacted] were in the room to my right and another interrogator was standing to my left. [redacted] stood behind the detainee. The detainee was standing slightly hunched over, with his hands shackled. He wore a surgical mask over his face and had a hood over his head. The hood would have been either a burlap sack or a plastic sandbag. [redacted] had grabbed the hood material at the back of the detainees had and twisted it around his fist. This pulled the material very tightly over the detainee's face. I had the impression that [redacted] was actually holding the detainee upright by pulling on the hood, that the detainee was tired and trying to slouch over. The detainee's shirt was very wet with a large wet spot that extended down from his chin. There was a large puddle of water on the floor (at least 2 feet in diameter) and at least two empty, 1.5-liter, water bottles were lying on the ground. I immediately ordered [redacted] to let go of the hood. I was furious at this point because I had seen [redacted] tighten the hood of another detainee the week before. On this prior occasion, I also had to tell him to stop. In both instances, the interrogation had already ended. This behavior seemed to be completely gratuitous and unrelated to intelligence collection. In both instances, the tight hood over a surgical mask made me think that it would be very difficult for me to breath if I were the detainee. I reported the first instance to SSG [redacted], (NFI) the NCOIC of the facility (who was also [redacted] superior). [redacted] told me that he would address the issue and I believe that [redacted] issued guidelines after the first instance, stating that interrogators should not touch detainees. I asked [redacted] what had happened with the water, probably saying, "What the hell happened with that water?" [redacted] replied in a very flippant, callous and sarcastic fashion, "Well, we had him do a lot of PT and we had to make sure he stayed hydrated" or words to that effect. It sounded like a lie to me. I suspected, seeing the whole scene, that [redacted] or the other interrogator had poured water into the detainee's mouth. Simple hydration did not explain why so much of the water ended up on the floor and on the detainee. The wet spot on his shirt had obviously come from the detainee's mouth. It was not sweat. I do not remember exactly how I phrased my next question, but I asked [redacted] whether the detainee had held the bottle himself or whether [redacted] had poured the water. [redacted] replied, again callously and

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

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

DA FORM 2823, JUL 72 SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

b2b67C

"FOR OFFICIAL USE ONLY / LAW ENFORCEMENT SENSITIVE"

EXHIBIT 353

1801

[redacted] sarcastically. He said something like "He was too tired to lift his arms" or "He couldn't do it himself." [redacted] statement made it clear to me that [redacted] or the other interrogator had his hands on the bottle when the water went into the detainee's mouth. I stayed with the detainee until the MPs arrived to escort the detainee downstairs. I was outraged by the whole scene and I remember being so mad that I had trouble speaking. The next morning, before the 9AM meeting. I told [redacted] what I had seen the night before and how mad I was. I do not remember whether I learned of the detainee's death before or after this conversation. When I heard of his death, I suspected that the rough treatment may have been a factor. I felt more strongly about this when I heard that the detainee had died of a pulmonary embolism. I rotated out of Bagram, as scheduled, on or about 21 December, 2002. [redacted] and the BCP OIC [redacted] were both extremely ethical and conscientious and always insisted that their soldiers follow all applicable laws and rules. I never heard anyone ever advocate this kind of behavior. These two instances are the only times I ever saw anyone at the BCP treat a detainee roughly. At some point, [redacted] had ordered that all even remotely questionable treatments (stress positions, etc.) stop. [redacted] had tried to get policy clarification from JAG and the higher command at Bagram on acceptable use of stress positions. The leadership (not the BCP leadership) was too cowardly to commit to a policy in writing and basically said, "When you've gone too far, we'll know what it looks like." Frustrated by this, [redacted] ordered that no techniques should be used that might possibly be borderline. As further evidence of the high ethics of the BCP leadership, I believe that [redacted] immediate supervisor, named [redacted] had been suspended from interrogations at the time because a detainee had claimed that she had struck him. Detainees made a lot of false statements and taking action on what was probably yet another false statement shows that the leadership went to great lengths to protect the detainees. I expected to be contacted at some point by investigators in this case- I was living a few doors down from the interrogation room and I had been one of the last to see this detainee alive. I work for a sensitive intelligence program. Perhaps some of the 519th MI BN personnel felt uncomfortable mentioning my name to investigators. I am not sure why I have not been contacted. After discussing this incident with my boss, he made arrangements for me to speak with CID here in Stuttgart.

Q. Can you provide the exact unit of assignment for [redacted]?
A. Its either A or B company of the 519th Military Intelligence Battalion.
Q. Do you know [redacted] full name?
A. No, because we operated on a first name basis inside the camp. No one wore nametapes on their uniforms.
Q. Do you know if personnel in the BCP used pseudonyms for identification?
A. Some units did, but not the 519th. They used real names.
Q. Can you describe [redacted]
A. He is a [redacted] He wore a [redacted] that only covered the underside of his chin and his neck. No mustache. I believe he wore [redacted] with [redacted]
Q. Did an investigation take place concerning the death of this detainee?
A. I believe so; I just know that from newspaper articles.
Q. Can you provide a name or other identification for the detainee?
A. No.
Q. Can you describe the detainee?
A. I think he was 5'8", thin build, and looked to be in his mid to late thirties but was much younger. Dark skin with little or no facial hair.
Q. When you observed [redacted] holding the detainee by the hood, did you observe the detainee exhibiting any signs of distress?
A. The detainee looked tired and hunched over to the front. It looked as if [redacted] was holding him up by the hood.
Q. Did the detainee seem to be out of breath or show any other signs of respiratory distress?
A. He seemed to be physically exhausted. I think that is why he was breathing hard.
Q. Where was the interview room located at the BCP?
A. It was located on the second floor of the BCP building, three or four rooms down from the interrogation Headquarters office.
Q. Can you describe the room?
A. It had cement floors and walls, about 15' high ceiling. About 20 feet wide by 20 feet long. [redacted]

STATEMENT *(Continued)*

[redacted]Q. Was there any furniture in the room?
A. A wooden table and plastic chairs. I do not remember how many.
Q. Do you have anything else to add to this statement?
A. No.
///END OF STATEMENT///[redacted]

AFFIDAVIT

I [redacted] HAVE READ OR 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this day of Aug,
at Building 3313, Kelley Barracks, APO AE 09107

[redacted]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted]
(Typed Name of Person Administering Oath)
Article 136 UCMJ
(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [redacted]

1803

b6 7C

"FOR OFFICIAL USE ONLY"
U.S. Government Printing Office: 1993 - 342-027/80494

EXHIBIT 35

Exhibit 354

Page(s) 1804 withheld.

Exemption(s) b6 7C and
not reasonably segregable.

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533/0137-02-CID369-23534

DETAILS

At 1500 hrs, 30 Aug 04, SA [redacted] met with COL [redacted] Deputy Commander, HQ, USACIDC, 6010 Sixth Street, Fort Belvoir, VA 22060 to update him on the case status. During the briefing the subject of re-interviewing LTC [redacted] was discussed. [redacted] initial interview left questions (due to conflicts between his statements and those of COL [redacted] and MAJ [redacted] about which of the attorneys was the Trial Counsel for the initial CID investigation. The issue, however, is not germane to the investigation of the deaths and might have been the result of confusion between the officers. The decision was reached to refer the matter (through LTC [redacted] Staff Judge Advocate, HQ, USACIDC) to professional responsibility/ethics personnel within the Office of The Judge Advocate General (OTJAG) as it was not related to the investigative focus - the detainees deaths. As such no further interviews of LTC [redacted] are anticipated by CID.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 31 Aug 2004 / EXHIBIT: 355

CID F [redacted]
1 F [redacted]

b67C

1805

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533 / 0137-02-CID369-23534

PAGE 1 OF 1 PAGE

DETAILS

About 1010, 17 Sep 04, SA [redacted] interviewed **SFC** [redacted] **Headquarters and Headquarters Detachment (HHD) 503rd Military Police (MP) Battalion (Abn), Fort Bragg, NC 28310.** [redacted] provided a sworn statement detaining her knowledge of operations within the Bagram Collection Point (BCP). [redacted] stated as the Non Commissioned Officer in Charge (NCOIC) of detainee Operations for the Combined Joint Task Force (CJTF)-180 Provost Marshal Office (PMO), she would routinely visit the BCP and was present during the in-processing of new detainees to the facility. During one of her visits, [redacted] observed detainees being processed into the facility restrained in handcuffs while inside a temporary holding cell. She continued on her visit and observed a detainee in an isolation cell restrained with his hands fastened to the bars of the window in the door of the cell. Due to the physical stature of the detainee, his hands were restrained above the level of his head. [redacted] reported her findings to the BCP MP Sergeant of the Guard (SOG) and also to her chain of command. During a subsequent visit, she observed similar circumstances and again reported the incidents. [redacted] stated following the second report, the practice of handcuffing detainees within holding cells appeared to have been stopped. [redacted] denied knowledge of any detainees being assaulted while held within the BCP. (See Statement for details)
// LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
[redacted]	DATE 17 Sep 2004	EXHIBIT 356

[redacted]

FOR OFFICIAL USE ONLY

1 FEB 77

b67C

1806

SWORN STATEMENT

File Number : 0134-02-CID369-23533/0137-02-CID369-23534
Location : Fort Bragg CID, Fort Bragg, NC 28310
Date : 17 September 2004 **Time:** 1946hrs
Statement of: [redacted]
SSN : [redacted] **Grade/Status:** [redacted]
Org/Address : Headquarters and Headquarters Detachment (HHD), 503rd Military Police (MP) Battalion (Abn), XVIII Airborne Corps, Fort Bragg, NC 28310

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

Q: Describe your Military career?

A: I came in the Army during September 1984 as a MP. I attended basic training and Advanced Individual Training (AIT) at Fort McClellan, AL. Upon completion of my basic and AIT training; I was assigned to Camp King Obersual, GM. I was assigned to the MP Company and preformed railway security. I left Camp King in 1987 and was assigned to the 21st MP Company, Fort Bragg, NC. I was a squad leader in a combat MP unit. I was deployed to Panama during 1988 with the 21st MP Company, where we conducted road patrol security. I was also deployed to Fort Lee, VA due to a shortage of MP's and performed road patrol duties. During 1990 I was transferred to the US Army Garrison (USAG) MP Company where I worked as the NCOIC for confinement and I also was the NCOIC for Absent Without Leave (AWOL) apprehension. During 1992 I was stationed in Kaiserslautern, GM, where I was the NCOIC of US Customs. I had oversight of 5 MP field offices responsible for Customs within Germany. During 1996, I returned to Fort Bragg and was assigned to the USAG MP Company, where I was assigned as the NCOIC for Traffic Accident Investigation. During September 2000, I was stationed in the 8th MP Brigade, Yongsan, Korea, where I served as the Brigade S-3. I was responsible for the schools and training as well as compiling the brigade commanders staff call slides. I returned to Fort Bragg, NC, on 11 September 2001, where I was stationed with HHD, 503rd MP battalion, where I was the NCOIC for Physical Security under the Battalion S-2. During Aug 2002, I deployed to Bagram, Afghanistan where I was assigned to the Combined Joint Task Force-180 (CJTF-180). While I was assigned to the CJTF-180, I worked within the Provost Marshal Office (PMO) as the NCOIC for detainee operations within the Afghanistan Theater of operations.

Q: Describe the military schooling you have been provided related to MP duties and responsibilities?

FOR OFFICIAL USE ONLY
b2b7C
EXHIBIT 357
1807

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

A: I have attended schooling related to traffic Accident investigation. I was also the Nuclear Biological and Chemical (NBC) NCO for my company, so I attended the NBC course. I attended all of the professional development courses within the Army enlisted schools, which included Primary Leadership Development Course (PLDC), Basic NCO Course (BNCOC) and Advanced NCO Course (ANOC). I have been through civilian law enforcement courses which included pressure point techniques, unarmed self defense, how to apply pepper spray, Intoxilozer 5000, so I could administer sobriety testing. I have attended training for US Customs and Agriculture. I also attended courses related to Physical Security and the Force Protection Course Levels I and II. I also attended the Army course for Equal Opportunity as well as the Army Retention course.

Q: During your career as an MP, did you receive any training related to detainee operations?

A: Yes, while I was assigned to the 21st MP Company, Fort Bragg, NC, we would conduct field exercises related to detainee operations. During these exercises a company of MP's would be selected to go to the field to act as the Opposing Forces (OPFOR). About a week later, elements of the MP Battalion would go to the field and conduct exercises to locate and secure the OPFOR soldiers. Once the OPFOR were captured, the MP's would escort them to the tent city. The battalion would construct a mock detainee facility. The facility would include tents used for searching prisoners, segregation of prisoners, processing of prisoners, issuance of clothing, medical and detention operations. During the field exercise, the MP's would be critiqued by MP Brigade observers, who would evaluate the MP Battalion on each phase of the exercise, to include securing, safeguarding, and segregation of the OPFOR forces.

There were occasions when we would conduct similar training in an urban environment. The exercise was conducted with the same parameters.

During both BNCOC and ANCOC, we received classroom instruction related to detainee operations, which addresses the rights of the detainees and how they should be treated. The course addressed the Geneva Conventions, the Laws of War and rules of engagement for dealing with detainees.

While I was serving as the NCOIC for confinement operations with the USAG MP Company, we were responsible for identification and shipment of prisoners who had to be moved to Fort Leavenworth, KS. There was a NCO on my staff who was school

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted] trained as a 95C, Confinement Specialist. Although I did not attended formal training with the Army Confinement School, I received training from the NCO related to conducting confinement operations. I was also responsible for a block of cells within the Cumberland County (NC) Sheriffs Office cells, were I conducted a daily head count and check of all military personnel confined within the facility.

Throughout my career as a MP, I would apprehend and transport suspects of criminal activity to include searching, securing and vehicle as well as walking escort of the individuals to the MP station, where they would be held within the confinement cells.

Q: While you were deployed to Panama with the 21st MP Company, were you involved with any detainee operations?

A: No. We were there for law enforcement. We worked side by side with the Panamanian Defense Forces (PDF).

Q: Were you involved with detainee or prisoner operations during any other deployments, prior to Afghanistan?

A: No.

Q: What dates were you deployed to Afghanistan?

A: I was deployed to Afghanistan between 1 August 2002 and a date just before Valentines Day, February 2003. I cannot recall the exact day I returned from the deployment.

Q: During your deployment to Afghanistan, describe your primary duties and responsibilities?

A: I was assigned to the Combined Joint Task Force-180 (CJTF-180), and worked within the Provost Marshal Office (PMO) as the NCOIC for detainee operations within the Afghanistan Theater of operations.

Q: Who else was assigned to the CJTF-180 PMO office that had involvement with the detainees or the BCP operations?

A: MAJ [redacted] was the PMO initially and was replaced by MAJ [redacted]. MSG [redacted] was working the detainee operation mission that I was later assigned. He worked with MSG [redacted] who worked with MSG [redacted] CPT [redacted] worked detainee operations Officer-in-charge (OIC) along with CPT [redacted], who also drafted the Bagram SOP. CPT [redacted] was brought to the PMO along with CPT [redacted] came in to take over our detainee operations mission.

Q: Do you know the current location or assignment of MSG [redacted]?

A: He is the 1SG for the 108th MP Company, Fort Bragg, NC.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 357
1809

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted]

Q: Do you know the current location or assignment of MSG [redacted]

A: I do not know. MSG [redacted] would know where he was at currently.

Q: Do you know the current location or assignment of CPT [redacted]

A: I know she attended the Captains career course, Fort Leonardwood, MO.

Q: Do you know the current location or assignment of CPT [redacted]

A: She attended the Captains career course at Fort Leonardwood, MO.

Q: During your deployment to Bagram, Afghanistan, as the NCOIC for Theater Detainee Operations, what were your responsibilities?

A: I was responsible for reporting to the PMO cell of the Coalition Forces Land Component Command (CFLCC), Camp Doha, Kuwait, statistical data related to the detainee collections points within Afghanistan. I would report the number of detainees the movement of detainees within the theater of operations from the collection points at Kandahar and Bagram Afghanistan, the repatriation of detainees and movement of them to the respective areas where they were being repatriated, movements from both Kandahar and Bagram collection points to the US run detention facility at Guantanamo Bay (GITMO), Cuba. I worked 12-hour shifts and during those shifts, I was responsible to conduct at least two physical checks of the Bagram Collection point (BCP). I did not conduct daily checks of the Kandahar Collection Point (KCP), but my supervisor, MAJ [redacted], who was the CJTF-180 PM would conduct a physical visit of the KCP. That was different from MAJ [redacted] who was the first PM I worked for in Afghanistan. He did not conduct any physical visits to the KCP. I was always present at the reception and discharge of detainees at the BCP. I was responsible for making the security and movement coordination related to repatriation of detainees as well as the aircraft movements. I also made similar arrangements for the movement of detainees from Afghanistan to GITMO. I assisted in drafting portions of a new Standard Operating Procedure (SOP).

Q: Describe the in processing procedure that you observed related to the receipt of new detainees at the BCP?

A: I would go over to the BCP when new detainees arrived. There were times when I would accompany the MP's when they

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 357

1810

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted] transported the detainees to the BCP. Sometimes the detainee would have plastic flexi cuffs on, which would be removed and handcuffs placed on the detainees. The detainees were brought into the front of the facility. The detainees would be placed into the holding cage during the processing procedure. The detainees would be brought out of the holding cell individually and escorted by MP's to the processing room. The detainee would provide personal vital statistical information or we would have to wait for an MI interpreter to assist us in completing the paperwork in the morning. The paperwork was completed, which included the processing by the CID Agents assigned to the Criminal Investigative Task Force (CITF). The medical examination of the detainee would be completed and he would be issued his BCP clothing. He would also be instructed on the rules of the facility. If the detainee would be sick, they were segregated for health reasons. I only saw the use of MP canines. This was usually done when there was a large group of detainees brought to the facility. I was told the use of the canines was to keep the detainees confused and to ensure the detainees would remain calm and not try to cause a problem during the in processing. It was used as a deterrent. The MP canine would normally be placed in an office adjacent to the area where the detainees were being processed and had no direct access to the detainees. The canine handler would make the canine bark and keep the canine on a short leash. The detainees were scared of the canine. After a short period of time, the canine would leave, once the atmosphere within the BCP was that the detainees were under control, and then the canine handler would depart.

Q: During the in processing, did you observe the MP yelling instructions at the detainees related to the rules of the facility and the expectations of the detainees while in under US control?

A: No I did not.

Q: Did you ever observe any MP's carry or utilize sticks or riot batons during any portion of the in processing of detainees?

A: No.

Q: Who would decide when and have the authority to employ the use of the MP canine during the in processing of detainees?

A: I was instructed by MAJ [redacted] on one occasion to coordinate with the MP canine and have them report to the facility for the processing of a large number of detainees. I

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 357

1811

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted] would say the CJTF-180 PM or the Bagram Installation PM would have the authority.

Q: While you observed the in processing of detainees, did you observe any detainees who struck or assaulted in any way MP or BCP personnel?

A: No.

Q: While you observed the in processing of detainees, did you observe any MP, MI or other BCP personnel strike or assault any detainee?

A: No. MI very rarely came around when it was in processing time. They would wait until the initial process was completed before they completed their mission.

Q: What MP Companies operated the BCP during your tour of duty in Afghanistan?

A: When I first arrived, the 211th MP Company was running the BCP facility. They were replaced by the 377th MP Company, who was in charge of the BCP operation throughout the remainder of my tour.

Q: Did you perceive any difficulty with the transition of the BCP operations from the 211th MP Company to the 377th MP Company?

A: No, it happened so fast. All the equipment and unit property was packed. The 211th was only waiting to provide a quick briefing to the 377th MP Company and the battle handoff was complete.

Q: When you first arrived in Afghanistan, did the 211th MP Company or the CJTF-180 have an established SOP related to detainee operations and operating the BCP?

A: No. The SOP was being developed. The instruction was to conduct business based on the existing doctrine of the Military Police.

Q: In what publications is the doctrine of the MP maintained related to detainee operations?

A: I do not remember. EPW AR 190-8, CORRECTIONS AR 190-47 [redacted]

Q: When the 377th MP Company arrived in Afghanistan, did they establish or discuss with you any internal or external SOP related to conducting operations within the BCP?

A: They had to be briefed. MAJ [redacted] briefed them on a Commanders level. I went to the facility and talked with the NCOIC's within the facility. There were areas where the MP's were uncertain of and we discussed those areas. The Company Commander was not much in control and did not pay much attention to daily activities and how things were being done. Neither was the unit 1SG. The Commander and 1SG were often not even present

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 357

1812

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted] within the facility throughout the day. The unit had several members who had confinement experience as civilians. The NCO's within the unit took on the responsibility to run the facility. There were several Lieutenants who took interest and worked with the NCO's to run the daily operations within the facility. When MAJ [redacted] replaced MAJ [redacted], he also briefed the 377th MP Company Commander, CPT [redacted]

Q: What areas were the 377th MP's unsure of related to conducting their mission within the BCP?

A: The assignment of numbers to the detainees. They had never been involved in this type of operation before. Issues of health related to the availability of medical assistance for the detainees. During the day the medic was present within the facility or would make several visits throughout the day. At night, it was difficult to reach the medics. When we were receiving personnel at the facility, often times it was difficult to reach a medic. Prior to the deaths, it was decided that a medic would be assigned to the BCP during the evenings and be available for any medical concerns.

Q: Did anyone within the 377th MP Company express any concerns about the unit not being adequately trained to conduct the mission within the BCP?

A: No.

Q: Did the CJTF-180 PM ever receive any indication or reports that addressed the evaluation of training readiness of the 377th MP Company while they completed their required pre-deployment training at Fort Dix, NJ?

A: Not as I know of. I recall they were a little late arriving in Afghanistan.

Q: Did the CJTF-180 PM monitor the training readiness status of MP units identified to perform the detainee operation mission within the BCP?

A: The only part of the detainee mission that they observed was when they conducted the GITMO movement of detainees. The CJTF-180 would attend the rehearsals repeatedly until the PMO was satisfied. The 377th did not conduct any training when they were in Afghanistan.

Q: Who was responsible for drafting the SOP at Bagram, which related to the operation of the BCP?

A: CPT [redacted] was overall responsible with the assistance of CPT [redacted] and myself.

Q: Do you know the current location or assignment of CPT [redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 357
1813

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted]

A: He is going to college full time. After the completion of the deployment, he left active duty and then went to the US Army reserve.

Q: Do you know the current location or assignment of CPT [redacted]?

A: She is in the US Army reserves and she is a [redacted] I believe in [redacted]

Q: Was a SOP officially reviewed and approved related to operations within the BCP during your tour in Afghanistan?

A: No. I left and CPT [redacted] was still working on the document.

Q: Was there interim guidance provided to the 377th MP Company or any other elements within the BCP related to the conduct of operations, pending the completion of the SOP?

A: When I started seeing things go wrong, especially if I saw things more than one time, I would make MAJ [redacted] aware of what I saw. He would talk with CPT [redacted], the MP Company Commander. He always backed up everything he did with e-mails to document what he had told the MP Commander.

Q: What things did you see "going wrong" that you reported to MAJ [redacted] related to the 377th and the operations within the BCP?

A: The only thing that I really reported to MAJ [redacted] was that during one of my visits to the BCP to observe the in processing of new detainees, I observed the Persons Under Control (PUC) or detainees were being chained to the cages. I know that they were cuffed and leg ironed for transport. Once they had been in-processed and examined by the medics, there was no need to chain them, since they had been searched and cleared medically. Unless they were being combative, there was no reason to chain them. On the first floor of the facility, there was a wire mesh cage to the left of the medical office. This cage was used for temporary holding of detainees during the initial processing. If no detainees were being processed into the facility, no one would be held in the cage. There were a number of detainees inside the cage, I cannot recall the exact number, maybe seven (7). They were all secured the same way. They all had handcuffs on their wrists. I do not recall if they had leg shackles or not. Some of the detainees were secured to the side of the mesh cage with their handcuffs; I cannot recall exactly how they were fastened. When I asked the MP on duty why they were secured in that manner and handcuffed to the cell, the MP could not provide a reason. There was also a detainee who was wearing a cotton type surgical mask due to him possibly having

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted]berculosis. He was the only detainee that was not handcuffed within the cell. The detainee began coughing strongly and appeared to vomit in the mask. I directed the MP on duty to remove the detainee from the cell and have him cleaned up. I know the detainee was removed from the cell, but I do not know what was done with the individual. I spoke with the Sergeant of the Guard (SOG) and asked him if it was necessary to restrain the detainees since they were not combative. He told he me would handle the situation. I continued with my walk through of the BCP and I went to the upstairs isolation cells. These were small rooms about 6 foot by 8 foot constructed of plywood with concrete floors. I observed a single detainee occupied one of the cells. His handcuffs secured him to the bars on the window of the door. His hands were held at a height slightly above his head, as the detainee was not very tall. I asked the MP who was monitoring the isolation cells why the detainee was restrained and I was told that the detainee was irate and he had tried to throw feces on the guards. I went back downstairs and I spoke with the SOG and informed him of the detainee being restrained by his handcuffs upstairs in the isolation cell. The SOG said he would handle it and take the detainees out of the handcuffs. I left the BCP and returned to my office. When I returned to my office I discussed what I had seen with MAJ [redacted] He asked if I had handled the situation and I told him that I had and what I had done.

A day or two later I was conducting my routine walkthrough of the BCP and I observed the same situation. There were a few detainees being in processed to the facility. I observed a few of the detainees inside the holding cage with handcuffs. I continued on with my walk through of the facility. When I got to the second floor, I went to the isolation cells and I observed the same detainee being held in one of the isolation cells towards the front of the area. He was still being restrained with his hands cuffed around the metal bars in the window of the isolation cell. I became angry because I had told the MP's to stop restraining people with handcuffs inside the cells. I left the facility and I reported what I had seen to MAJ [redacted] I do not know what MAJ [redacted] did, but whatever he did, the practice of handcuffing detainees within the cells appeared to have stopped.

Q: When you made these observations of the detainees being restrained within the cells using handcuffs, was this before or after the death of the two detainees?

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 357

1815

STATEMENT OF SFC [redacted], TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted]

A: Before.

Q: Did you observe any detainees restrained in a standing position or restrained to a fixed object after this incident?

A: Not after the second incident. I guess MAJ [redacted] did his job.

Q: During interviews with personnel from the 377th MP Company, they identified the use of logbooks to document incidents related to the detainees. During your walk through of the BCP, did you document any incidents or concerns related to the observations you made of the detainees in these log books?

A: No, not in their logbooks. I never touched their logbooks. The MP's maintained the logbooks. I would always tell them to document my visit within the logbook.

Q: Do you know what happened to the logbooks created by the 377th MP Company?

A: No clue.

Q: Did the 377th MP Company provide the CJTF-180 PMO with a copy of the logbook entries or an electronic version of the logbooks?

A: No.

Q: Were you aware that the 377th MP Company was purported to maintain an electronic version of the logbooks documented by the MP guard force?

A: No.

Q: Did the CJTF-180 PMO staff ever review the entries within the logbooks of the 377th MP Company?

A: No. That was not our responsibility. That was the responsibility of CPT [redacted] as the commander. Every day he was supposed to review the logbooks. At the shift change, the SOG who was coming on shift was supposed to review the logbooks.

Q: Did you ever review any of the entries within the logbooks of the 377th MP Company during any of your visits to the BCP?

A: No. I watched them log me into the facility when I arrived.

Q: Are you aware of any documentation in the 377th MP Company logbooks, which identified incidents where the MP's used force or struck any detainees?

A: No.

Q: Would incidents in which the 377th MP Company MP's used physical force or struck a detainee require them to notify the CJTF-180 PMO?

A: Any incident or any time that they were involved in any sort of a tussle with anyone. They never informed us when they had to move someone to isolation, although they never told us. SHOULD HAVE [redacted]

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted]

Q: Where is it documented that the 377th MP Company was supposed to report incidents related to the detainees was to be reported to the CJTF-180 PMO?

A: That was in the old doctrine. The MP Commander had been briefed that we were to be informed of all the incidents related to the detainees.

Q: Do you recall notification of an altercation involving the MP guard force and a detainee who was restrained in a standing position in one of the air locks leading to a main cell? The detainee had allegedly twisted his cuffs and an MP entered the air lock to assist the detainee. The detainee became combative and reportedly resisted the MP and began fighting and kicking. The MP's removed the detainee from the cell, during which the MP guard force reportedly struck the detainee several times before being subdued. The detainee was then taken to an isolation cell within the BCP?

A: No.

Q: What was the purpose of your walk through visits of the BCP?

A: To ensure that the detainees were OK. To ensure that they indeed were present. For the health and welfare of the detainees.

Q: What input did you provide to the draft of the Bagram BCP SOP?

A: I did not actually sit down and draft anything. We all sat down within the CJTF-180 PMO and bring the published doctrine related to handling of Enemy Prisoners of War (EPW). We had to update the documents because the detainees were identified as Persons Under Control (PUC) who were treated differently than EPW's. The last I heard before I re-deployed to the United States after my tour was completed was that CPT [redacted] was going to complete the drafting of the SOP.

Q: Did you receive specific instructions related to assisting in the drafting of the Bagram BCP SOP?

A: I was just told to give my input based on my knowledge and experience.

Q: What instruction, if any, are you aware of was provided to CPT [redacted] for creating of the Bagram BCP SOP?

A: I know he was given in depth and specific instruction and the creation of the SOP was his job. MAJ [redacted] and MAJ [redacted] provided the instruction. The SOP project had been ongoing since before we had deployed to Afghanistan. MSG [redacted] was the individual who had begun drafting the document prior to CPT [redacted] taking over the project.

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 357

1817

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted]

Q: Prior to your deployment to Afghanistan, did you receive any training to the use of force as it applied to detainees?
A: No.
Q: Upon arrival within the Afghanistan Theater of Operations, did you receive any training related to the rules of force related to detainees within the BCP?
A: No.
Q: Do you know of any training provided to the 377th MP Company within the Afghanistan Theater of Operations related to BCP operations?
A: I am not aware of any. The 211th MP Company completed the battle handoff, which would have been a training period for a few weeks prior to the 211th MP Company departing theater.
Q: Do you know of any training provided to the 377th MP Company within the Afghanistan Theater of Operations related to the use of force related to detainees at the BCP?
A: I do not know, I was not part of the training between the 211th MP Company and the 377th MP Company.
Q: Was anyone within the CJTF-180 PMO specifically responsible for oversight of the BCP operations?
A: Ultimately it would have to the PMO. We had not structured the PMO to address this below the PMO level. We left the company level operations up to the 377th MP Company to handle.
Q: What if any training did the 377th MP Company have related to conducting detainee operations, specifically operating the BCP?
A: Just the battle handoff, that is all I know of.

[redacted]

Q: What if any modifications were made to the BCP operations after the death of the two detainees?
A: There was a medic assigned to be present at the BCP at all times. During the day a doctor was present with the medic. At night the medic would stay at the BCP.

[redacted]

Q: Did you have specific responsibilities related to the BCP?
A: No.
Q: How often did you visit the BCP?
A: At least twice on my shift daily. The entire deployment, I think that I may have had 2-3 days off. So I was at the BCP daily.
Q: Were your visits to the BCP announced or unannounced?
A: Sometimes I would call and let them know I was coming because it was dark during my shift at night and I was walking alone. Other times I would arrive at the BCP unannounced.

FOR OFFICIAL USE ONLY

b67C

EXHIBIT 357

1818

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

Q: What areas did you visit?
A: I visited the bottom floor and the top floors. I would only go to the areas of the facility where I knew detainees were present. I would not go into some of the personal office and rooms within the BCP because I had no need to do so.
Q: Did you observe the Isolation Cell areas?
A: Yes, I actually walked through.
Q: Did you observe any detainees within the Isolation Cells? If so, were they restrained?
A: Yes. I saw one detainee restrained on two occasions, which I have described previously within this statement. The other detainees I observed within the isolation cells were not restrained.
Q: Were you ever restricted by the MP's from visiting the isolation cell areas during your visits?
A: No.
Q: When you observed the isolation cells, did you ever observe shackles or chains secured to the ceiling, walls or door of the isolation cell?
A: No. I did observe the one detainee whom I described earlier in the statement with his hands handcuffed around the bars in the window of the isolation cell.
Q: What time of day would you visit the BCP and observe the isolation cell area?
A: I worked the night shift, which was between 1700-0500 daily. About 3-4 hors into my shift and again 3-4 hours prior to the end of my shift. The visits would be before and after midnight respectively.
Q: Did you observe anyone chained in a standing position anywhere within the BCP?
A: Yes. I observed detainees in the cage on the main floor during the processing. I also observed the detainee with his hand secured to the bars of the isolation door with handcuffs. I have described both of these incidents in detail previously within this statement.
Q: Were you aware of the placement of Hesco barriers as a ceiling in the Isolation Cells?
A. No, I was not aware there was a mesh ceiling within the isolation cells.
Q: Were you aware detainees were chained to the Hesco barrier ceiling as punishment and to achieve sleep deprivation?
A: No.
Q: Did you observe any interrogations inside the BCP?

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted]

A: No. If interrogations were going on, there was always AN MP [redacted] inside the room when I saw them.

Q: Did anyone express to you any issues with policies, procedures and practices being employed inside the BCP?

A: No.

Q: Did you have any indication there may have been a problem with the treatment of detainees within the BCP?

A: No.

Q: Did you give any guidance to MI or MPs about the operations within the BCP?

A: Yes. MP's I would tell them not to secure detainees within the cells in handcuffs, providing the detainees showers and taking the detainees to the bathroom more often. I did not give any direction to the MI personnel.

Q: Did CPT [redacted] 377th MP Company Commander, ever ask you any questions about the operations within the BCP?

A: No. He did not believe in talking to anyone unless he believed you were important.

Q: Did 1SG [redacted] 377th MP Company 1SG, ever ask you any questions about the operations within the BCP?

A: No.

Q: Did any other members of the 377th MP Company ask you any questions about the operations within the BCP?

A: They would not ask me questions. We would talk during my visits and they took guidance on the spot for any corrections I made during my visits.

Q: Did CPT [redacted], A Co, 519th MI Bn, ever ask you any questions about the operations within the BCP?

A: No.

Q: Did you have any interaction with any members of the 519th MI unit within the BCP related to interrogations or operations within the BCP?

A: They started getting into a habit of telling the MP's of what they could and could not do. I did get in an argument with the MI 1SG, who I cannot recall [redacted] name at this time. I told [redacted] that the MP's did not belong to MI. The MI 1SG started acting as if the MP's belonged to [redacted] personally, and the MP's came to me and told me. I think this may have been caused because the MP 1SG was not present within the facility and his own soldiers did not talk with the 1SG. I took care of it by informing the MI 1SG that the MP's did not belong to [redacted] and if [redacted] wanted to do anything with the MP's [redacted] needed to use the

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted] 377th MP Company Chain of Command or come through us at the CJTF-180 PMO.

Q: Describe the relationship between the 377th MP Company and Company A, 519th MI within the BCP?

A: When the 211th MP Company was at the BCP, there were never any issues related to the relationship. When the 377th MP Company took over the BCP operations the relationship was good for a while. It was explained to me that the MI 1SG was trying to tell the MP's what to do down at the BCP, that [redacted] was in essence trying to run the BCP. That was when I called and spoke with the 1SG and informed [redacted] that [redacted] did not run the BCP. I informed [redacted] that [redacted] was not in charge of the BCP operation and that [redacted] was only in charge of the MI portion of the BCP. If [redacted] wanted to task the MP's with any missions or guidance [redacted] would have to go through the 377th Chain of Command or come to the CJTF-180 PMO. When the MI and MP are located in the same area, it seems that there is confusion as to who is in charge.

Q: Did you perceive any indication that the MP were taking direction from the MI regarding the handling of detainees within the BCP?

A: Other than the MP complaining to me and telling me that MI was trying to tell them what to do within the facility. I would never have known. They did not go into any specifics as to what MI was directing them to do. They asked me to intervene and tell MI that the MP did not belong to them.

Q: Did you inform MAJ [redacted] of the request by the MP for intervention and your conversation with the MI 1SG related to MP operations within the BCP?

A: I do not know if I told him or not. Many things, especially if it was within the NCO chain of command, I would try to handle on my own and not bother MAJ [redacted].

Q: Were you aware that sleep deprivation was being used on detainees in the BCP?

A: No.

Q: Who authorized the use of sleep deprivation within the BCP?

A: I would have no clue who would do that. The only ones I would think could authorize that would be maybe MI.

Q: Did you discuss the use of sleep deprivation with anyone on the CJTF-180 staff to include the legal advisors?

A: No.

Q: Were you aware that sleep deprivation was being achieved by chaining detainees to the ceiling for periods in excess of 24 hours?

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted]

A: No.

Q: Were you aware that detainees were being struck for "non-compliance" while held within the BCP?

A: No.

Q: Within your career and training as a MP, have you ever heard the term "compliance blow"?

A: I have never heard that one.

Q: Within your career and training as a MP, have you ever heard the term "perennial strike"?

A: Yes. I heard the term used within the BCP. I walked up to several soldiers who were MP's assigned to the 377th MP Company. They were talking and I heard them refer to a technique called a perennial strike. Based upon their conversation, I learned that this involved striking the thigh of an individual. They said if you pop somebody on the thigh it would make them go down and render the individual in extreme pain. I walked away and dismissed the comment because I had never heard of it before. I thought they were trying to boast with one another. They never stated that they used the technique and I did not see them strike anyone using the technique.

Q: Did you have any involvement or contact with detainee BT412, whom CID has identified to you as Mr. HABIBULLAH?

A: Never one on one contact. I may have been present when he was brought into the BCP.

Q: Did you have any involvement or contact with detainee BT421, whom CID has identified to you as Mr. DILAWAR?

A: Never one on one contact. I may have been present when he was brought into the BCP

Q: Did you ever observe anyone physically strike or assault Mr. HABIBULLAH (BT412) while he was detained within the BCP?

A: No.

Q: Did you ever observe anyone physically strike or assault Mr. DILAWAR (BT421) while he was detained within the BCP?

A: No.

Q: Did you ever observe anyone physically strike or assault any other detainee within the BCP?

A: No.

Q: How were you notified of the two deaths in December 2002?

A: I was notified telephonically. Both of the deaths occurred during my shifts.

Q: What was your reaction to the deaths of the detainees?

A: After the call, I notified the shift Captain and then I went to the BCP. I have to think about the first death. I went to

STATEMENT OF SFC [redacted], TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted] both deaths and I recall the second death more vividly, as a lot of time has passed.

I was called by one of the NCOIC's of the BCP. I was informed the detainee was in an arrest and was having trouble breathing. I immediately informed the Captain and went straight to the BCP. The ambulance had not arrived yet. When I walked in, the MP company medic and someone else was performing CPR. They were downstairs in the medical office. The detainee was lying on his back. I don't recall what the detainee was wearing. The ambulance arrived and I went outside and blocked the street off, so no other vehicles could get on the road. I rode with one of the 377th NCO's and we followed the ambulance to the hospital. I had some MP's meet me at the hospital and we set up a guard rotation due to the detainee being in the hospital. After the guards were in place, I went in and observed while the doctors were attempting to revive the detainee. When the doctor declared the detainee deceased, the remains were moved to a room at the back of the hospital and a guard was placed on the door. I did not call CID, I do not know who did.

When I initially arrived at the BCP and observed the MP's trying to revive the detainee with CPR, the MP's were giving me details that the detainee was not eating and drinking and was acting wild and died. That was the same information they had provided to me related to the death of the first detainee. It seemed strange to me that two people would die of such similar circumstances.

Q: What information came to light, that had not previously been known, after the two detainees died in December 2002?

A: None that I am aware of.

Q: Are you aware of any conversations or e-mail between MAJ [redacted] CJTF-180 PMO and CPT [redacted] Commander, 377th MP Company, related to the practice of securing the handcuffs and leg shackles of detainees to fixed objects in order to achieve punishment or to keep the detainees awake?

A: All I know is when I told MAJ [redacted] that I had seen a detainee restrained with his hands handcuffed to the bars of the isolation cell door a second time at the BCP, he made a telephone call and sent an e-mail. I do not know what was said or to whom he was speaking nor did I see any e-mail.

Q: Were any orders issued to the 377th MP Company related to the practice of securing detainees to fixed objects?

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted]

A: I know MAJ [redacted] placed something in an e-mail in writing, but I did not read it.

Q: When were these orders issued relative to when the deaths of the two detainees occurred?

A: Before the deaths of the detainees.

Q: Based on your knowledge, experience and career as a MP, what do you feel should be done for those individuals responsible for the death of the two detainees?

A: If they are indeed responsible, they need to go to jail. Anyone who was involved with the death of a detainee, although we may not like the detained individual, we are bound by the laws of war and if we break those laws, then we need to go to jail.

Q: Were you present during a briefing attended by CPT [redacted] and MAJ [redacted], during which MAJ [redacted] instructed CPT [redacted] to stop supporting MI with sleep deprivation?

A: No.

Q: During your visits to the BCP, did you observe any practices, which were contrary to existing Army policies and guidance governing the treatment of detainees?

A: Just the hygiene issues. Early on during the tour, the smell from the detainees was an issue. They were being provided three baths a week and I directed additional opportunities for personal hygiene.

Q: During your tour as the NCOIC for Detainee Operations within Afghanistan, were any visits or assessment teams provided to assist in the establishment or structuring of MP operations within the BCP?

A: I do not recall meeting anyone during my tour who came to do an assessment or provide assistance related to MP operations within the BCP.

Q: Did you coordinate with anyone or receive any guidance from anyone at GITMO regarding the operation of the detainee facility?

A: No, the only guidance I received from GITMO was in regard to aircraft movement of detainees to GITMO from the theater of operation.

Q: What was the purpose for you observing the in processing of the new detainees at the BCP?

A: I had to be there twice a night anyway, so I decided to go when there was something to watch.

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b67C

EXHIBIT 35-7

1824

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted]

Q: Do you know if the use of riot batons or nightsticks was authorized for the MP operating within the BCP? (If so, under what circumstances)

A: No. We never came upon a situation where we needed to authorize the use of the batons or nightsticks.

Q: Were riot batons or nightsticks available to the MP within the BCP?

A: They were present, but not inside the building. They were stored in a secured container.

Q: Could MI direct the MP guard force to enforce specific activity of a detainee such as sleep adjustment?

A: Yes. If the MP was weak and did not know what he was supposed to do, then the MP would probably support the MI request.

Q: Did anyone ever tell you they were responsible for the deaths of the two detainees?

A: No.

Q: Absent a formal Standard Operating Procedure (SOP) for the BCP, are you aware of any internal documents used by either the 377th MP Company or the 519th MI related to BCP operations?

A: No.

Q: Having been shown photographs of Mr. HABIBULLAH (BT-412) and Mr. DILAWAR (BT-421), are either of these men involved in the incident you describe in which you observed detainees within the BCP in standing restraint?

A: Not as I can remember. I do however recall both individuals because of their death.

Q: Did anyone ever inform you detainees were being restrained in a standing position for the purpose of sleep deprivation or punishment?

A: No.

Q: Did MAJ [redacted] or MAJ [redacted] discuss concerns with you related to MP operations within the BCP?

A: No. Most of the time when they were upset they dealt directly with CPT [redacted] 377th MP Company.

Q: Is there anything you wish to add to this statement?

A: No.

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

[redacted]

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b6 7C

EXHIBIT 35-7
1825

STATEMENT OF SFC [redacted] TAKEN AT Fort Bragg, NC 28310, DATED 17 September 2004, CONTINUED:

[redacted]

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 20. 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 oaths, this 17th day of September 2004 at Fort Bragg,

[redacted]

(Typed Name of Person Administering Oath)

SA [redacted]

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

INITIALS [redacted]

FOR OFFICIAL USE ONLY

b2b7C

EXHIBIT 357

1826

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533 / 0137-02-CID369-23534

PAGE 1 OF 1 PAGE

DETAILS

About 1812, 24 Sep 04, SA [redacted] forwarded a Request For Assistance (RFA) to SA [redacted] Darmstadt Resident Agency, USACIDC, to conduct an interview of **LTC [redacted], 66th Military Intelligence Brigade, Darmstadt, GM, APO AE 09175,** regarding his knowledge of operations of the Military Police and MI units within the Bagram Collection Point (BCP), Bagram, Afghanistan.

About 1330, 27 Sep 04, SA [redacted] interviewed LTC [redacted] who provided a sworn statement detailing his knowledge of operations within the BCP. LTC [redacted] stated he did not have any operational oversight related to intelligence operations of the MI unit within the BCP. He stated he was assigned to synchronize the operations and intelligence gathered from MI interrogations and to serve as the Chairman of the Detainee Release Board. LTC [redacted] related he was aware of sleep deprivation and standing restraint being used within the BCP. He denied any knowledge of detainees being assaulted within the BCP.

About 1400, 4 Oct 04, SA [redacted] received the Agent's Investigative Report (AIR) of SA [redacted] which detailed the results of the interview with LTC [redacted] (See AIR and Statement of LTC [redacted] for details)

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
	DATE	EXHIBIT
	4 Oct 2004	358

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2b7C

1827

0134-02-CID369-23533
0137-02-CID369-2353

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION COMMAND
INVESTIGATIVE OPERATIONS
6010 – 6TH STREET
FORT BELVOIR, VIRGINIA 22060

REPLY TO
ATTENTION OF:

CIOP-COP-PO

24 September 2004

MEMORANDUM FOR Special Agent-In-Charge, Darmstadt Resident Agency, 5th MP Battalion, USACIDC, Unit 29500 Box 14, APO AE 09175-0014

SUBJECT: CAT 1 Request for Assistance (0134-02-CID369-23533 / 0137-02-CID369-23534)

1. This is a Category 1 Request For Assistance (RFA). On 6 Aug 03, HQ, USACIDC assumed investigative responsibility for the above referenced Reports of Investigation (ROI's) related to the death of two detainees within the Bagram Collection Point (BCP), Bagram Air Base, Afghanistan, during December 2002. Both of the deaths involved blunt force trauma and were ruled "homicides" by the Office of the Armed Forces Medical Examiner (OAFME). During the time of both incidents, the BCP was being facilitated by members of the 377th Military Police (MP) Company, a US Army Reserve Unit, that had been ordered to active duty and assigned the mission to run the BCP. Members of Company A, 519th Military Intelligence (MI) Battalion, Fort Bragg, NC, had also been deployed and were working within the BCP conducting interrogations of the detained personnel for intelligence purposes. Investigation to date determined the MP's used peroneal strikes to the thighs of the detainees (also known as compliance blows), to achieve compliance and as a form of punishment. Additionally, members of the MI unit directed courses of sleep deprivation, enforced by MP's, to assist in obtaining information from detained personnel, which was achieved by chaining detainees to the ceiling with their feet on the floor in a standing position with their hands above their heads. Detainees were also forced to remain in "safety" positions on their knees during interrogations as well as maintain physically difficult positions during interrogations as a method to extract intelligence information.

2. The first detainee who died, BT 412, was identified as Mr. HABIBULLAH and arrived at the BCP on 30 Nov 02. Due to his combative nature, he was placed in an isolation cell within the BCP on 2 Dec 02. He reportedly was restrained in a standing position within the isolation cell and had refused food and drink. He was found unresponsive by the MP's and provided medical assistance on 3 Dec 02, however, was pronounced dead on 4 Dec 02. The second detainee who died, BT 421, was identified as Mr. DILAWAR and arrived at the BCP on 5 Dec 02. Due to his combative nature, he was placed in an isolation cell within the BCP on 8 Dec 02. He reportedly was restrained in a standing position within the isolation cell and had refused food and drink. He was found unresponsive by the MP's and provided medical assistance, however, was pronounced dead on 10 Dec 02. Autopsy determined both detainees suffered blunt force injuries to their lower extremities, to include deep contusions with intramuscular hemorrhage and necrosis.

CIOP-COP-PO
SUBJECT: Request for Assistance (0134-02-CID369-23533 / 0137-02-CID369-23534)

These injuries, coupled with other physical and medical factors, were directly contributory to the deaths of the detainees.

3. LTC [redacted] formerly assigned to Headquarters, 18th Abn Corps, Fort Bragg, NC, was deployed and supervised the Commander, Company A, 519th MI Bn, during this deployment. LTC [redacted] proceeded on a Permanent Change of Station (PCS), to the 66th MI Brigade, Darmstadt, GE, APO AE 09175, in accordance with PCS order 099-19. His reporting date was no later than 15 Jul 04.

4. Request your office locate, fully identify and interview LTC [redacted] regarding his knowledge of activities related to the preparation for deployment, deployment and operations within Afghanistan and the deaths of the two detainees. A list of specific questions has been provided as an enclosure to this RFA to assist you in developing the interview. Contact with the undersigned must be affected prior to beginning the interview. The undersigned will be available at his office and the statement may be reviewed prior to closure and signature of LTC [redacted] **The statement cannot be closed without review by the undersigned, to ensure all areas have been sufficiently addressed based upon the responses of LTC [redacted]** The statement questions provided are not all inclusive and each question or area discussed with LTC [redacted], should be addressed in its entirety.

5. POC for this investigation is the undersigned at 703-806-0224 (DSN: 656), Cellular Telephone [redacted] or e-mail [redacted]@belvoir.army.mil.

[redacted]

Special Agent, [redacted]

Encl
1. PCS Order 099-19 of LTC [redacted]
2. Statement questions

June 02
Afg. 29 Nov
6 June

DEPARTMENT OF THE ARMY
HEADQUARTERS, XVIII AIRBORNE CORPS AND FORT BRAGG
Fort Bragg, North Carolina 28310

ORDERS [redacted]

11 February 2004
DVJ

[redacted] LTC 18TH HQ ABN CORPS (WAUKAA) FORT BRAGG, NORTH CAROLINA 28310

You will proceed on permanent change of station as shown. Information concerning your port call will be provided separately.

Assigned to: 66TH Military Intelligence Brigade (WBU7AA) Darmstadt, Germany APO AE 09175
Reporting date: Not later than 15 July 2004
Additional Instructions: (a) **WITHIN TWO (2) duty days of receipt of these orders you must do two (2) things: (1) REPORT** to the Soldier Support Center (SSC) (Bldg 4-2843, Normandy Drive WING D) BETWEEN THE HOURS OF 1300-1530 Monday, Tuesday, Thursday, or Friday (SSC IS CLOSED ALL DAY WEDNESDAY FOR SERGEANTS TIME TRAINING) to schedule an appointment to clear Ft Bragg. **BRING** with you a copy of your leave form (DA Form 31), TDY Orders (if applicable), Permissive TDY (if applicable), and **ANY** personal appointments that you are already committed to. (2) **REPORT** to the local Transportation Office, Bldg 8T-1703 Knox Street, with (25) copies of your orders to arrange the shipment of personal property at government expense.
(b) You will depart current installation on-or-about 15 June 2004.
(c) You are responsible for reporting to next duty station/school in satisfactory physical condition, able to pass the APFT and meet the height/weight standards IAW AR 600-9.
(d) Portions of your PCS entitlements may be taxable. Consult a legal assistance attorney or Community and Family Services financial counselor to receive current PCS entitlements tax information.
(e) You are required to report to the family housing/housing referral office serving your new duty station before you make housing arrangements for renting, leasing, or purchasing any off-post housing.
(f) Dependents: Yes. You will serve the "**ALL OTHERS DIRECTED TOUR**" in accordance with paragraph 1-9b(2), AR 614-30, without EFMP screening. You are authorized shipment of household goods and movement of your dependents **to a location within CONUS**. You are authorized travel to that designated location to assist your dependents in the move. If you move your dependents and household goods at government expense and request family travel at later date, you will not be authorized movement of your dependents and household goods to your gaining command at government expense.

FOR OFFICIAL USE ONLY

b67c

1830

EXHIBIT 359

ORDERS [redacted] HQ XVIII ABN CORPS & FT BRAGG, NC DTD 11 FEBRUARY 2004

(g) Upon receipt of these orders, report to transportation port call section to obtain port call information. Alternate port, if desired is authorized. If alternate port is for personal convenience, mileage reimbursement will be limited from current duty station to cost favorable port. You have the option to travel commercial (US Flag Carrier) on a reimbursable basis or to obtain government procured travel which may include Air Mobility Command (AMC) flights. Reimbursement is limited to the cost of the ticket or the AMC rate, whichever is less. If you elect to travel commercially, you must purchase ticket(s) from the commercial travel office (leisure) at your installation IAW Defense Travel region II contract. Tickets purchased from agencies other than the installation contractor will not be reimbursed.

(h) You are not allowed to ship, transport or hand-carry privately-owned firearms to Germany, directed by host nation, Headquarters, United States Army Europe.

(i) Effective 30 June 97, all Personnel Assistance Points (PAP) were closed with the exception of Atlanta, GA. If you need assistance call the Army Travelers Assistance Center (ATAC) at **(800) 582-5552.**

(j) You are authorized shipment of personal property and privately owned vehicle **IAW JFTR/EJFTR.**

(k) You must report to Finance One-Stop 10 days prior to your final out-processing.

(l) **IAW CINCUSAREUR** policy, all PCSing personnel must in-process through the 64th Replacement Command (formerly 21st PRB) and travel on the sponsorship bus (S-Bus) to their community of assignment. Only those soldiers in the ranks of LTC and above, Chief Warrant Officer Four and above, Command SGM, and SGM are exempt from this policy. Upon arrival and processing, the 64th Replacement Command will notify your community ACS Reception Center and your sponsor will be informed of your time of arrival.

(m) Arrival in Germany on the weekend is strictly prohibited. **You are not authorized to report to the 64th Replacement Command or any unit of assignment on a Saturday, Sunday or Legal Holiday.** This applies for personnel purchasing their own tickets as well as those traveling with Government procured tickets. Soldiers in the rank of Col and above and BDE CSM and above are exempt from this policy.

(n) You must be HIV tested negative within six months prior to your reporting date to gaining command.

(o) Soldier is reassigned without completing his/her processing for Medical and Dental preparation for overseas movement prior to publication of orders IAW AR 612-2 and AR 600-8-11.

(p) Official travel arranged through commercial travel offices not under contract to the government is **NOT** reimbursable.

(q) Leave data as stated on DA Form 31.

(r) You are required to forward a **DA Form 3955**, Change of Address Card, containing your new home address to your PERSCOM assignment manager within 30 days of arrival at your new duty station or upon change of residence.

(s) This is a 36 month tour with dependents, and a 24 month tour without dependents.

(t) Website: https:www.aeaim.hqusareur.army.mil/library/setup/mainwindow.htm. Information regarding your assignment.

FOR OFFICIAL USE ONLY

b67C

1831

EXHIBIT 359

ORDERS [redacted] HQ XVIII ABN CORPS & FT BRAGG, NC DTD 11 FEBRUARY 2004

(u) All soldiers should carry a "Zero" balance on their issued Government Travel Card before departing the Installation.

(v) Early reporting not more than 60 days earlier than the NLT report date is authorized to PCS station.

(w) Four dog breeds and crosses of those breeds are prohibited in Germany: Pit Bull, American Staffordshire Terrier, Staffordshire Bull Terrier, and Bull Terrier. Service members may not bring these dogs to Germany.

(x) Effective immediately, you will not ship, transport, or hand-carry privately-owned Firearms (POFs) TO Germany unless the POFs to be imported are covered by a valid German weapons possession card (Waffenbesitzkarte, or WBK).

(y) Assignment requires a Top Secret Security Clearance and access to sensitive compartmented information (SCI).

(z) DA PHRC POC is MAJ [redacted] at DSN 221-5504, Com (703) 325-5504.

FOR ARMY USE:
Auth: Not applicable
MDC: 4A04
Enl/REENLB: Not applicable
PPD: Not applicable
PMOS/AOC: 35D
Projected Specialty: 35D
Pers con no: E1OE012034

Asgd to mgt dsg: Not applicable
Con specialty: 35D
Pers scty code: A A A
CIC: 241A21
Aval date: 8 July 2004
Format: 410

FOR THE COMMANDER:

[redacted]

Installation Adjutant General

AIRBORNE CORPS & FORT

DISTRIBUTION:
PSBC, PERS SCTY BLDG 4-2483 (1)
CDR, CDR, 126TH FIN BN (1)
CDR, IBO-RM FT BRAGG, NC 28310 (1)
CDR, 18TH HQ ABN CORPS FT BRAGG, NC 28310 (1)
CDR, 66TH MI BDE DARMSTADT, GE APO AE 09175 (1)
LTC [redacted] (5)

Telephone DSN 236-2483/4275 if you have any questions concerning this order.

FOR OFFICIAL USE ONLY 1832

b67c

EXHIBIT 359

Draft Questions – LTC [redacted], interview:

Q: What is your current duty position and responsibility?

Q: How long have you been in the US Army?

Q: What is your functional area?

Q: During your military career, have you been involved in any deployments?

Q: When did these deployments occur?

Q: During your military career, have you ever worked with or supervised MI operations related to detainment or EPW facilities?

Q: During your deployments, in what capacity did you deploy?

Q: What were your responsibilities during the deployment?

Q: Prior to your deployment to Afghanistan, were you responsible for the identification of MI interrogation assets to be used within the Theater of Operation?

Q: If you were responsible for the identification of MI interrogation assets, did you consider augmentation of Active Duty forces with US Army Reserve or National Guard MI forces?

Q: How were potential augmentation forces selected to deploy in support of the requirements placed upon Co A, 519th MI Bn?

Q: Are you familiar with the level of training for the augmentation units selected to deploy with Co A, 519th MI Bn, related to MI interrogations?

Q: When did you deploy to Afghanistan?

Q: What positions did you hold during the Afghanistan deployment?

Q: How long did you hold the positions?

Q: What were your duties while deployed to Afghanistan?

Q: What were your duties and responsibilities with regard to the BCP?

Q: What did you view as the mission at the BCP?

Q: What was your Chain of Command while deployed to Afghanistan?

FOR OFFICIAL USE ONLY

b67C

EXHIBIT 35

Q: With regard to you, what was the Chain of Command within A Company, 519th MI Bn at the BCP?

Q: Did you rate CPT [redacted] A Co, 519th MI Bn?

Q: What comments did you make regarding her Officer Evaluation Report (OER)?

Q: To your knowledge, were any comments you made changed in any way?

Q: What was the experience level and background of CPT [redacted]?

Q: What was the professional reputation of CPT [redacted]

Q: Did you ever question CPT [redacted] judgment?

Q: Was CPT [redacted] close to her soldiers? (Too close?)

Q: Did CPT [redacted] prior enlisted experience help [redacted] or hinder [redacted] as a commander?

Q: Did CPT [redacted] ever come to you for input, especially related to soldier issues?

Q: Did CPT [redacted] ever discipline, correct or Article 15 one of [redacted] soldiers? If so, what for, when, what was the outcome?

Q: Were you briefed as to the results of interrogations by the MI interrogators at the BCP?

Q: Did CPT [redacted] and [redacted] soldiers provide actionable intelligence to CJTF-180 leadership?

Q: What was the overall quality of the intelligence provided by the MI interrogators?

Q: How much pressure was placed on interrogators to develop intelligence information?

Q: How closely did CPT [redacted] work with Other Governmental Agencies (OGA) at Bagram and the BCP?

Q: Was CPT [redacted] involved directly with interrogations?

Q: Did CPT [redacted] ever observe an interview being conducted?

Q: Did CPT [redacted] ever conduct any interrogations?

Q: Did CPT [redacted] ever provide you feedback related to the effectiveness and conduct of interrogations by MI interrogators?

Q: Did CPT [redacted] direct how interrogations were to be conducted?

Q: Did CPT [redacted] create interrogation methods at the BCP?

Q: Did CPT [redacted] have any input as to effective interrogation methods or the development of interrogation methods?

Q: If CPT [redacted] did not create the interrogation methods used at the BCP, where did these methods come from?

Q: Did CPT [redacted] approve the interrogation techniques used by the MI interrogators at the BCP?

Q: Was sleep deprivation used as a MI technique at the BCP?

Q: Why was sleep deprivation used and how was it administered within the BCP?

Q: Was CPT [redacted] aware of the use of sleep deprivation by the MI interrogators at the BCP?

Q: Did CPT [redacted] direct the use of sleep deprivation by the MI interrogators at the BCP?

Q: How do you know CPT [redacted] was aware of sleep deprivation?

Q: Did CPT [redacted] or anyone else) express any concerns about any interrogator, interrogation techniques, or related issues?

Q: Was CPT [redacted] aware of the policies, AR's and FM's governing MI operations within the BCP?

Q: Did CPT [redacted] ever seek guidance or approval for MI interrogation methods being employed within the Bagram BCP?

Q: Did CPT [redacted] A Co, 519th MI Bn, ever ask you any questions about the operations within the BCP?

Q: During the deployment did CPT [redacted] brief you on MI functions within the BCP?

Q: Do you know CPT [redacted]?

Q: Describe your relationship with CPT [redacted]

Q: What was the nature of the relationship between CPT [redacted] and CPT [redacted]

Q: Did CPT [redacted] have any command or control over the activity of the MI soldiers working within the BCP?

Q: Was CPT [redacted] aware of the use of sleep deprivation by the MI interrogators at the BCP?

Q: Did CPT [redacted] direct the use of sleep deprivation by the MI interrogators at the BCP?

Q: How do you know CPT [redacted] was aware of sleep deprivation?

Q: Did CPT [redacted] or anyone else) express any concerns about any interrogator, interrogation techniques, or related issues?

Q: Was CPT [redacted] aware of the policies, AR's and FM's governing MI operations within the BCP?

Q: Did CPT [redacted] ever seek guidance or approval for MI interrogation methods being employed within the Bagram BCP?

Q: Did CPT [redacted] ever ask you any questions about the operations within the BCP?

Q: Did CPT [redacted] brief you on MI functions within the BCP?

Q: Do you know SSG [redacted] (Detail knowledge)

Q: Did SSG [redacted] work for you at the BCP in Afghanistan?

Q: Did SSG [redacted] speak with you while in Afghanistan regarding any concerns he had related to the operations of the MI interrogators?

Q: Did you know SSG [redacted]

Q: What involvement or contact did you have with SSG [redacted]

Q: What were SSG [redacted] duties?

Q: Did you ever provide any guidance to SSG [redacted] related to interrogation techniques?

Q: Did you receive any guidance on performing MI operations within the BCP?

Q: What Army policies, to include Army Regulations (AR), Field Manuals (FM), guidance, etc., applied to MI operations at the BCP?

Q: Were these policies current and effective?

Q: Were any changes implemented "in the field" to clarify or augment the existing policies?

Q: What provisions of the Geneva Conventions applied to MI operations at the BCP?

Q: Was any guidance or directives related to interrogations or other MI activity issued by Central Command (CENTCOM)? (Describe the guidance to include when issued in related to the deaths (4/10 Dec 02) and details of the guidance)

Q: Was any guidance or directives related to interrogations or other MI activity issued by Combined Joint Task Force – 180 (CJTF-180)? (Describe the guidance to include when issued in related to the deaths (4/10 Dec 02) and details of the guidance)

Q: Was any guidance or directives related to interrogations or other MI activity issued by Department of Defense (DOD)? (Describe the guidance to include when issued in related to the deaths (4/10 Dec 02) and details of the guidance)

Q: Was any guidance or directives related to interrogations or other MI activity issued by the Secretary of Defense (SECDEF)? (Describe the guidance to include when issued in related to the deaths (4/10 Dec 02) and details of the guidance)

Q: Was any guidance or directives related to interrogations or other MI activity issued by Other Governmental Agencies (OGA)? (Describe the guidance to include when issued in related to the deaths (4/10 Dec 02) and details of the guidance)

Q: Was any guidance or directives related to interrogations or other MI activity issued by US Operations within Guantanamo Bay, Cuba (GITMO)? (Describe the guidance to include when issued in related to the deaths (4/10 Dec 02) and details of the guidance)

Q: Was there an MI SOP at the BCP?

Q: Did you create a Standard Operating Procedure for Military Intelligence Operations within the Bagram Collection Point (BCP)?

Q: If a SOP was created for MI operations, was this created prior to the deployment to Bagram, Afghanistan?

Q: Did you coordinate the drafting of any SOP with CPT [redacted] or anyone else within MI at the BCP?

Q: How much training did the BCP interrogators receive prior to deployment?

Q: Was any training of MI interrogators conducted once the unit arrived at the BCP?

Q: How were the interrogators identified within the MI assets deployed to the Afghanistan Theater of Operation?

Q: Were all the MI interrogators school trained to perform their mission?

Q: If they were not school trained as interrogators, what training did you provide to ensure they were proficient in the interrogation mission?

Q: Describe the oversight you provided within the MI unit to ensure interrogations were completed to Army standards?

Q: Do you know which interrogators obtained the most or best results?

Q: Do you know of anyone who had a aggressive reputation among the interrogators?

Q: Were any MI interrogators ever problematic?

Q: Were any MI interrogators disciplined for any reason?

Q: How experienced were the OGA interrogators compared with the Army interrogators?

Q: Did OGA interrogators provide training for US Army personnel at Bagram, Afghanistan, related to interrogations?

Q: Did the US Army MI interrogators receive any training, which included or involved techniques being used within GITMO?

Q: Were joint interrogations conducted using OGA interrogators and US Army MI interrogators?

Q: What was done to further the training of MI interrogators at the BCP?

Q: Were you aware of any morale issues among the MI interrogators at the BCP?

Q: Did MI interrogators experience friction with the MP's?

b6 7C

EXHIBIT 35

Q: What was your relationship with the MP Company operating within the BCP?

Q: What contacts did you have with the MP leadership/guard force did you have?

Q: Were any issues related to MI directing the activity of the MP's brought to your attention?

Q: Who was in charge of the BCP operation? (Why do you say that and was there any confusion about that?)

Q: Did you give any guidance to MI or MPs about the operations within the BCP?

Q: Do you know of any guidance issued by anyone else to MP and MI about operations within the BCP?

Q: Did CPT [redacted] 377th MP Company Commander, ever ask you any questions about the operations within the BCP?

Q: What was your understanding of the relationship between the MP and MI elements operating within the BCP?

Q: Were you ever aware of any perceived or actual senior/subordinate relationship between the MP and MI elements within the BCP?

Q: How often did you visit the BCP?

Q: How often did staff members of the CJTF-180 visit the BCP? (SJA, LTC [redacted] etc.)

Q: Were your visits to the BCP announced or unannounced?

Q: What areas did you visit?

Q: Did you observe the Isolation Cell areas?

Q: Were there areas of the BCP you were not allowed to visit?

Q: Where there areas of the BCP you did not visit? (If so, why)

Q: How often did the International Committee of the Red Cross (ICRC) visit the BCP?

Q: Would yourself or other MI representatives accompany the ICRC during their visits?

Q: Were any discussions conducted related to the complaints from the ICRC?

Q: Were you aware of results of the ICRC inspections?

Q: Did anything change at the BCP as a result of the ICRC Inspections?

Q: Did you observe anyone chained in a standing position anywhere within the BCP?

Q: Did you have any knowledge about or contribute to the design of the Isolation Cells in the BCP?

Q: Were you aware of the placement of Hesco barriers as a ceiling in the Isolation Cells?

Q: Were you aware detainees were chained to the Hesco barriers as punishment and to achieve sleep deprivation?

Q: Did you observe any interrogations inside the BCP?

Q: Did you see or review the BCP SOP?

Q: Did anyone express to you any issues or concerns with policies, procedures and practices being employed inside the BCP?

Q: When was the first indication there was a problem within the BCP?

Q: Were you aware that sleep deprivation was being used on detainees in the BCP?

Q: Who authorized the use of sleep deprivation within the BCP?

Q: Was the authorization for sleep deprivation in writing? Cite the appropriate source document

Q: Was sleep deprivation an interrogation technique used by MI elements within the BCP?

Q: Who within the MI Chain of Command was responsible for institution of sleep deprivation as a technique within the BCP?

Q: Did you discuss the use of sleep deprivation with your legal advisor? If so, who was that?

Q: Were you aware that sleep deprivation was being achieved by chaining detainees to the ceiling for periods in excess of 24 hours?

Q: Are you aware of MI directing courses of sleep deprivation enforced by the MP within the BCP?

Q: Did you observe any detainees during courses of sleep deprivation?

Q: Did you have any concerns with the use of sleep deprivation by MI interrogators?

Q: Were you aware that detainees were being struck for "non-compliance" while held within the BCP?

Q: Did you observe any detainees being struck for "non-compliance" by MP's at the BCP?

Q: Did you observe any detainees assaulted by MI interrogators at the BCP?

Q: Were you aware of any incident involving a detainee being physically assaulted by MI interrogators during interrogations sessions?

Q: How would allegations alleging assaults by MI interrogators during interrogations be handled within the MI Chain of Command?

Q: Did CPT [redacted] or anyone else inform you of any allegations of assaults by MI interrogators during interrogations?

Q: Were you aware of the use of stress positions by MI interrogators during scheduled interrogation sessions?

Q: Define "stress position"?

Q: Are you familiar with the term safety position? (Define)

Q: Was there any discussion about the legality of stress positions used by MI interrogators? (With who, when, what was the determination legal/illegal)

Q: Did you have any concerns with the use of safety or stress positions by MI interrogators?

Q: Did any interrogation techniques have to be approved in advance? (How and by whom)

Q: Was there any discussion related to specific interrogation techniques? (When, where, why)

Q: What was MI involvement regarding repatriation missions?

Q: What contact was there between MI and the 377th MP Company relating to repatriation missions?

Q: Are you aware of any inappropriate conduct that occurred during any repatriation missions?

Q: What were the criteria for releasing a detainee or Person Under US Control (PUC)?

Q: How were you notified of the two deaths in Dec 02?

Q: How did the CJTF-180 staff members react to the death of the two detainees?

Q: How did the staff members of CO A, 519th MI Bn react to the death of the two detainees?

Q: Were you aware of any projected courses of action related to the detainees who died? Were they to be transferred to any other facilities?

Q: What information came to light, that had not previously been known, after the two detainees died in Dec 02? Who told you?

Q: What actions did you take after the deaths of the two men in Dec 02?

Q: What changes were made at the BCP after the deaths and why?

Q: After the two deaths, an AR 15-6 investigation was conducted. In your opinion, how well was that investigation conducted?

Q: What involvement, if any, did you have regarding the AR 15-6 investigation?

Q: What is a procedure 15?

Q: During your deployment, did you ever have reason to believe a procedure 15 should be initiated related to any personnel within CO A, 519th MI Bn?

Q: When did you leave Bagram, Afghanistan and why?

Q: Are you aware of any information now that has not been revealed or discussed related to the deaths of the two detainees?

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

1842 EXHIBIT 35
Encl 6

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER (0117-04-CID637)
0134-02-CID369-23533/0137-02-CID369-23534

PAGE 1 OF 1 PAGE

DETAILS

About 0900, 27 Sep 04, this office received a Request For Assistance (RFA) (0134-02-CID369-23533/0137-02-CID369-23534), from the US Army Criminal Investigation Command (HQUSACIDC), Fort Belvoir, VA, to interview LTC [redacted], Deputy Commander, 66th MI Brigade, Darmstadt, APO AE 09175, reference his knowledge of activities related to the preparation for deployment, deployment and operations within Afghanistan and the deaths of two detainees.

About 1330, 27 Sep 04, SA [redacted] interviewed LTC [redacted] who provided a sworn statement relating his knowledge of the deaths of two detainees and activities related to the preparation for deployment and operations within Afghanistan. (See Sworn Statement for details)

About 1800, 27 Sep 04, SA [redacted] coordinated with SA [redacted] Investigative Operations, HQUSACIDC, Fort Belvoir, VA, who reviewed a copy of the sworn statement and approved it for closure.

STATUS: This request is closed in the files of this office. All investigative actions have been completed. No further activity is anticipated unless further requests are received.///LAST ITEM///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
[redacted]	Darmstadt Resident Agency (CID) 5th MP BN APO AE 09175
SIGNATURE [redacted]	DATE: 28 Sep 04 / EXHIBIT: 360

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
Daggar Complex, Building 4361	27 Sep 04	2040	0117-04-CID637

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
66th Military Intelligence (MI) Brigade, Darmstadt, Germany, APO AE 09175

[redacted], want to provide the following statement, under oath: In November 2002, I was assigned as the Combined Joint 2 - operations (CJ2-OPS), Combined Joint Task Force 180 (CJTF-180), Afghanistan. During my deployment I was not aware of any detainee abuse prior to the results of the AR 15-6 investigation, Commander's Inquiry, initiated pertaining to the deaths of two detainees. I did not observe any inappropriate behavior by the interrogators or MP's that were assigned at the Bagram Collection Point, Afghanistan.

Q: SA [redacted]
A: LTC [redacted]
Q: What is your current duty position and responsibility?
A: Deputy Commander, 66th MI Brigade. I run the group. The Group Commander commands it and I run it. I am the Chief of Staff and I ensure the staff is accomplishing all of its tasks. I ensure all the staff elements complete their work, conflict resolution, and solve problems. The interrogators are in the 2nd MI BN, under a Battalion Commander. I do not control the Battalion.
Q: How long have you been in the US Army?
A: 21 years.
Q: What is your functional area?
A: My Military Occupation Specialty (MOS) and functional area is 35, which is MI/Operations.
Q: During your military career, have you been involved in any deployments?
A: Yes.
Q: When did these deployments occur?
A: 1989, Operation Just Cause (Panama); 1990, Desert Shield/Storm (Iraq); 1995, Operation Joint Endeaver (Bosnia); 2002, Operation Enduring Freedom (Afghanistan).
Q: During your military career, have you ever worked with or supervised MI operations related to detainment or EPW facilities?
A: Yes. While I was assigned to 66th MI, Augsburg, Germany, in 1994-1997, I was familiar with interrogations. I did not attend any of their training, however, we had interrogators in the group so I knew what they did. I was not aware of their interrogation techniques or procedures. I didn't supervise it or command it. Afghanistan was the first time I was actually working with interrogation operations because I dealt with the detainee release board and any information that came out of the

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF __PAGES."

interrogations. I did not direct their operations or oversee how they conducted them.
Q: During your deployments, in what capacity did you deploy?
A: I was active duty.
Q: What were your responsibilities during the deployment?
A: In Panama and Iraq I was an infantry officer/S-1. In Bosnia I was the task force commander for the US National Intelligence Cell (NIC) in Sarajevo. In Afghanistan, I was the CJ2-OPS for CJTF-180.
Q: Prior to your deployment to Afghanistan, were you responsible for the identification of MI interrogation assets to be used within the Theater of Operation?
A: No.
Q: If you were responsible for the identification of MI interrogation assets, did you consider augmentation of Active Duty forces with US Army Reserve or National Guard MI forces?
A: I was not responsible.
Q: How were potential augmentation forces selected to deploy in support of the requirements placed upon Co A, 519th MI Bn?
A: I do not know.
Q: Are you familiar with the level of training for the augmentation units selected to deploy with Co A, 519th MI Bn, related to MI interrogations?
A: No. I did not get involved with that. They were already in place when I got there.
Q: When did you deploy to Afghanistan?
A: November 2002.
Q: What positions did you hold during the Afghanistan deployment?
A: CJ2-OPS.
Q: How long did you hold the positions?
A: Six months.
Q: What were your duties while deployed to Afghanistan?
A: My job was to synchronize the operations with intelligence.
Q: What were your duties and responsibilities with regard to the BCP?
A: Basically the Detainee Release Board Chair.
Q: What did you view as the mission at the BCP?
A: Interrogate prisoners for intelligence, determine if they met SECDEF criteria for movement to Guantanamo Bay, Cuba (GITMO), if not, released.
Q: What was your Chain of Command while deployed to Afghanistan?
A: The CJ2, COL [redacted] was my boss. The next person was the Chief of Staff, BG [redacted]
Q: With regard to you, what was the Chain of Command within A Company, 519th MI Bn at the BCP?
A: I was not in their chain of command, however, by virtue of my position under the CJ2, I helped coordinate the information between various agencies (ie..CITF, FBI, CIA, etc...)

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF __PAGES."

DA Form 2823 (Automated) FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE

b6 7C

1845 Exhibit 361

STATEMENT OF LTC [redacted] TAKEN AT Darmstadt, GE, DATED 27 Sep 04 , CONTINUED:

Q: Did you rate CPT [redacted], A Co, 519th MI Bn?
A: No. As far as I know, she was rated by her Battalion Commander.
Q: What comments did you make regarding her Officer Evaluation Report (OER)?
A: None.
Q: To your knowledge, were any comments you made changed in any way?
A: No comments were made.
Q: What was the experience level and background of CPT [redacted]
A: I don't really know. We talked about it at one time but I don't really recall.
Q: What was the professional reputation of CPT [redacted]
A: From what I can tell, she had a good professional reputation, articulate, pro-active.
Q: Did you ever question CPT [redacted] judgment?
A: No, I did not.
Q: Would CPT [redacted] seek approval for techniques for MI interrogations through you?
A: No.
Q: Was CPT [redacted] close to her soldiers? (Too close?)
A: Yes, but I don't think it was "too close".
Q: Did CPT [redacted] prior enlisted experience help her or hinder her as a commander?
A: No.
Q: Did CPT [redacted] ever come to you for input, especially related to soldier issues?
A: I don't recall if she ever did.
Q: Did CPT [redacted] ever discipline, correct or Article 15 one of her soldiers? If so, what for, when, what was the outcome?
A: I don't think there were any discipline problems.
Q: Were you briefed as to the results of interrogations by the MI interrogators at the BCP?
A: Yes.
Q: Did CPT [redacted] and her soldiers provide actionable intelligence to CJTF-180 leadership?
A: Yes.
Q: What was the overall quality of the intelligence provided by the MI interrogators?
A: Good. I don't know how you would rate the quality of the interrogations report. There was actionable intelligence that came out of the interrogations, however, not that much. The majority of the interrogation results was whether or not the detainee met SECDEF criteria.
Q: How much pressure was placed on interrogators to develop intelligence information?

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF __PAGES."

A: None that I saw. If there was any pressure, it was to get innocent prisoners out of the facility.
Q: How closely did CPT [redacted] work with Other Governmental Agencies (OGA) at Bagram and the BCP?
A: Closely. They were integrated into our operation.
Q: Was CPT [redacted] involved directly with interrogations?
A: Yes. She was in charge of running the interrogators.
Q: Did CPT [redacted] ever observe an interview being conducted?
A: I believe so.
Q: Did CPT [redacted] ever conduct any interrogations?
A: I didn't see her conduct an interrogation but I know she mentioned it.
Q: Did CPT [redacted] ever provide you feedback related to the effectiveness and conduct of interrogations by MI interrogators?
A: No. We never talked about the techniques effectiveness.
Q: Did CPT [redacted] direct how interrogations were to be conducted?
A: I would say she had to.
Q: Did CPT [redacted] create interrogation methods at the BCP?
A: Not to my knowledge.
Q: Did CPT [redacted] have any input as to effective interrogation methods or the development of interrogation methods?
A: Yes. My knowledge of CPT [redacted] input revolves around our interrogation review after the two detainee deaths in Dec 02.
Q: If CPT [redacted] did not create the interrogation methods used at the BCP, where did these methods come from?
A: The procedures were already in place when I arrived in Afghanistan but I did not personally see them written or review what they were. When I arrived LTC [redacted], [redacted] took me around the facility for an orientation. My job wasn't to run interrogation operations so I was not briefed on their current procedures. My primary job with the BCP was to coordinate the Intel support with operations and run the detainee review board. I took over for LTC [redacted] he set up the detainee review board process.
Q: As the CJ2-OPS, did the interrogation platoon fall under your responsibility.
A: No. They fell under CPT [redacted] Commander, A Company, 519th MI. COL [redacted] was placed in over sight of the BCP. However, the daily activities of the interrogators were run by CPT [redacted] CPT [redacted] answered directly to COL [redacted] to provide intelligence obtained from the interrogations. She answered to CPT [redacted] in regard to the operations of the interrogators.
Q: Did CPT [redacted] approve the interrogation techniques used by the MI interrogators at the BCP?
A: I knew they were using interrogation techniques but I don't know what she approved or the specific techniques that were used.

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF __PAGES."

DA Form 2823 (Automated)
FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

b1,7C 1847

STATEMENT OF LTC [redacted] TAKEN AT Darmstadt, GE, DATED 27 Sep 04 , CONTINUED:

Q: Was sleep deprivation used as a MI technique at the BCP?
A: Yes.
Q: Why was sleep deprivation used and how was it administered within the BCP?
A: I believe it was just the MP's keeping the detainees awake by yelling at them. The detainees they wanted to be in sleep deprivation were placed upstairs in separate holding facilities. I know they were forced to stand, handcuffed to chains that extended from the ceiling. I assume that if the detainee fell asleep while standing, they would collapse which would cause their arm to jerk and wake them up. I don't know how long they were kept in that position. I observed that when I first arrived there. Their hands were approximately chest level.
Q: Was CPT [redacted] aware of the use of sleep deprivation by the MI interrogators at the BCP?
A: Yes.
Q: Did CPT [redacted] direct the use of sleep deprivation by the MI interrogators at the BCP?
A: I would have to assume she directed it.
Q: How do you know CPT [redacted] was aware of sleep deprivation?
A: It was plainly visible and discussed as a technique during the review.
Q: Did CPT [redacted] (or anyone else) express any concerns about any interrogator, interrogation techniques, or related issues?
A: Not until after the deaths. That is after CENTCOM put out new guidance.
Q: Was CPT [redacted] aware of the policies, AR's and FM's governing MI operations within the BCP?
A: As far as I know.
Q: Did CPT [redacted] ever seek guidance or approval for MI interrogation methods being employed within the Bagram BCP?
A: Not to my knowledge.
Q: Did CPT [redacted] ever ask you any questions about the operations within the BCP?
A: No.
Q: During the deployment did CPT [redacted] brief you on MI functions within the BCP?
A: Yes. Just on the processes the detainees underwent after arriving at the BCP.
Q: Do you know CPT [redacted]
A: Yes.
Q: Describe your relationship with CPT [redacted]
A: He was one of my Lieutenant in Bosnia and I therefore knew him in Afghanistan.
Q: What was the nature of the relationship between CPT [redacted] and CPT [redacted]?

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF __PAGES."

DA Form 2823 (Automated)

b6 7C FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

1848

STATEMENT OF LTC [redacted] TAKEN AT Darmstadt, GE, DATED 27 Sep 04 , CONTINUED: 0117-04-CID637

A: CPT [redacted] was the Company Commander.
Q: Did CPT [redacted] have any command or control over the activity of the MI soldiers working within the BCP?
A: Primarily administrative as the Company Commander. Operational direction came from the task force.
Q: Was CPT [redacted] aware of the use of sleep deprivation by the MI interrogators at the BCP?
A: I assume so.
Q: Did CPT [redacted] direct the use of sleep deprivation by the MI interrogators at the BCP?
A: No, he wouldn't have a role in that.
Q: How do you know CPT [redacted] was aware of sleep deprivation?
A: The sleep deprivation used on the detainees was not a secret. It was not discussed openly but was not hidden as I explained before.
Q: Did CPT [redacted] (or anyone else) express any concerns about any interrogator, interrogation techniques, or related issues?
A: No.
Q: Was CPT [redacted] aware of the policies, AR's and FM's governing MI operations within the BCP?
A: I assume so.
Q: Did CPT [redacted] ever seek guidance or approval for MI interrogation methods being employed within the Bagram BCP?
A: No.
Q: Did CPT [redacted] ever ask you any questions about the operations within the BCP?
A: No.
Q: Did CPT [redacted] brief you on MI functions within the BCP?
No.
Q: Do you know SSG [redacted]? (Detail knowledge)
A: No. I dealt directly with CPT [redacted] and 1LT [redacted] and then later, LTC [redacted] (BCP/Interrogator OIC).
Q: Did SSG [redacted] work for you at the BCP in Afghanistan?
A: I do not know him.
Q: Did SSG [redacted] speak with you while in Afghanistan regarding any concerns he had related to the operations of the MI interrogators?
A: I did not know him.
Q: Did you know SSG [redacted]
A: No.
Q: What involvement or contact did you have with SSG [redacted]
A: I did not know him.
Q: What were SSG [redacted] duties?
A: I don't know.
Q: Did you ever provide any guidance to SSG [redacted] related to interrogation techniques?

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF __PAGES."

A: I did not know him.
Q: Did you receive any guidance on performing MI operations within the BCP?
A: Just on my in brief with LTC [redacted] and daily guidance from COL [redacted] It did not have anything to do with interrogations but dealt with my coordination responsibilities.
Q: Can you define your responsibilities as the CJ2-OPS?
A: I was to ensure that intelligence was synchronized with the operational plan. That involved coordinating between the various intelligence agencies within CJTF-180, Criminal Investigative Task Force (CITF), Federal Bureau of Investigations (FBI), Defense Humint Services (DHS), Combined Joint Special Operations Task Force (CJSOTF), OGA, and Combined Task Force 82 (CTF-82). It was all encompassing, but did not include the operational aspect of the interrogation platoon or the MP's. The detainee review board was my closest affiliation with the interrogators.
Q: What Army policies, to include Army Regulations (AR), Field Manuals (FM), guidance, etc., applied to MI operations at the BCP?
A: I don't know.
Q: Were these policies current and effective?
A: I was not aware of the interrogation policies.
Q: Were any changes implemented "in the field" to clarify or augment the existing policies?
A: Yes. We had the review board after the detainee's deaths, which changed all of the interrogation techniques (new guidance from CENTCOM). We also adjusted the capture criteria for units in the field - ensuring that only viable bad guys were being brought into the facility.
Q: Did you have any input as to which interrogation techniques would be utilized from that point on?
A: Not much. People provided some input but it was pretty top driven by CENTCOM. Any leeway given by CENTCOM was pretty much taken away by COL [redacted]
Q: What provisions of the Geneva Conventions applied to MI operations at the BCP?
A: From my understanding, we operated under all the provisions. The detainees were not classified as EPW's, hence the name Person's Under US Control (PUC). The only reason I know about the different interrogation techniques is through the Fay report. I never personally saw the interrogation technique guidance issued at the start of OEF.
Q: Was any guidance or directives related to interrogations or other MI activity issued by Central Command (CENTCOM)? (Describe the guidance to include when issued in related to the deaths (4/10 Dec 02) and details of the guidance)
A: When we did the review after the deaths of the two detainees, that's when I saw reference to the original CENTCOM guidance, reference

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF ___PAGES."

b6 7C

interrogation techniques in Afghanistan. The new guidance revoked some of the old guidance, reference sleep deprivation and stress positions. I believed it said that you could still do some of those things but it required a higher level of authorization.

Q: Was any guidance or directives related to interrogations or other MI activity issued by Combined Joint Task Force - 180 (CJTF-180)? (Describe the guidance to include when issued in related to the deaths (4/10 Dec 02) and details of the guidance)

A: Only what I recall from the review. Initially, I believe COL [redacted] put a stop to everything until an investigation was complete.

Q: Was any guidance or directives related to interrogations or other MI activity issued by Department of Defense (DoD)? (Describe the guidance to include when issued in relation to the deaths (4/10 Dec 02) and details of the guidance)

A: I don't recall any DoD guidance.

Q: Was any guidance or directives related to interrogations or other MI activity issued by the Secretary of Defense (SECDEF)? (Describe the guidance to include when issued in related to the deaths (4/10 Dec 02) and details of the guidance)

A: Just the SECDEF detention criteria which had nothing to do with interrogations. Also, the original guidance they were operating under when I arrived in Afghanistan (which I never saw). I arrived just as the deaths occurred, so the original guidance they were operating under immediately changed - that's what I'm familiar with. I never saw any written directives or guidance related to interrogations.

Q: Was any guidance or directives related to interrogations or other MI activity issued by Other Governmental Agencies (OGA)? (Describe the guidance to include when issued in related to the deaths (4/10 Dec 02) and details of the guidance)

A: I don't know what they were.

Q: Was any guidance or directives related to interrogations or other MI activity issued by US Operations within Guantanamo Bay, Cuba (GITMO)? (Describe the guidance to include when issued in related to the deaths (4/10 Dec 02) and details of the guidance)

A: I don't know what they did.

Q: Was there an MI SOP at the BCP?

A: I don't remember. I know there was an MP SOP. It was imbedded in the MP webpage. MAJ [redacted] was the MP OIC and should know where it was maintained.

Q: Did you create a Standard Operating Procedure for Military Intelligence Operations within the Bagram Collection Point (BCP)?

A: No.

Q: If an SOP was created for MI operations, was this created prior to the deployment to Bagram, Afghanistan?

STATEMENT OF LTC [redacted] TAKEN AT Darmstadt, GE, DATED 27 Sep 04 , CONTINUED:

A: I don't know what they did.
Q: Did you coordinate the drafting of any SOP with CPT [redacted] or anyone else within MI at the BCP?
A: No.
Q: How much training did the BCP interrogators receive prior to deployment?
A: I don't know.
Q: Was any training of MI interrogators conducted once the unit arrived at the BCP?
A: I don't know.
Q: How were the interrogators identified within the MI assets deployed to the Afghanistan Theater of Operation?
A: They just deployed with the unit.
Q: Were all the MI interrogators school trained to perform their mission?
A: They usually have to be. That's how they get their designator.
Q: Were you advised by CPT [redacted] that non-interrogator personnel were being utilized to conduct interrogations?
A: No.
Q: As the CJ2-OPS, would that have been concerned?
A: Yes. Not only as the CJ2-OPS, but also as an officer. I would want to know how they were being utilized (as props, or direct interrogation). I would definitely be concerned if they were being utilized as interrogators to conduct interrogations.
Q: If they were not school trained as interrogators, what training did you provide to ensure they were proficient in the interrogation mission?
A: None.
Q: Describe the oversight you provided within the MI unit to ensure interrogations were completed to Army standards?
A: I did not have any oversight with the interrogations - unless as an officer I saw something being done that I knew was wrong.
Q: Do you know which interrogators obtained the most or best results?
A: No.
Q: Do you know of anyone who had an aggressive reputation among the interrogators?
A: No.
Q: Were any MI interrogators ever problematic?
A: Not that I'm aware of.
Q: Were any MI interrogators disciplined for any reason?
A: Not that I'm aware of.
Q: How experienced were the OGA interrogators compared with the Army interrogators?
A: I don't know.
Q: Did OGA interrogators provide training for US Army personnel at Bagram, Afghanistan, related to interrogations?

STATEMENT OF LTC [redacted] TAKEN AT Darmstadt, GE, DATED 27 Sep 04 , CONTINUED:

A: Not directly. The OGA was not directly training our interrogators but I'm sure there were professional discussions. That applied to CITF as well.
Q: Did the US Army MI interrogators receive any training, which included or involved techniques being used within GITMO?
A: I don't know.
Q: Were joint interrogations conducted using OGA interrogators and US Army MI interrogators?
A: I don't recall any but we had a policy that no outside agency could interrogate one of our PUCs without one of our interrogators present.
Q: What was done to further the training of MI interrogators at the BCP?
A: I don't know.
Q: Were you aware of any morale issues among the MI interrogators at the BCP?
A: No.
Q: Did MI interrogators experience friction with the MP's?
A: No, but if there was disagreement, it was brought to me to resolve. Issues relating to interrogations would also incorporate the SJA.
Q: What was your relationship with the MP Company operating within the BCP?
A: Pretty good. Through MAJ [redacted]
Q: What contacts did you have with the MP leadership/guard force did you have?
A: Daily contact with MAJ [redacted]
Q: Were any issues related to MI directing the activity of the MP's brought to your attention?
A: Yes. Just about the sleep deprivation. The MP's did not want to be used to oversee the sleep deprivation. It was brought to my attention and we insured the MP's were only doing things that were inline with their training and doctrine. That occurred right after I arrived there.
Q: How did you do this?
A: The MP's did not want to have anything to do with constantly waking up the PUCs for sleep deprivation. I talked to MAJ [redacted] and he informed me that that was not the MP's responsibility so I stopped them from doing that.
Q: Were the MP's utilized to "soften up" detainees prior to the interrogators interviewing them?
A: I would say "No". MAJ [redacted] was very proactive in ensuring his MP's were only doing what they were authorized to do. Anytime he thought there was a deviation from that, he would bring it to my attention and we would resolve it.
Q: Who was in charge of the BCP operation? (Why do you say that and was there any confusion about that?)
A: MP's ran the facility and CPT [redacted] ran the interrogation piece.

STATEMENT OF LTC [redacted] EN AT Darmstadt, GE, DATED 27 Sep 04 , CONTINUED:

Q: Did you give any guidance to MI or MPs about the operations within the BCP?
A: We just kept constant dialogue to ensure MP and interrogation efforts were in sync.
Q: Do you know of any guidance issued by anyone else to MP and MI about operations within the BCP?
A: I don't know of any other guidance.
Q: Did CPT [redacted], 377th MP Company Commander, ever ask you any questions about the operations within the BCP?
A: I don't know CPT [redacted].
Q: CPT [redacted] was the MP Commander. Why didn't you have any communication with him?
A: I worked directly through MAJ [redacted] my staff counterpart. I had no authority to run the BCP. That was an MP mission.
Q: What was your understanding of the relationship between the MP and MI elements operating within the BCP?
A: Just a professional relationship.
Q: Were you ever aware of any perceived or actual senior/subordinate relationship between the MP and MI elements within the BCP?
A: No.
Q: How often did you visit the BCP?
A: At least weekly.
Q: How often did staff members of the CJTF-180 visit the BCP? (SJA, LTC [redacted], etc.)
A: I'm not really sure but the SJA went with the Red Cross visits. LTC [redacted] left before I arrived but I don't know if his replacement, LTC [redacted] ever did.
Q: Were your visits to the BCP announced or unannounced?
A: Unannounced.
Q: What areas did you visit?
A: All areas.
Q: Did you observe the Isolation Cell areas?
A: Yes.
Q: Were there areas of the BCP you were not allowed to visit?
A: No.
Q: Where there areas of the BCP you did not visit? (If so, why)
A: No.
Q: How often did the International Committee of the Red Cross (ICRC) visit the BCP?
A: At least monthly.
Q: Would yourself or other MI representatives accompany the ICRC during their visits?
A: I did not go. I don't know if the interrogation leadership went at all.

EXHIBIT 361 INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 11 OF 17 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF __PAGES."

STATEMENT OF LTC [redacted] TAKEN AT Darmstadt, GE, DATED 27 Sep 04 , CONTINUED:

Q: Were any discussions conducted related to the complaints from the ICRC?
A: I don't remember any. The SJA would go with them and he would later discuss it with me. There were no serious issues.
Q: Were you aware of results of the ICRC inspections?
A: I can't remember any of the specifics
Q: Did anything change at the BCP as a result of the ICRC Inspections?
A: I don't remember there being any issues.
Q: Did you observe anyone chained in a standing position anywhere within the BCP?
A: Yes, as I mentioned earlier.
Q: Did you have any knowledge about or contribute to the design of the Isolation Cells in the BCP?
A: Yes. Later. We looked at one-way glass for observation; video cameras in the booths directly connected to the interrogation CP so the supervisor's could see what was going on at all times; and designed additional interrogation booths. The new booths with one-way glass were built but the cameras were not installed when I left.
Q: Were you aware of the placement of Hesco barriers as a ceiling in the Isolation Cells?
A: No. I never really looked.
Q: Were you aware detainees were chained to the Hesco barriers as punishment and to achieve sleep deprivation?
A: I knew the chains came down from the roof but I did not know that they were Hesco barrier.
Q: Did you observe any interrogations inside the BCP?
A: I did not observe any interrogations.
Q: Did you see or review the BCP SOP?
A: No. I just looked at the MP one.
Q: Did anyone express to you any issues or concerns with policies, procedures and practices being employed inside the BCP?
A: No.
Q: When was the first indication there was a problem within the BCP?
A: After deaths, I was told the 15-6 revealed two interrogators were involved with physical abuse.
Q: Who authorized the use of sleep deprivation within the BCP?
A: I don't know.
Q: Was the authorization for sleep deprivation in writing? Cite the appropriate source document
A: I don't know. I was not involved in that part of the BCP (interrogation process).
Q: Was sleep deprivation an interrogation technique used by MI elements within the BCP?
A: Yes.

STATEMENT OF LTC [redacted] TAKEN AT Darmstadt, GE, DATED 27 Sep 04 , CONTINUED: 0117-04-CID637

Q: Who within the MI Chain of Command was responsible for institution of sleep deprivation as a technique within the BCP?
A: It would start at CPT [redacted] I don't know what procedures they used to determine what technique would be used.
Q: Did you discuss the use of sleep deprivation with your legal advisor? If so, who was that?
A: I don't recall discussing it. It ended right after I arrived there based on the review. MAJ [redacted] was the legal advisor at that time.
Q: Were you aware that sleep deprivation was being achieved by chaining detainees to the ceiling for periods in excess of 24 hours?
A: I saw the people chained but I had no idea how long.
Q: Are you aware of MI directing courses of sleep deprivation enforced by the MP within the BCP?
A: I'm not aware of directing but I know it was an issue with the MP's at the review.
Q: Did you observe any detainees during courses of sleep deprivation?
A: I saw some chained when I first in-processed.
Q: Did you have any concerns with the use of sleep deprivation by MI interrogators?
A: I didn't have any at the time. It looked like it was under control. The detainees looked tired but clean and not abused. They were clothed as well.
Q: Were you aware that detainees were being struck for "non-compliance" while held within the BCP?
A: I'm not aware of anyone being struck except for when it was revealed that the blunt force trauma was the cause of death to the two detainees. It was known that hitting the detainees was not authorized.
Q: Did you observe any detainees being struck for "non-compliance" by MP's at the BCP?
A: No, I did not.
Q: Did you observe any detainees assaulted by MI interrogators at the BCP?
A: No.
Q: Were you aware of any incident involving a detainee being physically assaulted by MI interrogators during interrogations sessions?
A: Only what I heard of in the 15-6 that was conducted due to the detainee deaths.
Q: How would allegations alleging assaults by MI interrogators during interrogations be handled within the MI Chain of Command?
A: It was passed back to the 525 MI BDE.
Q: Did CPT [redacted] or anyone else inform you of any allegations of assaults by MI interrogators during interrogations?
A: I heard it from MAJ [redacted], via the AR 15-6.
Q: Were you aware of the use of stress positions by MI interrogators during scheduled interrogation sessions?

A: Only what came out in the review.
Q: Define "stress position"?
A: Putting a detainee in an uncomfortable position. I never saw it. I thought it was just an uncomfortable position to make them lose their focus on their resistance to interrogation.
Q: Are you familiar with the term "safety position"?
A: Yes. It was putting a PUC in a position that would render it difficult to attack the interrogator while being interrogated. I heard that being discussed during the review. It appeared that they were the same positions. According to the interrogators at the review, they stated that their regulation defined safety positions. That was their argument to use them. I never saw any documentation.
Q: Was there any discussion about the legality of stress positions used by MI interrogators? (With who, when, what was the determination legal/illegal)
A: Yes. During the review after the deaths of the detainees, CENTCON said interrogators could not use stress positions anymore. Some interrogators argued that the stress positions served as safety positions. SJA, stating new CENTCOM guidance, said not authorized. Discussed methods to secure a PUC in the interrogation booth without causing stress (ie.. handcuffed to a secure anchor on the floor, etc…). I could not tell you the difference between a stress position or a safety position if I saw one. Only what its intent was. A safety position was for the interrogators safety and a stress position was intended to break down the focus of the PUC.
Q: Did you witness any of the detainees being irate or aggressive?
A: No.
Q: Did you have any concerns with the use of safety or stress positions by MI interrogators?
A: No.
Q: Did any interrogation techniques have to be approved in advance? (How and by whom)
A: I don't remember.
Q: Was there any discussion related to specific interrogation techniques? (When, where, why)
A: Yes. During the review, sleep deprivation and stress positions were discussed. The terms were discussed but not the specific techniques.
Q: What was MI involvement regarding repatriation missions?
A: Once the detainees were approved for release, it was the MP's responsibility to get them back.
Q: What contact was there between MI and the 377th MP Company relating to repatriation missions?
A: Once it was approved at the detainee release board, the mission was turned over to the MP's.

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF __PAGES."

Q: Are you aware of any inappropriate conduct that occurred during any repatriation missions?
A: No.
Q: What were the criteria for releasing a detainee or Person Under US Control (PUC)?
A: Did not meet SECDEF criteria.
Q: How were you notified of the two deaths in Dec 02?
A: The MP's notified the command.
Q: How did the CJTF-180 staff members react to the death of the two detainees?
A: It was an immediate 15-6 with a medical review, to include autopsy. There was a stop to any sleep deprivation or stress positions until further review.
Q: How did the staff members of CO A, 519th MI Bn react to the death of the two detainees?
A: I don't know.
Q: Were you aware of any projected courses of action related to the detainees who died? Were they to be transferred to any other facilities?
A: One of the detainees was a recent arrival from OGA - last time we would accept any PUC's from OGA. I don't know the specifics of the other detainee.
Q: What information came to light, that had not previously been known, after the two detainees died in Dec 02? Who told you?
A: The fact that two interrogators were physically handling or touching the PUC's. I found out from the SJA after the 15-6.
Q: What actions did you take after the deaths of the two men in Dec 02?
A: All the things we talked about above.
Q: What changes were made at the BCP after the deaths and why?
A: See above. To ensure the stress and sleep deprivation wasn't contributing to their weakened condition.
Q: What facility did the two men who died come from prior to being taken to the BCP?
A: I know one was from OGA.
Q: When the facility (BCP) accepted detainees, was a medical screening conducted?
A: Yes, upon their arrival. When they arrived, we would not always receive background information on their medical condition. One of the detainees that died came from OGA. He was already in bad condition when he arrived. Since we had no direct authority over OGA, a decision was made to not receive anymore PUC's from them.
Q: Can you describe the condition of the detainee?
A: No, I received the report from his medical screening. I can't be specific. I remember the doctors comment that the detainee was in poor condition and may have had a heart problem.

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] 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."

Q: How soon after the arrival of a PUC was a medical screening conducted?
A: Immediately. It was the first thing done as part of the in processing.
Q: After the two deaths, an AR 15-6 investigation was conducted. In your opinion, how well was that investigation conducted?
A: I thought it was done well.
Q: What involvement, if any, did you have regarding the AR 15-6 investigation?
A: None.
Q: What is a procedure 15?
A: Reporting questionable Intel activities.
Q: During your deployment, did you ever have reason to believe a procedure 15 should be initiated related to any personnel within CO A, 519th MI Bn?
A: No.
Q: When did you leave Bagram, Afghanistan and why?
A: In June 2003, due to normal rotation.
Q: Are you aware of any information now that has not been revealed or discussed related to the deaths of the two detainees?
A: No.
Q: Do you have anything additional to add to this statement?
A: No.///END OF STATEMENT//[redacted]

STATEMENT OF LTC [redacted] TAKEN AT Darmstadt, GE, DATED 27 Sep 04 , CONTINUED:

AFFIDAVIT

I, [redacted] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 17. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted] (Signature of Person Making Statement)

WITNESSES:

_____

_____

_____

ORGANIZATION OR ADDRESS

_____

_____

_____

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 27th DAY OF September, 2004 AT Darmstadt, Germany.

[redacted]

(Signature of Person Administering Oath)

SA [redacted]

(Name of Person Administering Oath)

Article 136, UCMJ

(Authority to Administer Oath)

EXHIBIT 361 INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 17 OF 17 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _TAKEN AT __DATED __CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE__OF __PAGES."

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533 / 0137-02-CID369-23534

PAGE 1 OF 1 PAGE

DETAILS

On 25 Aug 04, SA [redacted] forwarded a Request For Assistance (RFA) to SA [redacted], Bagram branch Office, USACIDC, to locate and conduct a forensic examination of the classified computers utilized by the 377th MP Company during their deployment and operations within the BCP. Additionally, to locate and examine the classified e-mail accounts for the CJTF-180 PMO (MAJ [redacted]) and the Commander, 377th MP Company (CPT [redacted]).

On 29 Sep 04, SA [redacted] received the Agent's Investigative Report (AIR) of SA [redacted] documenting the investigative activity related to attempts to recover the computer systems utilized by the 377th Military Police Company to transcribe the daily log book entries for activity within the BCP. The computers had been removed from the BCP and were no longer able to be identified by the Bagram Directorate of Information Management (DOIM), due to poor record keeping within the Theater of Operation. SA [redacted] had recovered a copy of the hand receipt which reflected the computers issued to the 327th MP Company at the BCP during the August 2003 time period. It was determined the 377th MP Company did not use these computers during their deployment. The e-mail accounts for the 377th MP Company commander and the CJTF-180 Task Force Provost Marshal had been deleted from the main server and information related to specific e-mails contained within the accounts was no longer able to be recovered. (See AIR and hand receipt of the 327th for details)

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060	
[redacted]	DATE 29 Sep 2004	EXHIBIT 362

CID FORM 94
1 FEB 77

FOR OFFICIAL USE ONLY

b2b7C

1861

0134-02-CID369-23533

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION COMMAND
INVESTIGATIVE OPERATIONS
6010 – 6TH STREET
FORT BELVOIR, VIRGINIA 22060

REPLY TO
ATTENTION OF:

CIOP-COP-PO

25 August 2004

MEMORANDUM FOR Special Agent-In-Charge, Bagram Branch Office CID, Bagram Air Base, Afghanistan, APO AE 09354

SUBJECT: Request for Assistance (0134-02-CID369-23533 / 0137-02-CID369-23534)

1. On 6 Aug 03, HQ, USACIDC assumed investigative responsibility for the above referenced Reports of Investigation (ROI's) related to the death of two detainees within the Bagram Collection Point (BCP), Bagram Air Base, Afghanistan, during December 2002. Both of the deaths involved blunt force trauma and have been ruled "homicide" by the Office of the Armed Forces Medical Examiner (OAFME). During he time of both incidents, the BCP was being facilitated by members of the 377th Military Police (MP) Company, a US Army Reserve Unit, who had been ordered to active duty and assigned the mission to run the BCP. Members of Company A, 519th Military Intelligence (MI) Battalion, fort Bragg, NC, had also been deployed and were working within the BCP conducting interrogations of the detained personnel for intelligence purposes. Investigation to date determined the MP's used peroneal strikes to the thighs of the detainees (also known as compliance blows), to achieve compliance and as a form of punishment. Additionally, members of the MI unit directed courses of sleep deprivation to assist in obtaining information from detained personnel, which was achieved by chaining detainees to the ceiling with their feet on the floor in a standing position with their hands above their heads.

2. The first detainee who died, BT 412, was identified as Mr. HABIBULLAH and arrived at the BCP on 30 Nov 02. Due to his combative nature, he was placed in an isolation cell within the BCP on 2 Dec 02. He reportedly was restrained in a standing position within the isolation cell and had refused food and drink. He was found unresponsive by the MP's and provided medical assistance on 3 Dec 02, however, was pronounced dead on 4 Dec 02. The second detainee who died, BT 421, was identified as Mr. DILAWAR and arrived at the BCP on 5 Dec 02. Due to his combative nature, he was placed in an isolation cell within the BCP on 8 Dec 02. He reportedly was restrained in a standing position within the isolation cell and had refused food and drink. He was found unresponsive by the MP's and provided medical assistance, however, was pronounced dead on 10 Dec 02. Autopsy determined both detainees suffered blunt force injuries to their lower extremities, to include deep contusions with intramuscular hemorrhage and necrosis. These injuries, coupled with other physical and medical factors, were directly contributory to the deaths of the detainees.

CIOP-COP-PO
SUBJECT: Request for Assistance (0134-02-CID369-23533 / 0137-02-CID369-23534)

3. On 5 Feb 04, SFC [redacted] Human Resource Command, Walter Reed Medical Facility, Washington, DC was interviewed. SFC [redacted] provided a sworn statement in which he explained he had joined the US Army Reserves and had been assigned to the 377th MP Company, Cincinnati, OH, when they deployed to Bagram, Afghanistan. SFC [redacted] stated his primary mission was to support the unit personnel, which he did by running the unit Tactical Operation Center (TOC) within the BCP. SFC [redacted] described the collection of information related to the in processing of the detained personnel, as well as documentation of the MP journal entries, which he maintained on the SIPR computer within the TOC area. The MP journal entries memorialized their handling and incidents involving detainees and MP's. SFC [redacted] also provided a sketch of the BCP to include the location of the SIPR computer within the TOC. SFC [redacted] was unable to provide a serial number for the computer and could only provide a generalized description of the computer equipment within the TOC. SFC [redacted] believed the computer may have been "wiped" during the transition of the MP companies in Feb 03.

4. Request your office coordinate with the current MP unit and Bagram Air Base Directorate of Information Management (DOIM), to determine if the SIPR computer within the TOC area of the MP operation may have been the same as that used by the 377th MP Company during their deployment between Sep 02 and Feb 03. If the computers are the same, please provide the specific identification information related to the SIPR computer to support a search authorization request. Additionally, please coordinate with the DOIM and determine if e-mail accounts for MAJ [redacted] and CPT [redacted] commander, 377th MP Co, may be present on the SIPR e-mail server. If the e-mail profiles or .pst files can be located, please request a hold be placed on the files and forward the specific identification information related to the SIPR e-mail server to support a search authorization. In the event the SIPR computers that had been assigned to the 377th MP Company are no longer located within the BCP, please coordinate with the DOIM to attempt to determine their current location. Also please ascertain if and the dates when the SIPR computer drives were "wiped or cleaned" when they were removed or replaced within the BCP.

5. POC for this investigation is the undersigned at 703-806-0224 (DSN: 656) or e-mail [redacted]@belvoir.army.mil.

[redacted]
Special Agent,

Encl
1. Stmt of SFC [redacted], 5 Feb 04
2. BCP Sketch by SFC [redacted], 6 Feb 04

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0134-02-CID369-23533 / 0137-02-CID369-23534
0113-04-CID369

PAGE 1 OF 2 PAGES

DETAILS

About 2306, 24 Aug 04, this office received a Request for Assistance from SA [redacted] HQUSACIDC, reference the Category I Monitorship investigations 0134-02-CID369-23533 and 0137-02-CID369-23534, who requested this office to coordinate with the Bagram Collection Point (BCP), Bagram Airfield, APO AE 09354 (BAF), to determine if the computer system(s) used to transcribe the logbooks of the 377th MP Co between late Nov 02 and 10 Dec 02, were still available. SA [redacted] also requested this office to if the PST files were still available for the commander, 377th MP Co, and the provost marshal for BAF.

About 0923, 25 Aug 04, SA [redacted] coordinated with CPT [redacted] Officer in Charge (OIC), BCP, BAF, and briefed him on what this office was requesting. CPT [redacted] related that when his unit took over the mission from the 327th MP Co, he signed for several SIPR computers; however, he was not sure which of the computers were used to transcribe the logbooks during Nov-Dec 02 time frame. SA [redacted] requested if he could look at the hand receipts to show where the computers were located, and which ones may have been handed down from the 377th MP Co.

About 0945, 25 Aug 04, SA [redacted] was contacted by CPT [redacted] who related there were 3 SIPR computers, which were carried over from the last unit (327th MP Co), and were located in the Operations Center, BCP. However, the hand receipts did not indicate the unit who had possession of the systems prior to the 327th MP Co.

About 0950, 25 Aug 04, SA [redacted] was contacted by CPT [redacted] who provided the three serial numbers for the above referenced computers as [redacted], [redacted] and [redacted] in which all three were Dell brand computers.

About 1330, 25 Aug 04, SA [redacted] coordinated with CW2 [redacted] Installation Property Book Officer (PBO), BAF, and provided her with the serial numbers (service tags) for the Dell computer systems, which CPT [redacted] signed for from the 327th MP Co. SA [redacted] requested her to determine if those systems were in place with the 377th MP Co on their installation hand receipt. SA [redacted] further requested that if those service tags did not match any of the serial numbers of the computers which the 327th MP Co signed for, then to provide the information of the system(s) for which they did have on their installation hand receipt.

About 1345, 25 Aug 04, SA [redacted] coordinated with Mr. [redacted] Network Administrator, civilian contractor with ITT Corporation, BAF, who conducted a search of the profiles on the SIPR email exchange server for [redacted] and [redacted] which resulted in negative information. Mr. [redacted] related that usually units taking over from another unit will keep the same account per the authorized naming convention, and since the activity this office was looking for dated in late 2002, the DOIM did not keep the data from that time frame.

About 1655, 25 Aug 04, SA [redacted] coordinated with CW2 [redacted] who related the three service tags (serial numbers) provided to her by SA [redacted] were for Dell laptops which were initially placed on the installation property book in Dec 03; and, therefore, were not present at the BCP during the Nov-Dec 02 time

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Afghanistan MP Det (CID) 3rd MP Gp (CID), USACIDC, APO AE 09354	
SIGNATURE [redacted]	DATE 3 Sep 04	EXHIBIT 364

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0134-02-CID369-23533 / 0137-02-CID369-23534
0113-04-CID369

DETAILS

frame. SA [redacted] requested her to research the 377th MP Co unit hand receipts to determine if she had information concerning SIPR computer systems which they may have had at the BCP.

About 1055, 27 Aug 04, SA [redacted] was contacted by CW2 [redacted], who related she had no documentation for the 377th MP Co; however, she did have hand receipts for the 327th MP Co, which dated back to Aug 03.

About 1351, 30 Aug 04, SA [redacted] coordinated with CW2 [redacted] who provided a coy of the hand receipt for the 327th MP Co, which was dated 1 Aug 03, and showed three desktop computers and five laptop computers on their installation property book. (See copy of hand receipt for further details)

About 1521, 30 Aug 04, SA [redacted] coordinated with Ms [redacted] Helpdesk Clerk, ITT Corporation, BAF, who reviewed the turn-in documents for this past year (2004) in which the earliest their office had record of was Apr 04.

About 1535, 30 Aug 04, SA [redacted] coordinated with 2LT [redacted], Accountable Officer, Supply and Services Activity (SSA), BAF, who searched the turn-in documents for the 327th MP Co, and determined there were no documents reflecting computer equipment was turned-in. She related that items, which were turned-in to the SSA for reutilization, were sent to the Defense Reutilization and Marketing Office (DRMO) in Kaiserslautern, Germany. She further related that the prior unit operating the SSA was the 1034th Quartermaster Co, which was a national guard unit from the state of Iowa.

About 1729, 2 Sep 04, SA [redacted] coordinated with SA [redacted] and briefed him on all aspects of his request for assistance and the activity of this office. Both SA [redacted] and SA [redacted] concurred that it was almost impossible to determine the location of the computer systems in question and whether or not they had their hard disk drives wiped. Therefore, SA [redacted] advised SA [redacted] that he required no further assistance from this office.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Afghanistan MP Det (CID) 3rd MP Gp (CID), USACIDC, APO AE 09354	
SIGNATURE [redacted]	DATE 3 Sep 04	EXHIBIT 364

Exhibit 365

Page(s) 1866 withheld.

Exemption(s) b6 7C and
not reasonably segregable.

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533 / 0137-02-CID369-23534

DETAILS

About 1455, 30 Sep 04, SA [redacted] conducted a telephonic interview of **CPT [redacted] Headquarters and Headquarters Company (HHC), 18th MP Brigade, Manheim, Germany, APO AE 09058.** [redacted] stated she was deployed to Bagram, Afghanistan during the December 2002 time frame. She stated she was assigned as a Plans Officer within the Provost Marshals Office (PMO), Combined Joint Task Force (CJTF) – 180. [redacted] said she had no specific duties related to detainee operations and had only a general level of understanding as to the operation of the Bagram Collection Point (BCP). [redacted] stated during her tour at Bagram, she had visited the BCP on several occasions, however, never witnessed assaults of any detainees. Her visits were limited to the administrative offices of the 377th MP Company and the main detainee holding area on the first floor of the BCP. She did not recall having ever visited the isolation cells. She was aware of the deaths of the two detainees and had attended the autopsy of the second detainee who died (DILAWAR), as an observer. [redacted] related prior to the first death (HABIBULLAH), she had no prior knowledge of the use of standing restraint. After the death of the first detainee (HABIBULLAH), the use of standing restraint was identified as a concern. The MI unit operating within the BCP was informed they would have to enforce the courses of sleep deprivation related to the detainees, instead of having MP's enforcement. MI did not have sufficient personnel and would often have sleep deprivation enforced by the MP's, although [redacted] was unsure of exactly how that was affected. [redacted] stated she perceived a command and control issue within the BCP in that the MI unit believed they commanded the facility and the MP's also considered the facility to belong to them. [redacted] said she had no knowledge of any specific incidents involving strikes of detainees by MP's. [redacted] said if there were any incidents, it would have been related to the MP's protecting themselves, although she could not be specific. She had never heard of the term "compliance blow" and had not spoken with the 377th MP company commander. She denied having witnessed any assaults upon detainees by anyone within the BCP. [redacted] also explained she had no knowledge of MI operations or the Standard Operating Procedures (SOP). She said the MP SOP was drafted by CPT [redacted] who was also assigned to the CJTF-180 PMO operations cell. [redacted] related the commander of the 377th MP Company received a briefing from the CJTF-180 PMO (MAJ [redacted]) when they assumed the MP mission within the BCP. [redacted] described witnessing the in processing of detainees during which a muzzled MP canine was used to search the detainees and their belongings. The canine was never in a position to cause any harm to the detainees. She said she did not observe any batons or other weapons in the facility. [redacted] stated at the time of the deaths, the detainees had only been in the facility for a few days and the deaths had been presented as occurring due to natural causes. She said it did not seem like anyone had done anything wrong at the time. [redacted] said she did not see and would be unable to identify the detainees who had died, although she did attend the autopsy of the second detainee (DILAWAR). [redacted] said the 377th MP Company had posted rules of the facility on boards throughout the facility which identified what the detainees were not allowed to do while detained within the BCP.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
	DATE: 30 Sep 2004 / EXHIBIT: 366

CID FORM 94
1 FEB 77

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0134-02-CID369-23533 / 0137-02-CID369-23534

DETAILS

About 1610, 30 Sep 04, SA [redacted] conducted a telephonic interview of **1SG** [redacted] **108th MP Company, Fort Bragg, NC 28310.** [redacted] stated he had deployed and was present within Bagram, Afghanistan at the time of the deaths of the two detainees at the BCP. He said he worked within the CJTF-180 PMO operations cell and was responsible for compiling data for the detainee data base system. [redacted] stated he rarely visited the BCP and never observed any assaults or abuse within the BCP. He said he relied upon the 377th MP Company administrative section and command team to provide him with information for his reports. [redacted] stated he had never heard the term "compliance blow" being used by MP's. He said the BCP had an established SOP, which had been re-written at least three times. He said the MI Company had an independent SOP and were provided a copy of the MP SOP which they reviewed. [redacted] stated he was informed by MAJ [redacted] whom he described as a male [redacted] reviewed the draft MP SOP and stated it did not violate anything MI was involved with. [redacted] stated he was not aware of any issues related to the command and control of the BCP. The facility was under the control of the MI and the MP mission was to safeguard and care for the detainees. He was not aware of the use of standing restraint within the BCP. [redacted] related the lights were constantly on within the BCP and he was not sure if this was a method of sleep deprivation. Further, he was not aware of MI using MP's to enforce sleep deprivation. He said no one spoke with him regarding any concerns or comments related to the BCP. [redacted] stated he had no contact with the detainees and had no knowledge of the two deaths. He did not know who was responsible for the deaths of the two detainees.

// LAST ENTRY //

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	HQ, USACIDC Fort Belvoir, VA 22060
	DATE: 30 Sep 2004 / EXHIBIT: 366

1 FEB 77

FOR OFFICIAL USE ONLY

b2b7C

1868

Exhibit 367

Page(s) 1869 withheld.

Exemption(s) b67C and
Photographs

0137-02-CID369-2353
2003-1751
EXS 1-4 Mon

EVIDENCE/PROPERTY CUSTODY DOCUMENT

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

MPR/CID SEQUENCE NUMBER: 0134-02-CID369

CRD REPORT/CID ROI NUMBER: 23533

RECEIVING ACTIVITY: 87TH MP DET (CID)(FWD)

LOCATION: BAGRAM AIRFIELD, AFGHANISTAN APO AE 09354

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED:
☐ OWNER SSG [redacted]
☒ OTHER EVIDENCE CUSTODIAN

ADDRESS (Include Zip Code): BAGRAM AIRFIELD, AFGHANISTAN APO AE 09354

LOCATION FROM WHERE OBTAINED: FROM SSG [redacted] WHILE IN THE EVIDENCE ROOM, BAGRAM COLLECTION POINT,

REASON OBTAINED: EVIDENCE

TIME/DATE OBTAINED: 1055 Z 6 DEC 02

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	SNUFF CASE, SILVER IN COLOR, NAME BRAND "RAFIUDDIN & SONS", CONTAINING GREEN IN COLOR LEAFY VEGETABLE IN MATERIAL. MARKED FOR ID (MFID) WITH 1055, 6 DEC 02, [redacted]
2	1	BOTTLE, PLASTIC TYPE, PURPLE IN COLOR, LABEL DEPICTING "CHHINKNI" ON LABEL AFFIXED TO SIDE BOTTLE CONTAINING UNKNOWN BROWN IN COLOR LIQUID. MFID WITH 1055, 6 DEC 02, [redacted]
3	1	TABLET PACKET, SILVER IN COLOR, CONTAINING 9 YELLOW IN COLOR TABLETS STAMPED WITH "PONSTAN FORTE". PACKET LABELED "PONSTAN FORTE (MEFENAMIC ACID)" MFID WITH 1055, 6 DEC 02, [redacted]
4	1	BAG, CLEAR PLASTIC CONTAINING BOTTLE, PLASTIC, CLEAR WITH GREEN PLASTIC STOPPER BOTTLE CONTAINS YELLOWISH UNKNOWN LIQUID. BAG ALSO CONTAINS WHITE CLOTH BAG MFID WITH 1055, 6 DEC 02, [redacted]
		LAST ITEM

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-4	6 DEC 02	[redacted] NAME, GRADE OR TITLE SSG [redacted]	SIGNATU[redacted] NAME, GRADE OR TITLE SA [redacted]	EVIDENCE
1	7 DEC 02	SIGNATUR[redacted] NAME, GRADE OR TITLE SA [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE TEST KIT "05"	MINUTE PORTION CONSUMED DURING FIELD TEST, NO COLOR CHANGE NEGATIVE FOR THC
1	7 DEC 02	SIGNATURE [redacted] NAME, GRADE OR TITLE SA [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE TEST KIT "424"	MINUTE PORTION CONSUMED DURING FIELD TEST, NO COLOR CHANGE NEGATIVE FOR HEROIN
1	7 DEC 02	SIGNATUR[redacted] NAME, GRADE OR TITLE SA [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE TEST KIT "904"	MINUTE PORTION CONSUMED DURING FIELD TEST, NO COLOR CHANGE NEGATIVE FOR COLAINE
1-4	8 DEC 02	SIGN[redacted] NAME, GRADE OR TITLE SA [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted]	received By evidence custodian

1970

DA FORM 4137 1 JUL 76 Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

FOR OFFICIAL USE ONLY

LOCATION

DOCUMENT NUMBER 063-02 EXHIBIT

b67C

CHAIN OF CUSTODY *(Continued)*

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-4	2 FEB 03	[redacted] NAME, GRADE OR TITLE	[redacted] NAME, GRADE OR TITLE	change of Evidence custodian
1 thru 4	18 Feb 03	[redacted] NAME, GRADE OR TITLE SA [redacted]	[redacted] NAME, GRADE OR TITLE SA [redacted]	CHANGE OF EVIDENCE CUSTODIAN.
1 THRU 4	25 JUL 03	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted] SA	SIGNATURE [redacted] NAME, GRADE OR TITLE SA [redacted]	CHANGE OF EVIDENICE CUSTODIAN
1 thru 4	25 Aug 03	[redacted] NAME, GRADE OR TITLE [redacted] SA	SIGNATURE RA 663 868 434 US NAME, GRADE OR TITLE: Registered mail	Forwrd to USACIL For examination
1-4	NOV 05 2003	SIGNATURE RA 663 868 434 US NAME, GRADE OR TITLE REGISTERED MAIL#	[redacted] NAME, GR Evidence Controller	SCRCNI
1-4	NOV 05 2003	SIGNATURE [redacted] Evidence Controller	SIGNATURE RA 685 897 790 US NAME, GRADE OR TITLE REGISTERED MAIL#	CANCELLATION RETURN TO SUBMITTER
	NOV 05 2003	SIGNATURE RA 685 897 790 US NAME, GRADE OR TITLE REGISTERED MAIL#	VOID SIGNATURE NAME, GRADE OR TITLE	
1-4	10 NOV 03	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted] Evidence Controller	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted] Senior Forensic Chemist	LAB EXAM ITEM 2 was brown powder, not liquid ITEM 3 - one Tablet consumed in analysis [redacted]

FINAL DISPOSAL ACTION

RELEASE TO OWNER OR OTHER *(Name/Unit)*

DESTROY

OTHER *(Specify)*

FINAL DISPOSAL AUTHORITY

ITEM(S) ON THIS DOCUMENT PERTAINING TO THE INVESTIGATION INVOLVING (Grade)

(IS) (ARE) NO LONGER

(Name) *(Organization)*

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

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

WITNESS TO DESTRUCTION OF EVIDENCE

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

(Typed/Printed Name, Organization) *(Signature)*

0157 02-CIB369-23534

CHAIN OF CUSTODY *(Continued)*

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 thru 4	19 Nov 03	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted] Senior Forensic Chemist	SIGNATURE REGISTERED MAIL # NAME, GRADE OR TITLE RA685899124US	RETURN TO SUBMITTER
1 thru 4	1 Dec 03	SIGNATURE REGISTERED MAIL # NAME, GRADE OR TITLE RA [redacted]685899124US	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted]	Released to Evidence Custodian
1 thru 4	19 Dec 03	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted]	SIGNATURE Res mail NAME, GRADE OR TITLE RA 663 908 907 US	Released to Controlling office via Res mail
1 thru 4	31 Dec 03	SIGNATURE Res mail NAME, GRADE OR TITLE RA 663 908 907 US	SIGNATURE [redacted] NAME, GRADE OR TITLE Evidence Custodian GS7	Rec'd as Evidence
		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	SIGNATURE NAME, GRADE OR TITLE	
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	

FINAL DISPOSITION ACTION

RELEASE TO OWNER OR OTHER *(Name/Unit)* _____

DESTROY _____

OTHER *(Specify)* _____

FINAL DISPOSITION AUTHORITY

ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____ *(Grade)*

_____ (IS) (ARE) NO LONGER
(Name) *(Organization)*

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

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

WITNESS TO DESTRUCTION OF EVIDENCE

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

_____ _____
(Typed/Printed Name, Organization) *(Signature)*

FOR OFFICIAL USE ONLY

b1, 7C

1872 EXHIBIT 36

0137-02-CID369-23534

EVIDENCE/PROPERTY CUSTODY DOCUMENT

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

MPR/CID SEQUENCE NUMBER: Ø134-Ø2-CID369

CRD REPORT/CID ROI NUMBER: 23533

RECEIVING ACTIVITY: BAGRAM BRANCH OFFICE, 87TH MP DET. (CID)

LOCATION: BAGRAM, AFGHANISTAN; APO AE Ø9354

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED: ☐ OWNER ☒ OTHER DR. (LTC) [redacted]

ADDRESS (Include Zip Code): ARMED FORCES REGIONAL MEDICAL EXAMINER LANDSTUHL REGIONAL MEDICAL CENTER APO AE Ø918Ø

LOCATION FROM WHERE OBTAINED: FROM THE HAND OF DR. [redacted] WHILE IN THE MORTUARY AFFAIRS TENT, BAGRAM AIRFIELD, BAGRAM, AFGHANISTAN, APO AE Ø9354.

REASON OBTAINED: EVIDENCE

TIME/DATE OBTAINED: Ø55Ø-Ø61Ø Z, 8 DEC Ø2

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	ENVELOPE CONTAINING FINGENNAIL SCRAPINGS OF BT-412, HABIB ULLAH, ON AN 8½" x 11" PIECE OF WHITE PAPER AND PLACED IN A 5" x 7½" EVIDENCE COLLECTION ENVELOPE, MARKED FOR ID WITH Ø55ØZ, 8 DEC Ø2, [redacted] (REMAINS OF ULLAH).
2	1	WHITE 5" x 7½" ENVELOPE CONTAINING CUT HAIRS FROM BEARD OF BT-412, HABIB ULLAH, MARKED FOR ID WITH Ø552Z, 8 DEC Ø2, [redacted] (REMAINS OF ULLAH).
3	1	WHITE 5" x 7½" ENVELOPE CONTAINING PULLED PUBIC HAIRS OF BT-412, HABIB ULLAH, MARKED FOR ID WITH Ø555Z, 8 DEC Ø2, [redacted] (REMAINS OF ULLAH).
4	1	WHITE 5" x 7½" ENVELOPE CONTAINING CUT PUBIC HAIRS OF BT-412, HABIB ULLAH, MARKED FOR ID WITH Ø558Z, 8 DEC Ø2, [redacted] (REMAINS OF ULLAH).
5	2	WHITE 5" x 7½" ENVELOPE CONTAINING ~~FOUR~~ DF RECTAL SWABS OF BT-412, HABIB ULLAH, MARKED FOR ID WITH Ø6ØØZ, 8 DEC Ø2, [redacted] (REMAINS OF ULLAH).
6	DF 4	WHITE 5" x 7½" ENVELOPE CONTAINING ORAL SWABS OF BT-412, ULLAH, MARKED FOR ID WITH Ø6Ø5Z, 8 DEC Ø2, [redacted] (REMAINS OF ULLAH).
7	1	WHITE 5" x 7½" ENVELOPE CONTAINING TAPE RESIDUE FOUND ON RIGHT EAR OF BT-412, HABIB ULLAH, ON AN 8½" x 11" PIECE OF WHITE PAPER, MARKED FOR ID WITH Ø61ØZ, 8 DEC Ø2, [redacted] (RIGHT EAR ON REMAINS OF ULLAH).

/LAST ITEM/

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 thru 7	8 DEC Ø2	SIGNATURE [redacted] NAME, GRADE OR TITLE DR. (LTC) [redacted]	[redacted] NAME, GRADE OR TITLE SA [redacted]	EVALUATION AS EVIDENCE
1 thru 7	9 DEC Ø2	[redacted] NAME, GRADE OR TITLE SA [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted] E/C	RELEASED TO EVIDENCE CUSTODIAN
1 thru 7	2 FEB Ø3	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted]	[redacted] NAME, GRADE OR TITLE SA [redacted]	CHANGE OF EVIDENCE CUSTODIAN.
1 thru 7	18 Feb 03	[redacted] NAME, GRADE OR TITLE SA [redacted]	[redacted] NAME, GRADE OR TITLE SA [redacted]	CHANGE OF EVIDENCE CUSTODIAN.
1 THRU 7	25 JUL 03	[redacted] NAME, GRADE OR TITLE [redacted] SA	[redacted] NAME, GRADE OR TITLE [redacted]	CHANGE OF EVIDENICE CUSTODIAN

1823

DA FORM 4137 1 JUL 76 Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

LOCATION Evidence Cabinet 2

DOCUMENT NUMBER 067-02

EXHIBIT 2/8

0134 02-CID369-23553

CHAIN OF CUSTODY (Continued)

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 thru 7	19 Dec 03	SIGNATURE [redacted]	SIGNATURE Res mail	Released to Controlling Agency
		NAME, GRADE OR TITLE [redacted] SA	NAME, GRADE OR TITLE RA 663908907 CS	
1 thru 7	31 Dec 03	SIGNATURE Res mail	SIGNATURE [redacted]	Held as Evidence
		NAME, GRADE OR TITLE RA 663 908 907 CS	NAME, GRADE OR TITLE [redacted] GS7	
		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	

FINAL DISPOSAL ACTION

RELEASE TO OWNER OR OTHER *(Name/Unit)*_____

DESTROY_____

OTHER *(Specify)*

FINAL DISPOSAL AUTHORITY

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

(Name) *(Organization)*

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

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

WITNESS TO DESTRUCTION OF EVIDENCE

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

(Typed/Printed Name, Organization) *(Signature)*

b1-7C FOR OFFICIAL USE ONLY 1874

0134-02-CID369-23533
0[illegible]7-02-CID369-23534

EVIDENCE/PROPERTY CUSTODY DOCUMENT

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

MPR/CID SEQUENCE NUMBER: 0134-02-CID369

CRD REPORT/CID ROI NUMBER: 23533

RECEIVING ACTIVITY: 87th MP Det (CID) 3d MP Grp

LOCATION: BAF APOAE 09354

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED: ☐ OWNER ☒ OTHER N/A

ADDRESS (Include Zip Code): N/A

LOCATION FROM WHERE OBTAINED: Refridgerator, CID office, BAF APOAE 09354

REASON OBTAINED: Evidence

TIME/DATE OBTAINED: 0900, 21 Apr 03

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Tube of Blood, of Mr. ULLAH, in a holding container. Marked for ID with 0900, 21 Apr 03, [redacted] (found in the refridgerator, CID office) /Last Item/

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 Only	21 Apr 03	SIGNATURE: N/A NAME, GRADE OR TITLE: N/A	SIGNATURE: [redacted] NAME, GRADE OR TITLE: SA [redacted]	Evaluation As Evidence
1 Only	9 May 03	SIGNATURE: [redacted] NAME, GRADE OR TITLE: SA [redacted]	SIGNATURE: [redacted] NAME, GRADE OR TITLE: [redacted] SA	Released to Evidence Custodian
1	25 JUL 03	SIGNATURE: [redacted] NAME, GRADE OR TITLE: [redacted] SA	SIGNATURE: [redacted] NAME, GRADE OR TITLE: SA [redacted]	CHANGE OF EVIDENICE CUSTODIAN
1	19 Dec 03	SIGNATURE: [redacted] NAME, GRADE OR TITLE: [redacted] SA	SIGNATURE: Res mail NAME, GRADE OR TITLE: RA 163 908907 US	Released to controlling office
1	31 Dec 03	SIGNATURE: Res mail NAME, GRADE OR TITLE: RA 663 908907 US	[redacted] NAME, GRADE OR TITLE: [redacted] Evidence Custodian GS-7	Rec'd as evidence

1875

DA FORM 4137 1 JUL 76 Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete

LOCATION: [illegible] Drawer 7

DOCUMENT: 049-02 EXHIBIT

267C FOR OFFICIAL USE ONLY

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	

FINAL DISPOSAL ACTION

RELEASE TO OWNER OR OTHER *(Name/Unit)*_____

DESTROY_____

OTHER *(Specify)*

FINAL DISPOSAL AUTHORITY

ITEM(S)_____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING_____ (Grade)

(Name) *(Organization)* (IS) (ARE) NO LONGER

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

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

WITNESS TO DESTRUCTION OF EVIDENCE

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

(Typed/Printed Name, Organization) *(Signature)*

1876

EXHIBIT 368.3

137-02-CID360-23534

EVIDENCE/PROPERTY CUSTODY DOCUMENT

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

MPR/CID SEQUENCE NUMBER: 0134-03-CID369

CRD REPORT/CID ROI NUMBER: 23533

RECEIVING ACTIVITY Fort Belvoir Resident Agency, USACIDC	LOCATION Fort Belvoir, VA 220606
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED ☐ OWNER MAJ [redacted] ☒ OTHER	ADDRESS (*Include Zip Code*) 1/309th Training Support Battalion Mobilization Assistance Training (MAT) Operations
LOCATION FROM WHERE OBTAINED From the hands of MAJ [redacted], inside Bldg #5435, 6th Street and Alabama Avenue, Fort Dix, NJ 08640-5700	REASON OBTAINED Evaluation As Evidence Safekeeping TIME/DATE OBTAINED 1100-1130 9 Sep 03

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (*Include model, serial number, condition and unusual marks or scratches*)
1	3	SHEETS OF PAPER: White, letter sized (approximately 8.5 inch by 11 inches) bond paper bearing printed matter, in black type. First page entitled "AAR for Training 29-30 June 02 377th MP Company" and dated "30 June 2002", third page bears the signature block of "[redacted], CPT, MP, USAR, MP Team Project Officer" Each page of the report, marked for ID 1100hrs/9 Sep 03/[redacted]
2	3	SHEETS OF PAPER: White, letter sized (approximately 8.5 inch by 11 inches) bond paper, bearing printed matter, in black type. The subject matter was a "Post Mobilization Training And Support Requirements (PTSR)", FORSCOM Form 319-R, dated 11 Jun 02, signed by CPT [redacted] (two pages) and a "377th Post Mobilization Training Plan" (one page). Each page marked for ID 1130hrs/9 Sep 2003 [redacted]
		//////////////////////////////LAST ITEM//////////////////////////////
		MFR: Evidence was not turned in IAW prov [redacted] AR 195-5, due to TDY travel of collecting agent. [redacted] CW3, MP

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	9 Sep 2003	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted] MAJ	SIGNATURE [redacted] NAME, GRADE OR TITLE SA [redacted]	Evaluation As Evidence
1	12 Sep 03	[redacted] NAME, GRADE OR TITLE SA [redacted]	[redacted] [redacted]	Released to the CID Evidence Custodian
		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	SIGNATURE NAME, GRADE OR TITLE	

1877

DA FORM 4137 Replaces DA FORM 4137, 1 Aug 74 and
1 Jul 70 DA FORM 4137-R Privacy Act Statement
20 Sep 75 Which are Obsolete.

FOR OFFICIAL USE ONLY

LOCATION b2b1c7c

DOCUMENT NUMBER 88-03

0134-02-CID369-23533
0134-02-CID369-23534

EVIDENCE/PROPERTY CUSTODY DOCUMENT

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

MPR/CID SEQUENCE NUMBER: 0134-02-CID369

CRD REPORT/CID ROI NUMBER: 23533

RECEIVING ACTIVITY: HQ, USACIDC

LOCATION: 6010 6th Street, Fort Belvoir, VA 22060

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED:
[X] OWNER Custodian of Training Records SFC[redacted]AGR
[ ] OTHER

ADDRESS (Include Zip Code): 377th MP Co, US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH (513)351-1245 ext. 222

LOCATION FROM WHERE OBTAINED: From the right hand of SFC [redacted] in the orderly room of the 377th MP Co

REASON OBTAINED: Evaluation as Evidence

TIME/DATE OBTAINED: 0955/26 Jan 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	5	Sheets of white paper containing the training schedule for the 377th MP Co, 1600 Seymour Ave, Cincinnati. OH, MTOE: 19667LAR02 for the period of 16-18 January 2002. Each sheet is labeled page 1-5 of 5 pages. Marked for ID on the lower right hand corner on the front of each sheet: 0955/26Jan04/ [redacted]
2	7	Sheets of white paper containing the title of "Class Roster" for various classes on various dates. Sheet one is labeled "01-12-02, Process EPW/CI at a collecting point or holding area, Instructor: SPC [redacted], CPL [redacted]. Sheet two is labeled"16Jan02, Perform as a Guard, 191-381-1302, Instructor: Pvt [redacted]. Sheet three is labeled: "16Jan02, Control Internee Movement within a Correctional Confinement Facility, Instructor: PV2 [redacted]". Sheet four is labeled, "16Jan01, Control a vehicle to exit from a confinement facility, Instructor: SSG [redacted]. Sheet five is labeled, "16Jan02, Interact with Internees 191-381-1290, Instructor: SPC [redacted], SSG [redacted]". Sheet six is labeled, "17Jan02, Participate in riot control formation, Instructor: SGT [redacted]". Sheet seven is labeled, "17Jan02, Employ Baton, Riot, Instructor: SGT [redacted] All seven sheets contain various printed and signed names. Sheets marked for ID on the lower right hand corner on the front of each sheet: 0955/26Jan04[redacted]
3	9	Sheets of white paper stapled together the first three of which contain typewritten outline pertaining to standards of acceptability in any defensive tactics, levels resistance and control, handcuffing, and PPCT. last six sheets contain photocopies of what appears to be a manual entitled PPCT Defensive Tactics Instructor Manual (7-93), pages 3-9 through 3-14 with the address of PPCT Management Systems, Inc., 500 South Illinois, Suite 3, Millstadt, IL 62260. Marked for ID on the lower right hand corner on the front of each sheet: 0955/26Jan04[redacted] /// Last Item ///

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-3	26Jan04	SIGNATURE [redacted] NAME, GRADE OR TITLE SFC[redacted]	[redacted] NAME, GRADE OR TITLE SA[redacted]	EVIDENCE
1-3	26Jan 04	SI[redacted] NAME, GRADE OR TITLE SA[redacted]	SIGNA[redacted] NAME, GRA[redacted] SA [redacted]	Evidence
1-3		SIGN[redacted] NAME, GRADE[redacted] SA[redacted]	[redacted] NAME, GRADE OR TITLE [redacted] IOA	Recd as evidence
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	

DA FORM 4137, 1 JUL 76 Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R, Privacy Act Statement 26 Sep 75 Which are Obsolete

USAPPC V1.00

FOR OFFICIAL USE ONLY

LOCATION [illegible]

DOCUMENT NUMBER 0002.04

b67C 1878 EXHIBIT 368.

0134-02-CID369-23533
37-02-CID369-23534

EVIDENCE/PROPERTY CUSTODY DOCUMENT

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

MPR/CID SEQUENCE NUMBER: 0134-02-CID369

CRD REPORT/CID ROI NUMBER: 23533

RECEIVING ACTIVITY: HQ, USACIDC

LOCATION: 6010 6th Street, Fort Belvoir, VA 22060

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED
[X] OWNER SFC [redacted], AGR Supply NCOIC
[ ] OTHER

ADDRESS (Include Zip Code)
377th MP Company
US Army Reserve Center, 1600 Seymour Avenue
Cincinnati, OH 45237

LOCATION FROM WHERE OBTAINED
From the right hand of SFC [redacted] in the supply room of the 377th MP Company, 1600 Seymour Avenue, Cincinnati, OH 45237

REASON OBTAINED: Evidence

TIME/DATE OBTAINED: 1150/26 Jan 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	6	Photographs, 4 inches by 6 inches, kodak paper, color prints, made of paper type construction with a glossy finish, scratched and scuffed, marked individually with 840-892 #11 Mar/04/02 [redacted] HOUR; 840-892 #12 Mar/04/02 [redacted]; HOUR; 840-892 #14 Mar/04/02 [redacted] 840-892 #16 Mar/04/02 [redacted] 840-892 #18 Mar/04/02 [redacted] 840-892 #22 Mar/04/02 [redacted] Marked for ID on lower right hand corner on back of each photograph: 1150, 26Jan04, [redacted] //LAST ITEM//

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	26Jan04	NAME, GRADE OR TITLE SFC [redacted]	NAME, GRADE OR TITLE [redacted] SA [redacted]	EVALUATION AS EVIDENCE
1	26JAN04	NAME, GRADE OR TITLE [redacted] SA [redacted]	SIGNATURE [redacted] NAME, GRADE [redacted] SA [redacted]	Evidence
1	[redacted]	SIGNATURE [redacted] NAME, GRADE SA [redacted]	NAME, GRADE OR TITLE [redacted] IOA	Rec'd as Evidence
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137, 1 JUL 76 Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete

USAPPC V1.00

LOCATION Cab / drawer /

DOCUMENT NUMBER 0001-04

1879

067C FOR OFFICIAL USE ONLY

0137-02-CID369-23534
01-02-CID369-23533

EVIDENCE/PROPERTY CUSTODY DOCUMENT

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

MPR/CID SEQUENCE NUMBER: 0134-02-CID369

CRD REPORT/CID ROI NUMBER: 23533

RECEIVING ACTIVITY: HQ, USACIDC

LOCATION: 6010 6th Street, Fort Belvoir, VA 22060

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

☒ OWNER ☐ OTHER

Custodian of Training Records
SFC [redacted] AGR

ADDRESS *(Include Zip Code)*
377th MP Co
US Army Reserve Center, 1600 Seymour Ave
Cincinnati, OH (513)351-1245 ext. 222

LOCATION FROM WHERE OBTAINED
From the right hand of SFC [redacted] he orderly room of the 377th MP Co

REASON OBTAINED: Evaluation as Evidence

TIME/DATE OBTAINED: 1205/26 Jan 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES *(Include model, serial number, condition and unusual marks or scratches)*
1	5	Sheets of white paper stapled together containing the training schedule for the 377th MP Co, 1600 Seymour Ave, Cincinnati. OH, MTOE: 19667LAR02 for the period of 1-3 March 2002. Each sheet is labeled page 1-5 of 5 pages. Marked for ID on the lower right hand corner on the front of each sheet: 1205/26Jan04 [redacted]
2	1	Sheet of white paper in military memorandum format containing the 377th MP Company's letterhead. The signature block is that of CPT [redacted] MP, Commanding, dated 22 January 2002, Subject: Drill Schedule Change FY 02. Marked for ID on the lower right hand corner on the front of the sheet: 1205/26Jan04 [redacted] ///LAST ITEM///

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-2	26Jan04	SIGNATURE [redacted] NAME, GRADE OR TITLE SFC [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE SA [redacted]	EVIDENCE
1-2	26Jan04	SIGNATURE [redacted] NAME, GRADE OR TITLE SA [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE SA [redacted]	Evidence
1-2		[redacted] NAME, GRADE OR TITLE SA [redacted]	[redacted] NAME, GRADE OR TITLE [redacted] 1204	Recd as Evidence
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	

DA FORM 4137, 1 JUL 76 Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R, Privacy Act Statement, 26 Sep 75 Which are Obsolete.

USAPPC V1.00

DOCUMENT NUMBER 0003-04

LOCATION 1980

b6 b7C FOR OFFICIAL USE ONLY

0137-02-CID369-23533

EVIDENCE./PROPERTY CUSTODY DOCUMENT

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

MPR/CID SEQUENCE NUMBER: 0004-02-CID369-23533
0137-02-CID369
CRD REPORT/CID ROI NUMBER: 23534

RECEIVING ACTIVITY	LOCATION
HQ, USACIDC, Investigative Operations	Fort Belvoir, VA 22060
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED OWNER [redacted] X OTHER	ADDRESS (*Include Zip Code*) [redacted]

LOCATION FROM WHERE OBTAINED	REASON OBTAINED	TIME/DATE OBTAINED
From the hand of [redacted] while at his residence	**Evaluation as Evidence**	1930, 2 Mar 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (*Include model, serial number, condition and unusual marks or scratches*)
1	1	Sheet of plain white bond typing style paper, bearing black in color typed print consisting of "secret…14 September 2002…SUBJECT: Physical Condition of Detainees from Kandahar Air Field, Afghanistan…PUC Number [redacted]…PUC Number [redacted].PUC Number [redacted] SPC, ARNG". The document also bears an ink signature of SPC [redacted] Item marked for identification with 2 Mar 04/1930 [redacted] on the lower right hand corner. //Last Item//

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	[redacted]	PURPOSE OF CHANGE OF CUSTODY
1	2 Mar 04	[redacted] NAME, GRADE OR TITLE	NAME, GRADE OR TITLE SA [redacted]	**Evaluation as Evidence**
1	15 MAR 04.	[redacted] NAME, GRADE OR TITLE SA [redacted]	SIGNATURE [redacted] Evidence Custodian IOA NAME, GRADE OR TITLE [redacted] GS7 IOA	Released to the Evidence Custodian
		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	SIGNATURE NAME, GRADE OR TITLE	

DA FORM 4137 1 Jul 76 Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R, 26 Sep 75, Which are Obsolete. Privacy Act Statement

b67C FOR OFFICIAL USE ONLY

LOCATION

DOCUMENT NUMBER 0004-04 ~~0137~~

1881 Evidence 368.8

DATE: 4 OCT 2004
FROM: HQ, USACIDC, FT BELVOIR, VA //CIOP-COF//
TO: DIRUSACRC USACIDC FT BELVOIR VA //CICR-ZA//
SAC, BAGRAM BRANCH OFFICE, USACIDC, AFGHANISTAN
CDR, 525TH MI BRIGADE, FORT BRAGG, NC
CDR, 300TH MP BRIGADE, DEARBORN, MICHIGAN
SJA, CJTF180, BAGRAM AIR BASE, AFGHANISTAN
CDR, 111th MI BRIGADE, FORT HUACHUCA, AZ
DIR AFIP WASH DC
CDR 3D MP GRP FT GILLEM GA //CIRC-ZA//
CDR USACIDC FT BELVOIR VA //CIOP-ZA//
SUBJECT: CID REPORT – 9TH **STATUS/SSI** – 0134-02-CID369-23533 – 5H9B/5H4J/5H3D/5C1S/5C2B/5Y2E/5S1/5X6/5M3A/5X1/5Y2A6/9G1/9G2A
DRAFTER: [redacted]
RELEASER: [redacted]

UNCLASSIFIED – FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 4 DEC 2002/0040Z (4 DEC 2002/0510 BAGRAM LOCAL TIME); ISOLATION CELL #7; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

2. 1 DEC 2002/0001 – 4 DEC 2002/0510 BAGRAM LOCAL TIME; BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

3. 3 DEC 2002/1650 BAGRAM LOCAL TIME; ISOLATION CELL #6, BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

4. 4 DEC 2002/0001 – 1 APR 2004/2400; VARIOUS LOCATIONS, CONUS & OCONUS.

2. DATE/TIME REPORTED: 4 DEC 2002, 0220

3. INVESTIGATED BY: SA [redacted], SA [redacted] SA [redacted] SA [redacted] SA [redacted]; SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted]

4. SUBJECT: [CORRECTED] 1. [redacted], ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [FALSE OFFICIAL STATEMENT (UNFOUNDED)], [CONSPIRACY (UNFOUNDED)], [DERELICTION OF DUTY].

[CORRECTED] 2. [redacted] ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII

b2b7C

AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; AKA: [redacted] [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [DERELICTION OF DUTY]

[CORRECTED] 3. [redacted] ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [DERELICTION OF DUTY]

[CORRECTED] 4. [redacted] FORMERLY OF ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [DERELICTION OF DUTY], [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [CONSPIRACY (UNFOUNDED)].

[CORRECTED] 5. [redacted] 377TH MP COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT (UNFOUNDED)], [MAIMING (UNFOUNDED)], [INVOLUNTARY MANSLAUGHTER (UNFOUNDED)].

6. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

[CORRECTED] 7. [redacted] TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [DERELICTION OF DUTY]

8. HABIBULLAH, MULLAH [DECEASED]; AFGHAN CIV; APROXIMATELY 30 YOA, TARI, AFGHANISTAN; MALE; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) 412; AKA: ULLAH; (NFI); [ASSAULT: AFGHAN PENAL CODE OF 1976], [ATTEMPTED ESCAPE FROM CONFINEMENT]

D2667C

9. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

10. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

11. [redacted] 377TH MP COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT]

12. [redacted] 377TH MP COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT]

13. [redacted] 377TH MP COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT]

14. [redacted] 377TH MP COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT], [DERELICTION OF DUTY]

15. [redacted] 377TH MP COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT]

[CORRECTED] 16. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT], [DERELICTION OF DUTY], [NEGLIGENT HOMICIDE (UNFOUNDED)], [FAILURE TO OBEY LAWFUL ORDER (UNFOUNDED)], [CONSPIRACY (UNFOUNDED)].

b2b7C

5. VICTIM: 1. HABIBULLAH, MULLAH [DECEASED]; AFGHAN CIV; APPROXIMATELY 30 YOA; TARI, AFGHANISTAN; MALE; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) 412; AKA: ULLAH; (NFI); [NEGLIGENT HOMICIDE], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT CONSUMMATED BY A BATTERY].

2. UNKNOWN; CIV; AFGHANISTAN; MALE; OTHER; BCP, BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) [redacted] (NFI); [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT CONSUMMATED BY A BATTERY].

3. US GOVERNMENT (BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354); [ATTEMPTED ESCAPE FROM CONFINEMENT], [DERELICTION OF DUTY], [FALSE OFFICIAL STATEMENT]

4. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976 (UNFOUNDED)]

5. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

6. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

7. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS A STRONGHOLD FREEDOM INVESTIGATION."

THIS IS A CATEGORY I MONITORSHIP INVESTIGATION

9th STATUS REPORT:

b2b7C

The purpose of this status report is to document the probable cause findings of the supported trial counsel as the case nears completion.

On 1 Oct 04, MAJ [redacted], Chief, Task Force Legal Advisor, articulated his legal opinion after reviewing all available case materials to date. Based upon his review of the case facts in their totality, MAJ [redacted] opined there was probable cause to make the following additions, deletions and corrections to previously documented offenses. Of particular note, there is currently no probable cause to believe any of the subjects committed the crime of Negligent Homicide.

According to AFIP Medical Examiners, the autopsy finding that a blunt force injury to HABIBULLAH's left leg is where a fatal blood clot formed is only supported by a preponderance of the evidence. The investigation has not conclusively established the individual responsible for that injury. Further, the medical examiner's opinion is that, regardless of the any blunt force injury, a significant factor in HABIBULLAH's death was prolonged, enforced standing by restraint. The prolonged, enforced standing caused blood to pool in the victim's legs, significantly aiding in the formation of the blood clot that became a fatal pulmonary embolism. The investigation did not conclusively determine a single individual was responsible for ordering or approving HABIBULLAH's prolonged standing restraint.

All interrogators were culpable for Dereliction of Duty for failure to conduct interrogations within applicable policies. According to the CJ2 (COL [redacted] the only authorized techniques for interrogations in the BCP were those outlined in FM 34-52. That manual specifically prohibits physical contact, which the evidence indicates that all listed individuals used during interrogations.

Additionally there is probable cause to believe [redacted] committed the offenses of Assault Consummated by a Battery and Maltreatment of a Person in US Custody because evidence indicates [redacted] condoned or ratified physical contact during interrogations. In response to complaints by an interpreter regarding the conduct of some MI personnel, [redacted] commented that in Bagram they "had to be a little rougher" on detainees than they were in GTMO (or words to that effect). Further, evidence indicates [redacted] elected specific interrogators for certain interrogations based on their willingness to get physical with the detainees.

Probable cause exists to believe [redacted] committed Dereliction of Duty because, as a detainee guard force noncommissioned officer (NCO), it was his duty to ensure detainees were treated humanely and not subjected to assaults. He violated this duty when he failed to correct soldiers who bragged about their use of excessive force against various detainees. He also committed Assault and Maltreatment when he authorized or ordered soldiers to give unnecessary knee strikes to a restrained detainee.

Previously listed offenses regarding [redacted] were unfounded based upon insufficient evidence to indicate criminal intent. Recent evidence has come to light indicating that

b6 7C

[redacted] was straightforward with a BCP legal advisor regarding the true purpose and use of safety positions. Further, recent evidence indicates [redacted] repeatedly sought guidance on permissible interrogation techniques. However, the offense of Dereliction of Duty was added because (according to the CJ2), FM 34-52 techniques were the only techniques to be used in Bagram and [redacted] was clearly told this. [redacted] sought to go beyond this guidance and failed to ensure her subordinates acted IAW this guidance. Evidence also indicates that she and [redacted] condoned interrogation techniques beyond that allowed in FM 34-52, but no direct evidence that [redacted] and [redacted] were acting in concert with regard to physical assaults of detainees.

The offenses of Negligent Homicide and Conspiracy were unfounded as they relate to [redacted] due to the fact there is insufficient evidence to believe [redacted] acts or omissions were the legal cause of HABIBULLAH's death. Legally, sufficient evidence of intervening officer and senior NCO chain of command supervision exists to mitigate [redacted] responsibility for the abuses by his soldiers. Failure to Obey a Lawful Order was unfounded because credible evidence indicates [redacted] attempted to timely comply with the order of the BCP legal advisor to end the practice of overhead chaining prior to the second death and his soldiers simply failed to follow that guidance. The offenses of Dereliction of Duty and False Official Statement with regard to [redacted] remain valid in that there is still probable cause to believe [redacted] did not adequately investigate complaints of abuse of detainees advanced by the ICRC and deliberately mislead investigators about the conduct of his soldiers during the investigations of both deaths.

Offenses against [redacted] were unfounded as the evidence against [redacted] relates solely to the death of another detainee. There was a previous miscommunication between MAJ [redacted] and the investigating agents on this issue, resulting in an earlier erroneous titling in this investigative.

This investigation is pending administrative closure.

8th STATUS REPORT:

The purpose of this status report is to add [redacted] as a subject of this investigation for the offenses reflected above. This report also updates offense listings related to [redacted] and makes biographical changes for [redacted]

On 1 Jun 04, MAJ [redacted] Task Force Legal Advisor, opined [redacted] should be listed as the subject for the aforementioned offenses based upon her misrepresentation of information to the Bagram Legal Advisor. [redacted] ed legal advisors to believe the function of "safety positions" involved dangers to the interrogators, when in fact "safety positions" were used to illicit information due to the degree of discomfort they caused the detainee. The pervasive use of "safety positions" by all interrogators demonstrates full knowledge and acceptance of the technique by [redacted] (NCOIC) and [redacted] (OIC), who acted in concert to mislead the legal advisors and Bagram CJTF-180 leadership about the true purpose of the technique.

b6 7C

MAJ [redacted] further opined [redacted] excessive use of force constituted maiming. The medical examiner opined the damage inflicted upon HABIBULLAH's legs was so great, even if he had survived, both legs would have had to be amputated. [redacted] willful criminal assault resulted in HABIBULLAH's death, thus constituting involuntary manslaughter.

It was the opinion of MAJ [redacted] that [redacted] was culpably inefficient in the performance of his duties, which allowed a number of his soldiers to mistreat detainees, ultimately leading to HABIBULLAH's death, thus constituting negligent homicide.

7th Status Report:

Investigation established credible information to believe [redacted] was aware of the abusive practices of his Soldiers and made a number of statements designed to indicate to investigators he was unaware. Witness interviews establish [redacted] had a meeting with Platoon Leaders and Platoon Sergeants in which he directed the cessation of "illegal PUC beatings". [redacted] later admitted he knew his Soldiers were striking detainees. [redacted] dereliction in the performance of his duties resulted in a lack of control and created an atmosphere in which prisoners were routinely mistreated by 377th MP Company soldiers and subsequently expired from their injuries.

On 10 May 04, Task Force Legal Advisor, MAJ [redacted] Office of the Staff Judge Advocate (OSJA), FORSCOM, Fort McPherson, GA opined there was probable cause to believe the [redacted] committed the offenses of Dereliction of Duty and False Official Statement.

Request name checks on the above named subjects.

6th STATUS REPORT:

The purpose of this status report is to add five military policemen from the 377th MP Company as subjects of this investigation. Investigation established credible information to believe [redacted] and [redacted] also committed the offenses of Assault Consummated by a Battery and Maltreatment of a Person in US Custody, when they struck HABIBULLAH using excessive force.

This report also addresses the submission of False Official Statements by [redacted], [redacted] and [redacted] to USACIDC Special Agents during the early phases of this investigation.

Between 21 Jan and 26 Mar 04, agents assigned to the PUC Task Force completed 94 interviews and interrogations resulting in numerous, confessions, admissions and witness accounts which provided credible information to believe the aforementioned subjects committed the above listed offenses. In specific, 377th MP Company unit members, issued sworn statements including but not limited to the following:

b6 7C

On 23 Jan 04, SPC [redacted] 377th MP Company, Cincinnati, OH 45237 stated she witnessed [redacted] and [redacted] chain HABIBULLAH to the wire mesh ceiling of an isolation cell. After securing him, [redacted] delivered at least two common peroneal (knee) blows to the thigh, which lifted the detainee off his feet. [redacted] warned [redacted] to step back and then delivered a "sidekick" to the chest (abdomen) of HABIBULLAH.

On 23 and 29 Jan 04, [redacted] was advised of his rights and interviewed. Both times, [redacted] issued sworn statements admitting he struck HABIBULLAH in the common peroneal at least twice (in presence of both [redacted] and [redacted]. [redacted] stated he found HABIBULLAH in his cell ten minutes later and he was not certain he detected a pulse on HABIBULLAH, contrary to what he told investigators in early Dec 02. [redacted] recounted a conversation with [redacted], in which [redacted] stated he "must have given that guy (HABIBULLAH) fifty common peroneals and he deserved every one of them".

On 21 Dec 02, [redacted] made a statement to CID (in connection with a second detainee deaths, as documented in CID ROI #0137-02-CID369-23534) in which he denied seeing anyone strike either detainee. On 23 Jan 04, [redacted] was advised of his rights. He waived his rights and admitted he observed [redacted] strike HABIBULLAH, the night of the detainee's death.

On 4 Dec 02, [redacted] knowingly rendered a statement he knew to be false. He told CID Agents [redacted] did not strike HABIBULLAH. On 24 Jan 04, [redacted] was advised of his rights and he requested counsel, at which time the interview was terminated.

On 24 Jan 04, [redacted] was advised of his rights and interviewed. [redacted] confessed to delivering at least two common peroneal (knee) strikes to HABIBULLAH when the detainee resisted putting the hood on. [redacted] stated [redacted] was with him and [redacted] also delivered two knee strikes to HABIBULLAH. Additionally, [redacted] admitted he struck over 20 PUC(s) within the BCP unnecessarily for various infractions of the rules, (misconduct addressed in CID ROI #0137-02-CID369-23534).

[redacted] and [redacted] were advised of their rights and requested counsel. All interviews in which subjects requested counsel were terminated immediately and not pursued, as no immediate defense counsel(s) were available for consult, by those soldiers. [redacted] and [redacted] were previously interviewed on the following and each provided a sworn statement denying they witnessed anyone strike a detainee and further denied striking a detainee themselves, statements which were false.

On 26 Mar 04, the results of the recent interviews were discussed with the Task Force Legal Advisor, MAJ [redacted] Office of the Staff Judge Advocate (OSJA), FORSCOM, Fort McPherson, GA. He opined there was probable cause to believe the

b6 7C

listed subjects committed the identified offenses. MAJ [redacted] further opined [redacted] and [redacted] should be listed for Dereliction of Duty.

Request name checks on the above named subjects.

5th STATUS REPORT:

The purpose of this status report is to add [redacted] and [redacted] (377th MP Company) as subjects for the offenses of Assault Consummated by a Battery and Cruelty/Maltreatment of a Subordinate. Additionally, this status report corrects ULLAH's identification to HABIBULLAH.

Investigation established probable cause to believe [redacted] and [redacted] delivered between 2-4 blows each to the lateral aspect of the thigh region of HABIBULLAH while he was restrained in a standing position in the Isolation Cell. Both soldiers described their actions as "compliance blows", which were unauthorized.

On 19 Dec 2003, SA [redacted] ordinated this investigation and the actions of [redacted] and [redacted] with MAJ [redacted], Trial Counsel, Office of the Staff Judge Advocate, 3rd Infantry Division, Fort Stewart, GA 31314 (who has been designated by XVIII Abn Corps as the Trial Counsel of record for this case). MAJ [redacted] opined [redacted] nd [redacted] both bear individual responsibility for the assaults they inflicted and seeking approval from SSG [redacted] perform an illegal act did not alleviate them of culpability.

Investigation continues by CID. Request name checks on [redacted] and [redacted]

4TH STATUS REPORT:

The purpose of this status report is to identify three Military Intelligence (MI) Interrogators as subjects for the offense of Assault and Cruelty/Maltreatment of Subordinates and Misprision of a Serious Offense relating to their abusive physical treatment of detainees (PUC [redacted] during interrogation sessions. Additionally, this status report identifies three Military Police (MP) personnel as subjects for the offenses of Assault Consummated by a Battery and Cruelty/Maltreatment of Subordinates relating to their practice of "compliance blows" upon shackled detainees. Lastly, this status report addresses assaults (under the Afghan Penal Code of 1976) by ULLAH upon four members of the MP guard force during combative episodes, while in detention and during ULLAH's attempted escape from confinement on 3 Dec 2002.

Investigation established credible information to believe MI Interrogators [redacted] and [redacted] committed the offenses of Assault & Cruelty/Maltreatment in their physical assaults on PUC [redacted] (NFI). [redacted] and [redacted] were observed by witnesses pulling on a detainee's beard, yanking his head around by his beard, kicking him in the buttocks and legs and forcing the detainees to maintain contorted, painful body positions during interviews. FM 34-52 (Interviews and Interrogations) specifically prohibits use of

b2b7C

force during interrogations. AR 190-8, paragraph 2-1a(1)(d) states, "The use of physical or mental torture or any coercion to compel prisoners to provide information is prohibited." It further states, "Prisoners may not be threatened, insulted, or exposed to unpleasant or disparate treatment of any kind because of their refusal to answer questions." Investigation established credible information to believe this misconduct was reported to [redacted], the MI NCOIC, who excused it as necessary to the mission, did nothing to stop the behaviors, and failed to report it or prevent further occurrences.

Investigation established credible information to believe ULLAH physically assaulted members of the 377th MP Guard Company [redacted] and [redacted] when he kicked [redacted] in the groin, punched [redacted] and attempted to escape confinement by grabbing [redacted] shirt, shoving him and running from his cell. During these incidents, [redacted] and [redacted] delivered blows with their fists and knees to defend themselves, subdue ULLAH and prevent his escape, as allowed for under the self-defense provision of Use of Force guidance.

Investigation has established credible information to believe MP Guard Force Company personnel ([redacted] and [redacted]) committed the offenses of Assault Consummated by Battery and Cruelty/Maltreatment when they delivered strikes, with their knee, to the lateral aspect of the thigh region of ULLAH as punishment for non-compliance with procedures or directives. This behavior was termed a "compliance blow" by MP personnel, but is strictly prohibited under the provisions of AR 190-47 (Army Corrections). On at least one occasion, [redacted] sought and gained permission to strike a restrained ULLAH from SSG [redacted] MP Sergeant of the Guard (SOG), establishing credible information to believe SSG [redacted] is a principal and as such also committed the offense of Assault Consummated by Battery and Cruelty/Maltreatment.

Additionally, members of the MP guard force while following guidance set forth in a portion of the Bagram Control Point SOP (entitled Disciplinary Measures) placed ULLAH in "standing restraint" as punishment. This was achieved by chaining his arms overhead to a fixed object (ceiling) for varying periods of time ranging from 30-60 minutes. AR 190-47, paragraph 12-10e, prohibits the use of irons, restraining straps and jackets, shackles, hand irons, or legs irons as punishments and prohibits fastening prisoners to stationary objects. Securing a prisoner to a fixed object is also prohibited under AR 190-47, paragraph 9-7e, except in emergencies. AR 190-8, paragraph 6-11a(4) prohibits " inhumane, brutal or dangerous" disciplinary punishments and specifies the "age, sex and health of the civilian internee will be considered."

These deliberate blows to restrained individuals, the use of shackling/restraint devices as punishment and for sleep deprivation (directed by MI interrogators) collectively constitute unnecessary, excessive physical force and violence to persons under the care, custody and control of US forces, and who are entitled to protection IAW AR 190-8, paragraph 1-5 (Enemy Prisoner of War, Retained Persons, Civilian Internees and Other Detainees) and therefore constitute Assault and Cruelty/Maltreatment.

b6 7C

Investigation to date has found no existing CJTF180 guidance that authorized any of the described actions as approved tactics, techniques and procedures (other than the use of standing restraint as a disciplinary measure in the BCP SOP). The responsibility of supervisory personnel beyond the NCO level has yet to be determined, but is under continued investigation. The culpability of the writers, reviewers and approvers of the BCP SOP are also under continued investigation.

No determination has been made on criminal culpability pertaining to the death of ULLAH. Investigation continues.

Request name checks be performed on all listed subjects.

The Casualty Liaison Officers (CLO) were re-designated as CW3 [redacted] and CW3 [redacted] who can be reached at DSN: 656-0299/0224; COM: 703-806-0299/0224; or electronic message address: [redacted]@belvoir.army.mil and [redacted]@belvoir.army.mil respectively.

3rd STATUS REPORT:

This status report was submitted to report a revised opinion of the cause and manner of death of ULLAH, after a review of the preliminary findings by LTC [redacted]

On 13 Dec 02, LTC [redacted] reported after a review of her preliminary autopsy findings she felt the cause of death of ULLAH was pulmonary embolism resulting from blunt force injury to the legs. The manner of death was homicide. LTC [redacted] explained a pathologist's determination of homicide does not necessarily mean murder. In their terminology it simply means other than natural death caused by outside events. There was no way to determine which injury precipitated ULLAH's death. This opinion is preliminary pending toxicology and pathology studies. Investigation continues by the USACIDC.

2nd STATUS REPORT:

This status report was submitted to report the preliminary results of an autopsy of ULLAH's remains.

On 8 Dec 02, LTC (Dr) [redacted] Armed Forces Regional Medical Examiner, Landstuhl Regional Medical Center, APO AE 09180, conducted an autopsy of ULLAH's remains. LTC [redacted] preliminary opinion was the cause of ULLAH's death was a pulmonary embolism brought about by a blood clot in the pulmonary artery near the heart. The manner of death was as yet undetermined pending a review and special study of the results of the autopsy and the circumstances reported surrounding ULLAH's death. The autopsy revealed his kidneys were grossly unremarkable. There were no obvious indications of renal failure.

b6 7C

Investigation revealed ULLAH was captured and turned over to US forces by an Afghan warlord (NFI) just prior to being detained at the BCP, BAF. Investigation continues by the USACIDC.

INITIAL REPORT:

On 4 Dec 02, SA [redacted], CITF, Bagram Collection Point (BCP), Bagram Airfield, Afghanistan, APO AE 09311 (BAF), reported a Person Under Control (PUC) died after being found in his cell unconscious with shallow breathing.

Investigation revealed ULLAH (PUC 412) was captured in action against the US on 28 Nov 02, and was transported to the BCP on 30 Nov 02. ULLAH resisted in-processing by being combative and noncompliant. ULLAH refused to eat anything upon arrival at the BCP until his death. ULLAH attacked 3 Military Police guards punching one on the chin, kicking another in the groin, and biting another. Due to his behavior, ULLAH was placed in an isolation cell, restrained with handcuffs and shackles, and chained with his hands chained to a waist belt with a chain connected to the waist belt in the front and rear, with those chains fastened to the ceiling. This held him securely to prevent harm to himself or others; while maintaining him in a standing position. ULLAH was checked about 2400, 3 Dec 02, he refused food and spat on the guard.

About 0015, 4 Dec 02, the Sergeant of the Guard (SOG) checked on ULLAH and noticed he was unresponsive. The SOG, a trained Combat Medic, opened the cell door, checked ULLAH for signs of life, finding he had shallow breathing and a weak pulse, but his blood pressure was normal. An ambulance was called and upon arrival of the ambulance the Emergency Response personnel found ULLAH to have no signs of life and no life saving measures were performed.

About 0040, 4 Dec 02, ULLAH arrived at the 339th CSH, BAF, where Dr (LTC) [redacted] Emergency Physician, found no signs of life and performed no life saving measures. Dr [redacted] pronounced ULLAH dead on arrival. Dr [redacted] had full body x-rays exposed of ULLAH's body, which revealed no acute trauma noted. Blood examinations revealed acute renal failure and a lack of urine also indicative of acute renal failure. A visual examination of ULLAH's body revealed no bruising, nor evidence of obvious external injury.

ULLAH had no known medical conditions, and was not taking any medications. An autopsy is pending by an Armed Forces of Pathology pathologist and will be conducted at BAF.

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

b6 7C

DATE: 2 JUNE 2004
FROM: HQ, USACIDC, FT BELVOIR, VA //CIOP-COF//
TO: DIRUSACRC USACIDC FT BELVOIR VA //CICR-ZA//
SAC, BAGRAM BRANCH OFFICE, USACIDC, AFGHANISTAN
CDR, 525TH MI BRIGADE, FORT BRAGG, NC
CDR, 300TH MP BRIGADE, DEARBORN, MICHIGAN
SJA, CJTF180, BAGRAM AIR BASE, AFGHANISTAN
DIR AFIP WASH DC
CDR 3D MP GRP FT GILLEM GA //CIRC-ZA//
CDR USACIDC FT BELVOIR VA //CIOP-ZA//
SUBJECT: CID REPORT – **8TH STATUS/SSI** – 0134-02-CID369-23533 – 5H9B/5H4J/5H3D/5C1S/5C2B/5Y2E/5S1/5X6/5M3A/5X1/5Y2A6/9G1/9G2A
DRAFTER: [redacted].
RELEASER: [redacted]

UNCLASSIFIED – FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 4 DEC 2002/0040Z (4 DEC 2002/0510 BAGRAM LOCAL TIME); ISOLATION CELL #7; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

2. 1 DEC 2002/0001 – 4 DEC 2002/0510 BAGRAM LOCAL TIME; BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

3. 3 DEC 2002/1650 BAGRAM LOCAL TIME; ISOLATION CELL #6, BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

4. 4 DEC 2002/0001 – 1 APR 2004/2400; VARIOUS LOCATIONS, CONUS & OCONUS.

2. DATE/TIME REPORTED: 4 DEC 2002, 0220

3. INVESTIGATED BY: SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted]

4. SUBJECT: [CORRECTED] 1 [redacted] ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT], [CONSPIRACY].

[CORRECTED] 2. [redacted] ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; AKA [redacted]

b2b7C

[ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

3. [redacted] ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

[CORRECTED] 4. [redacted] FORMERLY OF ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [DERELICTION OF DUTY], [CONSPIRACY].

[CORRECTED] 5. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT], [MAIMING], [INVOLUNTARY MANSLAUGHTER].

6. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

7. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

8. HABIBULLAH, MULLAH [DECEASED]; AFGHAN CIV; APROXIMATELY 30 YOA, TARI, AFGHANISTAN; MALE; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) 412; AKA: ULLAH; (NFI); [ASSAULT: AFGHAN PENAL CODE OF 1976], [ATTEMPTED ESCAPE FROM CONFINEMENT]

9. [redacted] 7TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

b2b7C

10. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

11. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT]

12. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT]

13. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY], [FALSE OFFICIAL STATEMENT]

14. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT], [DERELICTION OF DUTY]

15. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT]

[CORRECTED] 16. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT], [DERELICTION OF DUTY], [NEGLIGENT HOMICIDE], [FAILURE TO OBEY LAWFUL ORDER], [CONSPIRACY].

5. VICTIM: 1. HABIBULLAH, MULLAH [DECEASED]; AFGHAN CIV; APPROXIMATELY 30 YOA; TARI, AFGHANISTAN; MALE; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) 412; AKA: ULLAH; (NFI); [NEGLIGENT

b2b7C

HOMICIDE], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT CONSUMMATED BY A BATTERY].

2. UNKNOWN; CIV; AFGHANISTAN; MALE; OTHER; BCP, BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) [redacted] (NFI); [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT CONSUMMATED BY A BATTERY].

3. US GOVERNMENT (BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354); [ATTEMPTED ESCAPE FROM CONFINEMENT], [DERELICTION OF DUTY], [FALSE OFFICIAL STATEMENT]

4. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976 (UNFOUNDED)]

5. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

6. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

7. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OF PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS A STRONGHOLD FREEDOM INVESTIGATION."

THIS IS A CATEGORY I MONITORSHIP INVESTIGATION

8th STATUS REPORT:

The purpose of this status report is to add [redacted] as a subject of this investigation for the offenses reflected above. This report also updates offense listings related to [redacted] and makes biographical changes for [redacted]

b2b7C

On 1 Jun 04, MAJ [redacted] Task Force Legal Advisor, opined [redacted] should be listed as the subject for the aforementioned offenses based upon her misrepresentation of information to the Bagram Legal Advisor. [redacted] ed legal advisors to believe the function of "safety positions" involved dangers to the interrogators, when in fact "safety positions" were used to illicit information due to the degree of discomfort they caused the detainee. The pervasive use of "safety positions" by all interrogators demonstrates full knowledge and acceptance of the technique by [redacted] (NCOIC) and [redacted] (OIC), who acted in concert to mislead the legal advisors and Bagram CJTF-180 leadership about the true purpose of the technique.

MAJ [redacted] further opined [redacted] excessive use of force constituted maiming. The medical examiner opined the damage inflicted upon HABIBULLAH's legs was so great, even if he had survived, both legs would have had to be amputated. [redacted] willful criminal assault resulted in HABIBULLAH's death, thus constituting involuntary manslaughter.

It was the opinion of MAJ [redacted] hat [redacted] was culpably inefficient in the performance of his duties, which allowed a number of his soldiers to mistreat detainees, ultimately leading to HABIBULLAH's death, thus constituting negligent homicide.

7th Status Report:

Investigation established credible information to believe [redacted] was aware of the abusive practices of his Soldiers and made a number of statements designed to indicate to investigators he was unaware. Witness interviews establish [redacted] had a meeting with Platoon Leaders and Platoon Sergeants in which he directed the cessation of "illegal PUC beatings". [redacted] ater admitted he knew his Soldiers were striking detainees. [redacted] ereliction in the performance of his duties resulted in a lack of control and created an atmosphere in which prisoners were routinely mistreated by 377th MP Company soldiers and subsequently expired from their injuries.

On 10 May 04, Task Force Legal Advisor, MAJ [redacted], Office of the Staff Judge Advocate (OSJA), FORSCOM, Fort McPherson, GA opined there was probable cause to believe the [redacted] committed the offenses of Dereliction of Duty and False Official Statement.

Request name checks on the above named subjects.

6th STATUS REPORT:

The purpose of this status report is to add five military policemen from the 377th MP Company as subjects of this investigation. Investigation established credible information to believe [redacted] and [redacted] lso committed the offenses of Assault Consummated by a Battery and Maltreatment of a Person in US Custody, when they struck HABIBULLAH using excessive force.

b2b7C

This report also addresses the submission of False Official Statements by [redacted], [redacted], [redacted] and [redacted] to USACIDC Special Agents during the early phases of this investigation.

Between 21 Jan and 26 Mar 04, agents assigned to the PUC Task Force completed 94 interviews and interrogations resulting in numerous, confessions, admissions and witness accounts which provided credible information to believe the aforementioned subjects committed the above listed offenses. In specific, 377th MP Company unit members, issued sworn statements including but not limited to the following:

On 23 Jan 04, SPC [redacted] 377th MP Company, Cincinnati, OH 45237 stated she witnessed [redacted] and [redacted] chain HABIBULLAH to the wire mesh ceiling of an isolation cell. After securing him, [redacted] delivered at least two common peroneal (knee) blows to the thigh, which lifted the detainee off his feet. [redacted] warned [redacted] to step back and then delivered a "sidekick" to the chest (abdomen) of HABIBULLAH.

On 23 and 29 Jan 04, [redacted] was advised of his rights and interviewed. Both times, [redacted] issued sworn statements admitting he struck HABIBULLAH in the common peroneal at least twice (in presence of both [redacted] and [redacted] stated he found HABIBULLAH in his cell ten minutes later and he was not certain he detected a pulse on HABIBULLAH, contrary to what he told investigators in early Dec 02. [redacted] recounted a conversation with [redacted] in which [redacted] stated he "must have given that guy (HABIBULLAH) fifty common peroneals and he deserved every one of them".

On 21 Dec 02, [redacted] made a statement to CID (in connection with a second detainee deaths, as documented in CID ROI #0137-02-CID369-23534) in which he denied seeing anyone strike either detainee. On 23 Jan 04, [redacted] was advised of his rights. He waived his rights and admitted he observed [redacted] strike HABIBULLAH, the night of the detainee's death.

On 4 Dec 02, [redacted] knowingly rendered a statement he knew to be false. He told CID Agents [redacted] did not strike HABIBULLAH. On 24 Jan 04, [redacted] was advised of his rights and he requested counsel, at which time the interview was terminated.

On 24 Jan 04, [redacted] was advised of his rights and interviewed. [redacted] confessed to delivering at least two common peroneal (knee) strikes to HABIBULLAH when the detainee resisted putting the hood on. [redacted] stated [redacted] was with him and [redacted] also delivered two knee strikes to HABIBULLAH. Additionally, [redacted] admitted he struck over 20 PUC(s) within the BCP unnecessarily for various infractions of the rules, (misconduct addressed in CID ROI #0137-02-CID369-23534).

b2b7C

[redacted] and [redacted] were advised of their rights and requested counsel. All interviews in which subjects requested counsel were terminated immediately and not pursued, as no immediate defense counsel(s) were available for consult, by those soldiers. [redacted] and [redacted] were previously interviewed on the following and each provided a sworn statement denying they witnessed anyone strike a detainee and further denied striking a detainee themselves, statements which were false.

On 26 Mar 04, the results of the recent interviews were discussed with the Task Force Legal Advisor, MAJ [redacted] Office of the Staff Judge Advocate (OSJA), FORSCOM, Fort McPherson, GA. He opined there was probable cause to believe the listed subjects committed the identified offenses. MAJ [redacted] further opined [redacted] and [redacted] should be listed for Dereliction of Duty.

Request name checks on the above named subjects.

5th STATUS REPORT:

The purpose of this status report is to add [redacted] and [redacted] 377th MP Company) as subjects for the offenses of Assault Consummated by a Battery and Cruelty/Maltreatment of a Subordinate. Additionally, this status report corrects ULLAH's identification to HABIBULLAH.

Investigation established probable cause to believe [redacted] and [redacted] delivered between 2-4 blows each to the lateral aspect of the thigh region of HABIBULLAH while he was restrained in a standing position in the Isolation Cell. Both soldiers described their actions as "compliance blows", which were unauthorized.

On 19 Dec 2003, SA [redacted] coordinated this investigation and the actions of [redacted] and [redacted] with MAJ [redacted] Trial Counsel, Office of the Staff Judge Advocate, 3rd Infantry Division, Fort Stewart, GA 31314 (who has been designated by XVIII Abn Corps as the Trial Counsel of record for this case). MAJ [redacted] opined [redacted] and [redacted] both bear individual responsibility for the assaults they inflicted and seeking approval from SSG [redacted] to perform an illegal act did not alleviate them of culpability.

Investigation continues by CID. Request name checks on [redacted] and [redacted]

4TH STATUS REPORT:

The purpose of this status report is to identify three Military Intelligence (MI) Interrogators as subjects for the offense of Assault and Cruelty/Maltreatment of Subordinates and Misprision of a Serious Offense relating to their abusive physical treatment of detainees (PUC [redacted] during interrogation sessions. Additionally, this status report identifies three Military Police (MP) personnel as subjects for the offenses of Assault Consummated by a Battery and Cruelty/Maltreatment of Subordinates relating to their practice of "compliance blows" upon shackled detainees. Lastly, this status report

b2b7C

addresses assaults (under the Afghan Penal Code of 1976) by ULLAH upon four members of the MP guard force during combative episodes, while in detention and during ULLAH's attempted escape from confinement on 3 Dec 2002.

Investigation established credible information to believe MI Interrogators [redacted] and [redacted] committed the offenses of Assault & Cruelty/Maltreatment in their physical assaults on PUC [redacted] (NFI). [redacted] and [redacted] were observed by witnesses pulling on a detainee's beard, yanking his head around by his beard, kicking him in the buttocks and legs and forcing the detainees to maintain contorted, painful body positions during interviews. FM 34-52 (Interviews and Interrogations) specifically prohibits use of force during interrogations. AR 190-8, paragraph 2-1a(1)(d) states, "The use of physical or mental torture or any coercion to compel prisoners to provide information is prohibited." It further states, "Prisoners may not be threatened, insulted, or exposed to unpleasant or disparate treatment of any kind because of their refusal to answer questions." Investigation established credible information to believe this misconduct was reported to [redacted] the MI NCOIC, who excused it as necessary to the mission, did nothing to stop the behaviors, and failed to report it or prevent further occurrences.

Investigation established credible information to believe ULLAH physically assaulted members of the 377th MP Guard Company [redacted], [redacted] and [redacted] when he kicked [redacted] in the groin, punched [redacted] and attempted to escape confinement by grabbing [redacted] shirt, shoving him and running from his cell. During these incidents, [redacted] and [redacted] delivered blows with their fists and knees to defend themselves, subdue ULLAH and prevent his escape, as allowed for under the self-defense provision of Use of Force guidance.

Investigation has established credible information to believe MP Guard Force Company personnel [redacted] and [redacted] committed the offenses of Assault Consummated by Battery and Cruelty/Maltreatment when they delivered strikes, with their knee, to the lateral aspect of the thigh region of ULLAH as punishment for non-compliance with procedures or directives. This behavior was termed a "compliance blow" by MP personnel, but is strictly prohibited under the provisions of AR 190-47 (Army Corrections). On at least one occasion, [redacted] sought and gained permission to strike a restrained ULLAH from SSG [redacted] MP Sergeant of the Guard (SOG), establishing credible information to believe SSG [redacted] s a principal and as such also committed the offense of Assault Consummated by Battery and Cruelty/Maltreatment.

Additionally, members of the MP guard force while following guidance set forth in a portion of the Bagram Control Point SOP (entitled Disciplinary Measures) placed ULLAH in "standing restraint" as punishment. This was achieved by chaining his arms overhead to a fixed object (ceiling) for varying periods of time ranging from 30-60 minutes. AR 190-47, paragraph 12-10e, prohibits the use of irons, restraining straps and jackets, shackles, hand irons, or legs irons as punishments and prohibits fastening prisoners to stationary objects. Securing a prisoner to a fixed object is also prohibited under AR 190-47, paragraph 9-7e, except in emergencies. AR 190-8, paragraph 6-11a(4)

b2b7C

prohibits " inhumane, brutal or dangerous" disciplinary punishments and specifies the "age, sex and health of the civilian internee will be considered."

These deliberate blows to restrained individuals, the use of shackling/restraint devices as punishment and for sleep deprivation (directed by MI interrogators) collectively constitute unnecessary, excessive physical force and violence to persons under the care, custody and control of US forces, and who are entitled to protection IAW AR 190-8, paragraph 1-5 (Enemy Prisoner of War, Retained Persons, Civilian Internees and Other Detainees) and therefore constitute Assault and Cruelty/Maltreatment.

Investigation to date has found no existing CJTF180 guidance that authorized any of the described actions as approved tactics, techniques and procedures (other than the use of standing restraint as a disciplinary measure in the BCP SOP). The responsibility of supervisory personnel beyond the NCO level has yet to be determined, but is under continued investigation. The culpability of the writers, reviewers and approvers of the BCP SOP are also under continued investigation.

No determination has been made on criminal culpability pertaining to the death of ULLAH. Investigation continues.

Request name checks be performed on all listed subjects.

The Casualty Liaison Officers (CLO) were re-designated as CW3 [redacted] and CW3 [redacted] who can be reached at DSN: 656-0299/0224; COM: 703-806-0299/0224; or electronic message address: [redacted]@belvoir.army.mil and [redacted]@belvoir.army.mil respectively.

3rd STATUS REPORT:

This status report was submitted to report a revised opinion of the cause and manner of death of ULLAH, after a review of the preliminary findings by LTC [redacted]

On 13 Dec 02, LTC [redacted] reported after a review of her preliminary autopsy findings she felt the cause of death of ULLAH was pulmonary embolism resulting from blunt force injury to the legs. The manner of death was homicide. LTC [redacted] explained a pathologist's determination of homicide does not necessarily mean murder. In their terminology it simply means other than natural death caused by outside events. There was no way to determine which injury precipitated ULLAH's death. This opinion is preliminary pending toxicology and pathology studies. Investigation continues by the USACIDC.

2nd STATUS REPORT:

This status report was submitted to report the preliminary results of an autopsy of ULLAH's remains.

b6 7C

On 8 Dec 02, LTC (Dr) [redacted] Armed Forces Regional Medical Examiner, Landstuhl Regional Medical Center, APO AE 09180, conducted an autopsy of ULLAH's remains. LTC [redacted] preliminary opinion was the cause of ULLAH's death was a pulmonary embolism brought about by a blood clot in the pulmonary artery near the heart. The manner of death was as yet undetermined pending a review and special study of the results of the autopsy and the circumstances reported surrounding ULLAH's death. The autopsy revealed his kidneys were grossly unremarkable. There were no obvious indications of renal failure.

Investigation revealed ULLAH was captured and turned over to US forces by an Afghan warlord (NFI) just prior to being detained at the BCP, BAF. Investigation continues by the USACIDC.

INITIAL REPORT:

On 4 Dec 02, SA [redacted], CITF, Bagram Collection Point (BCP), Bagram Airfield, Afghanistan, APO AE 09311 (BAF), reported a Person Under Control (PUC) died after being found in his cell unconscious with shallow breathing.

Investigation revealed ULLAH (PUC 412) was captured in action against the US on 28 Nov 02, and was transported to the BCP on 30 Nov 02. ULLAH resisted in-processing by being combative and noncompliant. ULLAH refused to eat anything upon arrival at the BCP until his death. ULLAH attacked 3 Military Police guards punching one on the chin, kicking another in the groin, and biting another. Due to his behavior, ULLAH was placed in an isolation cell, restrained with handcuffs and shackles, and chained with his hands chained to a waist belt with a chain connected to the waist belt in the front and rear, with those chains fastened to the ceiling. This held him securely to prevent harm to himself or others; while maintaining him in a standing position. ULLAH was checked about 2400, 3 Dec 02, he refused food and spat on the guard.

About 0015, 4 Dec 02, the Sergeant of the Guard (SOG) checked on ULLAH and noticed he was unresponsive. The SOG, a trained Combat Medic, opened the cell door, checked ULLAH for signs of life, finding he had shallow breathing and a weak pulse, but his blood pressure was normal. An ambulance was called and upon arrival of the ambulance the Emergency Response personnel found ULLAH to have no signs of life and no life saving measures were performed.

About 0040, 4 Dec 02, ULLAH arrived at the 339th CSH, BAF, where Dr (LTC) [redacted] Emergency Physician, found no signs of life and performed no life saving measures. Dr [redacted] pronounced ULLAH dead on arrival. Dr [redacted] had full body x-rays exposed of ULLAH's body, which revealed no acute trauma noted. Blood examinations revealed acute renal failure and a lack of urine also indicative of acute renal failure. A visual examination of ULLAH's body revealed no bruising, nor evidence of obvious external injury.

b6 7C

ULLAH had no known medical conditions, and was not taking any medications. An autopsy is pending by an Armed Forces of Pathology pathologist and will be conducted at BAF.

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

DATE: 10 MAY 2004
FROM: HQ, USACIDC, FT BELVOIR, VA //CIOP-COF//
TO: DIRUSACRC USACIDC FT BELVOIR VA //CICR-ZA//
SAC, BAGRAM BRANCH OFFICE, USACIDC, AFGHANISTAN
CDR, 525TH MI BRIGADE, FORT BRAGG, NC
CDR, 300TH MP BRIGADE, DEARBORN, MICHIGAN
SJA, CJTF180, BAGRAM AIR BASE, AFGHANISTAN
DIR AFIP WASH DC
CDR 3D MP GRP FT GILLEM GA //CIRC-ZA//
CDR USACIDC FT BELVOIR VA //CIOP-ZA//
SUBJECT: CID REPORT – 7TH **STATUS/SSI** – 0134-02-CID369-23533 – 5H9B/5H4J/5C2B/5Y2E/5S1/5X6/5M3A
DRAFTER: [redacted]
RELEASER: [redacted]

UNCLASSIFIED – FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 4 DEC 2002/0040Z (4 DEC 2002/0510 BAGRAM LOCAL TIME); ISOLATION CELL #7; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

2. 1 DEC 2002/0001 – 4 DEC 2002/0510 BAGRAM LOCAL TIME; BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

3. 3 DEC 2002/1650 BAGRAM LOCAL TIME; ISOLATION CELL #6, BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

4. 10 DEC 2002/0001 – 1 APR 2004/2400; VARIOUS LOCATIONS, CONUS & OCONUS.

2. DATE/TIME REPORTED: 4 DEC 2002, 0220

3. INVESTIGATED BY: SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted]

4. SUBJECT: 1. UNKNOWN (NFI); [NEGLIGENT HOMICIDE].

2. [redacted] ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

3. [redacted] ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE

b2b7C

CORPS, FORT BRAGG, NC 28310; FC; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

4. [redacted] FORMERLY OF ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [DERELICTION OF DUTY]

5. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY]; [MALTREATMENT OF A PERSON IN US CUSTODY]; [FALSE OFFICIAL STATEMENT]

6. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

7. [redacted] MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

8. HABIBULLAH, MULLAH [DECEASED]; AFGHAN CIV; APROXIMATELY 30 YOA, TARI, AFGHANISTAN; MALE; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) 412; AKA: ULLAH; (NFI); [ASSAULT: ~~AFGHAN PENAL CODE OF 1976~~], [~~ATTEMPTED ESCAPE FROM~~ CONFINEMENT]

9. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

10. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

b2b7C

11. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY]; [MALTREATMENT OF A PERSON IN US CUSTODY]; [FALSE OFFICIAL STATEMENT]

12. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY]; [MALTREATMENT OF A PERSON IN US CUSTODY]; [FALSE OFFICIAL STATEMENT]

13. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY]; [MALTREATMENT OF A PERSON IN US CUSTODY]; [FALSE OFFICIAL STATEMENT]

14. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT]; [DERELICTION OF DUTY]

15. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT]

[ADDED] 16. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE ~~OFFICIAL STATEMENT]; [DERELICTION OF DUTY]~~

5. VICTIM: 1. HABIBULLAH, MULLAH [DECEASED]; AFGHAN CIV; APPROXIMATELY 30 YOA; TARI, AFGHANISTAN; MALE; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) 412; AKA: ULLAH; (NFI); [NEGLIGENT HOMICIDE]; [MALTREATMENT OF A PERSON IN US CUSTODY]; [ASSAULT CONSUMMATED BY A BATTERY].

2. UNKNOWN; CIV; AFGHANISTAN; MALE; OTHER; BCP, BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) [redacted] (NFI); [MALTREATMENT OF A PERSON IN US CUSTODY]; [ASSAULT CONSUMMATED BY A BATTERY].

b2b7C

3. US GOVERNMENT (BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354); [ATTEMPTED ESCAPE FROM CONFINEMENT]; [DERELICTION OF DUTY]; [FALSE OFFICIAL STATEMENT]

4. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976 (UNFOUNDED)]

5. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

6. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

7. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OF PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS A STRONGHOLD FREEDOM INVESTIGATION."

RESTRICTED DISTRIBUTION: THIS REPORT WAS PREVIOUSLY RESTRICTED BY USACIDC (AT THE REQUEST OF THE CJTF180 COMMANDER DUE TO CONCERNS ABOUT THE CLASSIFIED ACTIVITIES OF PERSONS UNDER CONTROL (PUC). THIS REPORT LIFTS THAT RESTRICTION.

7th STATUS REPORT:

The purpose of this status report is to add CPT [redacted] Commander, 377th MP Company, as a subject for the offenses of Dereliction of Duty and False Official Statement.

Investigation established credible information to believe [redacted] was aware of the abusive practices of his Soldiers and made a number of statements designed to indicate to investigators he was unaware. Witness interviews establish [redacted] had a meeting with Platoon Leaders and Platoon Sergeants in which he directed the cessation of "illegal PUC beatings". [redacted] later admitted he knew his Soldiers were striking detainees.

b2b7C

[redacted] dereliction in the performance of his duties resulted in a lack of control and created an atmosphere in which prisoners were routinely mistreated by 377th MP Company soldiers and subsequently expired from their injuries.

On 10 May 04, Task Force Legal Advisor, MAJ [redacted] Office of the Staff Judge Advocate (OSJA), FORSCOM, Fort McPherson, GA opined there was probable cause to believe the [redacted] committed the offenses of Dereliction of Duty and False Official Statement.

Request name checks on the above named subjects.

6th STATUS REPORT:

The purpose of this status report is to add five military policemen from the 377th MP Company as subjects of this investigation. Investigation established credible information to believe [redacted] and [redacted] also committed the offenses of Assault Consummated by a Battery and Maltreatment of a Person in US Custody, when they struck HABIBULLAH using excessive force.

This report also addresses the submission of False Official Statements by [redacted] and [redacted] to USACIDC Special Agents during the early phases of this investigation.

Between 21 Jan and 26 Mar 04, agents assigned to the PUC Task Force completed 94 interviews and interrogations resulting in numerous, confessions, admissions and witness accounts which provided credible information to believe the aforementioned subjects committed the above listed offenses. In specific, 377th MP Company unit members, issued sworn statements including but not limited to the following:

On 23 Jan 04, SPC [redacted] 377th MP Company, Cincinnati, OH 45237 stated she witnessed [redacted] and [redacted] chain HABIBULLAH to the wire mesh ceiling of an isolation cell. After securing him, [redacted] delivered at least two common peroneal (knee) blows to the thigh, which lifted the detainee off his feet. [redacted] warned [redacted] to step back and then delivered a "sidekick" to the chest (abdomen) of HABIBULLAH.

On 23 and 29 Jan 04, [redacted] was advised of his rights and interviewed. Both times, [redacted] issued sworn statements admitting he struck HABIBULLAH in the common peroneal at least twice (in presence of both [redacted] and [redacted]. [redacted] stated he found HABIBULLAH in his cell ten minutes later and he was not certain he detected a pulse on HABIBULLAH, contrary to what he told investigators in early Dec 02. [redacted] recounted a conversation with [redacted] in which [redacted] stated he "must have given that guy (HABIBULLAH) fifty common peroneals and he deserved every one of them".

b2b7C

On 21 Dec 02, [redacted] made a statement to CID (in connection with a second detainee deaths, as documented in CID ROI #0137-02-CID369-23534) in which he denied seeing anyone strike either detainee. On 23 Jan 04, [redacted] was advised of his rights. He waived his rights and admitted he observed [redacted] strike HABIBULLAH, the night of the detainee's death.

On 4 Dec 02, [redacted] knowingly rendered a statement he knew to be false. He told CID Agents [redacted] did not strike HABIBULLAH. On 24 Jan 04, [redacted] was advised of his rights and he requested counsel, at which time the interview was terminated.

On 24 Jan 04, [redacted] was advised of his rights and interviewed. [redacted] confessed to delivering at least two common peroneal (knee) strikes to HABIBULLAH when the detainee resisted putting the hood on. [redacted] stated [redacted] was with him and [redacted] also delivered two knee strikes to HABIBULLAH. Additionally, [redacted] admitted he struck over 20 PUC(s) within the BCP unnecessarily for various infractions of the rules, (misconduct addressed in CID ROI #0137-02-CID369-23534).

[redacted] and [redacted] were advised of their rights and requested counsel. All interviews in which subjects requested counsel were terminated immediately and not pursued, as no immediate defense counsel(s) were available for consult, by those soldiers. [redacted], [redacted] and [redacted] were previously interviewed on the following and each provided a sworn statement denying they witnessed anyone strike a detainee and further denied striking a detainee themselves, statements which were false.

On 26 Mar 04, the results of the recent interviews were discussed with the Task Force Legal Advisor, MAJ [redacted] Office of the Staff Judge Advocate (OSJA), FORSCOM, Fort McPherson, GA. He opined there was probable cause to believe the listed subjects committed the identified offenses. MAJ [redacted] further opined [redacted] and [redacted] should be listed for Dereliction of Duty.

Request name checks on the above named subjects.

5th STATUS REPORT:

The purpose of this status report is to add [redacted] and [redacted] (377th MP Company) as subjects for the offenses of Assault Consummated by a Battery and Cruelty/Maltreatment of a Subordinate. Additionally, this status report corrects ULLAH's identification to HABIBULLAH.

Investigation established probable cause to believe [redacted] and [redacted] delivered between 2-4 blows each to the lateral aspect of the thigh region of HABIBULLAH while he was restrained in a standing position in the Isolation Cell. Both soldiers described their actions as "compliance blows", which were unauthorized.

b6 7C

On 19 Dec 2003, SA [redacted] coordinated this investigation and the actions of [redacted] and [redacted] with MAJ [redacted] Trial Counsel, Office of the Staff Judge Advocate, 3rd Infantry Division, Fort Stewart, GA 31314 (who has been designated by XVIII Abn Corps as the Trial Counsel of record for this case). MAJ [redacted] opined [redacted] and [redacted] both bear individual responsibility for the assaults they inflicted and seeking approval from SSG [redacted] to perform an illegal act did not alleviate them of culpability.

Investigation continues by CID. Request name checks on [redacted] and [redacted].

4TH STATUS REPORT:

The purpose of this status report is to identify three Military Intelligence (MI) Interrogators as subjects for the offense of Assault and Cruelty/Maltreatment of Subordinates and Misprision of a Serious Offense relating to their abusive physical treatment of detainees (PUC [redacted]) during interrogation sessions. Additionally, this status report identifies three Military Police (MP) personnel as subjects for the offenses of Assault Consummated by a Battery and Cruelty/Maltreatment of Subordinates relating to their practice of "compliance blows" upon shackled detainees. Lastly, this status report addresses assaults (under the Afghan Penal Code of 1976) by ULLAH upon four members of the MP guard force during combative episodes, while in detention and during ULLAH's attempted escape from confinement on 3 Dec 2002.

Investigation established credible information to believe MI Interrogators [redacted] and [redacted] committed the offenses of Assault & Cruelty/Maltreatment in their physical assaults on PUC [redacted] (NFI). [redacted] and [redacted] were observed by witnesses pulling on a detainee's beard, yanking his head around by his beard, kicking him in the buttocks and legs and forcing the detainees to maintain contorted, painful body positions during interviews. FM 34-52 (Interviews and Interrogations) specifically prohibits use of force during interrogations. AR 190-8, paragraph 2-1a(1)(d) states, "The use of physical or mental torture or any coercion to compel prisoners to provide information is prohibited." It further states, "Prisoners may not be threatened, insulted, or exposed to unpleasant or disparate treatment of any kind because of their refusal to answer questions." Investigation established credible information to believe this misconduct was reported to [redacted] the MI NCOIC, who excused it as necessary to the mission, did nothing to stop the behaviors, and failed to report it or prevent further occurrences.

Investigation established credible information to believe ULLAH physically assaulted members of the 377th MP Guard Company ([redacted] and [redacted] when he kicked [redacted] in the groin, punched [redacted] and attempted to escape confinement by grabbing [redacted] shirt, shoving him and running from his cell. During these incidents, [redacted] and [redacted] delivered blows with their fists and knees to defend themselves, subdue ULLAH and prevent his escape, as allowed for under the self-defense provision of Use of Force guidance.

b2b7C

Investigation has established credible information to believe MP Guard Force Company personnel ([redacted] and [redacted]) committed the offenses of Assault Consummated by Battery and Cruelty/Maltreatment when they delivered strikes, with their knee, to the lateral aspect of the thigh region of ULLAH as punishment for non-compliance with procedures or directives. This behavior was termed a "compliance blow" by MP personnel, but is strictly prohibited under the provisions of AR 190-47 (Army Corrections). On at least one occasion, [redacted] sought and gained permission to strike a restrained ULLAH from SSG [redacted] MP Sergeant of the Guard (SOG), establishing credible information to believe SSG [redacted] is a principal and as such also committed the offense of Assault Consummated by Battery and Cruelty/Maltreatment.

Additionally, members of the MP guard force while following guidance set forth in a portion of the Bagram Control Point SOP (entitled Disciplinary Measures) placed ULLAH in "standing restraint" as punishment. This was achieved by chaining his arms overhead to a fixed object (ceiling) for varying periods of time ranging from 30-60 minutes. AR 190-47, paragraph 12-10e, prohibits the use of irons, restraining straps and jackets, shackles, hand irons, or legs irons as punishments and prohibits fastening prisoners to stationary objects. Securing a prisoner to a fixed object is also prohibited under AR 190-47, paragraph 9-7e, except in emergencies. AR 190-8, paragraph 6-11a(4) prohibits " inhumane, brutal or dangerous" disciplinary punishments and specifies the "age, sex and health of the civilian internee will be considered."

These deliberate blows to restrained individuals, the use of shackling/restraint devices as punishment and for sleep deprivation (directed by MI interrogators) collectively constitute unnecessary, excessive physical force and violence to persons under the care, custody and control of US forces, and who are entitled to protection IAW AR 190-8, paragraph 1-5 (Enemy Prisoner of War, Retained Persons, Civilian Internees and Other Detainees) and therefore constitute Assault and Cruelty/Maltreatment.

Investigation to date has found no existing CJTF180 guidance that authorized any of the described actions as approved tactics, techniques and procedures (other than the use of standing restraint as a disciplinary measure in the BCP SOP). The responsibility of supervisory personnel beyond the NCO level has yet to be determined, but is under continued investigation. The culpability of the writers, reviewers and approvers of the BCP SOP are also under continued investigation.

No determination has been made on criminal culpability pertaining to the death of ULLAH. Investigation continues.

Request name checks be performed on all listed subjects.

The Casualty Liaison Officers (CLO) were re-designated as CW3 [redacted] and CW3 [redacted] who can be reached at DSN: 656-0299/0224; COM: 703-806-0299/0224; or electronic message address: [redacted]@belvoir.army.mil and [redacted]@belvoir.army.mil respectively.

b6 7C

3rd STATUS REPORT:

This status report was submitted to report a revised opinion of the cause and manner of death of ULLAH, after a review of the preliminary findings by LTC [redacted].

On 13 Dec 02, LTC [redacted] reported after a review of her preliminary autopsy findings she felt the cause of death of ULLAH was pulmonary embolism resulting from blunt force injury to the legs. The manner of death was homicide. LTC [redacted] explained a pathologist's determination of homicide does not necessarily mean murder. In their terminology it simply means other than natural death caused by outside events. There was no way to determine which injury precipitated ULLAH's death. This opinion is preliminary pending toxicology and pathology studies. Investigation continues by the USACIDC.

2nd STATUS REPORT:

This status report was submitted to report the preliminary results of an autopsy of ULLAH's remains.

On 8 Dec 02, LTC (Dr) [redacted] Armed Forces Regional Medical Examiner, Landstuhl Regional Medical Center, APO AE 09180, conducted an autopsy of ULLAH's remains. LTC [redacted] preliminary opinion was the cause of ULLAH's death was a pulmonary embolism brought about by a blood clot in the pulmonary artery near the heart. The manner of death was as yet undetermined pending a review and special study of the results of the autopsy and the circumstances reported surrounding ULLAH's death. The autopsy revealed his kidneys were grossly unremarkable. There were no obvious indications of renal failure.

Investigation revealed ULLAH was captured and turned over to US forces by an Afghan warlord (NFI) just prior to being detained at the BCP, BAF. Investigation continues by the USACIDC.

INITIAL REPORT:

On 4 Dec 02, SA [redacted] CITF, Bagram Collection Point (BCP), Bagram Airfield, Afghanistan, APO AE 09311 (BAF), reported a Person Under Control (PUC) died after being found in his cell unconscious with shallow breathing.

Investigation revealed ULLAH (PUC 412) was captured in action against the US on 28 Nov 02, and was transported to the BCP on 30 Nov 02. ULLAH resisted in-processing by being combative and noncompliant. ULLAH refused to eat anything upon arrival at the BCP until his death. ULLAH attacked 3 Military Police guards punching one on the chin, kicking another in the groin, and biting another. Due to his behavior, ULLAH was placed in an isolation cell, restrained with handcuffs and shackles, and chained with his hands chained to a waist belt with a chain connected to the waist belt in the front and rear, with those chains fastened to the ceiling. This held him securely to prevent harm to

b6 7C

himself or others; while maintaining him in a standing position. ULLAH was checked about 2400, 3 Dec 02, he refused food and spat on the guard.

About 0015, 4 Dec 02, the Sergeant of the Guard (SOG) checked on ULLAH and noticed he was unresponsive. The SOG, a trained Combat Medic, opened the cell door, checked ULLAH for signs of life, finding he had shallow breathing and a weak pulse, but his blood pressure was normal. An ambulance was called and upon arrival of the ambulance the Emergency Response personnel found ULLAH to have no signs of life and no life saving measures were performed.

About 0040, 4 Dec 02, ULLAH arrived at the 339th CSH, BAF, where Dr (LTC) [redacted] Emergency Physician, found no signs of life and performed no life saving measures. Dr [redacted] pronounced ULLAH dead on arrival. Dr [redacted] had full body x-rays exposed of ULLAH's body, which revealed no acute trauma noted. Blood examinations revealed acute renal failure and a lack of urine also indicative of acute renal failure. A visual examination of ULLAH's body revealed no bruising, nor evidence of obvious external injury.

ULLAH had no known medical conditions, and was not taking any medications. An autopsy is pending by an Armed Forces of Pathology pathologist and will be conducted at BAF.

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

b6 7C

DATE: 30 MAR 2004
FROM: HQ, USACIDC, FT BELVOIR, VA //CIOP-COF//
TO: DIRUSACRC USACIDC FT BELVOIR VA //CICR-ZA//
SAC, BAGRAM BRANCH OFFICE, USACIDC, AFGHANISTAN
CDR, 525TH MI BRIGADE, FORT BRAGG, NC
CDR, 300TH MP BRIGADE, DEARBORN, MICHIGAN
SJA, CJTF180, BAGRAM AIR BASE, AFGHANISTAN
DIR AFIP WASH DC
CDR 3D MP GRP FT GILLEM GA //CIRC-ZA//
CDR USACIDC FT BELVOIR VA //CIOP-ZA//
SUBJECT: CID REPORT – **6TH STATUS/SSI** – 0134-02-CID369-23533 – 5H9B/5H4J/5C2B/5Y2E/5S1/5X6/5M3A
DRAFTER: [redacted]
RELEASER: [redacted]

UNCLASSIFIED – FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 4 DEC 2002/0040Z (4 DEC 2002/0510 BAGRAM LOCAL TIME); ISOLATION CELL #7; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354
2. 1 DEC 2002/0001 – 4 DEC 2002/0510 BAGRAM LOCAL TIME; BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354
3. 3 DEC 2002/1650 BAGRAM LOCAL TIME; ISOLATION CELL #6, BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

2. DATE/TIME REPORTED: 4 DEC 2002, 0220

3. INVESTIGATED BY: SA [redacted], SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted]

4. SUBJECT: 1. UNKNOWN (NFI); [NEGLIGENT HOMICIDE].

2. [redacted] ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

3. [redacted] ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

b2b7C

4. [redacted] (FORMERLY [redacted] FORMERLY OF ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [DERELICTION OF DUTY]

[CORRECTED] 5. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY]; [MALTREATMENT OF A PERSON IN US CUSTODY]; [FALSE OFFICIAL STATEMENT]

6. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

7. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

8. HABIBULLAH, MULLAH [DECEASED]; AFGHAN CIV; APROXIMATELY 30 YOA, TARI, AFGHANISTAN; MALE; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) 412; AKA: ULLAH; (NFI); [ASSAULT: AFGHAN PENAL CODE OF 1976], [ATTEMPTED ESCAPE FROM CONFINEMENT]

---

9. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

10. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

[ADDED] 11. [redacted] 377TH MP COMPANY, (US ARMY RESERVE),

b2b7C

1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY]; [MALTREATMENT OF A PERSON IN US CUSTODY]; [FALSE OFFICIAL STATEMENT]

[ADDED] 12. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY]; [MALTREATMENT OF A PERSON IN US CUSTODY]; [FALSE OFFICIAL STATEMENT]

[ADDED] 13. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [ASSAULT CONSUMATED BY A BATTERY]; [MALTREATMENT OF A PERSON IN US CUSTODY]; [FALSE OFFICIAL STATEMENT]

[ADDED] 14. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT]; [DERELICTION OF DUTY]

[ADDED] 15. [redacted] 377TH MP COMPANY, (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH 45327; AR; [FALSE OFFICIAL STATEMENT]

5. VICTIM: [CORRECTED] 1. HABIBULLAH, MULLAH [DECEASED]; AFGHAN CIV; APPROXIMATELY 30 YOA; TARI, AFGHANISTAN; MALE; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) 412; AKA: ULLAH; (NFI); [NEGLIGENT HOMICIDE]; [MALTREATMENT OF A PERSON IN US CUSTODY]; [ASSAULT CONSUMMATED BY A BATTERY].

2. UNKNOWN; CIV; AFGHANISTAN; MALE; OTHER; BCP, BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) [redacted] (NFI); [MALTREATMENT OF A PERSON IN US CUSTODY]; [ASSAULT CONSUMMATED BY A BATTERY].

3. US GOVERNMENT (BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354); [ATTEMPTED ESCAPE FROM CONFINEMENT]; [DERELICTION OF DUTY]

[CORRECTED]4. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976 (UNFOUNDED)]

b2b7C

5. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

6. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

7. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OF PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS A STRONGHOLD FREEDOM INVESTIGATION."

RESTRICTED DISTRIBUTION: THIS REPORT WAS PREVIOUSLY RESTRICTED BY USACIDC (AT THE REQUEST OF THE CJTF180 COMMANDER DUE TO CONCERNS ABOUT THE CLASSIFIED ACTIVITIES OF PERSONS UNDER CONTROL (PUC). THIS REPORT LIFTS THAT RESTRICTION.

6th STATUS REPORT:

The purpose of this status report is to add five military policemen from the 377th MP Company as subjects of this investigation. Investigation established credible information to believe [redacted] and [redacted] also committed the offenses of Assault Consummated by a Battery and Maltreatment of a Person in US Custody, when they struck HABIBULLAH using excessive force.

This report also addresses the submission of False Official Statements by [redacted] and [redacted] to USACIDC Special Agents during the early phases of this investigation.

Between 21 Jan and 26 Mar 04, agents assigned to the PUC Task Force completed 94 interviews and interrogations resulting in numerous, confessions, admissions and witness accounts which provided credible information to believe the aforementioned subjects committed the above listed offenses. In specific, 377th MP Company unit members, issued sworn statements including but not limited to the following:

b2b7C

On 23 Jan 04, SPC [redacted] 377th MP Company, Cincinnati, OH 45237 stated she witnessed [redacted] and [redacted] chain HABIBULLAH to the wire mesh ceiling of an isolation cell. After securing him, [redacted] delivered at least two common peroneal (knee) blows to the thigh, which lifted the detainee off his feet. [redacted] warned [redacted] to step back and then delivered a "sidekick" to the chest (abdomen) of HABIBULLAH.

On 23 and 29 Jan 04, [redacted] was advised of his rights and interviewed. Both times, [redacted] issued sworn statements admitting he struck HABIBULLAH in the common peroneal at least twice (in presence of both [redacted] and [redacted]. [redacted] stated he found HABIBULLAH in his cell ten minutes later and he was not certain he detected a pulse on HABIBULLAH, contrary to what he told investigators in early Dec 02. [redacted] recounted a conversation with [redacted] in which [redacted] stated he "must have given that guy (HABIBULLAH) fifty common peroneals and he deserved every one of them".

On 21 Dec 02, [redacted] made a statement to CID (in connection with a second detainee deaths, as documented in CID ROI #0137-02-CID369-23534) in which he denied seeing anyone strike either detainee. On 23 Jan 04, [redacted] was advised of his rights. He waived his rights and admitted he observed [redacted] strike HABIBULLAH, the night of the detainee's death.

On 4 Dec 02, [redacted] knowingly rendered a statement he knew to be false. He told CID Agents [redacted] did not strike HABIBULLAH. On 24 Jan 04, [redacted] was advised of his rights and he requested counsel, at which time the interview was terminated.

On 24 Jan 04, [redacted] was advised of his rights and interviewed. [redacted] confessed to delivering at least two common peroneal (knee) strikes to HABIBULLAH when the detainee resisted putting the hood on. [redacted] stated [redacted] was with him and [redacted] also delivered two knee strikes to HABIBULLAH. Additionally, [redacted] admitted he struck over 20 PUC(s) within the BCP unnecessarily for various infractions of the rules, (misconduct addressed in CID ROI #0137-02-CID369-23534).

[redacted] and [redacted] were advised of their rights and requested counsel. All interviews in which subjects requested counsel were terminated immediately and not pursued, as no immediate defense counsel(s) were available for consult, by those soldiers. [redacted] and [redacted] were previously interviewed on the following and each provided a sworn statement denying they witnessed anyone strike a detainee and further denied striking a detainee themselves, statements which were false.

On 26 Mar 04, the results of the recent interviews were discussed with the Task Force Legal Advisor, MAJ [redacted] Office of the Staff Judge Advocate (OSJA), FORSCOM, Fort McPherson, GA. He opined there was probable cause to believe the listed subjects committed the identified offenses. MAJ [redacted] further opined [redacted] and [redacted] should be listed for Dereliction of Duty.

b6 7C

Request name checks on the above named subjects.

5th STATUS REPORT:

The purpose of this status report is to add [redacted] and [redacted] (377th MP Company) as subjects for the offenses of Assault Consummated by a Battery and Cruelty/Maltreatment of a Subordinate. Additionally, this status report corrects ULLAH's identification to HABIBULLAH.

Investigation established probable cause to believe [redacted] and [redacted] delivered between 2-4 blows each to the lateral aspect of the thigh region of HABIBULLAH while he was restrained in a standing position in the Isolation Cell. Both soldiers described their actions as "compliance blows", which were unauthorized.

On 19 Dec 2003, SA [redacted] coordinated this investigation and the actions of [redacted] and [redacted] with MAJ [redacted] Trial Counsel, Office of the Staff Judge Advocate, 3rd Infantry Division, Fort Stewart, GA 31314 (who has been designated by XVIII Abn Corps as the Trial Counsel of record for this case). MAJ [redacted] opined [redacted] and [redacted] both bear individual responsibility for the assaults they inflicted and seeking approval from SSG [redacted] to perform an illegal act did not alleviate them of culpability.

Investigation continues by CID. Request name checks on [redacted] and [redacted]

4TH STATUS REPORT:

The purpose of this status report is to identify three Military Intelligence (MI) Interrogators as subjects for the offense of Assault and Cruelty/Maltreatment of Subordinates and Misprision of a Serious Offense relating to their abusive physical treatment of detainees (PUC [redacted] during interrogation sessions. Additionally, this status report identifies three Military Police (MP) personnel as subjects for the offenses of Assault Consummated by a Battery and Cruelty/Maltreatment of Subordinates relating to their practice of "compliance blows" upon shackled detainees. Lastly, this status report addresses assaults (under the Afghan Penal Code of 1976) by ULLAH upon four members of the MP guard force during combative episodes, while in detention and during ULLAH's attempted escape from confinement on 3 Dec 2002.

Investigation established credible information to believe MI Interrogators ([redacted] and [redacted] committed the offenses of Assault & Cruelty/Maltreatment in their physical assaults on PUC [redacted] (NFI). [redacted] and [redacted] were observed by witnesses pulling on a detainee's beard, yanking his head around by his beard, kicking him in the buttocks and legs and forcing the detainees to maintain contorted, painful body positions during interviews. FM 34-52 (Interviews and Interrogations) specifically prohibits use of force during interrogations. AR 190-8, paragraph 2-1a(1)(d) states, "The use of physical or mental torture or any coercion to compel prisoners to provide information is

b2b7C

1920

prohibited." It further states, "Prisoners may not be threatened, insulted, or exposed to unpleasant or disparate treatment of any kind because of their refusal to answer questions." Investigation established credible information to believe this misconduct was reported to [redacted] the MI NCOIC, who excused it as necessary to the mission, did nothing to stop the behaviors, and failed to report it or prevent further occurrences.

Investigation established credible information to believe ULLAH physically assaulted members of the 377th MP Guard Company ([redacted] and [redacted] when he kicked [redacted] in the groin, punched [redacted] and attempted to escape confinement by grabbing [redacted] shirt, shoving him and running from his cell. During these incidents, [redacted], [redacted] and [redacted] delivered blows with their fists and knees to defend themselves, subdue ULLAH and prevent his escape, as allowed for under the self-defense provision of Use of Force guidance.

Investigation has established credible information to believe MP Guard Force Company personnel ([redacted] and [redacted] committed the offenses of Assault Consummated by Battery and Cruelty/Maltreatment when they delivered strikes, with their knee, to the lateral aspect of the thigh region of ULLAH as punishment for non-compliance with procedures or directives. This behavior was termed a "compliance blow" by MP personnel, but is strictly prohibited under the provisions of AR 190-47 (Army Corrections). On at least one occasion, [redacted] sought and gained permission to strike a restrained ULLAH from SSG [redacted] MP Sergeant of the Guard (SOG), establishing credible information to believe SSG [redacted] is a principal and as such also committed the offense of Assault Consummated by Battery and Cruelty/Maltreatment.

Additionally, members of the MP guard force while following guidance set forth in a portion of the Bagram Control Point SOP (entitled Disciplinary Measures) placed ULLAH in "standing restraint" as punishment. This was achieved by chaining his arms overhead to a fixed object (ceiling) for varying periods of time ranging from 30-60 minutes. AR 190-47, paragraph 12-10e, prohibits the use of irons, restraining straps and jackets, shackles, hand irons, or legs irons as punishments and prohibits fastening prisoners to stationary objects. Securing a prisoner to a fixed object is also prohibited under AR 190-47, paragraph 9-7e, except in emergencies. AR 190-8, paragraph 6-11a(4) prohibits " inhumane, brutal or dangerous" disciplinary punishments and specifies the "age, sex and health of the civilian internee will be considered."

These deliberate blows to restrained individuals, the use of shackling/restraint devices as punishment and for sleep deprivation (directed by MI interrogators) collectively constitute unnecessary, excessive physical force and violence to persons under the care, custody and control of US forces, and who are entitled to protection IAW AR 190-8, paragraph 1-5 (Enemy Prisoner of War, Retained Persons, Civilian Internees and Other Detainees) and therefore constitute Assault and Cruelty/Maltreatment.

Investigation to date has found no existing CJTF180 guidance that authorized any of the described actions as approved tactics, techniques and procedures (other than the use of standing restraint as a disciplinary measure in the BCP SOP). The responsibility of

b6 7C

supervisory personnel beyond the NCO level has yet to be determined, but is under continued investigation. The culpability of the writers, reviewers and approvers of the BCP SOP are also under continued investigation.

No determination has been made on criminal culpability pertaining to the death of ULLAH. Investigation continues.

Request name checks be performed on all listed subjects.

The Casualty Liaison Officers (CLO) were re-designated as CW3 [redacted] and CW3 [redacted] who can be reached at DSN: 656-0299/0224; COM: 703-806-0299/0224; or electronic message address: [redacted]@belvoir.army.mil and [redacted]@belvoir.army.mil respectively.

3rd STATUS REPORT:

This status report was submitted to report a revised opinion of the cause and manner of death of ULLAH, after a review of the preliminary findings by LTC [redacted]

On 13 Dec 02, LTC [redacted] reported after a review of her preliminary autopsy findings she felt the cause of death of ULLAH was pulmonary embolism resulting from blunt force injury to the legs. The manner of death was homicide. LTC [redacted] explained a pathologist's determination of homicide does not necessarily mean murder. In their terminology it simply means other than natural death caused by outside events. There was no way to determine which injury precipitated ULLAH's death. This opinion is preliminary pending toxicology and pathology studies. Investigation continues by the USACIDC.

2nd STATUS REPORT:

This status report was submitted to report the preliminary results of an autopsy of ULLAH's remains.

On 8 Dec 02, LTC (Dr) [redacted] Armed Forces Regional Medical Examiner, Landstuhl Regional Medical Center, APO AE 09180, conducted an autopsy of ULLAH's remains. LTC [redacted] preliminary opinion was the cause of ULLAH's death was a pulmonary embolism brought about by a blood clot in the pulmonary artery near the heart. The manner of death was as yet undetermined pending a review and special study of the results of the autopsy and the circumstances reported surrounding ULLAH's death. The autopsy revealed his kidneys were grossly unremarkable. There were no obvious indications of renal failure.

Investigation revealed ULLAH was captured and turned over to US forces by an Afghan warlord (NFI) just prior to being detained at the BCP, BAF. Investigation continues by the USACIDC.

b67C

INITIAL REPORT:

On 4 Dec 02, SA [redacted] CITF, Bagram Collection Point (BCP), Bagram Airfield, Afghanistan, APO AE 09311 (BAF), reported a Person Under Control (PUC) died after being found in his cell unconscious with shallow breathing.

Investigation revealed ULLAH (PUC 412) was captured in action against the US on 28 Nov 02, and was transported to the BCP on 30 Nov 02. ULLAH resisted in-processing by being combative and noncompliant. ULLAH refused to eat anything upon arrival at the BCP until his death. ULLAH attacked 3 Military Police guards punching one on the chin, kicking another in the groin, and biting another. Due to his behavior, ULLAH was placed in an isolation cell, restrained with handcuffs and shackles, and chained with his hands chained to a waist belt with a chain connected to the waist belt in the front and rear, with those chains fastened to the ceiling. This held him securely to prevent harm to himself or others; while maintaining him in a standing position. ULLAH was checked about 2400, 3 Dec 02, he refused food and spat on the guard.

About 0015, 4 Dec 02, the Sergeant of the Guard (SOG) checked on ULLAH and noticed he was unresponsive. The SOG, a trained Combat Medic, opened the cell door, checked ULLAH for signs of life, finding he had shallow breathing and a weak pulse, but his blood pressure was normal. An ambulance was called and upon arrival of the ambulance the Emergency Response personnel found ULLAH to have no signs of life and no life saving measures were performed.

About 0040, 4 Dec 02, ULLAH arrived at the 339th CSH, BAF, where Dr (LTC) [redacted] Emergency Physician, found no signs of life and performed no life saving measures. Dr [redacted] pronounced ULLAH dead on arrival. Dr [redacted] had full body x-rays exposed of ULLAH's body, which revealed no acute trauma noted. Blood examinations revealed acute renal failure and a lack of urine also indicative of acute renal failure. A visual examination of ULLAH's body revealed no bruising, nor evidence of obvious external injury.

ULLAH had no known medical conditions, and was not taking any medications. An autopsy is pending by an Armed Forces of Pathology pathologist and will be conducted at BAF.

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

b6 7C

DATE: 12 DEC 2003
FROM: HQ, USACIDC, FT BELVOIR, VA //CIOP-COF//
TO: DIRUSACRC USACIDC FT BELVOIR VA //CICR-ZA//
ENDURING FREEDOM BRANCH OFFICE//CICR-EF//
SAC, BAGRAM BRANCH OFFICE, USACIDC, AFGHANISTAN
CDR, 519TH MI BN, 525TH MI BRIGADE, FORT BRAGG, NC
CDR, 377TH MP COMPANY, CINCINNATI, OHIO
DIR AFIP WASH DC
CDR 3D MP GRP FT GILLEM GA //CIRC-ZA//
CDR USACIDC FT BELVOIR VA //CIOP-ZA//
SUBJECT: CID REPORT – 4TH STATUS/SSI – 0134-02-CID369-23533 – 5H9B/5H4J/5C2B/5Y2E/5S1/5X6
DRAFTER: [redacted]
RELEASER: [redacted]

UNCLASSIFIED – FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 4 DEC 2002/0040Z (4 DEC 2002/0510 BAGRAM LOCAL TIME); ISOLATION CELL #7; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

2. 1 DEC 2002/0001 – 4 DEC 2002/0510 BAGRAM LOCAL TIME; BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

3. 3 DEC 2002/1650 BAGRAM LOCAL TIME; ISOLATION CELL #6, BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354

2. DATE/TIME REPORTED: 4 DEC 2002, 0220

3. INVESTIGATED BY: SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted]

4. SUBJECT: 1. UNKNOWN (NFI); NEGLIGENT HOMICIDE.

2. [redacted] ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

3. [redacted] ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

b2b7C

1924

4. [redacted] ALPHA COMPANY, 519TH MILITARY INTELLIGENCE (MI) BATTALION, 525TH MI BRIGADE, XVIII AIRBORNE CORPS, FORT BRAGG, NC 28310; FC; [MISPRISION OF A SERIOUS OFFENSE]

5. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

6. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

7. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT CONSUMMATED BY A BATTERY], [MALTREATMENT OF A PERSON IN US CUSTODY]

8. ULLAH, HABIB [DECEASED]; AFGHAN CIV; APROXIMATELY 30 YOA, TARI, AFGHANISTAN; MALE; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) 412; (NFI); [ASSAULT: AFGHAN PENAL CODE OF 1976], [ATTEMPTED ESCAPE FROM CONFINEMENT]

5. VICTIM: 1. ULLAH, HABIB [DECEASED]; AFGHAN CIV; APPROXIMATELY 30 YOA; TARI, AFGHANISTAN; MALE; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) 412; (NFI); [NEGLIGENT HOMICIDE]; [MALTREATMENT OF A PERSON IN US CUSTODY]; [ASSAULT CONSUMMATED BY A BATTERY].

2. UNKNOWN; CIV; AFGHANISTAN; MALE; OTHER; BCP, BAGRAM AIRFIELD, APO AE 09354; XZ; OTHER ID: PERSON UNDER CONTROL (PUC) [redacted]; (NFI); [MALTREATMENT OF A PERSON IN US CUSTODY]; [ASSAULT CONSUMMATED BY A BATTERY].

3. US GOVERNMENT (BCP, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354); [ATTEMPTED ESCAPE FROM CONFINEMENT]; [MISPRISION OF A SERIOUS OFFENSE]

4. [redacted] 377TH MILITARY POLICE COMPANY (US

b2b7C

ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

5. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

6. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

7. [redacted] 377TH MILITARY POLICE COMPANY (US ARMY RESERVE), 1600 SEYMOUR AVENUE, CINCINNATI, OH; AR; [ASSAULT: AFGHAN PENAL CODE OF 1976]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OF PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS A STRONGHOLD FREEDOM INVESTIGATION."

RESTRICTED DISTRIBUTION: THIS REPORT WAS PREVIOUSLY RESTRICTED BY USACIDC (AT THE REQUEST OF THE CJTF180 COMMANDER DUE TO CONCERNS ABOUT THE CLASSIFIED ACTIVITIES OF PERSONS UNDER CONTROL (PUC). THIS REPORT LIFTS THAT RESTRICTION.

4TH STATUS REPORT:

The purpose of this status report is to identify three Military Intelligence (MI) Interrogators as subjects for the offense of Assault and Cruelty/Maltreatment of Subordinates and Misprision of a Serious Offense relating to their abusive physical treatment of detainees (PUC [redacted]) during interrogation sessions. Additionally, this status report identifies three Military Police (MP) personnel as subjects for the offenses of Assault Consummated by a Battery and Cruelty/Maltreatment of Subordinates relating to their practice of "compliance blows" upon shackled detainees. Lastly, this status report addresses assaults (under the Afghan Penal Code of 1976) by ULLAH upon four members of the MP guard force during combative episodes, while in detention and during ULLAH's attempted escape from confinement on 3 Dec 2002.

Investigation established credible information to believe MI Interrogators [redacted] and [redacted] committed the offenses of Assault & Cruelty/Maltreatment in their physical assaults on PUC [redacted] (NFI). [redacted] and [redacted] were observed by witnesses pulling on a detainee's beard, yanking his head around by his beard, kicking him in the

b2b7C

1926

buttocks and legs and forcing the detainees to maintain contorted, painful body positions during interviews. FM 34-52 (Interviews and Interrogations) specifically prohibits use of force during interrogations. AR 190-8, paragraph 2-1a(1)(d) states, "The use of physical or mental torture or any coercion to compel prisoners to provide information is prohibited." It further states, "Prisoners may not be threatened, insulted, or exposed to unpleasant or disparate treatment of any kind because of their refusal to answer questions." Investigation established credible information to believe this misconduct was reported to [redacted] the MI NCOIC, who excused it as necessary to the mission, did nothing to stop the behaviors, and failed to report it or prevent further occurrences.

Investigation established credible information to believe ULLAH physically assaulted members of the 377th MP Guard Company [redacted] and [redacted] when he kicked [redacted] in the groin, punched [redacted] and attempted to escape confinement by grabbing [redacted] shirt, shoving him and running from his cell. During these incidents, [redacted] and [redacted] delivered blows with their fists and knees to defend themselves, subdue ULLAH and prevent his escape, as allowed for under the self-defense provision of Use of Force guidance.

Investigation has established credible information to believe MP Guard Force Company personnel [redacted] and [redacted] committed the offenses of Assault Consummated by Battery and Cruelty/Maltreatment when they delivered strikes, with their knee, to the lateral aspect of the thigh region of ULLAH as punishment for non-compliance with procedures or directives. This behavior was termed a "compliance blow" by MP personnel, but is strictly prohibited under the provisions of AR 190-47 (Army Corrections). On at least one occasion, [redacted] sought and gained permission to strike a restrained ULLAH from SSG [redacted] MP Sergeant of the Guard (SOG), establishing credible information to believe SSG [redacted] is a principal and as such also committed the offense of Assault Consummated by Battery and Cruelty/Maltreatment.

Additionally, members of the MP guard force while following guidance set forth in a portion of the Bagram Control Point SOP (entitled Disciplinary Measures) placed ULLAH in "standing restraint" as punishment. This was achieved by chaining his arms overhead to a fixed object (ceiling) for varying periods of time ranging from 30-60 minutes. AR 190-47, paragraph 12-10e, prohibits the use of irons, restraining straps and jackets, shackles, hand irons, or legs irons as punishments and prohibits fastening prisoners to stationary objects. Securing a prisoner to a fixed object is also prohibited under AR 190-47, paragraph 9-7e, except in emergencies. AR 190-8, paragraph 6-11a(4) prohibits " inhumane, brutal or dangerous" disciplinary punishments and specifies the "age, sex and health of the civilian internee will be considered."

These deliberate blows to restrained individuals, the use of shackling/restraint devices as punishment and for sleep deprivation (directed by MI interrogators) collectively constitute unnecessary, excessive physical force and violence to persons under the care, custody and control of US forces, and who are entitled to protection IAW AR 190-8, paragraph 1-5 (Enemy Prisoner of War, Retained Persons, Civilian Internees and Other Detainees) and therefore constitute Assault and Cruelty/Maltreatment.

b6 7C

Investigation to date has found no existing CJTF180 guidance that authorized any of the described actions as approved tactics, techniques and procedures (other than the use of standing restraint as a disciplinary measure in the BCP SOP). The responsibility of supervisory personnel beyond the NCO level has yet to be determined, but is under continued investigation. The culpability of the writers, reviewers and approvers of the BCP SOP are also under continued investigation.

No determination has been made on criminal culpability pertaining to the death of ULLAH. Investigation continues.

Request name checks be performed on all listed subjects.

The Casualty Liaison Officers (CLO) were re-designated as CW3 [redacted] and CW3 [redacted] who can be reached at DSN: 656-0299/0224; COM: 703-806-0299/0224; or electronic message address: [redacted]@belvoir.army.mil and [redacted]@belvoir.army.mil respectively.

3rd STATUS REPORT:

This status report was submitted to report a revised opinion of the cause and manner of death of ULLAH, after a review of the preliminary findings by LTC [redacted]

On 13 Dec 02, LTC [redacted] reported after a review of her preliminary autopsy findings she felt the cause of death of ULLAH was pulmonary embolism resulting from blunt force injury to the legs. The manner of death was homicide. LTC [redacted] explained a pathologist's determination of homicide does not necessarily mean murder. In their terminology it simply means other than natural death caused by outside events. There was no way to determine which injury precipitated ULLAH's death. This opinion is preliminary pending toxicology and pathology studies. Investigation continues by the USACIDC.

2nd STATUS REPORT:

This status report was submitted to report the preliminary results of an autopsy of ULLAH's remains.

On 8 Dec 02, LTC (Dr) [redacted] Armed Forces Regional Medical Examiner, Landstuhl Regional Medical Center, APO AE 09180, conducted an autopsy of ULLAH's remains. LTC [redacted] preliminary opinion was the cause of ULLAH's death was a pulmonary embolism brought about by a blood clot in the pulmonary artery near the heart. The manner of death was as yet undetermined pending a review and special study of the results of the autopsy and the circumstances reported surrounding ULLAH's death. The autopsy revealed his kidneys were grossly unremarkable. There were no obvious indications of renal failure.

b6 7C

Investigation revealed ULLAH was captured and turned over to US forces by an Afghan warlord (NFI) just prior to being detained at the BCP, BAF. Investigation continues by the USACIDC.

INITIAL REPORT:

On 4 Dec 02, SA [redacted] CITF, Bagram Collection Point (BCP), Bagram Airfield, Afghanistan, APO AE 09311 (BAF), reported a Person Under Control (PUC) died after being found in his cell unconscious with shallow breathing.

Investigation revealed ULLAH (PUC 412) was captured in action against the US on 28 Nov 02, and was transported to the BCP on 30 Nov 02. ULLAH resisted in-processing by being combative and noncompliant. ULLAH refused to eat anything upon arrival at the BCP until his death. ULLAH attacked 3 Military Police guards punching one on the chin, kicking another in the groin, and biting another. Due to his behavior, ULLAH was placed in an isolation cell, restrained with handcuffs and shackles, and chained with his hands chained to a waist belt with a chain connected to the waist belt in the front and rear, with those chains fastened to the ceiling. This held him securely to prevent harm to himself or others; while maintaining him in a standing position. ULLAH was checked about 2400, 3 Dec 02, he refused food and spat on the guard.

About 0015, 4 Dec 02, the Sergeant of the Guard (SOG) checked on ULLAH and noticed he was unresponsive. The SOG, a trained Combat Medic, opened the cell door, checked ULLAH for signs of life, finding he had shallow breathing and a weak pulse, but his blood pressure was normal. An ambulance was called and upon arrival of the ambulance the Emergency Response personnel found ULLAH to have no signs of life and no life saving measures were performed.

About 0040, 4 Dec 02, ULLAH arrived at the 339th CSH, BAF, where Dr (LTC) [redacted] Emergency Physician, found no signs of life and performed no life saving measures. Dr [redacted] pronounced ULLAH dead on arrival. Dr [redacted] had full body x-rays exposed of ULLAH's body, which revealed no acute trauma noted. Blood examinations revealed acute renal failure and a lack of urine also indicative of acute renal failure. A visual examination of ULLAH's body revealed no bruising, nor evidence of obvious external injury.

ULLAH had no known medical conditions, and was not taking any medications. An autopsy is pending by an Armed Forces of Pathology pathologist and will be conducted at BAF.

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

b6 7C

DATE: 22 DEC 2002 13:17
FROM: 87TH MP DET (ABN)(CID)(FWD) //CICR-EF//
TO: DIRUSACRC USACIDC FT BELVOIR VA //CICR-ZA//
ENDURING FREEDOM BRANCH OFFICE //CICR-EF//
SAC, BAGRAM BRANCH OFFICE, USACIDC, AFGHANISTAN
SAC, 87TH MP DET (CID), CAMP STRONGHOLD FREEDOM
DIR AFIP WASH DC
CDR 3D MP GRP CID FT GILLEM GA //CIRC-ZA//
CDR USACIDC FT BELVOIR VA //CIOP-ZA//
SUBJECT: CID REPORT - 3D STATUS / SSI - 0134-02-CID369 - 23533 - 5H9B
DRAFTER : [redacted]
RELEASER: [redacted]

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:
1. 04 DEC 2002/0030 - 04 DEC 2002/0040; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, ARMED FORCES AFRICA/CANADA/EUROPE/MIDDLE EAST 09354

2. DATE/TIME REPORTED: 04 DEC 2002, 0220

3. INVESTIGATED BY: SA [redacted], SA [redacted], SA [redacted]

4. SUBJECT: (NONE); [UNDETERMINED DEATH].

5. VICTIM: 1. ULLAH, HABIB [DECEASED]; CIV; AFGHANISTAN; TARI, AFGHANISTAN; M; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, ARMED FORCES AFRICA/CANADA/EUROPE/MIDDLE EAST 09354; XZ; OTHER ID: BT #412; [NFI]; [UNDETERMINED DEATH].

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS A STRONGHOLD FREEDOM INVESTIGATION."

RESTRICTED DISTRIBUTION: IT IS REQUESTED THIS REPORT BE RESTRICTED TO USACIDC CHANNELS ONLY DUE TO THE SENSITIVE NATURE OF THIS INVESTIGATION AND CONCERNS OF THE CJTF-180 COMMANDER PERTAINING TO CLASSIFIED ACTIVITIES RELATING TO DETAINEES.

THE DELAY IN REPORTING WAS DUE TO NO ACIRS CAPABILITY AT THE SITE OF THE OFFENSE, AND INFORMATION WAS HAND CARRIED TO AN ACIRS CAPABLE LOCATION ON NEXT AVAILABLE AIR TRANSPORT.

3RD STAT: THIS STATUS REPORT WAS SUBMITTED TO REPORT A REVISED OPINION OF THE CAUSE AND MANNER OF DEATH OF MR ULLAH, AFTER A REVIEW OF THE PRELIMINARY FINDINGS BY LTC [redacted]

ON 13 DEC 02, LTC [redacted] REPORTED AFTER A REVIEW OF HER PRELIMINARY AUTOPSY FINDINGS SHE FELT THE CAUSE OF DEATH OF MR ULLAH WAS PULMONARY EMBOLISM RESULTING FROM BLUNT FORCE INJURY TO THE LEGS. THE MANNER OF DEATH WAS HOMICIDE. LTC [redacted] EXPLAINED A PATHOLOGIST'S DETERMINATION OF HOMICIDE DOES NOT

NECESSARILY MEAN MURDER. IN THEIR TERMINOLOGY IT SIMPLY MEANS OTHER THAN NATURAL DEATH CAUSED BY OUTSIDE EVENTS. THERE WAS NO WAY TO DETERMINE WHICH INJURY PRECIPITATED MR ULLAH'S DEATH. THIS OPINION IS PRELIMINARY PENDING TOXICOLOGY AND PATHOLOGY STUDIES.

INVESTIGATION CONTINUES BY THE USACIDC.

2ND STAT: THIS STATUS REPORT WAS SUBMITTED TO REPORT THE PRELIMINARY RESULTS OF AN AUTOPSY OF MR ULLAH'S REMAINS.

ON 8 DEC 02, LTC (DR) [redacted] ARMED FORCES REGIONAL MEDICAL EXAMINER, LANDSTUHL REGIONAL MEDICAL CENTER, APO AE 09180, CONDUCTED AN AUTOPSY OF MR ULLAH'S REMAINS. LTC [redacted] PRELIMINARY OPINION WAS THE CAUSE OF MR ULLAH'S DEATH WAS A PULMONARY EMBOLISM BROUGHT ABOUT BY A BLOOD CLOT IN THE PULMONARY ARTERY NEAR THE HEART. THE MANNER OF DEATH WAS AS YET UNDETERMINED PENDING A REVIEW AND SPECIAL STUDY OF THE RESULTS OF THE AUTOPSY AND THE CIRCUMSTANCES REPORTED SURROUNDING MR ULLAH'S DEATH. THE AUTOPSY REVEALED THE KIDNEYS WERE UNREMARKABLE AND THERE WAS NO INDICATION OF RENAL FAILURE.

INVESTIGATION REVEALED MR ULLAH WAS CAPTURED AND TURNED OVER TO US FORCES BY AN AFGHAN WARLORD (NFI) JUST PRIOR TO BEING DETAINED AT THE BCP, BAF.

INVESTIGATION CONTINUES BY THE USACIDC.

INITIAL:

ON 4 DEC 02, SA [redacted], CITF, BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09311 (BAF), REPORTED A PERSON UNDER CONTROL (PUC) DIED AFTER BEING FOUND IN HIS CELL UNCONSCIOUS WITH SHALLOW BREATHING.

INVESTIGATION REVEALED MR ULLAH, BAGRAM TEMPORARY #412, A PUC, WAS CAPTURED IN ACTION AGAINST THE US ON 28 NOV 02, AND WAS TRANSPORTED TO THE BCP ON 30 NOV 02. MR ULLAH RESISTED INPROCESSING BY BEING COMBATIVE AND NONCOMPLIANT. MR ULLAH REFUSED TO EAT ANYTHING UPON ARRIVAL AT THE BCP UNTIL HIS DEATH. MR ULLAH ATTACKED 3 MILITARY POLICE GUARDS PUNCHING ONE ON THE CHIN, KICKING ANOTHER IN THE GROIN, AND BITING ANOTHER. DUE TO HIS BEHAVIOR, MR ULLAH WAS PLACED IN AN ISOLATION CELL, RESTRAINED WITH HAND CUFFS AND SHACKLES, AND CHAINED WITH HIS HANDS CHAINED TO A WAIST BELT WITH A CHAIN CONNECTED TO THE WAIST BELT IN THE FRONT AND REAR, WITH THOSE CHAINS FASTENED TO THE CEILING. THIS HELD HIM SECURELY TO PREVENT HARM TO HIMSELF OR OTHERS; WHILE MAINTAINING HIM IN A STANDING POSITION. MR ULLAH WAS CHECKED ABOUT 2400, 3 DEC 02, HE REFUSED FOOD AND SPAT ON THE GUARD. ABOUT 0015, 4 DEC 02, THE SERGEANT OF THE GUARD (SOG) CHECKED ON MR ULLAH AND NOTICED HE WAS UNRESPONSIVE. THE SOG, A TRAINED COMBAT MEDIC, OPENED THE CELL DOOR, CHECKED MR ULLAH FOR SIGNS OF LIFE, FINDING HE HAD SHALLOW BREATHING AND A WEAK PULSE, BUT HIS BLOOD PRESSURE WAS NORMAL. AN AMBULANCE WAS CALLED AND UPON ARRIVAL OF THE AMBULANCE THE EMERGENCY RESPONSE PERSONNEL FOUND MR ULLAH TO HAVE NO SIGNS OF LIFE AND NO LIFE SAVING MEASURES WERE PERFORMED. ABOUT 0040, 4 DEC 02, MR ULLAH

ARRIVED AT THE 339TH CSH, BAF, WHERE DR (LTC) [redacted] EMERGENCY PHYSICIAN, FOUND NO SIGNS OF LIFE AND PERFORMED NO LIFE SAVING MEASURES. DR [redacted] PRONOUNCED MR ULLAH DEAD ON ARRIVAL. DR [redacted] HAD 17 FULL BODY XRAYS EXPOSED OF MR ULLAH'S BODY WHICH REVEALED NO ACUTE TRAUMA NOTED. BLOOD EXAMINATIONS REVEALED ACUTE RENAL FAILURE AND A LACK OF URINE ALSO INDICATIVE OF ACUTE RENAL FAILURE. A VISUAL EXAMINATION OF MR ULLAH'S BODY REVEALED NO BRUISING NOR EVIDENCE OF OBVIOUS EXTERNAL INJURY.

MR ULLAH HAD NO KNOWN MEDICAL CONDITIONS, AND WAS NOT TAKING ANY MEDICATIONS. AN AUTOPSY IS PENDING BY AN ARMED FORCES OF PATHOLOGY PATHOLOGIST AND WILL BE CONDUCTED AT BAF.

THE CASUALTY LIAISON OFFICER (CLO) IS CW3 [redacted] AT DSN 318-821-1133. NO COMMERCIAL LINE IS AVAILABLE.

INVESTIGATION CONTINUES BY THE USACIDC.

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

DATE: 09 DEC 2002 12:07
FROM: 87TH MP DET (ABN)(CID)(FWD) //CICR-EF//
TO: DIRUSACRC USACIDC FT BELVOIR VA //CICR-ZA//
ENDURING FREEDOM BRANCH OFFICE //CICR-EF//
SAC, BAGRAM BRANCH OFFICE, USACIDC, AFGHANISTAN
SAC, 87TH MP DET (CID), CAMP STRONGHOLD FREEDOM
DIR AFIP WASH DC
CDR 3D MP GRP CID FT GILLEM GA //CIRC-ZA//
CDR USACIDC FT BELVOIR VA //CIOP-ZA//
SUBJECT: CID REPORT - 2D STATUS / SSI - 0134-02-CID369 - 23533 - 5H9B
DRAFTER : [redacted]
RELEASER: [redacted]

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:
1. 04 DEC 2002/0030 - 04 DEC 2002/0040; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, ARMED FORCES AFRICA/CANADA/EUROPE/MIDDLE EAST 09354

2. DATE/TIME REPORTED: 04 DEC 2002, 0220

3. INVESTIGATED BY: SA [redacted], [redacted]; SA [redacted]; SA [redacted]

4. SUBJECT: (NONE); [UNDETERMINED DEATH].

5. VICTIM: 1. ULLAH, HABIB [DECEASED]; CIV; AFGHANISTAN; TARI, AFGHANISTAN; M; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, ARMED FORCES AFRICA/CANADA/EUROPE/MIDDLE EAST 09354; XZ; OTHER ID: BT #412; [NFI]; [UNDETERMINED DEATH].

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS A STRONGHOLD FREEDOM INVESTIGATION."

RESTRICTED DISTRIBUTION: IT IS REQUESTED THIS REPORT BE RESTRICTED TO USACIDC CHANNELS ONLY DUE TO THE SENSITIVE NATURE OF THIS INVESTIGATION AND CONCERNS OF THE CJTF-180 COMMANDER PERTAINING TO CLASSIFIED ACTIVITIES RELATING TO DETAINEES.

2ND STAT: THIS STATUS REPORT WAS SUBMITTED TO REPORT THE PRELIMINARY RESULTS OF AN AUTOPSY OF MR ULLAH'S REMAINS.

ON 8 DEC 02, LTC (DR) [redacted] ARMED FORCES REGIONAL MEDICAL EXAMINER, LANDSTUHL REGIONAL MEDICAL CENTER, APO AE 09180, CONDUCTED AN AUTOPSY OF MR ULLAH'S REMAINS. LTC [redacted] PRELIMINARY OPINION WAS THE CAUSE OF MR ULLAH'S DEATH WAS A PULMONARY EMBOLISM BROUGHT ABOUT BY A BLOOD CLOT IN THE PULMONARY ARTERY NEAR THE HEART. THE MANNER OF DEATH WAS AS YET UNDETERMINED PENDING A REVIEW AND SPECIAL STUDY OF THE RESULTS OF THE AUTOPSY AND THE CIRCUMSTANCES REPORTED SURROUNDING MR ULLAH'S DEATH. THE AUTOPSY REVEALED THE KIDNEYS WERE UNREMARKABLE AND THERE WAS NO INDICATION OF RENAL FAILURE.

b2b67C

1933

INVESTIGATION REVEALED MR ULLAH WAS CAPTURED AND TURNED OVER TO US FORCES BY AN AFGHAN WARLORD (NFI) JUST PRIOR TO BEING DETAINED AT THE BCP, BAF.

INVESTIGATION CONTINUES BY THE USACIDC.

INITIAL:

ON 4 DEC 02, SA [redacted] CITF, BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09311 (BAF), REPORTED A PERSON UNDER CONTROL (PUC) DIED AFTER BEING FOUND IN HIS CELL UNCONSCIOUS WITH SHALLOW BREATHING.

INVESTIGATION REVEALED MR ULLAH, BAGRAM TEMPORARY #412, A PUC, WAS CAPTURED IN ACTION AGAINST THE US ON 28 NOV 02, AND WAS TRANSPORTED TO THE BCP ON 30 NOV 02. MR ULLAH RESISTED INPROCESSING BY BEING COMBATIVE AND NONCOMPLIANT. MR ULLAH REFUSED TO EAT ANYTHING UPON ARRIVAL AT THE BCP UNTIL HIS DEATH. MR ULLAH ATTACKED 3 MILITARY POLICE GUARDS PUNCHING ONE ON THE CHIN, KICKING ANOTHER IN THE GROIN, AND BITING ANOTHER. DUE TO HIS BEHAVIOR, MR ULLAH WAS PLACED IN AN ISOLATION CELL, RESTRAINED WITH HAND CUFFS AND SHACKLES, AND CHAINED WITH HIS HANDS CHAINED TO A WAIST BELT WITH A CHAIN CONNECTED TO THE WAIST BELT IN THE FRONT AND REAR, WITH THOSE CHAINS FASTENED TO THE CEILING. THIS HELD HIM SECURELY TO PREVENT HARM TO HIMSELF OR OTHERS; WHILE MAINTAINING HIM IN A STANDING POSITION. MR ULLAH WAS CHECKED ABOUT 2400, 3 DEC 02, HE REFUSED FOOD AND SPAT ON THE GUARD. ABOUT 0015, 4 DEC 02, THE SERGEANT OF THE GUARD (SOG) CHECKED ON MR ULLAH AND NOTICED HE WAS UNRESPONSIVE. THE SOG, A TRAINED COMBAT MEDIC, OPENED THE CELL DOOR, CHECKED MR ULLAH FOR SIGNS OF LIFE, FINDING HE HAD SHALLOW BREATHING AND A WEAK PULSE, BUT HIS BLOOD PRESSURE WAS NORMAL. AN AMBULANCE WAS CALLED AND UPON ARRIVAL OF THE AMBULANCE THE EMERGENCY RESPONSE PERSONNEL FOUND MR ULLAH TO HAVE NO SIGNS OF LIFE AND NO LIFE SAVING MEASURES WERE PERFORMED. ABOUT 0040, 4 DEC 02, MR ULLAH ARRIVED AT THE 339TH CSH, BAF, WHERE DR (LTC) [redacted] EMERGENCY PHYSICIAN, FOUND NO SIGNS OF LIFE AND PERFORMED NO LIFE SAVING MEASURES. DR [redacted] PRONOUNCED MR ULLAH DEAD ON ARRIVAL. DR [redacted] HAD 17 FULL BODY XRAYS EXPOSED OF MR ULLAH'S BODY WHICH REVEALED NO ACUTE TRAUMA NOTED. BLOOD EXAMINATIONS REVEALED ACUTE RENAL FAILURE AND A LACK OF URINE ALSO INDICATIVE OF ACUTE RENAL FAILURE. A VISUAL EXAMINATION OF MR ULLAH'S BODY REVEALED NO BRUISING NOR EVIDENCE OF OBVIOUS EXTERNAL INJURY.

MR ULLAH HAD NO KNOWN MEDICAL CONDITIONS, AND WAS NOT TAKING ANY MEDICATIONS. AN AUTOPSY IS PENDING BY AN ARMED FORCES OF PATHOLOGY PATHOLOGIST AND WILL BE CONDUCTED AT BAF.

THE CASUALTY LIAISON OFFICER (CLO) IS CW3 [redacted] AT DSN 318-821-1133. NO COMMERCIAL LINE IS AVAILABLE.

INVESTIGATION CONTINUES BY THE USACIDC.

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

DATE: 04 DEC 2002 13:21
FROM: 87TH MP DET (ABN)(CID)(FWD) //CICR-EF//
TO: DIRUSACRC USACIDC FT BELVOIR VA //CICR-ZA//
ENDURING FREEDOM BRANCH OFFICE //CICR-EF//
SAC, BAGRAM BRANCH OFFICE, USACIDC, AFGHANISTAN
SAC, 87TH MP DET (CID), CAMP STRONGHOLD FREEDOM
CDR 3D MP GRP CID FT GILLEM GA //CIRC-ZA//
CDR USACIDC FT BELVOIR VA //CIOP-ZA//
SUBJECT: CID REPORT - INITIAL / SSI - 0134-02-CID369 - 23533 - 5H9B
DRAFTER : [redacted]
RELEASER: [redacted]

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:
1. 04 DEC 2002/0030 - 04 DEC 2002/0040; BAGRAM COLLECTION POINT (BCP), BAGRAM AIRFIELD, ARMED FORCES AFRICA/CANADA/EUROPE/MIDDLE EAST
09354

2. DATE/TIME REPORTED: 04 DEC 2002, 0220

3. INVESTIGATED BY: SA [redacted]

4. SUBJECT: (NONE); [UNDETERMINED DEATH].

5. VICTIM: 1. ULLAH, HABIB [DECEASED]; CIV; AFGHANISTAN; TARI, AFGHANISTAN; M; OTHER; BAGRAM COLLECTION POINT (BCP), BAGRAM
AIRFIELD, ARMED FORCES AFRICA/CANADA/EUROPE/MIDDLE EAST 09354; XZ;
OTHER ID: BT #412; [NFI]; [UNDETERMINED DEATH].

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED
UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR
TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS A STRONGHOLD FREEDOM INVESTIGATION."

RESTRICTED DISTRIBUTION: IT IS REQUESTED THIS REPORT BE

b2, b6, 7c

RESTRICTED TO USACIDC CHANNELS ONLY DUE TO THE SENSITIVE NATURE
OF THIS INVESTIGATION AND CONCERNS OF THE CJTF-180 COMMANDER
PERTAINING TO CLASSIFIED ACTIVITIES RELATING TO DETAINEES.

ON 4 DEC 02, SA [redacted] CITF, BAGRAM COLLECTION POINT
(BCP), BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09311 (BAF),
REPORTED A PERSON UNDER CONTROL (PUC) DIED AFTER BEING FOUND IN
HIS CELL UNCONSCIOUS WITH SHALLOW BREATHING.

INVESTIGATION REVEALED MR ULLAH, BAGRAM TEMPORARY #412, A PUC,
WAS CAPTURED IN ACTION AGAINST THE US ON 28 NOV 02, AND WAS
TRANSPORTED TO THE BCP ON 30 NOV 02. MR ULLAH RESISTED
INPROCESSING BY BEING COMBATIVE AND NONCOMPLIANT. MR ULLAH
REFUSED TO EAT ANYTHING UPON ARRIVAL AT THE BCP UNTIL HIS DEATH.
MR ULLAH ATTACKED 3 MILITARY POLICE GUARDS PUNCHING ONE ON THE
CHIN, KICKING ANOTHER IN THE GROIN, AND BITING ANOTHER. DUE TO
HIS BEHAVIOR, MR ULLAH WAS PLACED IN AN ISOLATION CELL,
RESTRAINED WITH HAND CUFFS AND SHACKLES, AND CHAINED WITH HIS
HANDS CHAINED TO A WAIST BELT WITH A CHAIN CONNECTED TO THE

WAIST BELT IN THE FRONT AND REAR, WITH THOSE CHAINS FASTENED TO
THE CEILING. THIS HELD HIM SECURELY TO PREVENT HARM TO HIMSELF
OR OTHERS; WHILE MAINTAINING HIM IN A STANDING POSITION. MR
ULLAH WAS CHECKED ABOUT 2400, 3 DEC 02, HE REFUSED FOOD AND SPAT

b6, 7C

ON THE GUARD. ABOUT 0015, 4 DEC 02, THE SERGEANT OF THE GUARD (SOG) CHECKED ON MR ULLAH AND NOTICED HE WAS UNRESPONSIVE. THE SOG, A TRAINED COMBAT MEDIC, OPENED THE CELL DOOR, CHECKED MR ULLAH FOR SIGNS OF LIFE, FINDING HE HAD SHALLOW BREATHING AND A WEAK PULSE, BUT HIS BLOOD PRESSURE WAS NORMAL. AN AMBULANCE WAS CALLED AND UPON ARRIVAL OF THE AMBULANCE THE EMERGENCY RESPONSE PERSONNEL FOUND MR ULLAH TO HAVE NO SIGNS OF LIFE AND NO LIFE SAVING MEASURES WERE PERFORMED. ABOUT 0040, 4 DEC 02, MR ULLAH ARRIVED AT THE 339TH CSH, BAF, WHERE DR (LTC) [redacted] EMERGENCY PHYSICIAN, FOUND NO SIGNS OF LIFE AND PERFORMED NO LIFE SAVING MEASURES. DR HARRIS PRONOUNCED MR ULLAH DEAD ON ARRIVAL. DR [redacted] AD 17 FULL BODY XRAYS EXPOSED OF MR ULLAH'S BODY WHICH REVEALED NO ACUTE TRAUMA NOTED. BLOOD EXAMINATIONS REVEALED ACUTE RENAL FAILURE AND A LACK OF URINE ALSO INDICATIVE OF ACUTE RENAL FAILURE. A VISUAL EXAMINATION OF MR ULLAH'S BODY REVEALED NO BRUISING NOR EVIDENCE OF OBVIOUS EXTERNAL INJURY.

MR ULLAH HAD NO KNOWN MEDICAL CONDITIONS, AND WAS NOT TAKING ANY MEDICATIONS. AN AUTOPSY IS PENDING BY AN ARMED FORCES OF PATHOLOGY PATHOLOGIST AND WILL BE CONDUCTED AT BAF.

THE CASUALTY LIAISON OFFICER (CLO) IS CW3 [redacted] AT DSN 318-821-1133. NO COMMERCIAL LINE IS AVAILABLE.

INVESTIGATION CONTINUES BY THE USACIDC.

7. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE

b6, 7C

MARKINGS IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

FOR OFFICIAL USE ONLY

Exhibit 390

Page(s) 1939 - 2054 referred to

US CENTCOM.

Page(s) 2085 - 2105 withheld.

Exemption(s) b2