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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Afghanistan MP Det (CID) (Deployed)

11 Jan 2007

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL SUPPLEMENTAL/SSI - 0062-2004-CID369-69278 - 5H9B / 5H2P / 5C1L / 5X4 / 5X6 / 5Y2G4 / 5Y2E / 5Y2D2 / 5C2B

DATES/TIMES/LOCATIONS OF OCCURRENCES:
1. 28 FEB 2003, 1431 - 18 MAR 2003, 1529; GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN

DATE/TIME REPORTED: 24 MAY 2004, 0030

INVESTIGATED BY:
SA [redacted]
SA
SA
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SA
SA
SA

SUBJECT:
1. [redacted]; [VOLUNTARY MANSLAUGHTER (UNFOUNDED)], [AGGRAVATED ASSAULT (UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [ASSAULT (UNFOUNDED)]

2. [redacted]; [VOLUNTARY MANSLAUGHTER (UNFOUNDED)], [AGGRAVATED ASSAULT (UNFOUNDED)],

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[MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [ASSAULT (UNFOUNDED)]

3. [redacted]; [VOLUNTARY MANSLAUGHTER (UNFOUNDED)], [AGGRAVATED ASSAULT (UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [ASSAULT]

4. [redacted]; [VOLUNTARY MANSLAUGHTER (UNFOUNDED)], [AGGRAVATED ASSAULT (UNFOUNDED)], [ASSESSORY AFTER THE FACT (UNFOUNDED)], [MISPRISON SERIOUS OFFENSE (UNFOUNDED)], [CONDUCT UNBECOMING OFFICER (UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [DERELICTION OF DUTY], [ASSAULT]

5. UNKNOWN, ; [UNDETERMINED MANNER OF DEATH] (NFI)

VICTIM:

1. NASEER, JAMAL (DECEASED) ; CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; [UNDETERMINED MANNER OF DEATH], [VOLUNTARY MANSLAUGHTER (UNFOUNDED)], [AGGRAVATED ASSAULT (UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [ASSAULT (UNFOUNDED)]

2. [redacted]; [AGGRAVATED ASSAULT (UNFOUNDED)], [ASSESSORY AFTER THE FACT (UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [ASSAULT (UNFOUNDED)]

3. [redacted]; [AGGRAVATED ASSAULT (UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [ASSAULT (UNFOUNDED)]

4. [redacted]; [AGGRAVATED ASSAULT

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(UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [ASSAULT (UNFOUNDED)]

5. [redacted] ; [AGGRAVATED ASSAULT (UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [ASSAULT (UNFOUNDED)]

6. [redacted] ; [AGGRAVATED ASSAULT (UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [ASSAULT (UNFOUNDED)]

7. [redacted] ; [AGGRAVATED ASSAULT (UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [ASSAULT (UNFOUNDED)]

8. [redacted] ; [AGGRAVATED ASSAULT (UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [ASSAULT (UNFOUNDED)]

9. [redacted] [AGGRAVATED ASSAULT (UNFOUNDED)], [MALTREATMENT OF A PERSON IN US CUSTODY (UNFOUNDED)], [ASSAULT (UNFOUNDED)] (NFI)

10. U.S. GOVERNMENT; [MISPRISON SERIOUS OFFENSE (UNFOUNDED)], [CONDUCT UNBECOMING OFFICER (UNFOUNDED)], [DERELICTION OF DUTY]

11. UNKNOWN, ; [ASSAULT] (NFI)

INVESTIGATIVE SUMMARY:

CORRECTED FINAL SUPPLEMENTAL:

Re-interviews of key witnesses determined the information provided in previous statements obtained during the investigation was erroneously mis-interpreted. Further investigation and

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coordination with the Staff Judge Advocate and the assigned prosecution team established probable cause to believe the offenses of Voluntary Manslaughter, Aggravated Assault, Maltreatment of Person in U.S. Custody, Misprision of a Serious Offense, and Conduct Unbecoming an Officer did not occur as originally alleged. Investigation did establish probable cause to believe the offense of Assault was committed by [redacted] and the offenses of Assault and Dereliction of Duty were committed by [redacted] as originally alleged.

STATUTES:

Article 92, UCMJ: Dereliction of Duty
Article 93, UCMJ: Maltreatment of a Person in U.S. Custody (UNFOUNDED)
Article 128, UCMJ: Assault
Article 128, UCMJ: Aggravated Assault (UNFOUNDED)
Article 134, UCMJ: Misprision of a Serious Offense (UNFOUNDED)
Article 119, UCMJ: Voluntary Manslaughter (UNFOUNDED)
Article 133, UCMJ: Conduct Unbecoming an Officer and Gentleman (UNFOUNDED)

ADDED ATTACHED:

56 51. AIR of SA [redacted], 20 Jul 06, which detailed re-interviews of significant witnesses.

57 52. MFR, of [redacted], 11 Oct 06, detailing his legal opine.

ADDED NOT ATTACHED:

None.

The originals of Exhibits 51 & 52 are maintained in the USACRC copy of CID ROI 0133-04-CID369-69302.

STATUS: This is a Corrected Final Supplemental Report.

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Report Prepared By:

[redacted]

Special Agent

Report Approved By:

[redacted]

Special Agent

DISTRIBUTION:
Dir, USACRC, Ft Belvoir, VA
Commander, USACIDC, ATTN: CIOP-ZA, 6010 6th Street, Ft Belvoir, VA 22060
AFGHANISTAN MP DET (CID), BAGRAM AIRFIELD //CIRC-EF//
CHIEF OF STAFF, CJTF-76, BAGRAM AIR FIELD [redacted]
COMMANDER, 1/20TH SF GRP [redacted]
DCG-S, CJTF76 [redacted]
PROVOST MARSHAL OFFICE, BAGRAM AIRFIELD [redacted]
PROVOST MARSHAL OFFICE, CJTF 76 [redacted]
Cdr, 3D MP GP (CID), ATTN: Operations
Dir, Armed Forces Institute of Pathology, Bldg 102, 1413 Research Blvd, Rockville, MD
National Guard Bureau, State of Alabama (TAG)
SJA, USASFC, Fort Bragg, NC
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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Afghanistan MP Det (CID)

31 Aug 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - CORRECTED FINAL (C)/SSI - 0062-2004-CID369-69278 - 5H2P / 5C1L / 5X4 / 5X6 / 5Y2G4 / 5Y2E / 5Y2D2 / 5C2B

DATES/TIMES/LOCATIONS OF OCCURRENCES:
1. 28 FEB 2003, 2031 - 18 MAR 2003, 2029; GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN

DATE/TIME REPORTED: 24 MAY 2004, 0630

INVESTIGATED BY:
SA [redacted]
SA [redacted]

SUBJECT:
1. [redacted]; [VOLUNTARY MANSLAUGHTER], [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT]
2. [redacted]; [VOLUNTARY MANSLAUGHTER], [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT]
3. [redacted]; [VOLUNTARY MANSLAUGHTER], [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT]
4. [redacted],

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[redacted]; [VOLUNTARY MANSLAUGHTER], [AGGRAVATED ASSAULT], [ASSESSORY AFTER THE FACT], [MISPRISON SERIOUS OFFENSE], [CONDUCT UNBECOMING OFFICER], [MALTREATMENT OF A PERSON IN US CUSTODY], [DERELICTION OF DUTY], [ASSAULT]

VICTIM:

1. NASEER, JAMAL (DECEASED) ; CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; [VOLUNTARY MANSLAUGHTER], [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT] (NFI)
2. [redacted] ; [AGGRAVATED ASSAULT], [ASSESSORY AFTER THE FACT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT] (NFI)
3. [redacted] ; [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT] (NFI)
4. [redacted] [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT] (NFI)
5. [redacted] [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT] (NFI)
6. [redacted] ; [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT] (NFI)
7. [redacted] [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT] (NFI)
8. [redacted] ; [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT] (NFI)
9. [redacted] ; [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT] (NFI)
10. U.S. GOVERNMENT; [MISPRISON SERIOUS OFFENSE], [CONDUCT UNBECOMING OFFICER], [DERELICTION OF DUTY]

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INVESTIGATIVE SUMMARY:

"This is a Detainee Abuse Investigation"

Final Supplemental Report:

Additional investigation established probable cause to believe [redacted] committed the offenses of Aggravated Assault, Assault, and Maltreatment of a Person in U.S. Custody when he punched, kicked, slapped, and choked the captured detainees while at the Gardez Firebase. Additionally, the captured detainees were placed outside in the cold temperatures and cold water and snow was thrown upon their bodies prior to the initial interrogations.

Investigation established probable cause to believe [redacted] committed the offenses of aggravated Assault, Assault, and Maltreatment of a Person in U.S. Custody when he punched, kicked, slapped, and chocked the captured detainees while at the Gardez Firebase. Additionally, the captured detainees were placed outside in the cold temperatures and cold water and snow was thrown upon their bodies prior to the initial interrogations.

Investigation established probable cause to believe [redacted] committed the offenses of Aggravated Assault, Assault, and Maltreatment of a Person in U.S. Custody when he punched, kicked, slapped, and chocked the captured detainees while at the Gardez Firebase. Additionally, the captured detainees were placed outside in the cold temperatures and cold water and snow was thrown upon their bodies prior to the initial interrogations.

Investigation established probable cause to believe [redacted] committed the offenses of Assault, Maltreatment of a Person in U.S. Custody, and Misprision of a Serious Offense when he slapped the detainees, and failed to report the death of a detainee, who had been interrogated to higher headquarters. Additionally, the captured detainees were placed outside in the cold temperatures and cold water and snow was thrown upon their bodies prior to the initial interrogations. He also committed the offenses of Dereliction of Duty and Conduct Unbecoming and Officer, when he knowingly withheld the death of a detainee and did not report it to his chain of command. [redacted] admitted he gave permission to [redacted] for him to slap detainees during the interrogations.

Investigation established there was insufficient evidence to determine [redacted], and [redacted] committed the offense of Voluntary Manslaughter.

Investigation established there was insufficient evidence to determine [redacted]

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committed the offenses of Voluntary Manslaughter and Aggravated Assault.

Final Report:

This office was notified by the Staff Judge Advocate, Bagram Airfield, Afghanistan, APO AE 09354, that eight detainees from Gardez were alleged to be abused and that one of the detainees died while at the Gardez detainee facility. The other seven were transferred from Gardez to the Kabul Police Detainee Facility after approximately three months.

Investigation revealed that no detainee died while in U.S. custody while at the Gardez detainee facility and that only one of the seven detainees complained of possible abuse, which was a toe nail being removed.

Further investigation failed to prove or disprove that any of the seven detainees from the detainee facility were abused by U.S. forces as none could be identified and interviewed.

An interview with [redacted], who allegedly reported the incident, revealed that there was no abuse concerning detainees in U.S. Forces custody and that one of his prisoners was missing a toenail when he arrived at his complex. [redacted] could not provide the name of the detainee due to a lack of record keeping.

STATUTES:

Article 93, UCMJ: Maltreatment of a Person in U.S. Custody

Article 128, UCMJ: Assault

Article 128, UCMJ: Aggravated Assault

Article 134, UCMJ: Misprision of a Serious Offense

Article 119, UCMJ: Voluntary Manslaughter

Article 133, UCMJ: Conduct Unbecoming and Officer and Gentleman

Added Attached:

4. Agent's Investigation Report (AIR) of SA [redacted] 30 Sep 04, documenting the interviews of [redacted]

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[redacted] canvass interviews, crime scene examination, review of records, coordination's with [redacted] and [redacted], collection of the 115 page local national investigation, and the collection of evidence.

5. Statement of [redacted] 22 Sep 04, wherein he stated he observed [redacted] (AKA [redacted]) beating the detainees.

6. Photographs (4) depicting a water pump which is located at the Gardez detention facility.

7. Statement of [redacted] 23 Sep 04, wherein he described his knowledge of the incident.

8. English language translation of [redacted] statement, Exhibit 47, translated by [redacted]

9. Statement of [redacted], 25 Sep 04, in which he stated water was poured on [redacted] however, he did not observe any physical abuse of any detainees.

10. Statement of [redacted] 30 Sep 04, wherein he describes his knowledge of the incident.

11. Statement of [redacted], 30 Sep 04, wherein he stated he saw wounds on Mr NASEER's feet.

12. AIR of SA [redacted] 28 Sep 04, detailing the coordination with unit personnel, subject interviews of [redacted] and [redacted], witness interviews of [redacted], the non-custodial interview of [redacted] and the receipt of orders for personnel assigned to the 2021 Special Forces Detachment.

13. Wavier Certificate and Sworn Statement of [redacted] 24 Sep 04, in which he stated he failed to report the death of a detainee under his control and admitted to striking the detainee with an open hand.

14. Waiver Certificate and Sworn Statement of [redacted] 24 Sep 04, in which he stated he had no knowledge of any detainee abuse.

15. Waiver Certificate and Sworn Statement of [redacted] 24 Sep 04, in which he stated he had no knowledge of any detainee abuse.

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16. Waiver Certificate and Sworn Statement of [redacted], 24 Sep 04, in which he stated he provided medial assistance to the detainees; however, he never observed them being abused.

17. Military orders activating [redacted] to active duty in support of Operation Noble Eagle and Enduring Freedom.

18. AIR of SA [redacted] 14 Oct 04, detailing his attempts to locate [redacted] coordination with the Office of the Staff Judge Advocate, the subject interview of [redacted] and coordination [redacted] and [redacted]

19. Waiver Certificate of [redacted], 13 Oct 04.

20. AIR of SA [redacted], 13 Oct 04, detailing the interview of [redacted].

21. AIR of SA [redacted], 22 Oct 04, detailing the coordination with the Gardez hospital and [redacted], the interviews of [redacted], and [redacted]

22. Statement of [redacted], 14 Oct 04, wherein he stated cold water was poured on him and he was kicked and punched in the kidneys, while he was detained.

23. Statement of [redacted], 16 Oct 04, wherein he stated he was kicked and punched in the face, the stomach, and his back while he was detained.

24. Statement of [redacted], 20 Oct 04, wherein he stated he treated [redacted] because he had received blunt force trauma to his legs, while he was detained.

25. Statement of [redacted], 21 Oct 04, wherein he stated he was punched in the kidney area and cold water was poured on him while he was being detained.

26. Statement of [redacted], 21 Oct 04, wherein he stated cold water was poured on him and he was kicked and punched in the stomach, back, and legs, while he was being detained.

27. AIR of SA [redacted] 10 Nov 04, detailing the subject interview of [redacted].

28. Waiver Certificate of [redacted], 10 Nov 04.

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29. AIR of SA [redacted] 16 Nov 04, detailing the canvass interviews, subject interviews of [redacted] and [redacted] and the interviews of [redacted] and [redacted]

30. Waiver Certificate and Sworn Statement of [redacted], 9 Nov 04, wherein he stated he authorized [redacted] to strike detainees during interrogations.

31. Sketch of Gardez detainee facility, 9 Nov 04, prepared by [redacted] (USACRC and file only).

32. Waiver Certificate and Sworn Statement of [redacted], 9 Nov 04, in which he stated pouring cold water mixed with snow was a common practice used interrogations.

33. Sworn Statement of [redacted] 10 Nov 04, in which he described his knowledge of the incident.

34. Waiver Certificate of [redacted], 16 Nov 04.

35. Polygraph Examination Report ([redacted], 16 Nov 04, wherein he denied abusing detainees or witness any detainee abuse.

36. Sworn Statement of [redacted], 16 Nov 04, in which he stated he did not observe any abuse of detainees.

37. AIR of SA [redacted] 14 Dec 04, detailing the interview of [redacted].

38. Sworn Statement of [redacted], 14 Dec 04, in which he stated he did not observe water being poured on detainees.

39. AIR of SA [redacted], 18 Dec 04, detailing the interview of [redacted]

40. Sworn Statement of [redacted] 18 Dec 04, in which he stated he did not observe any abuse of detainees.

41. Sketch of Gardez detainee facility, 18 Dec 04, prepared by [redacted] (USACRC and file only).

42. AIR of SA [redacted] 17 Feb 05, detailing the interview of [redacted]

43. AIR of SA [redacted], 31 Mar 05, detailing coordination with the Office of the Staff Judge

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Advocate, the receipt of translations, coordination with CITF, and the receipt of crime records name check pertaining to [redacted]

44. English language translation of the Afghanistan police report pertaining to this incident, Exhibit 48, translated by [redacted] and [redacted] (Titan Corporation).

45. AIR of SA [redacted] 6 Apr 05, detailing the excerpts from the translations obtained from the Titan Corporation.

46. AIR of SA [redacted] 11 Apr 05, detailing coordination with the Bagram Holding Facility.

47. AIR of SA [redacted] 7 May 05, detailing coordination with the Office of the Staff Judge Advocate.

48. Arabic language statement of [redacted] 23 Sep 04, in which he stated he was kicked and punched while he was detained. (USACRC and file only)

49. Arabic language Afghanistan police report. (USACRC and file only).

50. DA Form 4137 Evidence/Property Custody Document, voucher 0069-04, 29 Sep 04. (USACRC and file copy only).

Added Not Attached:

Retained in the evidence depository, this office:

51. Top (NASSER) (Item 1, VO 0069-04).

52. Pants (NASSER) (Item 2, VO 0069-04).

Retained in the files of the U.S. Army Crime Records Center, Fort Belvoir, VA:

53. Polygraph authorization [redacted], 16 Nov 04.

54. Polygraph examination statement of consent [redacted], 16 Nov 04.

55. Four polygraph charts [redacted], 16 Nov 04.

The originals of Exhibits 4, 5, 7 through 16, 18 through 34, and 36 through 48 are maintained in the files of this office, pending adjudication. The original of Exhibit 17 is maintained in the files

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of the Human Resource Center, Indianapolis, IN. The original of Exhibit 35 is maintained in the files of the United States Army Crime Records Center, Fort Belvoir, VA 22060-5585. The original of Exhibit 49 is maintained in the files of the District Attorney of the Armed Forces, Paktika, Afghanistan. The original of Exhibit 50 is retained in the files of the evidence depository, this office.

STATUS: This is a Corrected Final Supplemental Report. Commander's Report of Disciplinary Action Taken (DA Form 4833) is pending.

Report Prepared/Approved By:

[redacted]
SA [redacted]
Special Agent-in-Charge

DISTRIBUTION:

1 - Dir, USACRC (Original), Fort Belvoir, VA 22060
1 - Dir, Armed Forces Institute of Pathology, AFIP Annex - Bldg 102 1413 research Blvd, Rockville, MD 20858
1 - Cdr, Base Operations, Bagram, Afghanistan, APO AE 09354 (e-mail copy only)
1 - Cdr, 3d MP GP, ATTN: Ops, Fort Gillem, GA
1 - PMO, Bagram, Afghanistan, APO AE 09354 (e-mail copy only)
1 - SJA, (ATTN: [redacted]), CJTF 76, Bagram, Afghanistan, APO AE 09354 (email copy only)
1 - SJA, (ATTN: [redacted], CFC-A, Kabul, Afghanistan (e-mail copy only)
1 - PM, (ATTN: [redacted], CJTF 76, Bagram, Afghanistan, APO AE 09354 (e-mail copy only)
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1 - CofS, CJTF 76, Bagram Airfield, Afghanistan, APO AE 09354 (e-mail copy only)
1 - CofS, CFC-A, Kabul, Afghanistan (e-mail copy only)
1 - File

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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Afghanistan MP Det (CID)

15 May 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL SUPPLEMENTAL/SSI - 0062-2004-CID369-69278 - 5H2P / 5C1L / 5X4 / 5X6 / 5Y2G4 / 5Y2E / 5Y2D2 / 5C2B

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DATE/TIME REPORTED: 24 MAY 2004, 0630

INVESTIGATED BY:
SA [redacted]
SA [redacted]

SUBJECT:
1. [redacted]; [VOLUNTARY MANSLAUGHTER], [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT]
2. [redacted]; [VOLUNTARY MANSLAUGHTER], [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT]
3. [redacted]; [VOLUNTARY MANSLAUGHTER], [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT]
4. [redacted]

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[redacted]; [VOLUNTARY MANSLAUGHTER], [AGGRAVATED ASSAULT], [ASSESSORY AFTER THE FACT], [MISPRISON SERIOUS OFFENSE], [CONDUCT UNBECOMING OFFICER], [MALTREATMENT OF A PERSON IN US CUSTODY], [DERELICTION OF DUTY], [ASSAULT]

5. [DELETE]

VICTIM:

1. NASEER, JAMAL (DECEASED) ; CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; [VOLUNTARY MANSLAUGHTER], [AGGRAVATED ASSAULT], [MALTREATMENT OF A PERSON IN US CUSTODY], [ASSAULT] (NFI)

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10. U.S. GOVERNMENT; [MISPRISON SERIOUS OFFENSE], [CONDUCT UNBECOMING OFFICER], [DERELICTION OF DUTY]

INVESTIGATIVE SUMMARY:

"This is a Detainee Abuse Investigation"

This office was notified by the Staff Judge Advocate, Bagram Airfield, Afghanistan, APO AE 09354, that eight detainees from Gardez were alleged to be abused and that one of the detainees died while at the Gardez detainee facility. The other seven were transferred from Gardez to the Kabul Police Detainee Facility after approximately three months.

Investigation revealed that no detainee died while in U.S. custody while at the Gardez detainee facility and that only one of the seven detainees complained of possible abuse, which was a toe nail being removed.

Further investigation failed to prove or disprove that any of the seven detainees from the detainee facility were abused by U.S. forces as none could be identified and interviewed.

An interview with [redacted], who allegedly reported the incident, revealed that there was no abuse concerning detainees in U.S. Forces custody and that one of his prisoners was missing a toenail when he arrived at his complex. [redacted] could not provide the name of the detainee due to a lack of record keeping.

Additional investigation established probable cause to believe [redacted] committed the offenses of Aggravated Assault, Assault, and Maltreatment of a Person in U.S. Custody when he punched, kicked, slapped, and chocked the captured detainees while at the Gardez Firebase. Additionally, the captured detainees were placed outside in the cold temperatures and cold water and snow was thrown upon their bodies prior to the initial interrogations.

Investigation established probable cause to believe [redacted] committed the offenses of Aggravated Assault, Assault, and Maltreatment of a Person in U.S. Custody when he punched, kicked, slapped, and chocked the captured detainees while at the Gardez Firebase. Additionally, the captured detainees were placed outside in the cold temperatures and cold water and snow was thrown upon their bodies prior to the initial interrogations.

Investigation established probable cause to believe [redacted] committed the offenses of Aggravated Assault, Assault, and Maltreatment of a Person in U.S. Custody when he punched, kicked, slapped, and chocked the captured detainees while at the Gardez Firebase. Additionally, the captured detainees were placed outside in the cold temperatures and cold water and snow was thrown upon their bodies prior to the initial interrogations.

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Investigation established probable cause to believe [redacted] committed the offenses of Assault, Maltreatment of a Person in U.S. Custody, and Misprision of a Serious Offense when he slapped the detainees, and failed to report the death of a detainee, who had been interrogated to higher headquarters. Additionally, the captured detainees were placed outside in the cold temperatures and cold water and snow was thrown upon their bodies prior to the initial interrogations. He also committed the offenses of Dereliction of Duty and Conduct Unbecoming and Officer, when he knowingly witheld the death of a detainee and did not report it to his chain of command. [redacted] admitted he gave permission to [redacted] for him to slap detainees during the interrogations.

Investigation established there was insufficient evidence to determine [redacted], [redacted] and [redacted] committed the offense of Voluntary Manslaughter.

Investigation established there was insufficient evidence to determine [redacted] committed the offenses of Voluntary Manslaughter and Aggravated Assault.

STATUTES:

Article 93, UCMJ: Maltreatment of a Person in U.S. Custody

Article 128, UCMJ: Assault

Article 128, UCMJ: Aggravated Assault

Article 134, UCMJ: Misprision of a Serious Offense

Article 118, UCMJ: Murder

Article 92, UCMJ: Failure to Obey Order or Regulation

Article 133, UCMJ: Conduct Unbecoming and Officer and Gentleman

Added Attached:

4. Agent's Investigation Report (AIR) of SA [redacted] 30 Sep 04, documenting the interviews of [redacted]

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[redacted], canvass interviews, crime scene examination, review of records, coordination's with [redacted] and [redacted], collection of the 115 page local national investigation, and the collection of evidence.

5. Statement of [redacted], 22 Sep 04, wherein he stated he observed [redacted] ([redacted]) beating the detainees.

6. Photographs (4) depicting a water pump which is located at the Gardez detention facility.

7. Statement of [redacted], 23 Sep 04, wherein he described his knowledge of the incident.

8. English language translation of [redacted] statement, Exhibit 47, translated by [redacted].

9. Statement of [redacted], 25 Sep 04, in which he stated water was poured on Mr NASEER; however, he did not observe any physical abuse of any detainees.

10. Statement of [redacted], 30 Sep 04, wherein he describes his knowledge of the incident.

11. Statement of [redacted], 30 Sep 04, wherein he stated he saw wounds on Mr NASEER's feet.

12. AIR of SA [redacted], 28 Sep 04, detailing the coordination with unit personnel, subject interviews of [redacted], and [redacted], witness interviews of [redacted], [redacted], [redacted], [redacted], the non-custodial interview of [redacted] and the receipt of orders for personnel assigned to the 2021 Special Forces Detachment.

13. Wavier Certificate and Sworn Statement of [redacted], 24 Sep 04, in which he stated he failed to report the death of a detainee under his control and admitted to striking the detainee with an open hand.

14. Waiver Certificate and Sworn Statement of [redacted], 24 Sep 04, in which he stated he had no knowledge of any detainee abuse.

15. Waiver Certificate and Sworn Statement of [redacted] 24 Sep 04, in which he stated he had no knowledge of any detainee abuse.

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16. Waiver Certificate and Sworn Statement of [redacted], 24 Sep 04, in which he stated

he provided medial assistance to the detainees; however, he never observed them being abused.

17. Military orders activating [redacted], and [redacted] to active duty in support of Operation Noble Eagle and Enduring Freedom.

18. AIR of SA [redacted], 14 Oct 04, detailing his attempts to locate [redacted], coordination with the Office of the Staff Judge Advocate, the subject interview of [redacted], and coordination [redacted] and [redacted].

19. Waiver Certificate of [redacted] 13 Oct 04.

20. AIR of SA [redacted], 13 Oct 04, detailing the interview of [redacted].

21. AIR of SA [redacted], 22 Oct 04, detailing the coordination with the Gardez hospital and the interviews of [redacted], and [redacted].

22. Statement of [redacted], 14 Oct 04, wherein he stated cold water was poured on him and he was kicked and punched in the kidneys, while he was detained.

23. Statement of [redacted], 16 Oct 04, wherein he stated he was kicked and punched in the face, the stomach, and his back while he was detained.

24. Statement of [redacted], 20 Oct 04, wherein he stated he treated [redacted] because he had received blunt force trauma to his legs, while he was detained.

25. Statement of [redacted] (Son of [redacted], 21 Oct 04, wherein he stated he was punched in the kidney area and cold water was poured on him while he was being detained.

26. Statement of [redacted], 21 Oct 04, wherein he stated cold water was poured on him and he was kicked and punched in the stomach, back, and legs, while he was being detained.

27. AIR of SA [redacted] 10 Nov 04, detailing the subject interview of [redacted]

28. Waiver Certificate of [redacted], 10 Nov 04.

29. AIR of SA [redacted], 16 Nov 04, detailing the canvass interviews, subject interviews of

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[redacted] and [redacted] and the interviews of [redacted] and [redacted].

30. Waiver Certificate and Sworn Statement of [redacted] 9 Nov 04, wherein he stated he authorized [redacted] o strike detainees during interrogations.

31. Sketch of Gardez detainee facility, 9 Nov 04, prepared by [redacted] (USACRC and file only).

32. Waiver Certificate and Sworn Statement of [redacted], 9 Nov 04, in which he stated pouring cold water mixed with snow was a common practice used interrogations.

33. Sworn Statement of [redacted] 10 Nov 04, in which he described his knowledge of the incident.

34. Waiver Certificate of [redacted] 16 Nov 04.

35. Polygraph Examination Report ([redacted], 16 Nov 04, wherein he denied abusing detainees or witness any detainee abuse.

36. Sworn Statement of [redacted] 16 Nov 04, in which he stated he did not observe any abuse of detainees.

37. AIR of SA [redacted] 14 Dec 04, detailing the interview of [redacted].

38. Sworn Statement of [redacted] 4 Dec 04, in which he stated he did not observe water being poured on detainees.

39. AIR of SA [redacted] 18 Dec 04, detailing the interview of [redacted]

40. Sworn Statement of [redacted] 18 Dec 04, in which he stated he did not observe any abuse of detainees.

41. Sketch of Gardez detainee facility, 18 Dec 04, prepared by [redacted] (USACRC and file only).

42. AIR of SA [redacted] 17 Feb 05, detailing the interview of [redacted].

43. AIR of SA [redacted] 1 Mar 05, detailing coordination with the Office of the Staff Judge Advocate, the receipt of translations, coordination with CITF, and the receipt of crime records name check pertaining to [redacted].

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44. English language translation of the Afghanistan police report pertaining to this incident, Exhibit 48, translated by [redacted] (Titan Corporation).

45. AIR of SA [redacted] 6 Apr 05, detailing the excerpts from the translations obtained from the Titan Corporation.

46. AIR of SA [redacted], 11 Apr 05, detailing coordination with the Bagram Holding Facility.

47. AIR of SA [redacted] 7 May 05, detailing coordination with the Office of the Staff Judge Advocate.

48. Arabic language statement of [redacted] 23 Sep 04, in which he stated he was kicked and punched while he was detained. (USACRC and file only)

49. Arabic language Afghanistan police report. (USACRC and file only).

50. DA Form 4137 Evidence/Property Custody Document, voucher 0069-04, 29 Sep 04. (USACRC and file copy only).

Added Not Attached:

Retained in the evidence depository, this office:

51. Top (NASSER) (Item 1, VO 0069-04).

52. Pants (NASSER) (Item 2, VO 0069-04).

Retained in the files of the U.S. Army Crime Records Center, Fort Belvoir, VA:

53. Polygraph authorization [redacted], 16 Nov 04.

54. Polygraph examination statement of consent [redacted], 16 Nov 04.

55. Four polygraph charts [redacted], 16 Nov 04.

The originals of Exhibits 4, 5, 7 through 16, 18 through 34, and 36 through 48 are maintained in the files of this office, pending adjudication. The original of Exhibit 17 is maintained in the files of the Human Resource Center, Indianapolis, IN. The original of Exhibit 35 is maintained in the files of the United States Army Crime Records Center, Fort Belvoir, VA 22060-5585. The

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original of Exhibit 49 is maintained in the files of the District Attorney of the Armed Forces, Paktika, Afghanistan. The original of Exhibit 50 is retained in the files of the evidence depository, this office.

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

Report Prepared By:	Report Approved By:
[redacted]	[redacted]
Special Agent, [redacted]	Special Agent-in-Charge

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REPORT PREPARED BY

SA [redacted]
Special Agent

REPORT APPROVED BY

[redacted]
Special Agent-in-Charge

DISTRIBUTION:
Dir, USACRC, Ft Belvoir, VA
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DATE 07 APR 2005

FROM AFGHANISTAN MP DET (CID), BAGRAM AIRFIELD //CIRC-EF//

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR 3D MP GRP USACIDC FT GILLEM GA
CG USACIDC FT BELVOIR VA //CIOP-ZA//
DIR AFIP AFME WASH, DC//AFIP-CPLF
SAC, REDSTONE RA
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CDR USACIDC 10TH MP BN FT BRAGG NC
SPECIAL OPERATIONS COMMAND LIAISON (SA[redacted]
CHIEF OF STAFF, CJTF-180, BAGRAM AIR FIELD
COMMANDER, 1/20TH SF GRP ([redacted]
PROVOST MARSHAL OFFICE, BAGRAM AIRFIELD ([redacted]
PROVOST MARSHAL OFFICE, CJTF 76 ([redacted]
SJA, CFC ([redacted]
STAFF JUDGE ADVOCATE, CJTF 76 ([redacted]
SJA, USASOC, FT BRAGG, NC ([redacted]

SUBJECT: CID REPORT OF INVESTIGATION - 9TH SUPPLEMENTAL /SSI - 0062-2004-CID369-69278 - 5H2P / 5C1L / 5X4 / 5X6 / 5Y2G4 / 5Y2E / 5Y2D2 / 5C2B

DRAFTER: [redacted]

RELEASER: [redacted]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 28 FEB 2003, 2031 - 18 MAR 2003, 2029; GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN

2. DATE/TIME REPORTED: 24 MAY 2004, 0630

3. INVESTIGATED BY:
SA [redacted]
SA [redacted]

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4. SUBJECT:
1. [redacted]
VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, MALTREATMENT OF A

PERSON IN US CUSTODY, ASSAULT

2. [redacted]; VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

3. [redacted]; VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

4. [redacted]; VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, ASSESSORY AFTER THE FACT, MISPRISON SERIOUS OFFENSE, CONDUCT UNBECOMING OFFICER, MALTREATMENT OF A PERSON IN US CUSTODY, DERELICTION OF DUTY, ASSAULT (NFI)

5. DELETED

5. VICTIM:

1. NASEER, JAMAL (DECEASED) ; CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

2. CHANGED [redacted]; AGGRAVATED ASSAULT, ASSESSORY AFTER THE FACT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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

4. CHANGED [redacted]; AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY,

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ASSAULT (NFI)

5. [redacted]; AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. [redacted] AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

7. CHANGED [redacted], AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

8. [redacted] AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

9. CHANGED [redacted] AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

10. U.S. GOVERNMENT; MISPRISON SERIOUS OFFENSE, CONDUCT UNBECOMING OFFICER, DERELICTION OF DUTY

6. INVESTIGATIVE SUMMARY:

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

"THIS IS A DETAINEE ABUSE INVESTIGATION."

9TH SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO CORRECT THE SPELLING OF NAMES PERTAINING TO THE VICTIMS AND TO ADD ADDITIONAL IDENTIFYING INFORMATION CONCERNING THE VICTIMS.

DURING AN ADMINISTRATIVE REVIEW OF DOCUMENTS RECEIVED BY THIS OFFICE, IT WAS DETERMINED [redacted] CORRECT SPELLING OF HIS NAME WAS [redacted] CORRECT NAME IS [redacted] AND RESIDES IN THE [redacted]

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CORRECT NAME IS [redacted] CORRECT NAME IS [redacted] AND [redacted]) CORRECT NAME IS [redacted] ([redacted]).

INVESTIGATION CONTINUES BY USACIDC.

8TH SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO RESCIND PREVIOUS RESTRICTIONS TO THE DISSEMINATION OF THIS REPORT OUTSIDE USACIDC REPORTING CHANNELS, AND TO REPORT SIGNIFICANT INTERVIEWS NOT PREVIOUSLY REPORTED.

ON 9 NOV 04, AN AGENT FROM THIS OFFICE TRAVELED ON TDY TO CONUS AND RE-INTERVIEWED [redacted] WHO ADMITTED HE GAVE PERMISSION FOR [redacted] TO STRIKE DETAINEES DURING INTERVIEWS, AND THAT HE SAW [redacted] BADLY BRUISED ON HIS FACE FROM THE BEATINGS WHEN HE WAS RELEASED FROM U.S. CUSTODY. [redacted] FURTHER ADMITTED HE DID NOT NOTIFY HIS CHAIN OF COMMAND ABOUT THE DEATH OF MR. NASSER BECAUSE HE DID NOT WANT TO BRING ATTENTION TO THE FIREBASE.

ON 9 NOV 04, [redacted] WAS RE-INTERVIEWED AND WHO DENIED SEEING OR PARTICIPATING IN ANY TYPE OF DETAINEE ABUSE; HOWEVER, HE ADMITTED THAT THE FEET AND HANDS OF MR. NASSER WERE SWOLLEN, WHEN HE TREATED HIM FOR A SUSPECTED KIDNEY INFECTION. ON 16 NOV 04, [redacted] WAS RE-INTERVIEWED AND DENIED DETAINEE ABUSE, AND SUBSEQUENTLY REQUESTED LEGAL COUNSEL.

7TH SUPPLEMENTAL:

THIS 7TH SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] AND [redacted] AS SUBJECTS FOR THE OFFENSE OF VOLUNTARY MANSLAUGHTER; TO CHANGE THE OFFENSE OF UNDETERMINED MANNER OF DEATH TO VOLUNTARY MANSLAUGHTER; TO ADD THE OFFENSES OF MALTREATMENT OF PERSONS IN U.S. CUSTODY, MISPRISION OF A SERIOUS OFFENSE, ASSAULT, AGGRAVATED ASSAULT, DERELICTION OF DUTY, AND CONDUCT UNBECOMING PERTAINING TO [redacted] TO ADD THE U.S. GOVERNMENT AS A VICTIM; AND TO RESTRICT DISTRIBUTION OF THIS INVESTIGATION TO USACIDC CHANNELS ONLY UNTIL THE RE-INTERVIEWS OF THE SUBJECTS AND KEY PERSONNEL CAN BE ACCOMPLISHED.

ON 26 OCT 04, THIS OFFICE COORDINATED WITH THE CJTF-76 STAFF JUDGE

ADVOCATE, WHO CONDUCTED A LEGAL REVIEW OF THIS INVESTIGATION WHO CONCLUDED THAT [redacted], [redacted] AND [redacted] COMMITTED THE OFFENSE OF VOLUNTARY MANSLAUGHTER AND MALTREATMENT OF A PERSON IN U.S. CUSTODY, DUE TO THEIR ABUSE OF MR. NASEER, AND [redacted] COMMITTED THE OFFENSE OF VOLUNTARY MANSLAUGHTER AND MALTREATMENT OF A PERSON IN U.S. CUSTODY, BECAUSE HE GAVE THE ORDER HIS SOLDIERS COULD STRIKE DETAINEES, WHICH RESULTED IN THE DEATH OF MR. NASEER. SJA FURTHER CONCLUDED THAT [redacted] COMMITTED THE OFFENSES OF DERLICTION OF DUTY AND MISPRISON OF A SERIOUS OFFENSE, WHEN HE DID NOT REPORT THE DEATH AND HELPED HIDE THE DEATH FROM HIS CHAIN OF COMMAND AND MILITARY POLICE. LASTLY, THAT [redacted] AND [redacted] COMMITTED THE OFFENSE OF SIMPLE AND AGGERAVATED ASSAULT WHEN THEY BEAT THE DETAINEES DURING INTERVIEWS.

RE-INTERVIEWS OF ALL SPECIAL FORCES PERSONNEL ASSIGNED AT GARDEZ ARE PENDING.

THIS SUPPLEMENTAL REPORT WAS SUBMITTED LATE DUE TO ACI2 AND NETWORK CONNECTIVITY ISSUES.

6TH SUPPLEMENTAL:

THIS 6TH SUPPLEMENTAL REPORT WAS SUBMITTED TO ADD [redacted] AS A VICTIM OF THIS INVESTIGATION, TO FURTHER IDENTIFY [redacted], TO DOCUMENT THE INTERVIEW OF [redacted] AND TO DOCUMENT THE INTERVIEW OF [redacted]

ON 15 OCT 04, THIS OFFICE RECEIVED 1ST INFORMATION REPORT 87TH MILITARY POLICE DET (CID), FORT BRAGG, NC, CONCERNING THE INTERVIEW OF [redacted]

ON 13 OCT 04, [redacted] WAS INTERVIEWED AND DENIED THE ABUSE OR MALTREATMENT OF ANY DETAINEES AND STATED HE DID NOT WITNESSED ANY ABUSE OR MALTREATMENT OF ANY DETAINEES WHILE AT THE GARDEZ FIREBASE, AFGHANISTAN. [redacted] ALSO CLAIMED THAT ONE OF THE DETAINEES, RECEIVED IN MAR 03, WAS SUFFERING WITH SYMPTOMS OF WHAT HE BELIEVED WAS BLADDER INFECTION. AFTER A FEW DAYS OF BEING DETAINED, [redacted] TREATED THE DETAINEE FOR THE INFECTION. SEVERAL DAYS LATER, [redacted] WAS INFORMED A DETAINEE REQUIRED MEDICAL ASSISTANCE. [redacted] STATED HE AND [redacted] FOUND THE DETAINEE UNRESPONSIVE AND BEGAN LIFESAVING MEASURES WHICH WERE

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UNSUCCESSFUL.

ON 14 OCT 04, [redacted] WAS INTERVIEWED AND STATED THAT AT THE BEGINNING OF 2003, WHILE WORKING IN THE SETO PASS CHECKPOINT, AFGHANISTAN, U.S. SOLDIERS FROM THE GARDEZ FIREBASE CAME AND ARRESTED HIM WITH THE OTHER CHECKPOINT SOLDIERS. HE WAS HANDCUFFED AND TAKEN TO THE GARDEZ FIREBASE WHERE HE WAS BLINDFOLDED AND MADE TO SIT ON HIS KNEES WHILE A MIX OF SNOW AND WATER WAS POURED ON HIM FOR, ON NUMEROUS OCCASIONS, APPROXIMATELY 18 DAYS. DURING THIS TIME HE WAS KICKED AND PUNCHED IN THE BACK, FACE AND LEGS, IF HE ATTEMPTED TO MOVED FORM THE KNEELING POSITION. [redacted] ALSO STATED THAT DURING INTERROGATIONS HE WAS KICKED SEVERAL TIMES AND WAS TOLD THAT IF HE DID NOT TELL THE TRUTH HE WOULD BE KILLED. HE FURTHER STATED THAT HE WAS HELD FOR APPROXIMATELY 20 DAYS AND ON ABOUT DAY 18 HE OBSERVED THE BODY OF MR. NASSER, WHICH WAS SWOLLEN AND DISCOLORED ON HIS FACE KNEES AND FEET. [redacted] ALSO STATED THAT HIS PROSTHETIC LEG WAS TAKEN FROM HIM WHILE AT THE GARDEZ FIREBASE, TO PREVENT HIM FROM WALKING.

ON 16 OCT 04, [redacted] WAS INTERVIEWED AND STATED AT THE BEGINNING OF 2003, HE AND TEN OTHER AFGHANI SOLDIERS WERE ARRESTED BY U.S. FORCES, WHILE AT THE SETO PASS CHECKPOINT, AFGHANISTAN. TWO AFGHANI SOLDIERS WERE RELEASED AND [redacted] AND THE EIGHT REMAINING AFGHANI SOLDIERS WERE TAKEN TO THE GARDEZ FIREBASE. UPON ARRIVAL AT THE FIREBASE, THE DETAINEES WERE MADE TO SIT ON THEIR KNEES IN THE SNOW FOR APPROXIMATELY 18 DAYS. DURING THIS TIME, [redacted] WAS KICKED IN THE BACK AND PUNCHED IN THE FACE IF HE TRIED TO MOVED FROM HIS KNEES. [redacted] STATED THAT DURING INTERROGATIONS TWO U.S. FORCES SOLDIERS, KNOWN AS [redacted] AND [redacted], PUNCHED HIM IN HIS STOMACH, KICKED HIM IN THE BACK AND FACE, AND THAT A U.S. FORCES SOLDIER, KNOWN ONLY AS [redacted], TOLD THE SOLDIERS TO BEAT HIM. [redacted] FURTHER STATED HE HAD A MIX OF SNOW AND WATER POURED ON HIM EVERYDAY WHILE AT THE FIREBASE AND WAS FORCED TO SLEEP IN WET CLOTHING. PRIOR TO BEING RELEASED, [redacted] OBSERVED MR. NASEER'S BODY, WHICH WAS SWOLLEN AND BLACK FROM BRUISES.

INVESTIGATION PENDING INTERVIEW OF [redacted] WHO IS CURRENTLY DEPLOYED TO SOUTH AMERICA, INTERVIEWS OF THE REMAINING VICTIMS, IDENTIFICATION AND INTERVIEW OF ADDITIONAL WITNESSES, POSSIBLE MEDICAL EXAMINATION OF MR. NASEER'S REMAINS, AND RECEIPT AND TRANSLATION OF ADDITIONAL INVESTIGATIVE DOCUMENTS.

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5TH SUPPLEMENTAL:

THIS 5TH SUPPLEMENTAL REPORT WAS SUBMITTED TO FURTHER IDENTIFY [redacted] AND TO DOCUMENT THE RECEIPT OF THE AFGHANI LOCAL POLICE INVESTIGATION DOCUMENTING THE INQUIRY INTO THE ALLEGED DETAINEE ABUSE AND THE DEATH OF MR. NASEER.

ON 28 SEP 04, A QUERY OF AVAILABLE DEFENSE DATABASES FURTHER IDENTIFIED [redacted]

ON 28 SEP 04, THIS OFFICE OBTAINED A COPY OF THE INVESTIGATION DETAILING THE POLICE INQUIRY INTO THE ABUSE OF THE VICTIMS AND THE DEATH OF MR. NASEER, FROM THE POLICE CHIEF, GARDEZ, AFGHANISTAN. THE COPY OF THE AFGHANI POLICE INVESTIGATION IS PENDING TRANSLATION.

EFFORTS ARE ONGOING TO INTERVIEW [redacted] AND [redacted] WHO ARE CURRENTLY IN IRAQ, TO INTERVIEW THE REMAINING VICTIMS AND WITNESSES, TO INTERVIEW THE REMAINING AFGHANI AND U.N. GOVERNMENT OFFICIALS, TO INTERVIEW THE REMAINING 20TH SPECIAL FORCES GROUP MEMBERS, AND TO OBTAIN ANY INVESTIGATIONS CONDUCTED BY U.N. AGENCIES.

4TH SUPPLEMENTAL:

THIS 4TH SUPPLEMENTAL REPORT WAS GENERATED TO FURTHER IDENTIFY [redacted] TO LIST [redacted] AS AN ACCESSORY FOR ASSAULT AND MALTREATMENT OF A PERSON UNDER U.S. CONTROL AS IT PERTAINS TO [redacted], AND TO DOCUMENT THE INTERVIEWS OF 20TH SFG PERSONNEL.

ON 24 SEP 04, [redacted] WAS INTERVIEWED AND STATED [redacted] GRABBED [redacted] BY THE SHIRT COLLAR AND SLAPPED HIM NUMEROUS TIMES IN THE FACIAL AREA, WHILE IN THE GARDEZ DETAINEE FACILITY, AND THAT HE AUTHORIZED [redacted] TO STRIKE [redacted]. [redacted] STATED HE DID NOT BELIEVE ANY DETAINEES WERE ABUSED AT THE FACILITY, AND THAT COLD WATER AND HEAT SOURCES WERE NEVER USED TO GATHER INFORMATION FROM THE DETAINEES.

ON 24 SEP 04, [redacted] WAS INTERVIEWED AND STATED HE WAS ON LEAVE WHEN THE DETAINEES WERE APPREHENDED, BUT WAS IN GARDEZ WHEN MR. NASEER DIED. [redacted] DENIED ANY KNOWLEDGE OF DETAINEE ABUSE

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AND CLAIMED HE HAD NO KNOWLEDGE OF HOW MR. NASEER DIED, BUT STATED HE AND [redacted] PERFORMED LIFE SAVING MEASURES ON MR. NASEER.

ON 24 SEP 04, ADDITIONAL 20TH SFG UNIT MEMBERS WERE INTERVIEWED AND CLAIMED NO KNOWLEDGE OF DETAINEE ABUSE AT THE GARDEZ DETAINEE FACILITY BY U.S. FORCES.

THE ABOVE INFORMATION IS BASED ON THE 2D AND 3D CATEGORY 1 UPDATES RECEIVED FROM THE REDSTONE RESIDENT AGENCY (CID), REDSTONE ARSENAL, AL, ON 25 SEP 04.

EFFORTS ARE ONGOING TO INTERVIEW [redacted] THE REMAINING VICTIMS AND WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

3D SUPPLEMENTAL:

THIS 3RD SUPPLEMENTAL REPORT WAS GENERATED TO LIST [redacted] (NFI) AS A SUBJECT OF THIS INVESTIGATION, TO FURTHER IDENTIFY [redacted] AND [redacted], AND TO DOCUMENT [redacted] VICTIM INTERVIEW.

ON 23 SEP 04, [redacted] (NFI) OF THE LOCAL GARDEZ AFGHANISTAN SECURITY FORCES (AMF), GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED THAT DURING THE TIME PERIOD OF THE REPORTED INCIDENT HE OBSERVED THE EIGHT DETAINEES THAT APPARENTLY WERE BEATEN VERY BADLY BY U.S. FORCES ON THE FIRST DAY OF THEIR DETAINMENT; HOWEVER [redacted] COULD NOT IDENTIFY WHO BEAT THE DETAINEES.

ON 23 SEP 04, [redacted] WAS INTERVIEWED AS A VICTIM AND STATED LAST YEAR HE AND THE SEVEN OTHER VICTIMS WERE WORKING A CHECKPOINT IN THE GARDEZ AREA WHERE THEY WERE 'ROUNDED UP' BY U.S. SPECIAL FORCES SOLDIERS (SF) AND TRANSPORTED TO THE GARDEZ FIREBASE UNDER PRETENSE THAT THE SF WANTED TO TALK WITH THEM AND DRINK TEA. AFTER ARRIVAL AT THE FIREBASE, THE EIGHT VICTIMS WERE SUBSEQUENTLY ARRESTED AND DETAINED. AT THE FIREBASE THEY WERE PLACED ON THEIR KNEES IN THE SNOW WHERE IF THEY ATTEMPTED TO SIT THEY WERE PUNCHED AND KICKED. WATER WAS POURED ON THEM DURING SPORADIC TIMES FOR ABOUT FIVE DAYS AND THEY WERE GIVEN NO FOOD OR DRINK. THEY WERE PUNCHED AND KICKED FOR SEVERAL DAYS DURING

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INTERROGATIONS. AFTER ABOUT FIVE DAYS MR. NASEER WAS MOVED TO A MATTRESS IN A SEPARATE ROOM DUE TO HIS INABILITY TO WALK AS A RESULT OF THE BEATINGS. ACCORDING TO [redacted], THEY (VICTIMS) WERE ABLE TO TALK TO EACH OTHER AND ALL EIGHT VICTIMS TOLD HIM THEY WERE BEATEN, KICKED AND PUNCHED DURING AND AFTER INTERROGATIONS. MOST OF THE DETAINEES COMPLAINED THEY COULD NOT STAND AS A RESULT OF THE BEATINGS. ON ONE OCCASION SF SOLDIERS WOKE THEM UP, POURED COLD WATER ON THEM, AND TOOK THEM TO A ROOM WHERE THEY WERE BEATEN, AND DURING THIS TIME WEAPONS WERE FIRED OVER THEIR HEADS AS THEY WERE THREATENED TO TELL THE TRUTH. [redacted] STATED THAT AS A RESULT OF THE BEATINGS [redacted] HEALTH DETERIORATED. SF LATER INFORMED [redacted] THEY WOULD RELEASE [redacted] DUE TO POOR HEALTH. [redacted] STATED THAT [redacted] WAS IN GOOD HEALTH AND COULD WALK BEFORE THEY WERE INTERROGATED AND BEATEN. TWO AS YET TO BE FULLY IDENTIFIED SF LATER TOOK NASEER FROM THE FACILITY. MR. [redacted] REQUESTED TO SEE [redacted] AND WAS ALLOWED OUTSIDE THE BUILDING WHERE HE FOUND [redacted] DECEASED BODY. THE BODY WAS SUBSEQUENTLY TRANSPORTED TO THE LOCAL HOSPITAL AND THEN TO THEIR HOME VILLAGE FOR BURIAL.

ON 24 SEP 04, [redacted] (NFI) AND [redacted] (NFI), TWO [redacted] AMF [redacted] WERE INTERVIEWED AND STATED THEY HAD OBSERVED THE EIGHT VICTIMS WHEN THEY WERE TAKEN TO THE GARDEZ DETAINEE FACILITY WHERE THEY KNEW [redacted] AND [redacted] POURED WATER ON THEM WHILE THEY WERE IN COLD WEATHER, AND DURING INTERROGATIONS PUNCHED/KICKED THE EIGHT DETAINEES.

DURING THE INTERVIEWS OF AMF PERSONNEL AND LOCAL NATIONAL INTERPRETERS, THE AMF PERSONNEL ALLEGED THAT SF SOLDIERS REPEATEDLY THREATENED THEM WITH EMPLOYMENT TERMINATION OR DEATH IF THEY REPORTED THE BEATINGS OR THE DEATH OF MR. NASEER. SEVERAL LOCAL NATIONALS AND INTERPRETERS REMAIN UNCOOPERATIVE AND DECLINED TO PROVIDE INFORMATION ABOUT THE PAST INCIDENTS.

ON 23 SEP 04, A CATEGORY 1 REQUEST FOR ASSISTANCE (RFA) WAS DISPATCHED TO THE REDSTONE ARSENAL CID OFFICE TO LOCATE AND INTERVIEW MEMBERS OF THE 20TH SFG, BIRMINGHAM, AL. EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING UNIDENTIFIED VICTIMS, MEDICAL PERSONNEL, AFGHANI GOVERNMENT AND U.N. OFFICIALS TO OBTAIN THE RESULTS OF INVESTIGATIONS CONDUCTED BY AFGHAN AND U.N. AGENCIES.

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2D SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] (NFI) AND [redacted] (NFI), BOTH 20TH SPECIAL FORCES GROUP MEDICS, AS SUBJECTS OF THIS INVESTIGATION.

ON 22 SEP 04, AN INTERPRETER [redacted] WAS INTERVIEWED AND STATED HE OBSERVED THREE 20TH SPECIAL FORCES GROUP SOLDIERS, TWO SPECIAL FORCES MEDICS KNOWN ONLY AS [redacted] AND [redacted], ALONG WITH ONE UNKNOWN SOLDIER, BEAT THE EIGHT PRISONERS ON NUMEROUS OCCASIONS. THE ABUSE CONSISTED OF PUNCHING, KICKING, BEING IMMERSED IN COLD WATER, THROWN ON THE GROWN, BEING BURNT WITH A HEATING STOVE, LEFT OUTSIDE IN THE SNOW ALL DAY WHILE WET FROM BEING IMMERSED IN WATER AND THEN AT NIGHT TAKEN TO A TENT AND MADE TO SLEEP IN WET CLOTHES. ADDITIONALLY, HE STATED THAT WHEN MR. NASSER WAS KILLED THAT THE SPECIAL FORCES CALLED THE LOCAL POLICE CHIEF OF GARDEZ TO COME GET THE PRISONERS AND THE BODY. LASTLY, [redacted] TOLD ALL THE GARDEZ FIREBASE LOCAL NATIONALS THAT IF THEY TOLD ANYONE WHAT HAPPENED THEY WOULD LOSE THEIR JOBS. THE INTERVIEW DID NOT IDENTIFY ANY ABUSE BY [redacted], HOWEVER, THE INTERPRETER BELIEVES [redacted] IS ACTUALLY [redacted]

ON 22 SEP 04, CANVAS INTERVIEWS OF THE REMAINING PRISONERS AT THE GARDEZ DETAINEE FACILITY FAILED TO PROVIDED ANY ADDITIONAL INFORMATION PERTAINING TO ANY DETAINEE ABUSE.

ON 22 SEP 04, COORDINATION WAS MADE WITH THE EXECUTIVE OFFICER, 20TH SPECIAL FORCES GROUP, BIRMINGHAM, AL, WHO CONFIRMED THAT THE 20TH SPECIAL FORCES GROUP WAS ASSIGNED TO THE GARDEZ DETAINEE FACILITY DURING THE INCIDENT TIME FRAME.

EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING VICTIMS, WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] AND [redacted] AS VICTIMS OF THIS INVESTIGATION AND TO RE-FOUND THE OFFENSE OF UNDETERMINED DEATH AS IT PERTAINS TO MR. NASEER.

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ON 19 SEP 04, AN INDIVIDUAL, REQUESTING TO REMAIN ANONYMOUS, WAS INTERVIEWED WHO PROVIDED THE IDENTITY OF THE EIGHT (8) LOCAL NATIONAL DETAINEES, WHO WERE ALLEGEDLY ABUSED BY MEMBERS OF THE U.S. FORCES. THE ANONYMOUS INDIVIDUAL FURTHER PROVIDED THAT THE VICTIMS WERE WORKING THE SEDA KONAL CHECK POINT BETWEEN GARDEZ AND KHOST ON 1 MAR 03, WHEN [redacted] (NFI) ARRIVED WITH MEMBERS OF HIS U.S. SPECIAL FORCES UNIT AND APPREHENDED THEM. THE ANONYMOUS INDIVIDUAL FURTHER STATED THE VICTIMS WERE HELD IN GARDEZ FOR 17 DAYS, AND ON THE 16TH DAY IN CUSTODY, MR. NASEER DIED AS A RESULT OF PHYSICAL ABUSE WHILE IN U.S. CUSTODY, AND [redacted] WAS ALSO BEATEN SO BADLY HE COULD NOT WALK. IT WAS ALSO REPORTED THE REMAINING SIX INDIVIDUALS WERE ALSO PHYSICALLY ABUSED DURING THEIR DETENTION AT GARDEZ. THE ANONYMOUS INDIVIDUAL FURTHER RELATED THE AFGHANISTAN MILITARY ATTORNEY GENERAL, [redacted] COMPLETED AN INVESTIGATION AFTER THE INCIDENT, AND HAD STATEMENTS FROM ALL THE VICTIMS AND PERSONNEL, WHO REMOVED THE BODY FROM THE GARDEZ FACILITY. THE ANONYMOUS INDIVIDUAL ALSO RELATED THE ALLEGATIONS WERE INVESTIGATED BY UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN, WHO REPORTED IT UP THEIR CHAIN OF COMMAND.

COORDINATION WITH THE AFGHANISTAN MILITARY ATTORNEY GENERAL AND THE UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN IS PENDING.

FINAL:

THIS OFFICE WAS NOTIFIED BY THE STAFF JUDGE ADVOCATE, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354, THAT EIGHT DETAINEES FROM GARDEZ WERE ALLEGED TO HAVE BEEN ABUSED AND THAT ONE OF THE DETAINEES DIED WHILE AT THE GARDEZ DETAINEE FACILITY. THE OTHER SEVEN WERE TRANSFERRED FROM GARDEZ TO THE KABUL POLICE DETAINEE FACILITY AFTER APPROXIMATELY THREE MONTHS.

INVESTIGATION REVEALED THAT NO DETAINEE DIED IN U.S. CUSTODY WHILE AT THE GARDEZ DETAINEE FACILITY AND THAT ONLY ONE OF THE SEVEN DETAINEES COMPLAINED OF POSSIBLE ABUSE, WHICH WAS A TOE NAIL BEING REMOVED.

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FURTHER INVESTIGATION FAILED TO PROVE OR DISPROVE THAT ANY OF THE SEVEN DETAINEES FROM THE GARDEZ DETAINEE FACILITY WERE ABUSED BY U.S. FORCES AS NONE COULD BE IDENTIFIED AND INTERVIEWED.

AN INTERVIEW WITH [redacted] WHO ALLEGEDLY REPORTED THE INCIDENT, REVEALED THAT THERE WAS NO ALLEGED ABUSE CONCERNING DETAINEES IN U.S. FORCES CUSTODY AND THAT [redacted] WAS MISSING A TOENAIL [redacted] COULD NOT PROVIDE THE NAME OF THE DETAINEE DUE TO LACK OF RECORD KEEPING.

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

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

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DATE 01 FEB 2005

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

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR 3D MP GRP USACIDC FT GILLEM GA
CG USACIDC FT BELVOIR VA //CIOP-ZA//
DIR AFIP AFME WASH, DC//AFIP-CPLF
SAC, REDSTONE RA
CDR USACIDC 1000TH MP BN FT CAMPBELL KY//CIRC-CZA
CDR USACIDC 10TH MP BN FT BRAGG NC
SPECIAL OPERATIONS COMMAND LIAISON (SA [redacted]
CHIEF OF STAFF, CJTF-180, BAGRAM AIR FIELD
COMMANDER, 1/20TH SF GRP ([redacted]
PROVOST MARSHAL OFFICE, BAGRAM AIRFIELD ([redacted]
PROVOST MARSHAL OFFICE, CJTF 76 ([redacted])
SJA, CFC ([redacted])
STAFF JUDGE ADVOCATE; CJTF 76 ([redacted]
SJA, USASOC, FT BRAGG, NC ([redacted])

SUBJECT: CID REPORT OF INVESTIGATION - 8TH SUPPLEMENTAL /SSI - 0062-2004-CID369-69278 - 5H2P / 5C1L / 5X4 / 5X6 / 5Y2G4 / 5Y2E / 5Y2D2 / 5C2B

DRAFTER: [redacted]

RELEASER: [redacted]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 MAR 2003, 0001 - 18 MAR 2003, 2359; GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN

2. DATE/TIME REPORTED: 24 MAY 2004, 0900

3. INVESTIGATED BY:
SA [redacted]

4. SUBJECT:
1. [redacted]
VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT

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2. [redacted]; VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

3. [redacted]; VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

4. [redacted]; VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, ASSESSORY AFTER THE FACT, MISPRISON SERIOUS OFFENSE, CONDUCT UNBECOMING OFFICER, MALTREATMENT OF A PERSON IN US CUSTODY, DERELICTION OF DUTY, ASSAULT (NFI)

5. DELETED

5. VICTIM:

1. NASEER, JAMAL (DECEASED) ; CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

2. [redacted], AGGRAVATED ASSAULT, ASSESSORY AFTER THE FACT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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

4. [redacted] AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. [redacted], AGGRAVATED ASSAULT,

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

6. [redacted]; AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

7. [redacted], AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

8. [redacted]; AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

9. [redacted], AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

10. U.S. GOVERNMENT; MISPRISON SERIOUS OFFENSE, CONDUCT UNBECOMING OFFICER, DERELICTION OF DUTY

6. INVESTIGATIVE SUMMARY:

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

"THIS IS A DETAINEE ABUSE INVESTIGATION."

8TH SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO RESCIND PREVIOUS RESTRICTIONS TO THE DISSEMINATION OF THIS REPORT OUTSIDE USACIDC REPORTING CHANNELS, AND TO REPORT SIGNIFICANT INTERVIEWS NOT PREVIOUSLY REPORTED.

ON 9 NOV 04, AN AGENT FROM THIS OFFICE TRAVELED ON TDY TO CONUS AND RE-INTERVIEWED [redacted] WHO ADMITTED HE GAVE PERMISSION FOR [redacted] TO STRIKE DETAINEES DURING INTERVIEWS, AND THAT HE SAW [redacted] BADLY BRUISED ON HIS FACE FROM THE BEATINGS WHEN HE WAS RELEASED FROM U.S. CUSTODY. [redacted] FURTHER ADMITTED HE DID NOT NOTIFY HIS CHAIN OF COMMAND ABOUT THE DEATH OF MR. NASSER BECAUSE HE DID NOT WANT TO BRING ATTENTION TO THE FIREBASE.

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ON 9 NOV 04, [redacted] WAS RE-INTERVIEWED AND WHO DENIED SEEING OR PARTICIPATING IN ANY TYPE OF DETAINEE ABUSE; HOWEVER, HE ADMITTED THAT THE FEET AND HANDS OF MR. NASSER WERE SWOLLEN, WHEN HE TREATED HIM FOR A SUSPECTED KIDNEY INFECTION. ON 16 NOV 04, [redacted] WAS RE-INTERVIEWED AND DENIED DETAINEE ABUSE, AND SUBSEQUENTLY REQUESTED LEGAL COUNSEL.

INVESTIGATION CONTINUES BY USACIDC.

7TH SUPPLEMENTAL:

THIS 7TH SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted], [redacted], [redacted] AND [redacted] AS SUBJECTS FOR THE OFFENSE OF VOLUNTARY MANSLAUGHTER; TO CHANGE THE OFFENSE OF UNDETERMINED MANNER OF DEATH TO VOLUNTARY MANSLAUGHTER; TO ADD THE OFFENSES OF MALTREATMENT OF PERSONS IN U.S. CUSTODY, MISPRISION OF A SERIOUS OFFENSE, ASSAULT, AGGRAVATED ASSAULT, DERELICTION OF DUTY, AND CONDUCT UNBECOMING PERTAINING TO [redacted] TO ADD THE U.S. GOVERNMENT AS A VICTIM; AND TO RESTRICT DISTRIBUTION OF THIS INVESTIGATION TO USACIDC CHANNELS ONLY UNTIL THE RE-INTERVIEWS OF THE SUBJECTS AND KEY PERSONNEL CAN BE ACCOMPLISHED.

ON 26 OCT 04, THIS OFFICE COORDINATED WITH THE CJTF-76 STAFF JUDGE ADVOCATE, WHO CONDUCTED A LEGAL REVIEW OF THIS INVESTIGATION WHO CONCLUDED THAT [redacted], [redacted] AND [redacted] COMMITTED THE OFFENSE OF VOLUNTARY MANSLAUGHTER AND MALTREATMENT OF A PERSON IN U.S. CUSTODY, DUE TO THEIR ABUSE OF MR. NASEER, AND [redacted] COMMITTED THE OFFENSE OF VOLUNTARY MANSLAUGHTER AND MALTREATMENT OF A PERSON IN U.S. CUSTODY, BECAUSE HE GAVE THE ORDER HIS SOLDIERS COULD STRIKE DETAINEES, WHICH RESULTED IN THE DEATH OF MR. NASEER. SJA FURTHER CONCLUDED THAT [redacted] COMMITTED THE OFFENSES OF DERLICTION OF DUTY AND MISPRISON OF A SERIOUS OFFENSE, WHEN HE DID NOT REPORT THE DEATH AND HELPED HIDE THE DEATH FROM HIS CHAIN OF COMMAND AND MILITARY POLICE. LASTLY, THAT [redacted], [redacted], [redacted] AND [redacted] COMMITTED THE OFFENSE OF SIMPLE AND AGGERAVATED ASSAULT WHEN THEY BEAT THE DETAINEES DURING INTERVIEWS.

RE-INTERVIEWS OF ALL SPECIAL FORCES PERSONNEL ASSIGNED AT GARDEZ ARE PENDING.

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THIS SUPPLEMENTAL REPORT WAS SUBMITTED LATE DUE TO ACI2 AND NETWORK CONNECTIVITY ISSUES.

6TH SUPPLEMENTAL:

THIS 6TH SUPPLEMENTAL REPORT WAS SUBMITTED TO ADD [redacted] AS A VICTIM OF THIS INVESTIGATION, TO FURTHER IDENTIFY [redacted] TO DOCUMENT THE INTERVIEW OF [redacted] AND TO DOCUMENT THE INTERVIEW OF [redacted]

ON 15 OCT 04, THIS OFFICE RECEIVED 1ST INFORMATION REPORT 87TH MILITARY POLICE DET (CID), FORT BRAGG, NC, CONCERNING THE INTERVIEW OF [redacted]

ON 13 OCT 04, [redacted] WAS INTERVIEWED AND DENIED THE ABUSE OR MALTREATMENT OF ANY DETAINEES AND STATED HE DID NOT WITNESSED ANY ABUSE OR MALTREATMENT OF ANY DETAINEES WHILE AT THE GARDEZ FIREBASE, AFGHANISTAN. [redacted] ALSO CLAIMED THAT ONE OF THE DETAINEES, RECEIVED IN MAR 03, WAS SUFFERING WITH SYMPTOMS OF WHAT HE BELIEVED WAS BLADDER INFECTION. AFTER A FEW DAYS OF BEING DETAINED, [redacted] TREATED THE DETAINEE FOR THE INFECTION. SEVERAL DAYS LATER, [redacted] WAS INFORMED A DETAINEE REQUIRED MEDICAL ASSISTANCE. [redacted] STATED HE AND [redacted] FOUND THE DETAINEE UNRESPONSIVE AND BEGAN LIFESAVING MEASURES WHICH WERE UNSUCCESSFUL.

ON 14 OCT 04, [redacted] WAS INTERVIEWED AND STATED THAT AT THE BEGINNING OF 2003, WHILE WORKING IN THE SETO PASS CHECKPOINT, AFGHANISTAN, U.S. SOLDIERS FROM THE GARDEZ FIREBASE CAME AND ARRESTED HIM WITH THE OTHER CHECKPOINT SOLDIERS. HE WAS HANDCUFFED AND TAKEN TO THE GARDEZ FIREBASE WHERE HE WAS BLINDFOLDED AND MADE TO SIT ON HIS KNEES WHILE A MIX OF SNOW AND WATER WAS POURED ON HIM FOR, ON NUMEROUS OCCASIONS, APPROXIMATELY 18 DAYS. DURING THIS TIME HE WAS KICKED AND PUNCHED IN THE BACK, FACE AND LEGS, IF HE ATTEMPTED TO MOVED FORM THE KNEELING POSITION. [redacted] ALSO STATED THAT DURING INTERROGATIONS HE WAS KICKED SEVERAL TIMES AND WAS TOLD THAT IF HE DID NOT TELL THE TRUTH HE WOULD BE KILLED. HE FURTHER STATED THAT HE WAS HELD FOR APPROXIMATELY 20 DAYS AND ON ABOUT DAY 18 HE OBSERVED THE BODY OF MR. NASSER, WHICH WAS SWOLLEN AND DISCOLORED ON HIS FACE KNEES AND FEET. [redacted] ALSO STATED THAT HIS PROSTHETIC LEG WAS TAKEN FROM HIM WHILE AT THE GARDEZ FIREBASE, TO PREVENT HIM FROM WALKING.

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ON 16 OCT 04, [redacted] WAS INTERVIEWED AND STATED AT THE BEGINNING OF 2003, HE AND TEN OTHER AFGHANI SOLDIERS WERE ARRESTED BY U.S. FORCES, WHILE AT THE SETO PASS CHECKPOINT, AFGHANISTAN. TWO AFGHANI SOLDIERS WERE RELEASED AND [redacted] AND THE EIGHT REMAINING AFGHANI SOLDIERS WERE TAKEN TO THE GARDEZ FIREBASE. UPON ARRIVAL AT THE FIREBASE, THE DETAINEES WERE MADE TO SIT ON THEIR KNEES IN THE SNOW FOR APPROXIMATELY 18 DAYS. DURING THIS TIME, [redacted] WAS KICKED IN THE BACK AND PUNCHED IN THE FACE IF HE TRIED TO MOVED FROM HIS KNEES. [redacted] STATED THAT DURING INTERROGATIONS TWO U.S. FORCES SOLDIERS, KNOWN AS [redacted] AND [redacted], PUNCHED HIM IN HIS STOMACH, KICKED HIM IN THE BACK AND FACE, AND THAT A U.S. FORCES SOLDIER, KNOWN ONLY AS [redacted], TOLD THE SOLDIERS TO BEAT HIM. [redacted] FURTHER STATED HE HAD A MIX OF SNOW AND WATER POURED ON HIM EVERYDAY WHILE AT THE FIREBASE AND WAS FORCED TO SLEEP IN WET CLOTHING. PRIOR TO BEING RELEASED, [redacted] OBSERVED MR. NASEER'S BODY, WHICH WAS SWOLLEN AND BLACK FROM BRUISES.

INVESTIGATION PENDING INTERVIEW OF [redacted] WHO IS CURRENTLY DEPLOYED TO SOUTH AMERICA, INTERVIEWS OF THE REMAINING VICTIMS, IDENTIFICATION AND INTERVIEW OF ADDITIONAL WITNESSES, POSSIBLE MEDICAL EXAMINATION OF MR. NASEER'S REMAINS, AND RECEIPT AND TRANSLATION OF ADDITIONAL INVESTIGATIVE DOCUMENTS.

5TH SUPPLEMENTAL:

THIS 5TH SUPPLEMENTAL REPORT WAS SUBMITTED TO FURTHER IDENTIFY [redacted] AND TO DOCUMENT THE RECEIPT OF THE AFGHANI LOCAL POLICE INVESTIGATION DOCUMENTING THE INQUIRY INTO THE ALLEGED DETAINEE ABUSE AND THE DEATH OF MR. NASEER.

ON 28 SEP 04, A QUERY OF AVAILABLE DEFENSE DATABASES FURTHER IDENTIFIED [redacted]

ON 28 SEP 04, THIS OFFICE OBTAINED A COPY OF THE INVESTIGATION DETAILING THE POLICE INQUIRY INTO THE ABUSE OF THE VICTIMS AND THE DEATH OF MR. NASEER, FROM THE POLICE CHIEF, GARDEZ, AFGHANISTAN. THE COPY OF THE AFGHANI POLICE INVESTIGATION IS PENDING TRANSLATION.

EFFORTS ARE ONGOING TO INTERVIEW [redacted] AND [redacted] WHO ARE CURRENTLY IN IRAQ, TO INTERVIEW THE REMAINING VICTIMS AND

WITNESSES, TO INTERVIEW THE REMAINING AFGHANI AND U.N. GOVERNMENT OFFICIALS, TO INTERVIEW THE REMAINING 20TH SPECIAL FORCES GROUP MEMBERS, AND TO OBTAIN ANY INVESTIGATIONS CONDUCTED BY U.N. AGENCIES.

4TH SUPPLEMENTAL:

THIS 4TH SUPPLEMENTAL REPORT WAS GENERATED TO FURTHER IDENTIFY [redacted] AS [redacted], TO LIST [redacted] AS AN ACCESSORY FOR ASSAULT AND MALTREATMENT OF A PERSON UNDER U.S. CONTROL AS IT PERTAINS TO [redacted] AND TO DOCUMENT THE INTERVIEWS OF 20TH SFG PERSONNEL.

ON 24 SEP 04, [redacted] WAS INTERVIEWED AND STATED [redacted] GRABBED [redacted] BY THE SHIRT COLLAR AND SLAPPED HIM NUMEROUS TIMES IN THE FACIAL AREA. WHILE IN THE GARDEZ DETAINEE FACILITY, AND THAT HE AUTHORIZED [redacted] TO STRIKE [redacted] STATED HE DID NOT BELIEVE ANY DETAINEES WERE ABUSED AT THE FACILITY, AND THAT COLD WATER AND HEAT SOURCES WERE NEVER USED TO GATHER INFORMATION FROM THE DETAINEES.

ON 24 SEP 04, [redacted] WAS INTERVIEWED AND STATED HE WAS ON LEAVE WHEN THE DETAINEES WERE APPREHENDED, BUT WAS IN GARDEZ WHEN MR. NASEER DIED. [redacted] DENIED ANY KNOWLEDGE OF DETAINEE ABUSE AND CLAIMED HE HAD NO KNOWLEDGE OF HOW MR. NASEER DIED, BUT STATED HE AND [redacted] PERFORMED LIFE SAVING MEASURES ON MR. NASEER.

ON 24 SEP 04, ADDITIONAL 20TH SFG UNIT MEMBERS WERE INTERVIEWED AND CLAIMED NO KNOWLEDGE OF DETAINEE ABUSE AT THE GARDEZ DETAINEE FACILITY BY U.S. FORCES.

THE ABOVE INFORMATION IS BASED ON THE 2D AND 3D CATEGORY 1 UPDATES RECEIVED FROM THE REDSTONE RESIDENT AGENCY (CID), REDSTONE ARSENAL, AL, ON 25 SEP 04.

EFFORTS ARE ONGOING TO INTERVIEW [redacted], THE REMAINING VICTIMS AND WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

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3D SUPPLEMENTAL:

THIS 3RD SUPPLEMENTAL REPORT WAS GENERATED TO LIST [redacted] (NFI) AS A SUBJECT OF THIS INVESTIGATION, TO FURTHER IDENTIFY [redacted] AND [redacted] AND TO DOCUMENT [redacted] VICTIM INTERVIEW.

ON 23 SEP 04, [redacted] (NFI) OF THE LOCAL GARDEZ AFGHANISTAN SECURITY FORCES (AMF), GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED THAT DURING THE TIME PERIOD OF THE REPORTED INCIDENT HE OBSERVED THE EIGHT DETAINEES THAT APPARENTLY WERE BEATEN VERY BADLY BY U.S. FORCES ON THE FIRST DAY OF THEIR DETAINMENT; HOWEVER [redacted] COULD NOT IDENTIFY WHO BEAT THE DETAINEES.

ON 23 SEP 04, [redacted] WAS INTERVIEWED AS A VICTIM AND STATED LAST YEAR HE AND THE SEVEN OTHER VICTIMS WERE WORKING A CHECKPOINT IN THE GARDEZ AREA WHERE THEY WERE 'ROUNDED UP' BY U.S. SPECIAL FORCES SOLDIERS (SF) AND TRANSPORTED TO THE GARDEZ FIREBASE UNDER PRETENSE THAT THE SF WANTED TO TALK WITH THEM AND DRINK TEA. AFTER ARRIVAL AT THE FIREBASE, THE EIGHT VICTIMS WERE SUBSEQUENTLY ARRESTED AND DETAINED. AT THE FIREBASE THEY WERE PLACED ON THEIR KNEES IN THE SNOW WHERE IF THEY ATTEMPTED TO SIT THEY WERE PUNCHED AND KICKED. WATER WAS POURED ON THEM DURING SPORADIC TIMES FOR ABOUT FIVE DAYS AND THEY WERE GIVEN NO FOOD OR DRINK. THEY WERE PUNCHED AND KICKED FOR SEVERAL DAYS DURING INTERROGATIONS. AFTER ABOUT FIVE DAYS MR. NASEER WAS MOVED TO A MATTRESS IN A SEPARATE ROOM DUE TO HIS INABILITY TO WALK AS A RESULT OF THE BEATINGS. ACCORDING TO [redacted] THEY (VICTIMS) WERE ABLE TO TALK TO EACH OTHER AND ALL EIGHT VICTIMS TOLD HIM THEY WERE BEATEN, KICKED AND PUNCHED DURING AND AFTER INTERROGATIONS. MOST OF THE DETAINEES COMPLAINED THEY COULD NOT STAND AS A RESULT OF THE BEATINGS. ON ONE OCCASION SF SOLDIERS WOKE THEM UP, POURED COLD WATER ON THEM, AND TOOK THEM TO A ROOM WHERE THEY WERE BEATEN, AND DURING THIS TIME WEAPONS WERE FIRED OVER THEIR HEADS AS THEY WERE THREATENED TO TELL THE TRUTH. [redacted] STATED THAT AS A RESULT OF THE BEATINGS [redacted] HEALTH DETERIORATED. SF LATER INFORMED [redacted] THEY WOULD RELEASE [redacted] DUE TO POOR HEALTH. [redacted] STATED THAT [redacted] WAS IN GOOD HEALTH AND COULD WALK BEFORE THEY WERE INTERROGATED AND BEATEN. TWO AS YET TO BE FULLY IDENTIFIED SF LATER TOOK NASEER FROM THE FACILITY. [redacted] REQUESTED TO SEE MR. NASEER [redacted] AND WAS ALLOWED OUTSIDE THE BUILDING WHERE HE FOUND [redacted] DECEASED BODY. THE BODY WAS SUBSEQUENTLY TRANSPORTED TO THE LOCAL HOSPITAL AND

THEN TO THEIR HOME VILLAGE FOR BURIAL.

ON 24 SEP 04, [redacted] (NFI) AND [redacted] NFI), TWO [redacted] AMF [redacted] WERE INTERVIEWED AND STATED THEY HAD OBSERVED THE EIGHT VICTIMS WHEN THEY WERE TAKEN TO THE GARDEZ DETAINEE FACILITY WHERE THEY KNEW [redacted] AND [redacted] POURED WATER ON THEM WHILE THEY WERE IN COLD WEATHER, AND DURING INTERROGATIONS PUNCHED/KICKED THE EIGHT DETAINEES.

DURING THE INTERVIEWS OF AMF PERSONNEL AND LOCAL NATIONAL INTERPRETERS, THE AMF PERSONNEL ALLEGED THAT SF SOLDIERS REPEATEDLY THREATENED THEM WITH EMPLOYMENT TERMINATION OR DEATH IF THEY REPORTED THE BEATINGS OR THE DEATH OF MR. NASEER. SEVERAL LOCAL NATIONALS AND INTERPRETERS REMAIN UNCOOPERATIVE AND DECLINED TO PROVIDE INFORMATION ABOUT THE PAST INCIDENTS.

ON 23 SEP 04, A CATEGORY 1 REQUEST FOR ASSISTANCE (RFA) WAS DISPATCHED TO THE REDSTONE ARSENAL CID OFFICE TO LOCATE AND INTERVIEW MEMBERS OF THE 20TH SFG, BIRMINGHAM, AL. EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING UNIDENTIFIED VICTIMS, MEDICAL PERSONNEL, AFGHANI GOVERNMENT AND U.N. OFFICIALS TO OBTAIN THE RESULTS OF INVESTIGATIONS CONDUCTED BY AFGHAN AND U.N. AGENCIES.

2D SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] (NFI) AND [redacted] (NFI), BOTH 20TH SPECIAL FORCES GROUP MEDICS, AS SUBJECTS OF THIS INVESTIGATION.

ON 22 SEP 04, AN INTERPRETER ASSIGNED TO THE GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED HE OBSERVED THREE 20TH SPECIAL FORCES GROUP SOLDIERS, TWO SPECIAL FORCES MEDICS KNOWN ONLY AS [redacted] AND [redacted] ALONG WITH ONE UNKNOWN SOLDIER, BEAT THE EIGHT PRISONERS ON NUMEROUS OCCASIONS. THE ABUSE CONSISTED OF PUNCHING, KICKING, BEING IMMERSED IN COLD WATER, THROWN ON THE GROWN, BEING BURNT WITH A HEATING STOVE, LEFT OUTSIDE IN THE SNOW ALL DAY WHILE WET FROM BEING IMMERSED IN WATER AND THEN AT NIGHT TAKEN TO A TENT AND MADE TO SLEEP IN WET CLOTHES. ADDITIONALLY, HE STATED THAT WHEN MR. NASSER WAS KILLED THAT THE SPECIAL FORCES CALLED THE LOCAL POLICE CHIEF OF GARDEZ TO COME GET THE PRISONERS AND THE BODY. LASTLY, [redacted] TOLD ALL THE GARDEZ FIREBASE LOCAL NATIONALS THAT IF THEY TOLD ANYONE WHAT HAPPENED THEY WOULD LOSE

THEIR JOBS. THE INTERVIEW DID NOT IDENTIFY ANY ABUSE BY [redacted]
HOWEVER, THE INTERPRETER BELIEVES [redacted] IS ACTUALLY [redacted]

ON 22 SEP 04, CANVAS INTERVIEWS OF THE REMAINING PRISONERS AT THE GARDEZ DETAINEE FACILITY FAILED TO PROVIDED ANY ADDITIONAL INFORMATION PERTAINING TO ANY DETAINEE ABUSE.

ON 22 SEP 04, COORDINATION WAS MADE WITH THE EXECUTIVE OFFICER, 20TH SPECIAL FORCES GROUP, BIRMINGHAM, AL, WHO CONFIRMED THAT THE 20TH SPECIAL FORCES GROUP WAS ASSIGNED TO THE GARDEZ DETAINEE FACILITY DURING THE INCIDENT TIME FRAME.

EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING VICTIMS, WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] AND MR. NASEER AS VICTIMS OF THIS INVESTIGATION AND TO RE-FOUND THE OFFENSE OF UNDETERMINED DEATH AS IT PERTAINS TO MR. NASEER.

ON 19 SEP 04, AN INDIVIDUAL, REQUESTING TO REMAIN ANONYMOUS, WAS INTERVIEWED WHO PROVIDED THE IDENTITY OF THE EIGHT (8) LOCAL NATIONAL DETAINEES, WHO WERE ALLEGEDLY ABUSED BY MEMBERS OF THE U.S. FORCES. THE ANONYMOUS INDIVIDUAL FURTHER PROVIDED THAT THE VICTIMS WERE WORKING THE SEDA KONAL CHECK POINT BETWEEN GARDEZ AND KHOST ON 1 MAR 03, WHEN [redacted] (NFI) ARRIVED WITH MEMBERS OF HIS U.S. SPECIAL FORCES UNIT AND APPREHENDED THEM. THE ANONYMOUS INDIVIDUAL FURTHER STATED THE VICTIMS WERE HELD IN GARDEZ FOR 17 DAYS, AND ON THE 16TH DAY IN CUSTODY, MR. NASEER DIED AS A RESULT OF PHYSICAL ABUSE WHILE IN U.S. CUSTODY, AND [redacted] WAS ALSO BEATEN SO BADLY HE COULD NOT WALK. IT WAS ALSO REPORTED THE REMAINING SIX INDIVIDUALS WERE ALSO PHYSICALLY ABUSED DURING THEIR DETENTION AT GARDEZ. THE ANONYMOUS INDIVIDUAL FURTHER RELATED THE AFGHANISTAN MILITARY ATTORNEY GENERAL [redacted] COMPLETED AN INVESTIGATION AFTER THE INCIDENT, AND HAD STATEMENTS FROM ALL THE VICTIMS AND PERSONNEL, WHO REMOVED THE BODY FROM THE GARDEZ FACILITY. THE ANONYMOUS

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INDIVIDUAL ALSO RELATED THE ALLEGATIONS WERE INVESTIGATED BY UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN, WHO REPORTED IT UP THEIR CHAIN OF COMMAND.

COORDINATION WITH THE AFGHANISTAN MILITARY ATTORNEY GENERAL AND THE UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN IS PENDING.

FINAL:

THIS OFFICE WAS NOTIFIED BY THE STAFF JUDGE ADVOCATE, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354, THAT EIGHT DETAINEES FROM GARDEZ WERE ALLEGED TO HAVE BEEN ABUSED AND THAT ONE OF THE DETAINEES DIED WHILE AT THE GARDEZ DETAINEE FACILITY. THE OTHER SEVEN WERE TRANSFERRED FROM GARDEZ TO THE KABUL POLICE DETAINEE FACILITY AFTER APPROXIMATELY THREE MONTHS.

INVESTIGATION REVEALED THAT NO DETAINEE DIED IN U.S. CUSTODY WHILE AT THE GARDEZ DETAINEE FACILITY AND THAT ONLY ONE OF THE SEVEN DETAINEES COMPLAINED OF POSSIBLE ABUSE, WHICH WAS A TOE NAIL BEING REMOVED.

FURTHER INVESTIGATION FAILED TO PROVE OR DISPROVE THAT ANY OF THE SEVEN DETAINEES FROM THE GARDEZ DETAINEE FACILITY WERE ABUSED BY U.S. FORCES AS NONE COULD BE IDENTIFIED AND INTERVIEWED.

AN INTERVIEW WITH [redacted] WHO ALLEGEDLY REPORTED THE INCIDENT, REVEALED THAT THERE WAS NO ALLEGED ABUSE CONCERNING DETAINEES IN U.S. FORCES CUSTODY AND THAT [redacted] WAS MISSING A TOENAIL [redacted] COULD NOT PROVIDE THE NAME OF THE DETAINEE DUE TO LACK OF RECORD KEEPING.

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

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

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DATE 28 OCT 2004

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

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR 3D MP GRP USACIDC FT GILLEM GA
CG USACIDC FT BELVOIR VA //CIOP-ZA//
DIR AFIP AFME WASH, DC//AFIP-CPLF
SAC, REDSTONE RA
CDR USACIDC 1000TH MP BN FT CAMPBELL KY//CIRC-CZA
CDR USACIDC 10TH MP BN FT BRAGG NC
SPECIAL OPERATIONS COMMAND LIAISON (SA [redacted]

SUBJECT: CID REPORT OF INVESTIGATION - 7TH SUPPLEMENTAL /SSI - 0062-2004-CID369-69278 - 5H2P / 5C1L / 5X4 / 5X6 / 5Y2G4 / 5Y2E / 5Y2D2 / 5C2B

DRAFTER: [redacted]

RELEASER: [redacted]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 MAR 2003, 0001 - 18 MAR 2003, 2359; GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN

2. DATE/TIME REPORTED: 24 MAY 2004, 0900

3. INVESTIGATED BY:
SA [redacted]

4. SUBJECT:
1. [redacted]
VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT

2. [redacted]; VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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3. [redacted]; VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

4. [redacted], VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, ASSESSORY AFTER THE FACT, MISPRISON SERIOUS OFFENSE, CONDUCT UNBECOMING OFFICER, MALTREATMENT OF A PERSON IN US CUSTODY, DERELICTION OF DUTY, ASSAULT (NFI)

5. DELETED UNKNOWN, ; UNDETERMINED MANNER OF DEATH, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. VICTIM:

1. NASEER, JAMAL (DECEASED) ; CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; VOLUNTARY MANSLAUGHTER, AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

2. [redacted]; AGGRAVATED ASSAULT, ASSESSORY AFTER THE FACT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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

4. [redacted], AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. [redacted]; AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. [redacted]; AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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7. [redacted]; AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

8. [redacted]; AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

9. [redacted] AGGRAVATED ASSAULT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

10. ADDED U.S. GOVERNMENT; MISPRISON SERIOUS OFFENSE, CONDUCT UNBECOMING OFFICER, DERELICTION OF DUTY

6. INVESTIGATIVE SUMMARY:

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

"THIS IS A DETAINEE ABUSE INVESTIGATION."

7TH SUPPLEMENTAL:

THIS 7TH SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] AS SUBJECTS FOR THE OFFENSE OF VOLUNTARY MANSLAUGHTER; TO CHANGE THE OFFENSE OF UNDETERMINED MANNER OF DEATH TO VOLUNTARY MANSLAUGHTER; TO ADD THE OFFENSES OF MALTREATMENT OF PERSONS IN U.S. CUSTODY, MISPRISION OF A SERIOUS OFFENSE, ASSAULT, AGGRAVATED ASSAULT, DERELICTION OF DUTY, AND CONDUCT UNBECOMING PERTAINING TO [redacted] TO ADD THE U.S. GOVERNMENT AS A VICTIM; AND TO RESTRICT DISTRIBUTION OF THIS INVESTIGATION TO USACIDC CHANNELS ONLY UNTIL THE RE-INTERVIEWS OF THE SUBJECTS AND KEY PERSONNEL CAN BE ACCOMPLISHED.

ON 26 OCT 04, THIS OFFICE COORDINATED WITH THE CJTF-76 STAFF JUDGE ADVOCATE, WHO CONDUCTED A LEGAL REVIEW OF THIS INVESTIGATION WHO CONCLUDED THAT [redacted] AND [redacted] COMMITTED THE OFFENSE OF VOLUNTARY MANSLAUGHTER AND MALTREATMENT OF A PERSON IN U.S. CUSTODY, DUE TO THEIR ABUSE OF MR. NASEER, AND [redacted] COMMITTED THE OFFENSE OF VOLUNTARY MANSLAUGHTER AND MALTREATMENT OF A PERSON IN U.S. CUSTODY,

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BECAUSE HE GAVE THE ORDER HIS SOLDIERS COULD STRIKE DETAINEES, WHICH RESULTED IN THE DEATH OF MR. NASEER. SJA FURTHER CONCLUDED THAT [redacted] COMMITTED THE OFFENSES OF DERLICTION OF DUTY AND MISPRISON OF A SERIOUS OFFENSE, WHEN HE DID NOT REPORT THE DEATH AND HELPED HIDE THE DEATH FROM HIS CHAIN OF COMMAND AND MILITARY POLICE. LASTLY, THAT [redacted] AND [redacted] COMMITTED THE OFFENSE OF SIMPLE AND AGGERAVATED ASSAULT WHEN THEY BEAT THE DETAINEES DURING INTERVIEWS.

RE-INTERVIEWS OF ALL SPECIAL FORCES PERSONNEL ASSIGNED AT GARDEZ ARE PENDING.

THIS SUPPLEMENTAL REPORT WAS SUBMITTED LATE DUE TO ACI2 AND NETWORK CONNECTIVITY ISSUES.

INVESTIGATION CONTINUES BY USACIDC.

6TH SUPPLEMENTAL:

THIS 6TH SUPPLEMENTAL REPORT WAS SUBMITTED TO ADD [redacted] AS A VICTIM OF THIS INVESTIGATION, TO FURTHER IDENTIFY [redacted] TO DOCUMENT THE INTERVIEW OF [redacted] AND TO DOCUMENT THE INTERVIEW OF [redacted].

ON 15 OCT 04, THIS OFFICE RECEIVED 1ST INFORMATION REPORT 87TH MILITARY POLICE DET (CID), FORT BRAGG, NC, CONCERNING THE INTERVIEW OF [redacted]

ON 13 OCT 04, [redacted] WAS INTERVIEWED AND DENIED THE ABUSE OR MALTREATMENT OF ANY DETAINEES AND STATED HE DID NOT WITNESSED ANY ABUSE OR MALTREATMENT OF ANY DETAINEES WHILE AT THE GARDEZ FIREBASE, AFGHANISTAN. [redacted] ALSO CLAIMED THAT ONE OF THE DETAINEES, RECEIVED IN MAR 03, WAS SUFFERING WITH SYMPTOMS OF WHAT HE BELIEVED WAS BLADDER INFECTION. AFTER A FEW DAYS OF BEING DETAINED, [redacted] TREATED THE DETAINEE FOR THE INFECTION. SEVERAL DAYS LATER, [redacted] WAS INFORMED A DETAINEE REQUIRED MEDICAL ASSISTANCE. [redacted] STATED HE AND SSG [redacted] FOUND THE DETAINEE UNRESPONSIVE AND BEGAN LIFESAVING MEASURES WHICH WERE UNSUCCESSFUL.

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ON 14 OCT 04, [redacted] WAS INTERVIEWED AND STATED THAT AT THE BEGINNING OF 2003, WHILE WORKING IN THE SETO PASS CHECKPOINT,

AFGHANISTAN, U.S. SOLDIERS FROM THE GARDEZ FIREBASE CAME AND ARRESTED HIM WITH THE OTHER CHECKPOINT SOLDIERS. HE WAS HANDCUFFED AND TAKEN TO THE GARDEZ FIREBASE WHERE HE WAS BLINDFOLDED AND MADE TO SIT ON HIS KNEES WHILE A MIX OF SNOW AND WATER WAS POURED ON HIM FOR, ON NUMEROUS OCCASIONS, APPROXIMATELY 18 DAYS. DURING THIS TIME HE WAS KICKED AND PUNCHED IN THE BACK, FACE AND LEGS IF HE ATTEMPTED TO MOVED FORM THE KNEELING POSITION. [redacted] ALSO STATED THAT DURING INTERROGATIONS HE WAS KICKED SEVERAL TIMES AND WAS TOLD THAT IF HE DID NOT TELL THE TRUTH HE WOULD BE KILLED. HE FURTHER STATED THAT HE WAS HELD FOR APPROXIMATELY 20 DAYS AND ON ABOUT DAY 18 HE OBSERVED THE BODY OF MR. NASSER, WHICH WAS SWOLLEN AND DISCOLORED ON HIS FACE KNEES AND FEET. [redacted] ALSO STATED THAT HIS PROSTHETIC LEG WAS TAKEN FROM HIM WHILE AT THE GARDEZ FIREBASE, TO PREVENT HIM FROM WALKING.

ON 16 OCT 04, [redacted] WAS INTERVIEWED AND STATED AT THE BEGINNING OF 2003, HE AND TEN OTHER AFGHANI SOLDIERS WERE ARRESTED BY U.S. FORCES, WHILE AT THE SETO PASS CHECKPOINT, AFGHANISTAN. TWO AFGHANI SOLDIERS WERE RELEASED AND [redacted] AND THE EIGHT REMAINING AFGHANI SOLDIERS WERE TAKEN TO THE GARDEZ FIREBASE. UPON ARRIVAL AT THE FIREBASE, THE DETAINEES WERE MADE TO SIT ON THEIR KNEES IN THE SNOW FOR APPROXIMATELY 18 DAYS. DURING THIS TIME, [redacted] WAS KICKED IN THE BACK AND PUNCHED IN THE FACE IF HE TRIED TO MOVED FROM HIS KNEES. [redacted] STATED THAT DURING INTERROGATIONS TWO U.S. FORCES SOLDIERS, KNOWN AS [redacted] AND [redacted], PUNCHED HIM IN HIS STOMACH, KICKED HIM IN THE BACK AND FACE, AND THAT A U.S. FORCES SOLDIER, KNOWN ONLY AS [redacted], TOLD THE SOLDIERS TO BEAT HIM. [redacted] FURTHER STATED HE HAD A MIX OF SNOW AND WATER POURED ON HIM EVERYDAY WHILE AT THE FIREBASE AND WAS FORCED TO SLEEP IN WET CLOTHING. PRIOR TO BEING RELEASED, [redacted] OBSERVED MR. NASEER'S BODY, WHICH WAS SWOLLEN AND BLACK FROM BRUISES.

INVESTIGATION PENDING INTERVIEW OF [redacted] WHO IS CURRENTLY DEPLOYED TO SOUTH AMERICA, INTERVIEWS OF THE REMAINING VICTIMS, IDENTIFICATION AND INTERVIEW OF ADDITIONAL WITNESSES, POSSIBLE MEDICAL EXAMINATION OF MR. NASEER'S REMAINS, AND RECEIPT AND TRANSLATION OF ADDITIONAL INVESTIGATIVE DOCUMENTS.

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INVESTIGATION CONTINUES BY USACIDC.

5TH SUPPLEMENTAL:

THIS 5TH SUPPLEMENTAL REPORT WAS SUBMITTED TO FURTHER IDENTIFY [redacted] AND TO DOCUMENT THE RECEIPT OF THE AFGHANI LOCAL POLICE INVESTIGATION DOCUMENTING THE INQUIRY INTO THE ALLEGED DETAINEE ABUSE AND THE DEATH OF MR. NASEER.

ON 28 SEP 04, A QUERY OF AVAILABLE DEFENSE DATABASES FURTHER IDENTIFIED [redacted]

ON 28 SEP 04, THIS OFFICE OBTAINED A COPY OF THE INVESTIGATION DETAILING THE POLICE INQUIRY INTO THE ABUSE OF THE VICTIMS AND THE DEATH OF MR. NASEER, FROM THE POLICE CHIEF, GARDEZ, AFGHANISTAN. THE COPY OF THE AFGHANI POLICE INVESTIGATION IS PENDING TRANSLATION.

EFFORTS ARE ONGOING TO INTERVIEW [redacted] AND [redacted], WHO ARE CURRENTLY IN IRAQ, TO INTERVIEW THE REMAINING VICTIMS AND WITNESSES, TO INTERVIEW THE REMAINING AFGHANI AND U.N. GOVERNMENT OFFICIALS, TO INTERVIEW THE REMAINING 20TH SPECIAL FORCES GROUP MEMBERS, AND TO OBTAIN ANY INVESTIGATIONS CONDUCTED BY U.N. AGENCIES.

4TH SUPPLEMENTAL:

THIS 4TH SUPPLEMENTAL REPORT WAS GENERATED TO FURTHER IDENTIFY [redacted] TO LIST [redacted] AS AN ACCESSORY FOR ASSAULT AND MALTREATMENT OF A PERSON UNDER U.S. CONTROL AS IT PERTAINS TO [redacted] AND TO DOCUMENT THE INTERVIEWS OF 20TH SFG PERSONNEL.

ON 24 SEP 04, [redacted] WAS INTERVIEWED AND STATED [redacted] GRABBED [redacted] BY THE SHIRT COLLAR AND SLAPPED HIM NUMEROUS TIMES IN THE FACIAL AREA, WHILE IN THE GARDEZ DETAINEE FACILITY, AND THAT HE AUTHORIZED [redacted] TO STRIKE [redacted] STATED HE DID NOT BELIEVE ANY DETAINEES WERE ABUSED AT THE FACILITY, AND THAT COLD WATER AND HEAT SOURCES WERE NEVER USED TO GATHER INFORMATION FROM THE DETAINEES.

ON 24 SEP 04, [redacted] WAS INTERVIEWED AND STATED HE WAS ON LEAVE WHEN THE DETAINEES WERE APPREHENDED, BUT WAS IN GARDEZ WHEN MR. NASEER DIED. [redacted] DENIED ANY KNOWLEDGE OF DETAINEE ABUSE AND CLAIMED HE HAD NO KNOWLEDGE OF HOW MR. NASEER DIED, BUT STATED HE AND [redacted] PERFORMED LIFE SAVING MEASURES ON MR.

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NASEER.

ON 24 SEP 04, ADDITIONAL 20TH SFG UNIT MEMBERS WERE INTERVIEWED AND CLAIMED NO KNOWLEDGE OF DETAINEE ABUSE AT THE GARDEZ DETAINEE FACILITY BY U.S. FORCES.

THE ABOVE INFORMATION IS BASED ON THE 2D AND 3D CATEGORY 1 UPDATES RECEIVED FROM THE REDSTONE RESIDENT AGENCY (CID), REDSTONE ARSENAL, AL, ON 25 SEP 04.

EFFORTS ARE ONGOING TO INTERVIEW [redacted] THE REMAINING VICTIMS AND WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

3D SUPPLEMENTAL:

THIS 3RD SUPPLEMENTAL REPORT WAS GENERATED TO LIST [redacted] (NFI) AS A SUBJECT OF THIS INVESTIGATION, TO FURTHER IDENTIFY [redacted] AND [redacted] AND TO DOCUMENT [redacted] VICTIM INTERVIEW.

ON 23 SEP 04, [redacted] (NFI) OF THE LOCAL GARDEZ AFGHANISTAN SECURITY FORCES (AMF), GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED THAT DURING THE TIME PERIOD OF THE REPORTED INCIDENT HE OBSERVED THE EIGHT DETAINEES THAT APPARENTLY WERE BEATEN VERY BADLY BY U.S. FORCES ON THE FIRST DAY OF THEIR DETAINMENT; HOWEVER [redacted] COULD NOT IDENTIFY WHO BEAT THE DETAINEES.

ON 23 SEP 04, [redacted] MR. NASEER, WAS INTERVIEWED AS A VICTIM AND STATED LAST YEAR HE AND THE SEVEN OTHER VICTIMS WERE WORKING A CHECKPOINT IN THE GARDEZ AREA WHERE THEY WERE 'ROUNDED UP' BY U.S. SPECIAL FORCES SOLDIERS (SF) AND TRANSPORTED TO THE GARDEZ FIREBASE UNDER PRETENSE THAT THE SF WANTED TO TALK WITH THEM AND DRINK TEA. AFTER ARRIVAL AT THE FIREBASE, THE EIGHT VICTIMS WERE SUBSEQUENTLY ARRESTED AND DETAINED. AT THE FIREBASE THEY WERE PLACED ON THEIR KNEES IN THE SNOW WHERE IF THEY ATTEMPTED TO SIT THEY WERE PUNCHED AND KICKED. WATER WAS POURED ON THEM DURING SPORADIC TIMES FOR ABOUT FIVE DAYS AND THEY WERE GIVEN NO FOOD OR DRINK. THEY WERE PUNCHED AND KICKED FOR SEVERAL DAYS DURING INTERROGATIONS. AFTER ABOUT FIVE DAYS MR. NASEER WAS MOVED TO A MATTRESS IN A SEPARATE ROOM DUE TO HIS INABILITY TO WALK AS A RESULT

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OF THE BEATINGS. ACCORDING TO [redacted] THEY (VICTIMS) WERE ABLE TO TALK TO EACH OTHER AND ALL EIGHT VICTIMS TOLD HIM THEY WERE BEATEN, KICKED AND PUNCHED DURING AND AFTER INTERROGATIONS. MOST OF THE DETAINEES COMPLAINED THEY COULD NOT STAND AS A RESULT OF THE BEATINGS. ON ONE OCCASION SF SOLDIERS WOKE THEM UP, POURED COLD WATER ON THEM, AND TOOK THEM TO A ROOM WHERE THEY WERE BEATEN, AND DURING THIS TIME WEAPONS WERE FIRED OVER THEIR HEADS AS THEY WERE THREATENED TO TELL THE TRUTH. [redacted] STATED THAT AS A RESULT OF THE BEATINGS [redacted] HEALTH DETERIORATED. SF LATER INFORMED [redacted] THEY WOULD RELEASE [redacted] DUE TO POOR HEALTH. [redacted] STATED THAT [redacted] WAS IN GOOD HEALTH AND COULD WALK BEFORE THEY WERE INTERROGATED AND BEATEN. TWO AS YET TO BE FULLY IDENTIFIED SF LATER TOOK NASEER FROM THE FACILITY. [redacted] REQUESTED TO SEE MR. NASEER [redacted] AND WAS ALLOWED OUTSIDE THE BUILDING WHERE HE FOUND [redacted] DECEASED BODY. THE BODY WAS SUBSEQUENTLY TRANSPORTED TO THE LOCAL HOSPITAL AND THEN [redacted] FOR BURIAL.

ON 24 SEP 04, [redacted] (NFI) AND [redacted] (NFI), TWO [redacted] AMF [redacted] WERE INTERVIEWED AND STATED THEY HAD OBSERVED THE EIGHT VICTIMS WHEN THEY WERE TAKEN TO THE GARDEZ DETAINEE FACILITY WHERE THEY KNEW [redacted] AND [redacted] POURED WATER ON THEM WHILE THEY WERE IN COLD WEATHER, AND DURING INTERROGATIONS PUNCHED/KICKED THE EIGHT DETAINEES.

DURING THE INTERVIEWS OF AMF PERSONNEL AND LOCAL NATIONAL INTERPRETERS, THE AMF PERSONNEL ALLEGED THAT SF SOLDIERS REPEATEDLY THREATENED THEM WITH EMPLOYMENT TERMINATION OR DEATH IF THEY REPORTED THE BEATINGS OR THE DEATH OF MR. NASEER. SEVERAL LOCAL NATIONALS AND INTERPRETERS REMAIN UNCOOPERATIVE AND DECLINED TO PROVIDE INFORMATION ABOUT THE PAST INCIDENTS.

ON 23 SEP 04, A CATEGORY 1 REQUEST FOR ASSISTANCE (RFA) WAS DISPATCHED TO THE REDSTONE ARSENAL CID OFFICE TO LOCATE AND INTERVIEW MEMBERS OF THE 20TH SFG, BIRMINGHAM, AL. EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING UNIDENTIFIED VICTIMS, MEDICAL PERSONNEL, AFGHANI GOVERNMENT AND U.N. OFFICIALS TO OBTAIN THE RESULTS OF INVESTIGATIONS CONDUCTED BY AFGHAN AND U.N. AGENCIES.

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2D SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADJ[redacted] (NFI) AND

[redacted](NFI), BOTH 20TH SPECIAL FORCES GROUP MEDICS, AS SUBJECTS OF THIS INVESTIGATION.

ON 22 SEP 04, AN INTERPRETER ASSIGNED TO THE GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED HE OBSERVED THREE 20TH SPECIAL FORCES GROUP SOLDIERS, TWO SPECIAL FORCES MEDICS KNOWN ONLY AS [redacted] AND [redacted] ALONG WITH ONE UNKNOWN SOLDIER, BEAT THE EIGHT PRISONERS ON NUMEROUS OCCASIONS. THE ABUSE CONSISTED OF PUNCHING, KICKING, BEING IMMERSED IN COLD WATER, THROWN ON THE GROWN, BEING BURNT WITH A HEATING STOVE, LEFT OUTSIDE IN THE SNOW ALL DAY WHILE WET FROM BEING IMMERSED IN WATER AND THEN AT NIGHT TAKEN TO A TENT AND MADE TO SLEEP IN WET CLOTHES. ADDITIONALLY, HE STATED THAT WHEN MR. NASSER WAS KILLED THAT THE SPECIAL FORCES CALLED THE [redacted] POLICE CHIEF OF GARDEZ TO COME GET THE PRISONERS AND THE BODY. LASTLY, [redacted] TOLD ALL THE GARDEZ FIREBASE LOCAL NATIONALS THAT IF THEY TOLD ANYONE WHAT HAPPENED THEY WOULD LOSE THEIR JOBS. THE INTERVIEW DID NOT IDENTIFY ANY ABUSE BY [redacted] HOWEVER, THE INTERPRETER BELIEVES [redacted] IS ACTUALLY [redacted]

ON 22 SEP 04, CANVAS INTERVIEWS OF THE REMAINING PRISONERS AT THE GARDEZ DETAINEE FACILITY FAILED TO PROVIDED ANY ADDITIONAL INFORMATION PERTAINING TO ANY DETAINEE ABUSE.

ON 22 SEP 04, COORDINATION WAS MADE WITH THE EXECUTIVE OFFICER, 20TH SPECIAL FORCES GROUP, BIRMINGHAM, AL, WHO CONFIRMED THAT THE 20TH SPECIAL FORCES GROUP WAS ASSIGNED TO THE GARDEZ DETAINEE FACILITY DURING THE INCIDENT TIME FRAME.

EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING VICTIMS, WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] AND MR. NASEER AS VICTIMS OF THIS INVESTIGATION AND TO RE-FOUND THE OFFENSE OF UNDETERMINED DEATH AS IT PERTAINS TO MR. NASEER.

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ON 19 SEP 04, AN INDIVIDUAL, REQUESTING TO REMAIN ANONYMOUS, WAS

INTERVIEWED WHO PROVIDED THE IDENTITY OF THE EIGHT (8) LOCAL NATIONAL DETAINEES, WHO WERE ALLEGEDLY ABUSED BY MEMBERS OF THE U.S. FORCES. THE ANONYMOUS INDIVIDUAL FURTHER PROVIDED THAT THE VICTIMS WERE WORKING THE SEDA KONAL CHECK POINT BETWEEN GARDEZ AND KHOST ON 1 MAR 03, WHEN [redacted] (NFI) ARRIVED WITH MEMBERS OF HIS U.S. SPECIAL FORCES UNIT AND APPREHENDED THEM. THE ANONYMOUS INDIVIDUAL FURTHER STATED THE VICTIMS WERE HELD IN GARDEZ FOR 17 DAYS, AND ON THE 16TH DAY IN CUSTODY, MR. NASEER DIED AS A RESULT OF PHYSICAL ABUSE WHILE IN U.S. CUSTODY, AND [redacted] WAS ALSO BEATEN SO BADLY HE COULD NOT WALK. IT WAS ALSO REPORTED THE REMAINING SIX INDIVIDUALS WERE ALSO PHYSICALLY ABUSED DURING THEIR DETENTION AT GARDEZ. THE ANONYMOUS INDIVIDUAL FURTHER RELATED THE AFGHANISTAN MILITARY ATTORNEY GENERAL, [redacted] COMPLETED AN INVESTIGATION AFTER THE INCIDENT, AND HAD STATEMENTS FROM ALL THE VICTIMS AND PERSONNEL, WHO REMOVED THE BODY FROM THE GARDEZ FACILITY. THE ANONYMOUS INDIVIDUAL ALSO RELATED THE ALLEGATIONS WERE INVESTIGATED BY UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN, WHO REPORTED IT UP THEIR CHAIN OF COMMAND.

COORDINATION WITH THE AFGHANISTAN MILITARY ATTORNEY GENERAL AND THE UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN IS PENDING.

FINAL:

THIS OFFICE WAS NOTIFIED BY THE STAFF JUDGE ADVOCATE, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354, THAT EIGHT DETAINEES FROM GARDEZ WERE ALLEGED TO HAVE BEEN ABUSED AND THAT ONE OF THE DETAINEES DIED WHILE AT THE GARDEZ DETAINEE FACILITY. THE OTHER SEVEN WERE TRANSFERRED FROM GARDEZ TO THE KABUL POLICE DETAINEE FACILITY AFTER APPROXIMATELY THREE MONTHS.

INVESTIGATION REVEALED THAT NO DETAINEE DIED IN U.S. CUSTODY WHILE AT THE GARDEZ DETAINEE FACILITY AND THAT ONLY ONE OF THE SEVEN DETAINEES COMPLAINED OF POSSIBLE ABUSE, WHICH WAS A TOE NAIL BEING REMOVED.

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FURTHER INVESTIGATION FAILED TO PROVE OR DISPROVE THAT ANY OF THE SEVEN DETAINEES FROM THE GARDEZ DETAINEE FACILITY WERE ABUSED BY U.S. FORCES AS NONE COULD BE IDENTIFIED AND INTERVIEWED.

AN INTERVIEW WITH [redacted] WHO

ALLEGEDLY REPORTED THE INCIDENT, REVEALED THAT THERE WAS NO ALLEGED ABUSE CONCERNING DETAINEES IN U.S. FORCES CUSTODY AND THAT [redacted] WAS MISSING A TOENAIL [redacted] COULD NOT PROVIDE THE NAME OF THE DETAINEE DUE TO LACK OF RECORD KEEPING.

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

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

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DATE 16 OCT 2004

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

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR 3D MP GRP USACIDC FT GILLEM GA
CG USACIDC FT BELVOIR VA //CIOP-ZA//
COMMANDER, TF EAGLE, BAGRAM AIR FIELD ([redacted])
PROVOST MARSHAL OFFICE, CJTF 76 ([redacted])
STAFF JUDGE ADVOCATE, CJTF 76 ([redacted])
DIR AFIP AFME WASH, DC//AFIP-CPLF
SPECIAL OPERATIONS COMMAND LIAISON (SA [redacted])
SAC, REDSTONE RA
CDR USACIDC 1000TH MP BN FT CAMPBELL KY//CIRC-CZA
CDR USACIDC 10TH MP BN FT BRAGG NC
PROVOST MARSHAL, BAGRAM AIRFIELD

SUBJECT: CID REPORT OF INVESTIGATION - 6TH SUPPLEMENTAL /SSI - 0062-2004-CID369-69278 - 5H9B / 5X3 / 5Y2E / 5C2B

DRAFTER: [redacted]

RELEASER: [redacted]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 MAR 2003, 0001 - 18 MAR 2003, 2359; GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN

2. DATE/TIME REPORTED: 24 MAY 2004, 0900

3. INVESTIGATED BY:
SA [redacted]

4. SUBJECT:

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

2. [redacted]
MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT

3. [redacted]

[redacted] ; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

4. [redacted] ASSESSORY BEFORE THE FACT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. [redacted] ASSESSORY BEFORE THE FACT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. VICTIM:

1. NASEER, JAMAL (DECEASED) ; CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; UNDETERMINED MANNER OF DEATH, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

2. [redacted] ASSESSORY BEFORE THE FACT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

3. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

4. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. [redacted] ; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

7. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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8. [redacted];
MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

9. ADDED [redacted] ASSESSORY BEFORE THE FACT,
MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. INVESTIGATIVE SUMMARY:

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

"THIS IS A DETAINEE ABUSE INVESTIGATION."

6TH SUPPLEMENTAL:

THIS 6TH SUPPLEMENTAL REPORT WAS SUBMITTED TO ADD [redacted] AS A VICTIM OF THIS INVESTIGATION, TO FURTHER IDENTIFY [redacted] TO DOCUMENT THE INTERVIEW OF [redacted] AND TO DOCUMENT THE INTERVIEW OF [redacted]

ON 15 OCT 04, THIS OFFICE RECEIVED 1ST INFORMATION REPORT 87TH MILITARY POLICE DET (CID), FORT BRAGG, NC, CONCERNING THE INTERVIEW OF SSG ABDOW.

ON 13 OCT 04, [redacted] WAS INTERVIEWED AND DENIED THE ABUSE OR MALTREATMENT OF ANY DETAINEES AND STATED HE DID NOT WITNESSED ANY ABUSE OR MALTREATMENT OF ANY DETAINEES WHILE AT THE GARDEZ FIREBASE, AFGHANISTAN. [redacted] ALSO CLAIMED THAT ONE OF THE DETAINEES, RECEIVED IN MAR 03, WAS SUFFERING WITH SYMPTOMS OF WHAT HE BELIEVED WAS BLADDER INFECTION. AFTER A FEW DAYS OF BEING DETAINED, [redacted] TREATED THE DETAINEE FOR THE INFECTION. SEVERAL DAYS LATER, [redacted] WAS INFORMED A DETAINEE REQUIRED MEDICAL ASSISTANCE. [redacted] STATED HE AND [redacted] FOUND THE DETAINEE UNRESPONSIVE AND BEGAN LIFESAVING MEASURES WHICH WERE UNSUCCESSFUL.

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ON 14 OCT 04, [redacted] WAS INTERVIEWED AND STATED THAT AT THE BEGINNING OF 2003, WHILE WORKING IN THE SETO PASS CHECKPOINT, AFGHANISTAN, U.S. SOLDIERS FROM THE GARDEZ FIREBASE CAME AND

ARRESTED HIM WITH THE OTHER CHECKPOINT SOLDIERS. HE WAS HANDCUFFED AND TAKEN TO THE GARDEZ FIREBASE WHERE HE WAS BLINDFOLDED AND MADE TO SIT ON HIS KNEES WHILE A MIX OF SNOW AND WATER WAS POURED ON HIM FOR, ON NUMEROUS OCCASIONS, APPROXIMATELY 18 DAYS. DURING THIS TIME HE WAS KICKED AND PUNCHED IN THE BACK, FACE AND LEGS, IF HE ATTEMPTED TO MOVED FORM THE KNEELING POSITION. [redacted] ALSO STATED THAT DURING INTERROGATIONS HE WAS KICKED SEVERAL TIMES AND WAS TOLD THAT IF HE DID NOT TELL THE TRUTH HE WOULD BE KILLED. HE FURTHER STATED THAT HE WAS HELD FOR APPROXIMATELY 20 DAYS AND ON ABOUT DAY 18 HE OBSERVED THE BODY OF MR. NASSER, WHICH WAS SWOLLEN AND DISCOLORED ON HIS FACE KNEES AND FEET. [redacted] ALSO STATED THAT HIS PROSTHETIC LEG WAS TAKEN FROM HIM WHILE AT THE GARDEZ FIREBASE, TO PREVENT HIM FROM WALKING.

ON 16 OCT 04, [redacted] WAS INTERVIEWED AND STATED AT THE BEGINNING OF 2003, HE AND TEN OTHER AFGHANI SOLDIERS WERE ARRESTED BY U.S. FORCES, WHILE AT THE SETO PASS CHECKPOINT, AFGHANISTAN. TWO AFGHANI SOLDIERS WERE RELEASED AND [redacted] AND THE EIGHT REMAINING AFGHANI SOLDIERS WERE TAKEN TO THE GARDEZ FIREBASE. UPON ARRIVAL AT THE FIREBASE, THE DETAINEES WERE MADE TO SIT ON THEIR KNEES IN THE SNOW FOR APPROXIMATELY 18 DAYS. DURING THIS TIME, [redacted] WAS KICKED IN THE BACK AND PUNCHED IN THE FACE IF HE TRIED TO MOVED FROM HIS KNEES. [redacted] STATED THAT DURING INTERROGATIONS TWO U.S. FORCES SOLDIERS, KNOWN AS [redacted] AND [redacted], PUNCHED HIM IN HIS STOMACH, KICKED HIM IN THE BACK AND FACE, AND THAT A U.S. FORCES SOLDIER, KNOWN ONLY AS [redacted], TOLD THE SOLDIERS TO BEAT HIM. [redacted] FURTHER STATED HE HAD A MIX OF SNOW AND WATER POURED ON HIM EVERYDAY WHILE AT THE FIREBASE AND WAS FORCED TO SLEEP IN WET CLOTHING. PRIOR TO BEING RELEASED, [redacted] OBSERVED MR. NASEER'S BODY, WHICH WAS SWOLLEN AND BLACK FROM BRUISES.

INVESTIGATION PENDING INTERVIEW OF [redacted] WHO IS CURRENTLY DEPLOYED TO SOUTH AMERICA, INTERVIEWS OF THE REMAINING VICTIMS, IDENTIFICATION AND INTERVIEW OF ADDITIONAL WITNESSES, POSSIBLE MEDICAL EXAMINATION OF MR. NASEER'S REMAINS, AND RECEIPT AND TRANSLATION OF ADDITIONAL INVESTIGATIVE DOCUMENTS.

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INVESTIGATION CONTINUES BY USACIDC.

5TH SUPPLEMENTAL:

THIS 5TH SUPPLEMENTAL REPORT WAS SUBMITTED TO FURTHER IDENTIFY [redacted] AND TO DOCUMENT THE RECEIPT OF THE AFGHANI LOCAL POLICE INVESTIGATION DOCUMENTING THE INQUIRY INTO THE ALLEGED DETAINEE ABUSE AND THE DEATH OF MR. NASEER.

ON 28 SEP 04, A QUERY OF AVAILABLE DEFENSE DATABASES FURTHER IDENTIFIED [redacted]

ON 28 SEP 04, THIS OFFICE OBTAINED A COPY OF THE INVESTIGATION DETAILING THE POLICE INQUIRY INTO THE ABUSE OF THE VICTIMS AND THE DEATH OF MR. NASEER, FROM THE POLICE CHIEF, GARDEZ, AFGHANISTAN. THE COPY OF THE AFGHANI POLICE INVESTIGATION IS PENDING TRANSLATION.

EFFORTS ARE ONGOING TO INTERVIEW [redacted] AND [redacted], WHO ARE CURRENTLY IN IRAQ, TO INTERVIEW THE REMAINING VICTIMS AND WITNESSES, TO INTERVIEW THE REMAINING AFGHANI AND U.N. GOVERNMENT OFFICIALS, TO INTERVIEW THE REMAINING 20TH SPECIAL FORCES GROUP MEMBERS, AND TO OBTAIN ANY INVESTIGATIONS CONDUCTED BY U.N. AGENCIES.

4TH SUPPLEMENTAL:

THIS 4TH SUPPLEMENTAL REPORT WAS GENERATED TO FURTHER IDENTIFY [redacted] AS [redacted] TO LIST [redacted] AS AN ACCESSORY FOR ASSAULT AND MALTREATMENT OF A PERSON UNDER U.S. CONTROL AS IT PERTAINS TO [redacted] AND TO DOCUMENT THE INTERVIEWS OF 20TH SFG PERSONNEL.

ON 24 SEP 04, [redacted] WAS INTERVIEWED AND STATED [redacted] GRABBED [redacted] BY THE SHIRT COLLAR AND SLAPPED HIM NUMEROUS TIMES IN THE FACIAL AREA, WHILE IN THE GARDEZ DETAINEE FACILITY, AND THAT HE AUTHORIZED [redacted] TO STRIKE [redacted] STATED HE DID NOT BELIEVE ANY DETAINEES WERE ABUSED AT THE FACILITY, AND THAT COLD WATER AND HEAT SOURCES WERE NEVER USED TO GATHER INFORMATION FROM THE DETAINEES.

ON 24 SEP 04, [redacted] WAS INTERVIEWED AND STATED HE WAS ON LEAVE WHEN THE DETAINEES WERE APPREHENDED, BUT WAS IN GARDEZ WHEN MR. NASEER DIED. [redacted] DENIED ANY KNOWLEDGE OF DETAINEE ABUSE AND CLAIMED HE HAD NO KNOWLEDGE OF HOW MR. NASEER DIED, BUT STATED HE AND [redacted] PERFORMED LIFE SAVING MEASURES ON MR. NASEER.

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ON 24 SEP 04, ADDITIONAL 20TH SFG UNIT MEMBERS WERE INTERVIEWED AND CLAIMED NO KNOWLEDGE OF DETAINEE ABUSE AT THE GARDEZ DETAINEE FACILITY BY U.S. FORCES.

THE ABOVE INFORMATION IS BASED ON THE 2D AND 3D CATEGORY 1 UPDATES RECEIVED FROM THE REDSTONE RESIDENT AGENCY (CID), REDSTONE ARSENAL, AL, ON 25 SEP 04.

EFFORTS ARE ONGOING TO INTERVIEW [redacted] THE REMAINING VICTIMS AND WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

3D SUPPLEMENTAL:

THIS 3RD SUPPLEMENTAL REPORT WAS GENERATED TO LIST [redacted] NFI) AS A SUBJECT OF THIS INVESTIGATION, TO FURTHER IDENTIFY [redacted] AND [redacted] AND TO DOCUMENT [redacted] VICTIM INTERVIEW.

ON 23 SEP 04, [redacted] (NFI) OF THE LOCAL GARDEZ AFGHANISTAN SECURITY FORCES (AMF), GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED THAT DURING THE TIME PERIOD OF THE REPORTED INCIDENT HE OBSERVED THE EIGHT DETAINEES THAT APPARENTLY WERE BEATEN VERY BADLY BY U.S. FORCES ON THE FIRST DAY OF THEIR DETAINMENT; HOWEVER [redacted] COULD NOT IDENTIFY WHO BEAT THE DETAINEES.

ON 23 SEP 04, [redacted] OF MR. NASEER, WAS INTERVIEWED AS A VICTIM AND STATED LAST YEAR HE AND THE SEVEN OTHER VICTIMS WERE WORKING A CHECKPOINT IN THE GARDEZ AREA WHERE THEY WERE 'ROUNDED UP' BY U.S. SPECIAL FORCES SOLDIERS (SF) AND TRANSPORTED TO THE GARDEZ FIREBASE UNDER PRETENSE THAT THE SF WANTED TO TALK WITH THEM AND DRINK TEA. AFTER ARRIVAL AT THE FIREBASE, THE EIGHT VICTIMS WERE SUBSEQUENTLY ARRESTED AND DETAINED. AT THE FIREBASE THEY WERE PLACED ON THEIR KNEES IN THE SNOW WHERE IF THEY ATTEMPTED TO SIT THEY WERE PUNCHED AND KICKED. WATER WAS POURED ON THEM DURING SPORADIC TIMES FOR ABOUT FIVE DAYS AND THEY WERE GIVEN NO FOOD OR DRINK. THEY WERE PUNCHED AND KICKED FOR SEVERAL DAYS DURING INTERROGATIONS. AFTER ABOUT FIVE DAYS MR. NASEER WAS MOVED TO A MATTRESS IN A SEPARATE ROOM DUE TO HIS INABILITY TO WALK AS A RESULT OF THE BEATINGS. ACCORDING TO [redacted] THEY (VICTIMS) WERE ABLE TO

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TALK TO EACH OTHER AND ALL EIGHT VICTIMS TOLD HIM THEY WERE BEATEN, KICKED AND PUNCHED DURING AND AFTER INTERROGATIONS. MOST OF THE DETAINEES COMPLAINED THEY COULD NOT STAND AS A RESULT OF THE BEATINGS. ON ONE OCCASION SF SOLDIERS WOKE THEM UP, POURED COLD WATER ON THEM, AND TOOK THEM TO A ROOM WHERE THEY WERE BEATEN, AND DURING THIS TIME WEAPONS WERE FIRED OVER THEIR HEADS AS THEY WERE THREATENED TO TELL THE TRUTH. [redacted] STATED THAT AS A RESULT OF THE BEATINGS [redacted] HEALTH DETERIORATED. SF LATER INFORMED [redacted] THEY WOULD RELEASE [redacted] DUE TO POOR HEALTH. [redacted] STATED THAT [redacted] WAS IN GOOD HEALTH AND COULD WALK BEFORE THEY WERE INTERROGATED AND BEATEN. TWO AS YET TO BE FULLY IDENTIFIED SF LATER TOOK NASEER FROM THE FACILITY. [redacted] REQUESTED TO SEE MR. NASEER [redacted] AND WAS ALLOWED OUTSIDE THE BUILDING WHERE HE FOUND [redacted] DECEASED BODY. THE BODY WAS SUBSEQUENTLY TRANSPORTED TO THE LOCAL HOSPITAL AND THEN [redacted] FOR BURIAL.

ON 24 SEP 04, [redacted] (NFI) AND [redacted] (NFI), TWO [redacted] AMF [redacted] WERE INTERVIEWED AND STATED THEY HAD OBSERVED THE EIGHT VICTIMS WHEN THEY WERE TAKEN TO THE GARDEZ DETAINEE FACILITY WHERE THEY KNEW [redacted] AND [redacted] POURED WATER ON THEM WHILE THEY WERE IN COLD WEATHER, AND DURING INTERROGATIONS PUNCHED/KICKED THE EIGHT DETAINEES.

DURING THE INTERVIEWS OF AMF PERSONNEL AND LOCAL NATIONAL INTERPRETERS, THE AMF PERSONNEL ALLEGED THAT SF SOLDIERS REPEATEDLY THREATENED THEM WITH EMPLOYMENT TERMINATION OR DEATH IF THEY REPORTED THE BEATINGS OR THE DEATH OF MR. NASEER. SEVERAL LOCAL NATIONALS AND INTERPRETERS REMAIN UNCOOPERATIVE AND DECLINED TO PROVIDE INFORMATION ABOUT THE PAST INCIDENTS.

ON 23 SEP 04, A CATEGORY 1 REQUEST FOR ASSISTANCE (RFA) WAS DISPATCHED TO THE REDSTONE ARSENAL CID OFFICE TO LOCATE AND INTERVIEW MEMBERS OF THE 20TH SFG, BIRMINGHAM, AL. EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING UNIDENTIFIED VICTIMS, MEDICAL PERSONNEL, AFGHANI GOVERNMENT AND U.N. OFFICIALS TO OBTAIN THE RESULTS OF INVESTIGATIONS CONDUCTED BY AFGHAN AND U.N. AGENCIES.

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2D SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] (NFI) AND [redacted] (NFI), BOTH 20TH SPECIAL FORCES GROUP MEDICS, AS SUBJECTS OF THIS

INVESTIGATION.

ON 22 SEP 04, AN INTERPRETER ASSIGNED TO THE GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED HE OBSERVED THREE 20TH SPECIAL FORCES GROUP SOLDIERS, TWO SPECIAL FORCES MEDICS KNOWN ONLY AS [redacted] AND [redacted] ALONG WITH ONE UNKNOWN SOLDIER, BEAT THE EIGHT PRISONERS ON NUMEROUS OCCASIONS. THE ABUSE CONSISTED OF PUNCHING, KICKING, BEING IMMERSED IN COLD WATER, THROWN ON THE GROWN, BEING BURNT WITH A HEATING STOVE, LEFT OUTSIDE IN THE SNOW ALL DAY WHILE WET FROM BEING IMMERSED IN WATER AND THEN AT NIGHT TAKEN TO A TENT AND MADE TO SLEEP IN WET CLOTHES. ADDITIONALLY, HE STATED THAT WHEN MR. NASSER WAS KILLED THAT THE SPECIAL FORCES CALLED THE LOCAL POLICE CHIEF OF GARDEZ TO COME GET THE PRISONERS AND THE BODY. LASTLY, [redacted] TOLD ALL THE GARDEZ FIREBASE LOCAL NATIONALS THAT IF THEY TOLD ANYONE WHAT HAPPENED THEY WOULD LOSE THEIR JOBS. THE INTERVIEW DID NOT IDENTIFY ANY ABUSE BY [redacted] HOWEVER, THE INTERPRETER BELIEVES [redacted] IS ACTUALLY [redacted]

ON 22 SEP 04, CANVAS INTERVIEWS OF THE REMAINING PRISONERS AT THE GARDEZ DETAINEE FACILITY FAILED TO PROVIDED ANY ADDITIONAL INFORMATION PERTAINING TO ANY DETAINEE ABUSE.

ON 22 SEP 04, COORDINATION WAS MADE WITH THE EXECUTIVE OFFICER, 20TH SPECIAL FORCES GROUP, BIRMINGHAM, AL, WHO CONFIRMED THAT THE 20TH SPECIAL FORCES GROUP WAS ASSIGNED TO THE GARDEZ DETAINEE FACILITY DURING THE INCIDENT TIME FRAME.

EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING VICTIMS, WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] AND MR. NASEER AS VICTIMS OF THIS INVESTIGATION AND TO RE-FOUND THE OFFENSE OF UNDETERMINED DEATH AS IT PERTAINS TO MR. NASEER.

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ON 19 SEP 04, AN INDIVIDUAL, REQUESTING TO REMAIN ANONYMOUS, WAS INTERVIEWED WHO PROVIDED THE IDENTITY OF THE EIGHT (8) LOCAL

NATIONAL DETAINEES, WHO WERE ALLEGEDLY ABUSED BY MEMBERS OF THE U.S. FORCES. THE ANONYMOUS INDIVIDUAL FURTHER PROVIDED THAT THE VICTIMS WERE WORKING THE SEDA KONAL CHECK POINT BETWEEN GARDEZ AND KHOST ON 1 MAR 03, WHEN [redacted](NFI) ARRIVED WITH MEMBERS OF HIS U.S. SPECIAL FORCES UNIT AND APPREHENDED THEM. THE ANONYMOUS INDIVIDUAL FURTHER STATED THE VICTIMS WERE HELD IN GARDEZ FOR 17 DAYS, AND ON THE 16TH DAY IN CUSTODY, MR. NASEER DIED AS A RESULT OF PHYSICAL ABUSE WHILE IN U.S. CUSTODY, AND [redacted] WAS ALSO BEATEN SO BADLY HE COULD NOT WALK. IT WAS ALSO REPORTED THE REMAINING SIX INDIVIDUALS WERE ALSO PHYSICALLY ABUSED DURING THEIR DETENTION AT GARDEZ. THE ANONYMOUS INDIVIDUAL FURTHER RELATED THE AFGHANISTAN MILITARY ATTORNEY GENERAL, [redacted] COMPLETED AN INVESTIGATION AFTER THE INCIDENT, AND HAD STATEMENTS FROM ALL THE VICTIMS AND PERSONNEL, WHO REMOVED THE BODY FROM THE GARDEZ FACILITY. THE ANONYMOUS INDIVIDUAL ALSO RELATED THE ALLEGATIONS WERE INVESTIGATED BY UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN, WHO REPORTED IT UP THEIR CHAIN OF COMMAND.

COORDINATION WITH THE AFGHANISTAN MILITARY ATTORNEY GENERAL AND THE UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN IS PENDING.

FINAL:

THIS OFFICE WAS NOTIFIED BY THE STAFF JUDGE ADVOCATE, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354, THAT EIGHT DETAINEES FROM GARDEZ WERE ALLEGED TO HAVE BEEN ABUSED AND THAT ONE OF THE DETAINEES DIED WHILE AT THE GARDEZ DETAINEE FACILITY. THE OTHER SEVEN WERE TRANSFERRED FROM GARDEZ TO THE KABUL POLICE DETAINEE FACILITY AFTER APPROXIMATELY THREE MONTHS.

INVESTIGATION REVEALED THAT NO DETAINEE DIED IN U.S. CUSTODY WHILE AT THE GARDEZ DETAINEE FACILITY AND THAT ONLY ONE OF THE SEVEN DETAINEES COMPLAINED OF POSSIBLE ABUSE, WHICH WAS A TOE NAIL BEING REMOVED.

FURTHER INVESTIGATION FAILED TO PROVE OR DISPROVE THAT ANY OF THE SEVEN DETAINEES FROM THE GARDEZ DETAINEE FACILITY WERE ABUSED BY U.S. FORCES AS NONE COULD BE IDENTIFIED AND INTERVIEWED.

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AN INTERVIEW WITH [redacted], WHO ALLEGEDLY REPORTED THE INCIDENT, REVEALED THAT THERE WAS NO

ALLEGED ABUSE CONCERNING DETAINEES IN U.S. FORCES CUSTODY AND THAT [redacted] WAS MISSING A TOENAIL [redacted] COULD NOT PROVIDE THE NAME OF THE DETAINEE DUE TO LACK OF RECORD KEEPING.

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

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

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DATE 28 SEP 2004

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

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR 3D MP GRP USACIDC FT GILLEM GA
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CHIEF OF STAFF, CJTF-180, BAGRAM AIR FIELD
COMMANDER, TF EAGLE, BAGRAM AIR FIELD [redacted]
PROVOST MARSHAL OFFICE, BAGRAM AIRFIELD [redacted]
PROVOST MARSHAL OFFICE, CJTF 76 [redacted]
STAFF JUDGE ADVOCATE, CJTF 76 [redacted]
DIR AFIP AFME WASH, DC//AFIP-CPLF
SPECIAL OPERATIONS COMMAND LIAISON (SA [redacted]
SJA, USASOC, FT BRAGG, NC [redacted]
SAC, REDSTONE RA
CDR USACIDC 1000TH MP BN FT CAMPBELL KY//CIRC-CZA
CDR USACIDC 10TH MP BN FT BRAGG NC

SUBJECT: CID REPORT OF INVESTIGATION - 5TH SUPPLEMENTAL /SSI - 0062-2004-CID369-69278 - 5H9B / 5X3 / 5Y2E / 5C2B

DRAFTER: [redacted]

RELEASER: [redacted]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 MAR 2003, 0001 - 18 MAR 2003, 2359; GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN

2. DATE/TIME REPORTED: 24 MAY 2004, 0900

3. INVESTIGATED BY:
SA [redacted]

4. SUBJECT:

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

2. [redacted] L, ; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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

4. CHANGED [redacted]; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. [redacted], ASSESSORY BEFORE THE FACT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. VICTIM:
1. NASEER, JAMAL (DECEASED) ; CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; UNDETERMINED MANNER OF DEATH, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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2. [redacted] ASSESSORY BEFORE THE FACT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

3. [redacted], MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

4. [redacted], MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. [redacted], MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. [redacted]; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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7. [redacted], CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE;

[redacted]; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

8. [redacted];
MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. INVESTIGATIVE SUMMARY:

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

"THIS IS A DETAINEE ABUSE INVESTIGATION."

5TH SUPPLEMENTAL:

THIS 5TH SUPPLEMENTAL REPORT WAS SUBMITTED TO FURTHER IDENTIFY [redacted] AND TO DOCUMENT THE RECEIPT OF THE AFGHANI LOCAL POLICE INVESTIGATION DOCUMENTING THE INQUIRY INTO THE ALLEGED DETAINEE ABUSE AND THE DEATH OF MR. NASEER.

ON 28 SEP 04, A QUERY OF AVAILABLE DEFENSE DATABASES FURTHER IDENTIFIED [redacted]

ON 28 SEP 04, THIS OFFICE OBTAINED A COPY OF THE INVESTIGATION DETAILING THE POLICE INQUIRY INTO THE ABUSE OF THE VICTIMS AND THE DEATH OF MR. NASEER, FROM THE POLICE CHIEF, GARDEZ, AFGHANISTAN. THE COPY OF THE AFGHANI POLICE INVESTIGATION IS PENDING TRANSLATION.

EFFORTS ARE ONGOING TO INTERVIEW [redacted] AND [redacted] WHO ARE CURRENTLY IN IRAQ, TO INTERVIEW THE REMAINING VICTIMS AND WITNESSES, TO INTERVIEW THE REMAINING AFGHANI AND U.N. GOVERNMENT OFFICIALS, TO INTERVIEW THE REMAINING 20TH SPECIAL FORCES GROUP MEMBERS, AND TO OBTAIN ANY INVESTIGATIONS CONDUCTED BY U.N. AGENCIES.

INVESTIGATION CONTINUES BY USACIDC.

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4TH SUPPLEMENTAL:

THIS 4TH SUPPLEMENTAL REPORT WAS GENERATED TO FURTHER IDENTIFY [redacted] TO LIST [redacted] AS AN ACCESSORY FOR

ASSAULT AND MALTREATMENT OF A PERSON UNDER U.S. CONTROL AS IT PERTAINS TO [redacted] AND TO DOCUMENT THE INTERVIEWS OF 20TH SFG PERSONNEL.

ON 24 SEP 04, [redacted] WAS INTERVIEWED AND STATED [redacted] GRABBED [redacted] BY THE SHIRT COLLAR AND SLAPPED HIM NUMEROUS TIMES IN THE FACIAL AREA, WHILE IN THE GARDEZ DETAINEE FACILITY, AND THAT HE AUTHORIZED [redacted] TO STRIKE [redacted] STATED HE DID NOT BELIEVE ANY DETAINEES WERE ABUSED AT THE FACILITY, AND THAT COLD WATER AND HEAT SOURCES WERE NEVER USED TO GATHER INFORMATION FROM THE DETAINEES.

ON 24 SEP 04, [redacted] WAS INTERVIEWED AND STATED HE WAS ON LEAVE WHEN THE DETAINEES WERE APPREHENDED, BUT WAS IN GARDEZ WHEN [redacted] NASEER DIED. [redacted] DENIED ANY KNOWLEDGE OF DETAINEE ABUSE AND CLAIMED HE HAD NO KNOWLEDGE OF HOW MR. NASEER DIED, BUT STATED HE AND [redacted] PERFORMED LIFE SAVING MEASURES ON MR. NASEER.

ON 24 SEP 04, ADDITIONAL 20TH SFG UNIT MEMBERS WERE INTERVIEWED AND CLAIMED NO KNOWLEDGE OF DETAINEE ABUSE AT THE GARDEZ DETAINEE FACILITY BY U.S. FORCES.

[redacted] HAS SINCE BEEN DEPLOYED TO IRAQ AND IS PENDING INTERVIEW.

THE ABOVE INFORMATION IS BASED ON THE 2D AND 3D CATEGORY 1 UPDATES RECEIVED FROM THE REDSTONE RESIDENT AGENCY (CID), REDSTONE ARSENAL, AL, ON 25 SEP 04.

EFFORTS ARE ONGOING TO INTERVIEW [redacted] THE REMAINING VICTIMS AND WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

INVESTIGATION CONTINUES BY USACIDC.

3D SUPPLEMENTAL:

THIS 3RD SUPPLEMENTAL REPORT WAS GENERATED TO LIST [redacted] NED AS A SUBJECT OF THIS INVESTIGATION, TO FURTHER IDENTIFY [redacted] AND [redacted] AND TO DOCUMENT [redacted] VICTIM INTERVIEW.

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DETAINEE FACILITY WHERE THEY KNEW [redacted] AND [redacted] POURED WATER ON THEM WHILE THEY WERE IN COLD WEATHER, AND DURING INTERROGATIONS PUNCHED/KICKED THE EIGHT DETAINEES.

DURING THE INTERVIEWS OF AMF PERSONNEL AND LOCAL NATIONAL INTERPRETERS, THE AMF PERSONNEL ALLEGED THAT SF SOLDIERS REPEATEDLY THREATENED THEM WITH EMPLOYMENT TERMINATION OR DEATH IF THEY REPORTED THE BEATINGS OR THE DEATH OF MR. NASEER. SEVERAL LOCAL NATIONALS AND INTERPRETERS REMAIN UNCOOPERATIVE AND DECLINED TO PROVIDE INFORMATION ABOUT THE PAST INCIDENTS.

ON 23 SEP 04, A CATEGORY 1 REQUEST FOR ASSISTANCE (RFA) WAS DISPATCHED TO THE REDSTONE ARSENAL CID OFFICE TO LOCATE AND INTERVIEW MEMBERS OF THE 20TH SFG, BIRMINGHAM, AL. EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING UNIDENTIFIED VICTIMS, MEDICAL PERSONNEL, AFGHANI GOVERNMENT AND U.N. OFFICIALS TO OBTAIN THE RESULTS OF INVESTIGATIONS CONDUCTED BY AFGHAN AND U.N. AGENCIES.

INVESTIGATION CONTINUES BY USACIDC.

2D SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] (NFI) AND [redacted] (NFI), BOTH 20TH SPECIAL FORCES GROUP MEDICS, AS SUBJECTS OF THIS INVESTIGATION.

ON 22 SEP 04, AN INTERPRETER ASSIGNED TO THE GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED HE OBSERVED THREE 20TH SPECIAL FORCES GROUP SOLDIERS, TWO SPECIAL FORCES MEDICS KNOWN ONLY AS [redacted] AND [redacted] ALONG WITH ONE UNKNOWN SOLDIER, BEAT THE EIGHT PRISONERS ON NUMEROUS OCCASIONS. THE ABUSE CONSISTED OF PUNCHING, KICKING, BEING IMMERSED IN COLD WATER, THROWN ON THE GROWN, BEING BURNT WITH A HEATING STOVE, LEFT OUTSIDE IN THE SNOW ALL DAY WHILE WET FROM BEING IMMERSED IN WATER AND THEN AT NIGHT TAKEN TO A TENT AND MADE TO SLEEP IN WET CLOTHES. ADDITIONALLY, HE STATED THAT WHEN MR. NASSER WAS KILLED THAT THE SPECIAL FORCES CALLED THE LOCAL POLICE CHIEF OF GARDEZ TO COME GET THE PRISONERS AND THE BODY. LASTLY, [redacted] TOLD ALL THE GARDEZ FIREBASE LOCAL NATIONALS THAT IF THEY TOLD ANYONE WHAT HAPPENED THEY WOULD LOSE THEIR JOBS. THE INTERVIEW DID NOT IDENTIFY ANY ABUSE BY [redacted] HOWEVER, THE INTERPRETER BELIEVES [redacted] IS ACTUALLY [redacted]

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ON 23 SEP 04, [redacted] (NFI) OF THE LOCAL GARDEZ AFGHANISTAN SECURITY FORCES (AMF), GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED THAT DURING THE TIME PERIOD OF THE REPORTED INCIDENT HE OBSERVED THE EIGHT DETAINEES THAT APPARENTLY WERE BEATEN VERY BADLY BY U.S. FORCES ON THE FIRST DAY OF THEIR DETAINMENT; HOWEVER [redacted] COULD NOT IDENTIFY WHO BEAT THE DETAINEES.

ON 23 SEP 04, [redacted] WAS INTERVIEWED AS A VICTIM AND STATED LAST YEAR HE AND THE SEVEN OTHER VICTIMS WERE WORKING A CHECKPOINT IN THE GARDEZ AREA WHERE THEY WERE 'ROUNDED UP' BY U.S. SPECIAL FORCES SOLDIERS (SF) AND TRANSPORTED TO THE GARDEZ FIREBASE UNDER PRETENSE THAT THE SF WANTED TO TALK WITH THEM AND DRINK TEA. AFTER ARRIVAL AT THE FIREBASE, THE EIGHT VICTIMS WERE SUBSEQUENTLY ARRESTED AND DETAINED. AT THE FIREBASE THEY WERE PLACED ON THEIR KNEES IN THE SNOW WHERE IF THEY ATTEMPTED TO SIT THEY WERE PUNCHED AND KICKED. WATER WAS POURED ON THEM DURING SPORADIC TIMES FOR ABOUT FIVE DAYS AND THEY WERE GIVEN NO FOOD OR DRINK. THEY WERE PUNCHED AND KICKED FOR SEVERAL DAYS DURING INTERROGATIONS. AFTER ABOUT FIVE DAYS MR. NASEER WAS MOVED TO A MATTRESS IN A SEPARATE ROOM DUE TO HIS INABILITY TO WALK AS A RESULT OF THE BEATINGS. ACCORDING TO [redacted] THEY (VICTIMS) WERE ABLE TO TALK TO EACH OTHER AND ALL EIGHT VICTIMS TOLD HIM THEY WERE BEATEN, KICKED AND PUNCHED DURING AND AFTER INTERROGATIONS. MOST OF THE DETAINEES COMPLAINED THEY COULD NOT STAND AS A RESULT OF THE BEATINGS. ON ONE OCCASION SF SOLDIERS WOKE THEM UP, POURED COLD WATER ON THEM, AND TOOK THEM TO A ROOM WHERE THEY WERE BEATEN, AND DURING THIS TIME WEAPONS WERE FIRED OVER THEIR HEADS AS THEY WERE THREATENED TO TELL THE TRUTH. [redacted] STATED THAT AS A RESULT OF THE BEATINGS [redacted] HEALTH DETERIORATED. SF LATER INFORMED [redacted] THEY WOULD RELEASE [redacted] DUE TO POOR HEALTH. [redacted] STATED THAT [redacted] WAS IN GOOD HEALTH AND COULD WALK BEFORE THEY WERE INTERROGATED AND BEATEN. TWO AS YET TO BE FULLY IDENTIFIED SF LATER TOOK NASEER FROM THE FACILITY. [redacted] REQUESTED TO SEE MR. NASEER [redacted] AND WAS ALLOWED OUTSIDE THE BUILDING WHERE HE FOUND [redacted] DECEASED BODY. THE BODY WAS SUBSEQUENTLY TRANSPORTED TO THE LOCAL HOSPITAL AND THEN [redacted] FOR BURIAL.

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ON 24 SEP 04, [redacted] (NFI) AND [redacted] (NFI), TWO LOCAL AMF COMMANDERS, WERE INTERVIEWED AND STATED THEY HAD OBSERVED THE EIGHT VICTIMS WHEN THEY WERE TAKEN TO THE GARDEZ

ON 22 SEP 04, CANVAS INTERVIEWS OF THE REMAINING PRISONERS AT THE GARDEZ DETAINEE FACILITY FAILED TO PROVIDED ANY ADDITIONAL INFORMATION PERTAINING TO ANY DETAINEE ABUSE.

ON 22 SEP 04, COORDINATION WAS MADE WITH THE EXECUTIVE OFFICER, 20TH SPECIAL FORCES GROUP, BIRMINGHAM, AL, WHO CONFIRMED THAT THE 20TH SPECIAL FORCES GROUP WAS ASSIGNED TO THE GARDEZ DETAINEE FACILITY DURING THE INCIDENT TIME FRAME.

EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING VICTIMS, WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

INVESTIGATION CONTINUES BY USACIDC.

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] AND MR. NASEER AS VICTIMS OF THIS INVESTIGATION AND TO RE-FOUND THE OFFENSE OF UNDETERMINED DEATH AS IT PERTAINS TO MR. NASEER.

ON 19 SEP 04, AN INDIVIDUAL, REQUESTING TO REMAIN ANONYMOUS, WAS INTERVIEWED WHO PROVIDED THE IDENTITY OF THE EIGHT (8) LOCAL NATIONAL DETAINEES, WHO WERE ALLEGEDLY ABUSED BY MEMBERS OF THE U.S. FORCES. THE ANONYMOUS INDIVIDUAL FURTHER PROVIDED THAT THE VICTIMS WERE WORKING THE SEDA KONAL CHECK POINT BETWEEN GARDEZ AND KHOST ON 1 MAR 03, WHEN [redacted] (NFI) ARRIVED WITH MEMBERS OF HIS U.S. SPECIAL FORCES UNIT AND APPREHENDED THEM. THE ANONYMOUS INDIVIDUAL FURTHER STATED THE VICTIMS WERE HELD IN GARDEZ FOR 17 DAYS, AND ON THE 16TH DAY IN CUSTODY, MR. NASEER DIED AS A RESULT OF PHYSICAL ABUSE WHILE IN U.S. CUSTODY, AND [redacted] WAS ALSO BEATEN SO BADLY HE COULD NOT WALK. IT WAS ALSO REPORTED THE REMAINING SIX INDIVIDUALS WERE ALSO PHYSICALLY ABUSED DURING THEIR DETENTION AT GARDEZ. THE ANONYMOUS INDIVIDUAL FURTHER RELATED THE AFGHANISTAN MILITARY ATTORNEY GENERAL, [redacted] COMPLETED AN INVESTIGATION AFTER THE INCIDENT, AND HAD STATEMENTS FROM ALL THE VICTIMS AND PERSONNEL, WHO REMOVED THE BODY FROM THE GARDEZ FACILITY. THE ANONYMOUS INDIVIDUAL ALSO RELATED THE ALLEGATIONS WERE INVESTIGATED BY

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UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN, WHO REPORTED IT UP THEIR CHAIN OF COMMAND.

COORDINATION WITH THE AFGHANISTAN MILITARY ATTORNEY GENERAL AND THE UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN IS PENDING.

INVESTIGATION CONTINUES BY USACIDC.

FINAL:

THIS OFFICE WAS NOTIFIED BY THE STAFF JUDGE ADVOCATE, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354, THAT EIGHT DETAINEES FROM GARDEZ WERE ALLEGED TO HAVE BEEN ABUSED AND THAT ONE OF THE DETAINEES DIED WHILE AT THE GARDEZ DETAINEE FACILITY. THE OTHER SEVEN WERE TRANSFERRED FROM GARDEZ TO THE KABUL POLICE DETAINEE FACILITY AFTER APPROXIMATELY THREE MONTHS.

INVESTIGATION REVEALED THAT NO DETAINEE DIED IN U.S. CUSTODY WHILE AT THE GARDEZ DETAINEE FACILITY AND THAT ONLY ONE OF THE SEVEN DETAINEES COMPLAINED OF POSSIBLE ABUSE, WHICH WAS A TOE NAIL BEING REMOVED.

FURTHER INVESTIGATION FAILED TO PROVE OR DISPROVE THAT ANY OF THE SEVEN DETAINEES FROM THE GARDEZ DETAINEE FACILITY WERE ABUSED BY U.S. FORCES AS NONE COULD BE IDENTIFIED AND INTERVIEWED.

AN INTERVIEW WITH [redacted]WHO ALLEGEDLY REPORTED THE INCIDENT, REVEALED THAT THERE WAS NO ALLEGED ABUSE CONCERNING DETAINEES IN U.S. FORCES CUSTODY AND THAT [redacted]WAS MISSING A TOENAIL [redacted]S [redacted]COULD NOT PROVIDE THE NAME OF THE DETAINEE DUE TO LACK OF RECORD KEEPING.

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

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8. USACIDC REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF

PROTECTIVE MARKINGS IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

DATE 26 SEP 2004

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

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR 3D MP GRP USACIDC FT GILLEM GA
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CHIEF OF STAFF, CJTF-180, BAGRAM AIR FIELD
COMMANDER, TF EAGLE, BAGRAM AIR FIELD ([redacted]
PROVOST MARSHAL OFFICE, BAGRAM AIRFIELD [redacted]
PROVOST MARSHAL OFFICE, CJTF 76 [redacted]
STAFF JUDGE ADVOCATE, CJTF 76 ([redacted]
DIR AFIP AFME WASH, DC//AFIP-CPLF
SPECIAL OPERATIONS COMMAND LIAISON (SA [redacted]
SJA, USASOC, FT BRAGG, NC [redacted]
SAC, REDSTONE RA
CDR USACIDC 1000TH MP BN FT CAMPBELL KY//CIRC-CZA
CDR USACIDC 10TH MP BN FT BRAGG NC

SUBJECT: CID REPORT OF INVESTIGATION - 4TH SUPPLEMENTAL /SSI - 0062-2004-CID369-69278 - 5H9B / 5X3 / 5Y2E / 5C2B

DRAFTER: [redacted]

RELEASER: [redacted]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 MAR 2003, 0001 - 18 MAR 2003, 2359; GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN

2. DATE/TIME REPORTED: 24 MAY 2004, 0900

3. INVESTIGATED BY:
SA [redacted]

4. SUBJECT:

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

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

3. [redacted], MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

4. CHANGED [redacted] ; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. ADDED [redacted], ASSESSORY BEFORE THE FACT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. VICTIM:

1. NASEER, JAMAL (DECEASED) ; CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; UNDETERMINED MANNER OF DEATH, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

2. [redacted] ASSESSORY BEFORE THE FACT, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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

4. [redacted], MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. [redacted], MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. [redacted], MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

7. [redacted] ; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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8. [redacted]
MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. INVESTIGATIVE SUMMARY:

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

"THIS IS A DETAINEE ABUSE INVESTIGATION."

4TH SUPPLEMENTAL:

THIS 4TH SUPPLEMENTAL REPORT WAS GENERATED TO FURTHER IDENTIFY [redacted] AS [redacted] TO LIST [redacted] AS AN ACCESSORY FOR ASSAULT AND MALTREATMENT OF A PERSON UNDER U.S. CONTROL AS IT PERTAINS TO [redacted] AND TO DOCUMENT THE INTERVIEWS OF 20TH SFG PERSONNEL.

ON 24 SEP 04, [redacted] WAS INTERVIEWED AND STATED [redacted] GRABBED [redacted] BY THE SHIRT COLLAR AND SLAPPED HIM NUMEROUS TIMES IN THE FACIAL AREA. WHILE IN THE GARDEZ DETAINEE FACILITY, AND THAT HE AUTHORIZED [redacted] TO STRIKE [redacted] STATED HE DID NOT BELIEVE ANY DETAINEES WERE ABUSED AT THE FACILITY, AND THAT COLD WATER AND HEAT SOURCES WERE NEVER USED TO GATHER INFORMATION FROM THE DETAINEES.

ON 24 SEP 04, [redacted] WAS INTERVIEWED AND STATED HE WAS ON LEAVE WHEN THE DETAINEES WERE APPREHENDED, BUT WAS IN GARDEZ WHEN MR. NASEER DIED. [redacted] DENIED ANY KNOWLEDGE OF DETAINEE ABUSE AND CLAIMED HE HAD NO KNOWLEDGE OF HOW MR. NASEER DIED, BUT STATED HE AND [redacted] PERFORMED LIFE SAVING MEASURES ON MR. NASEER.

ON 24 SEP 04, ADDITIONAL 20TH SFG UNIT MEMBERS WERE INTERVIEWED AND CLAIMED NO KNOWLEDGE OF DETAINEE ABUSE AT THE GARDEZ DETAINEE FACILITY BY U.S. FORCES.

[redacted] HAS SINCE BEEN DEPLOYED TO IRAQ AND IS PENDING INTERVIEW.

THE ABOVE INFORMATION IS BASED ON THE 2D AND 3D CATEGORY 1 UPDATES

RECEIVED FROM THE REDSTONE RESIDENT AGENCY (CID), REDSTONE ARSENAL, AL, ON 25 SEP 04.

EFFORTS ARE ONGOING TO INTERVIEW [redacted] THE REMAINING VICTIMS AND WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

INVESTIGATION CONTINUES BY USACIDC.

3D SUPPLEMENTAL:

THIS 3RD SUPPLEMENTAL REPORT WAS GENERATED TO LIST [redacted] (NFI) AS A SUBJECT OF THIS INVESTIGATION, TO FURTHER IDENTIFY [redacted] AND [redacted] AND TO DOCUMENT [redacted] VICTIM INTERVIEW.

ON 23 SEP 04, [redacted] (NFI) OF THE LOCAL GARDEZ AFGHANISTAN SECURITY FORCES (AMF), GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED THAT DURING THE TIME PERIOD OF THE REPORTED INCIDENT HE OBSERVED THE EIGHT DETAINEES THAT APPARENTLY WERE BEATEN VERY BADLY BY U.S. FORCES ON THE FIRST DAY OF THEIR DETAINMENT; HOWEVER THE COMMANDER COULD NOT IDENTIFY WHO BEAT THE DETAINEES.

ON 23 SEP 04, [redacted] WAS INTERVIEWED AS A VICTIM AND STATED LAST YEAR HE AND THE SEVEN OTHER VICTIMS WERE WORKING A CHECKPOINT IN THE GARDEZ AREA WHERE THEY WERE 'ROUNDED UP' BY U.S. SPECIAL FORCES SOLDIERS (SF) AND TRANSPORTED TO THE GARDEZ FIREBASE UNDER PRETENSE THAT THE SF WANTED TO TALK WITH THEM AND DRINK TEA. AFTER ARRIVAL AT THE FIREBASE, THE EIGHT VICTIMS WERE SUBSEQUENTLY ARRESTED AND DETAINED. AT THE FIREBASE THEY WERE PLACED ON THEIR KNEES IN THE SNOW WHERE IF THEY ATTEMPTED TO SIT THEY WERE PUNCHED AND KICKED. WATER WAS POURED ON THEM DURING SPORADIC TIMES FOR ABOUT FIVE DAYS AND THEY WERE GIVEN NO FOOD OR DRINK. THEY WERE PUNCHED AND KICKED FOR SEVERAL DAYS DURING INTERROGATIONS. AFTER ABOUT FIVE DAYS MR. NASEER WAS MOVED TO A MATTRESS IN A SEPARATE ROOM DUE TO HIS INABILITY TO WALK AS A RESULT OF THE BEATINGS. ACCORDING TO [redacted] THEY (VICTIMS) WERE ABLE TO TALK TO EACH OTHER AND ALL EIGHT VICTIMS TOLD HIM THEY WERE BEATEN, KICKED AND PUNCHED DURING AND AFTER INTERROGATIONS. MOST OF THE DETAINEES COMPLAINED THEY COULD NOT STAND AS A RESULT OF THE BEATINGS. ON ONE OCCASION SF SOLDIERS WOKE THEM UP, POURED COLD

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WATER ON THEM, AND TOOK THEM TO A ROOM WHERE THEY WERE BEATEN, AND DURING THIS TIME WEAPONS WERE FIRED OVER THEIR HEADS AS THEY WERE THREATENED TO TELL THE TRUTH. [redacted] STATED THAT AS A RESULT OF THE BEATINGS [redacted] HEALTH DETERIORATED. SF LATER INFORMED [redacted] THEY WOULD RELEASE [redacted] DUE TO POOR HEALTH. [redacted] STATED THAT [redacted] WAS IN GOOD HEALTH AND COULD WALK BEFORE THEY WERE INTERROGATED AND BEATEN. TWO AS YET TO BE FULLY IDENTIFIED SF LATER TOOK NASEER FROM THE FACILITY. [redacted] REQUESTED TO SEE MR. NASEER [redacted] AND WAS ALLOWED OUTSIDE THE BUILDING WHERE HE FOUND [redacted] DECEASED BODY. THE BODY WAS SUBSEQUENTLY TRANSPORTED TO THE LOCAL HOSPITAL AND THEN [redacted] FOR BURIAL.

ON 24 SEP 04, [redacted] (NFI) AND [redacted] (NFI), TWO [redacted] AMF [redacted] WERE INTERVIEWED AND STATED THEY HAD OBSERVED THE EIGHT VICTIMS WHEN THEY WERE TAKEN TO THE GARDEZ DETAINEE FACILITY WHERE THEY KNEW [redacted] AND [redacted] POURED WATER ON THEM WHILE THEY WERE IN COLD WEATHER, AND DURING INTERROGATIONS PUNCHED/KICKED THE EIGHT DETAINEES.

DURING THE INTERVIEWS OF AMF PERSONNEL AND LOCAL NATIONAL INTERPRETERS, THE AMF PERSONNEL ALLEGED THAT SF SOLDIERS REPEATEDLY THREATENED THEM WITH EMPLOYMENT TERMINATION OR DEATH IF THEY REPORTED THE BEATINGS OR THE DEATH OF MR. NASEER. SEVERAL LOCAL NATIONALS AND INTERPRETERS REMAIN UNCOOPERATIVE AND DECLINED TO PROVIDE INFORMATION ABOUT THE PAST INCIDENTS.

ON 23 SEP 04, A CATEGORY 1 REQUEST FOR ASSISTANCE (RFA) WAS DISPATCHED TO THE REDSTONE ARSENAL CID OFFICE TO LOCATE AND INTERVIEW MEMBERS OF THE 20TH SFG, BIRMINGHAM, AL. EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING UNIDENTIFIED VICTIMS, MEDICAL PERSONNEL, AFGHANI GOVERNMENT AND U.N. OFFICIALS TO OBTAIN THE RESULTS OF INVESTIGATIONS CONDUCTED BY AFGHAN AND U.N. AGENCIES.

INVESTIGATION CONTINUES BY USACIDC.

2D SUPPLEMENTAL:

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THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] (NFI) AND [redacted] (NFI), BOTH 20TH SPECIAL FORCES GROUP MEDICS, AS SUBJECTS OF THIS INVESTIGATION.

ON 22 SEP 04, AN INTERPRETER ASSIGNED TO THE GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED HE OBSERVED THREE 20TH SPECIAL FORCES GROUP SOLDIERS, TWO SPECIAL FORCES MEDICS KNOWN ONLY AS [redacted] AND [redacted] ALONG WITH ONE UNKNOWN SOLDIER, BEAT THE EIGHT PRISONERS ON NUMEROUS OCCASIONS. THE ABUSE CONSISTED OF PUNCHING, KICKING, BEING IMMERSED IN COLD WATER, THROWN ON THE GROWN, BEING BURNT WITH A HEATING STOVE, LEFT OUTSIDE IN THE SNOW ALL DAY WHILE WET FROM BEING IMMERSED IN WATER AND THEN AT NIGHT TAKEN TO A TENT AND MADE TO SLEEP IN WET CLOTHES. ADDITIONALLY, HE STATED THAT WHEN MR. NASSER WAS KILLED THAT THE SPECIAL FORCES CALLED THE LOCAL POLICE CHIEF OF GARDEZ TO COME GET THE PRISONERS AND THE BODY. LASTLY, [redacted] TOLD ALL THE GARDEZ FIREBASE LOCAL NATIONALS THAT IF THEY TOLD ANYONE WHAT HAPPENED THEY WOULD LOSE THEIR JOBS. THE INTERVIEW DID NOT IDENTIFY ANY ABUSE BY [redacted] HOWEVER, THE INTERPRETER BELIEVES [redacted] IS ACTUALLY [redacted]

ON 22 SEP 04, CANVAS INTERVIEWS OF THE REMAINING PRISONERS AT THE GARDEZ DETAINEE FACILITY FAILED TO PROVIDED ANY ADDITIONAL INFORMATION PERTAINING TO ANY DETAINEE ABUSE.

ON 22 SEP 04, COORDINATION WAS MADE WITH THE EXECUTIVE OFFICER, 20TH SPECIAL FORCES GROUP, BIRMINGHAM, AL, WHO CONFIRMED THAT THE 20TH SPECIAL FORCES GROUP WAS ASSIGNED TO THE GARDEZ DETAINEE FACILITY DURING THE INCIDENT TIME FRAME.

EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING VICTIMS, WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

INVESTIGATION CONTINUES BY USACIDC.

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] AND MR. NASEER AS VICTIMS OF THIS INVESTIGATION AND TO RE-FOUND THE OFFENSE OF UNDETERMINED DEATH AS IT PERTAINS TO MR. NASEER.

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ON 19 SEP 04, AN INDIVIDUAL, REQUESTING TO REMAIN ANONYMOUS, WAS INTERVIEWED WHO PROVIDED THE IDENTITY OF THE EIGHT (8) LOCAL

NATIONAL DETAINEES, WHO WERE ALLEGEDLY ABUSED BY MEMBERS OF THE U.S. FORCES. THE ANONYMOUS INDIVIDUAL FURTHER PROVIDED THAT THE VICTIMS WERE WORKING THE SEDA KONAL CHECK POINT BETWEEN GARDEZ AND KHOST ON 1 MAR 03, WHEN [redacted] (NFI) ARRIVED WITH MEMBERS OF HIS U.S. SPECIAL FORCES UNIT AND APPREHENDED THEM. THE ANONYMOUS INDIVIDUAL FURTHER STATED THE VICTIMS WERE HELD IN GARDEZ FOR 17 DAYS, AND ON THE 16TH DAY IN CUSTODY, MR. NASEER DIED AS A RESULT OF PHYSICAL ABUSE WHILE IN U.S. CUSTODY, AND [redacted] WAS ALSO BEATEN SO BADLY HE COULD NOT WALK. IT WAS ALSO REPORTED THE REMAINING SIX INDIVIDUALS WERE ALSO PHYSICALLY ABUSED DURING THEIR DETENTION AT GARDEZ. THE ANONYMOUS INDIVIDUAL FURTHER RELATED THE AFGHANISTAN MILITARY ATTORNEY GENERAL, [redacted] COMPLETED AN INVESTIGATION AFTER THE INCIDENT, AND HAD STATEMENTS FROM ALL THE VICTIMS AND PERSONNEL, WHO REMOVED THE BODY FROM THE GARDEZ FACILITY. THE ANONYMOUS INDIVIDUAL ALSO RELATED THE ALLEGATIONS WERE INVESTIGATED BY UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN, WHO REPORTED IT UP THEIR CHAIN OF COMMAND.

COORDINATION WITH THE AFGHANISTAN MILITARY ATTORNEY GENERAL AND THE UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN IS PENDING.

INVESTIGATION CONTINUES BY USACIDC.

FINAL:

THIS OFFICE WAS NOTIFIED BY THE STAFF JUDGE ADVOCATE, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354, THAT EIGHT DETAINEES FROM GARDEZ WERE ALLEGED TO HAVE BEEN ABUSED AND THAT ONE OF THE DETAINEES DIED WHILE AT THE GARDEZ DETAINEE FACILITY. THE OTHER SEVEN WERE TRANSFERRED FROM GARDEZ TO THE KABUL POLICE DETAINEE FACILITY AFTER APPROXIMATELY THREE MONTHS.

INVESTIGATION REVEALED THAT NO DETAINEE DIED IN U.S. CUSTODY WHILE AT THE GARDEZ DETAINEE FACILITY AND THAT ONLY ONE OF THE SEVEN DETAINEES COMPLAINED OF POSSIBLE ABUSE, WHICH WAS A TOE NAIL BEING REMOVED.

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FURTHER INVESTIGATION FAILED TO PROVE OR DISPROVE THAT ANY OF THE SEVEN DETAINEES FROM THE GARDEZ DETAINEE FACILITY WERE ABUSED BY U.S. FORCES AS NONE COULD BE IDENTIFIED AND INTERVIEWED.

AN INTERVIEW WITH [redacted] WHO ALLEGEDLY REPORTED THE INCIDENT, REVEALED THAT THERE WAS NO ALLEGED ABUSE CONCERNING DETAINEES IN U.S. FORCES CUSTODY AND THAT [redacted] WAS MISSING A TOENAIL [redacted] COULD NOT PROVIDE THE NAME OF THE DETAINEE DUE TO LACK OF RECORD KEEPING.

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

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

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DATE 24 SEP 2004

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

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR 3D MP GRP USACIDC FT GILLEM GA
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CHIEF OF STAFF, CJTF-180, BAGRAM AIR FIELD
COMMANDER, TF EAGLE, BAGRAM AIR FIELD [redacted]
PROVOST MARSHAL OFFICE, BAGRAM AIRFIELD [redacted]
PROVOST MARSHAL OFFICE, CJTF 76 [redacted]
STAFF JUDGE ADVOCATE, CJTF 76 [redacted]
DIR AFIP AFME WASH, DC//AFIP-CPLF
SPECIAL OPERATIONS COMMAND LIAISON (SA [redacted]
SJA, USASOC, FT BRAGG, NC [redacted]
SAC, REDSTONE RA
CDR USACIDC 1000TH MP BN FT CAMPBELL KY//CIRC-CZA
CDR USACIDC 10TH MP BN FT BRAGG NC

SUBJECT: CID REPORT OF INVESTIGATION - 3D SUPPLEMENTAL /SSI - 0062-2004-CID369-69278 - 5H9B / 5Y2E / 5C2B

DRAFTER: [redacted]

RELEASER: [redacted]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 MAR 2003, 0001 - 18 MAR 2003, 2359; GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN

2. DATE/TIME REPORTED: 24 MAY 2004, 0900

3. INVESTIGATED BY:
SA [redacted]

4. SUBJECT:

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

2. CHANGED [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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3. CHANGED [redacted]; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

4. ADDED [redacted] OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. VICTIM:

1. NASEER, JAMAL (DECEASED) ; CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; UNDETERMINED MANNER OF DEATH, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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

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

4. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. [redacted]; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

7. [redacted]; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

8. [redacted]; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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6. INVESTIGATIVE SUMMARY:

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

"THIS IS A DETAINEE ABUSE INVESTIGATION."

3D SUPPLEMENTAL:

THIS 3RD SUPPLEMENTAL REPORT WAS GENERATED TO LIST [redacted] (NFI) AS A SUBJECT OF THIS INVESTIGATION, TO FURTHER IDENTIFY [redacted] AND [redacted] AND TO DOCUMENT [redacted] VICTIM INTERVIEW.

ON 23 SEP 04, [redacted] (NFI) OF THE LOCAL GARDEZ AFGHANISTAN SECURITY FORCES (AMF), GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED THAT DURING THE TIME PERIOD OF THE REPORTED INCIDENT HE OBSERVED THE EIGHT DETAINEES THAT APPARENTLY WERE BEATEN VERY BADLY BY U.S. FORCES ON THE FIRST DAY OF THEIR DETAINMENT; HOWEVER [redacted] COULD NOT IDENTIFY WHO BEAT THE DETAINEES.

ON 23 SEP 04, [redacted] WAS INTERVIEWED AS A VICTIM AND STATED LAST YEAR HE AND THE SEVEN OTHER VICTIMS WERE WORKING A CHECKPOINT IN THE GARDEZ AREA WHERE THEY WERE 'ROUNDED UP' BY U.S. SPECIAL FORCES SOLDIERS (SF) AND TRANSPORTED TO THE GARDEZ FIREBASE UNDER PRETENSE THAT THE SF WANTED TO TALK WITH THEM AND DRINK TEA. AFTER ARRIVAL AT THE FIREBASE, THE EIGHT VICTIMS WERE SUBSEQUENTLY ARRESTED AND DETAINED. AT THE FIREBASE THEY WERE PLACED ON THEIR KNEES IN THE SNOW WHERE IF THEY ATTEMPTED TO SIT THEY WERE PUNCHED AND KICKED. WATER WAS POURED ON THEM DURING SPORADIC TIMES FOR ABOUT FIVE DAYS AND THEY WERE GIVEN NO FOOD OR DRINK. THEY WERE PUNCHED AND KICKED FOR SEVERAL DAYS DURING INTERROGATIONS. AFTER ABOUT FIVE DAYS MR. NASEER WAS MOVED TO A MATTRESS IN A SEPARATE ROOM DUE TO HIS INABILITY TO WALK AS A RESULT OF THE BEATINGS. ACCORDING TO [redacted] THEY (VICTIMS) WERE ABLE TO TALK TO EACH OTHER AND ALL EIGHT VICTIMS TOLD HIM THEY WERE BEATEN, KICKED AND PUNCHED DURING AND AFTER INTERROGATIONS. MOST OF THE DETAINEES COMPLAINED THEY COULD NOT STAND AS A RESULT OF THE BEATINGS. ON ONE OCCASION SF SOLDIERS WOKE THEM UP, POURED COLD WATER ON THEM, AND TOOK THEM TO A ROOM WHERE THEY WERE BEATEN, AND DURING THIS TIME WEAPONS WERE FIRED OVER THEIR HEADS AS THEY

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WERE THREATENED TO TELL THE TRUTH. [redacted] STATED THAT AS A RESULT OF THE BEATINGS [redacted] HEALTH DETERIORATED. SF LATER INFORMED [redacted] THEY WOULD RELEASE [redacted] DUE TO POOR HEALTH. [redacted] STATED THAT [redacted] WAS IN GOOD HEALTH AND COULD WALK BEFORE THEY WERE INTERROGATED AND BEATEN. TWO AS YET TO BE FULLY IDENTIFIED SF LATER TOOK NASEER FROM THE FACILITY. [redacted] REQUESTED TO SEE MR. NASEER [redacted] AND WAS ALLOWED OUTSIDE THE BUILDING WHERE HE FOUND [redacted] DECEASED BODY. THE BODY WAS SUBSEQUENTLY TRANSPORTED TO THE LOCAL HOSPITAL AND THEN [redacted] FOR BURIAL.

ON 24 SEP 04, [redacted] (NFI) AND [redacted] (NFI), TWO [redacted] AMF [redacted] WERE INTERVIEWED AND STATED THEY HAD OBSERVED THE EIGHT VICTIMS WHEN THEY WERE TAKEN TO THE GARDEZ DETAINEE FACILITY WHERE THEY KNEW [redacted] AND [redacted] POURED WATER ON THEM WHILE THEY WERE IN COLD WEATHER, AND DURING INTERROGATIONS PUNCHED/KICKED THE EIGHT DETAINEES.

DURING THE INTERVIEWS OF AMF PERSONNEL AND LOCAL NATIONAL INTERPRETERS, THE AMF PERSONNEL ALLEGED THAT SF SOLDIERS REPEATEDLY THREATENED THEM WITH EMPLOYMENT TERMINATION OR DEATH IF THEY REPORTED THE BEATINGS OR THE DEATH OF MR. NASEER. SEVERAL LOCAL NATIONALS AND INTERPRETERS REMAIN UNCOOPERATIVE AND DECLINED TO PROVIDE INFORMATION ABOUT THE PAST INCIDENTS.

ON 23 SEP 04, A CATEGORY 1 REQUEST FOR ASSISTANCE (RFA) WAS DISPATCHED TO THE REDSTONE ARSENAL CID OFFICE TO LOCATE AND INTERVIEW MEMBERS OF THE 20TH SFG, BIRMINGHAM, AL. EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING UNIDENTIFIED VICTIMS, MEDICAL PERSONNEL, AFGHANI GOVERNMENT AND U.N. OFFICIALS TO OBTAIN THE RESULTS OF INVESTIGATIONS CONDUCTED BY AFGHAN AND U.N. AGENCIES.

INVESTIGATION CONTINUES BY USACIDC.

2D SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] (NFI) AND [redacted] (NFI), BOTH 20TH SPECIAL FORCES GROUP MEDICS, AS SUBJECTS OF THIS INVESTIGATION.

ON 22 SEP 04, AN INTERPRETER ASSIGNED TO THE GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED HE OBSERVED THREE

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20TH SPECIAL FORCES GROUP SOLDIERS, TWO SPECIAL FORCES MEDICS KNOWN ONLY AS [redacted] AND [redacted] ALONG WITH ONE UNKNOWN SOLDIER, BEAT THE EIGHT PRISONERS ON NUMEROUS OCCASIONS. THE ABUSE CONSISTED OF PUNCHING, KICKING, BEING IMMERSED IN COLD WATER, THROWN ON THE GROWN, BEING BURNT WITH A HEATING STOVE, LEFT OUTSIDE IN THE SNOW ALL DAY WHILE WET FROM BEING IMMERSED IN WATER AND THEN AT NIGHT TAKEN TO A TENT AND MADE TO SLEEP IN WET CLOTHES. ADDITIONALLY, HE STATED THAT WHEN MR. NASSER WAS KILLED THAT THE SPECIAL FORCES CALLED THE LOCAL POLICE CHIEF OF GARDEZ TO COME GET THE PRISONERS AND THE BODY. LASTLY, [redacted] TOLD ALL THE GARDEZ FIREBASE LOCAL NATIONALS THAT IF THEY TOLD ANYONE WHAT HAPPENED THEY WOULD LOSE THEIR JOBS. THE INTERVIEW DID NOT IDENTIFY ANY ABUSE BY [redacted] HOWEVER, THE INTERPRETER BELIEVES [redacted] S ACTUALLY [redacted]

ON 22 SEP 04, CANVAS INTERVIEWS OF THE REMAINING PRISONERS AT THE GARDEZ DETAINEE FACILITY FAILED TO PROVIDED ANY ADDITIONAL INFORMATION PERTAINING TO ANY DETAINEE ABUSE.

ON 22 SEP 04, COORDINATION WAS MADE WITH THE EXECUTIVE OFFICER, 20TH SPECIAL FORCES GROUP, BIRMINGHAM, AL, WHO CONFIRMED THAT THE 20TH SPECIAL FORCES GROUP WAS ASSIGNED TO THE GARDEZ DETAINEE FACILITY DURING THE INCIDENT TIME FRAME.

EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING VICTIMS, WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

INVESTIGATION CONTINUES BY USACIDC.

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] AND MR. NASEER AS VICTIMS OF THIS INVESTIGATION AND TO RE-FOUND THE OFFENSE OF UNDETERMINED DEATH AS IT PERTAINS TO MR. NASEER.

ON 19 SEP 04, AN INDIVIDUAL, REQUESTING TO REMAIN ANONYMOUS, WAS INTERVIEWED WHO PROVIDED THE IDENTITY OF THE EIGHT (8) LOCAL NATIONAL DETAINEES, WHO WERE ALLEGEDLY ABUSED BY MEMBERS OF THE U.S. FORCES. THE ANONYMOUS INDIVIDUAL FURTHER PROVIDED THAT THE

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VICTIMS WERE WORKING THE SEDA KONAL CHECK POINT BETWEEN GARDEZ AND KHOST ON 1 MAR 03, WHEN [redacted](NFI) ARRIVED WITH MEMBERS OF HIS U.S. SPECIAL FORCES UNIT AND APPREHENDED THEM. THE ANONYMOUS INDIVIDUAL FURTHER STATED THE VICTIMS WERE HELD IN GARDEZ FOR 17 DAYS, AND ON THE 16TH DAY IN CUSTODY, MR. NASEER DIED AS A RESULT OF PHYSICAL ABUSE WHILE IN U.S. CUSTODY, AND [redacted] WAS ALSO BEATEN SO BADLY HE COULD NOT WALK. IT WAS ALSO REPORTED THE REMAINING SIX INDIVIDUALS WERE ALSO PHYSICALLY ABUSED DURING THEIR DETENTION AT GARDEZ. THE ANONYMOUS INDIVIDUAL FURTHER RELATED THE AFGHANISTAN MILITARY ATTORNEY GENERAL, [redacted] COMPLETED AN INVESTIGATION AFTER THE INCIDENT, AND HAD STATEMENTS FROM ALL THE VICTIMS AND PERSONNEL, WHO REMOVED THE BODY FROM THE GARDEZ FACILITY. THE ANONYMOUS INDIVIDUAL ALSO RELATED THE ALLEGATIONS WERE INVESTIGATED BY UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN, WHO REPORTED IT UP THEIR CHAIN OF COMMAND.

COORDINATION WITH THE AFGHANISTAN MILITARY ATTORNEY GENERAL AND THE UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN IS PENDING.

INVESTIGATION CONTINUES BY USACIDC.

FINAL:

THIS OFFICE WAS NOTIFIED BY THE STAFF JUDGE ADVOCATE, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354, THAT EIGHT DETAINEES FROM GARDEZ WERE ALLEGED TO HAVE BEEN ABUSED AND THAT ONE OF THE DETAINEES DIED WHILE AT THE GARDEZ DETAINEE FACILITY. THE OTHER SEVEN WERE TRANSFERRED FROM GARDEZ TO THE KABUL POLICE DETAINEE FACILITY AFTER APPROXIMATELY THREE MONTHS.

INVESTIGATION REVEALED THAT NO DETAINEE DIED IN U.S. CUSTODY WHILE AT THE GARDEZ DETAINEE FACILITY AND THAT ONLY ONE OF THE SEVEN DETAINEES COMPLAINED OF POSSIBLE ABUSE, WHICH WAS A TOE NAIL BEING REMOVED.

FURTHER INVESTIGATION FAILED TO PROVE OR DISPROVE THAT ANY OF THE SEVEN DETAINEES FROM THE GARDEZ DETAINEE FACILITY WERE ABUSED BY U.S. FORCES AS NONE COULD BE IDENTIFIED AND INTERVIEWED.

AN INTERVIEW WITH [redacted], WHO ALLEGEDLY REPORTED THE INCIDENT, REVEALED THAT THERE WAS NO

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ALLEGED ABUSE CONCERNING DETAINEES IN U.S. FORCES CUSTODY AND THAT [redacted] WAS MISSING A TOENAIL [redacted] COULD NOT PROVIDE THE NAME OF THE DETAINEE DUE TO LACK OF RECORD KEEPING.

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

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

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DATE 22 SEP 2004

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

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR 3D MP GRP USACIDC FT GILLEM GA
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CHIEF OF STAFF, CJTF-180, BAGRAM AIR FIELD
COMMANDER, TF EAGLE, BAGRAM AIR FIELD [redacted]
PROVOST MARSHAL OFFICE, BAGRAM AIRFIELD
PROVOST MARSHAL OFFICE, CJTF 76 [redacted]
STAFF JUDGE ADVOCATE, CJTF 76 [redacted]
DIR AFIP AFME WASH, DC//AFIP-CPLF
SPECIAL OPERATIONS COMMAND LIAISON (SA [redacted]
SJA, USASOC, FT BRAGG, NC (CPT [redacted]

SUBJECT: CID REPORT OF INVESTIGATION - 2D SUPPLEMENTAL /SSI - 0062-2004-CID369-69278 - 5H9B / 5Y2E / 5C2B

DRAFTER: [redacted]

RELEASER: [redacted]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 MAR 2003, 0001 - 18 MAR 2003, 2359; GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN

2. DATE/TIME REPORTED: 24 MAY 2004, 0900

3. INVESTIGATED BY:
SA [redacted]

4. SUBJECT:

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

2. ADDED [redacted]; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

3. ADDED [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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5. VICTIM:

1. NASEER, JAMAL (DECEASED) ; CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; UNDETERMINED MANNER OF DEATH, MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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

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

4. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. [redacted]; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

7. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

8. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. INVESTIGATIVE SUMMARY:

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

2D SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted] (NFI) AND [redacted] (NFI), BOTH 20TH SPECIAL FORCES GROUP MEDICS, AS SUBJECTS OF THIS

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INVESTIGATION.

ON 22 SEP 04, AN INTERPRETER ASSIGNED TO THE GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN, WAS INTERVIEWED AND STATED HE OBSERVED THREE 20TH SPECIAL FORCES GROUP SOLDIERS, TWO SPECIAL FORCES MEDICS KNOWN ONLY AS [redacted] AND [redacted] ALONG WITH ONE UNKNOWN SOLDIER, BEAT THE EIGHT PRISONERS ON NUMEROUS OCCASIONS. THE ABUSE CONSISTED OF PUNCHING, KICKING, BEING IMMERSED IN COLD WATER, THROWN ON THE GROWN, BEING BURNT WITH A HEATING STOVE, LEFT OUTSIDE IN THE SNOW ALL DAY WHILE WET FROM BEING IMMERSED IN WATER AND THEN AT NIGHT TAKEN TO A TENT AND MADE TO SLEEP IN WET CLOTHES. ADDITIONALLY, HE STATED THAT WHEN MR. NASSER WAS KILLED THAT THE SPECIAL FORCES CALLED THE LOCAL POLICE CHIEF OF GARDEZ TO COME GET THE PRISONERS AND THE BODY. LASTLY, [redacted] TOLD ALL THE GARDEZ FIREBASE LOCAL NATIONALS THAT IF THEY TOLD ANYONE WHAT HAPPENED THEY WOULD LOSE THEIR JOBS. THE INTERVIEW DID NOT IDENTIFY ANY ABUSE BY [redacted] HOWEVER, THE INTERPRETER BELIEVES [redacted] IS ACTUALLY [redacted]

ON 22 SEP 04, CANVAS INTERVIEWS OF THE REMAINING PRISONERS AT THE GARDEZ DETAINEE FACILITY FAILED TO PROVIDED ANY ADDITIONAL INFORMATION PERTAINING TO ANY DETAINEE ABUSE.

ON 22 SEP 04, COORDINATION WAS MADE WITH THE EXECUTIVE OFFICER, 20TH SPECIAL FORCES GROUP, BIRMINGHAM, AL, WHO CONFIRMED THAT THE 20TH SPECIAL FORCES GROUP WAS ASSIGNED TO THE GARDEZ DETAINEE FACILITY DURING THE INCIDENT TIME FRAME.

EFFORTS ARE ONGOING TO INTERVIEW THE REMAINING VICTIMS, WITNESSES, AFGHANI AND U.N. GOVERNMENT OFFICIALS, 20TH SPECIAL FORCES GROUP MEMBERS AND TO OBTAIN INVESTIGATIONS CONDUCTED BY AFGHANI AND U.N. AGENCIES.

INVESTIGATION CONTINUES BY USACIDC.

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted], AND MR. NASEER AS VICTIMS OF THIS INVESTIGATION AND TO RE-FOUND THE OFFENSE OF UNDETERMINED DEATH AS IT PERTAINS TO MR. NASEER.

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ON 19 SEP 04, AN INDIVIDUAL, REQUESTING TO REMAIN ANONYMOUS, WAS INTERVIEWED WHO PROVIDED THE IDENTITY OF THE EIGHT (8) LOCAL NATIONAL DETAINEES, WHO WERE ALLEGEDLY ABUSED BY MEMBERS OF THE U.S. FORCES. THE ANONYMOUS INDIVIDUAL FURTHER PROVIDED THAT THE VICTIMS WERE WORKING THE SEDA KONAL CHECK POINT BETWEEN GARDEZ AND KHOST ON 1 MAR 03, WHEN [redacted] (NFI) ARRIVED WITH MEMBERS OF HIS U.S. SPECIAL FORCES UNIT AND APPREHENDED THEM. THE ANONYMOUS INDIVIDUAL FURTHER STATED THE VICTIMS WERE HELD IN GARDEZ FOR 17 DAYS, AND ON THE 16TH DAY IN CUSTODY, MR. NASEER DIED AS A RESULT OF PHYSICAL ABUSE WHILE IN U.S. CUSTODY, AND [redacted] WAS ALSO BEATEN SO BADLY HE COULD NOT WALK. IT WAS ALSO REPORTED THE REMAINING SIX INDIVIDUALS WERE ALSO PHYSICALLY ABUSED DURING THEIR DETENTION AT GARDEZ. THE ANONYMOUS INDIVIDUAL FURTHER RELATED THE AFGHANISTAN MILITARY ATTORNEY GENERAL, [redacted] COMPLETED AN INVESTIGATION AFTER THE INCIDENT, AND HAD STATEMENTS FROM ALL THE VICTIMS AND PERSONNEL, WHO REMOVED THE BODY FROM THE GARDEZ FACILITY. THE ANONYMOUS INDIVIDUAL ALSO RELATED THE ALLEGATIONS WERE INVESTIGATED BY UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN, WHO REPORTED IT UP THEIR CHAIN OF COMMAND.

COORDINATION WITH THE AFGHANISTAN MILITARY ATTORNEY GENERAL AND THE UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN IS PENDING.

INVESTIGATION CONTINUES BY USACIDC.

FINAL:

THIS OFFICE WAS NOTIFIED BY THE STAFF JUDGE ADVOCATE, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354, THAT EIGHT DETAINEES FROM GARDEZ WERE ALLEGED TO HAVE BEEN ABUSED AND THAT ONE OF THE DETAINEES DIED WHILE AT THE GARDEZ DETAINEE FACILITY. THE OTHER SEVEN WERE TRANSFERRED FROM GARDEZ TO THE KABUL POLICE DETAINEE FACILITY AFTER APPROXIMATELY THREE MONTHS.

INVESTIGATION REVEALED THAT NO DETAINEE DIED IN U.S. CUSTODY WHILE AT THE GARDEZ DETAINEE FACILITY AND THAT ONLY ONE OF THE SEVEN DETAINEES COMPLAINED OF POSSIBLE ABUSE, WHICH WAS A TOE NAIL BEING REMOVED.

FURTHER INVESTIGATION FAILED TO PROVE OR DISPROVE THAT ANY OF THE SEVEN DETAINEES FROM THE GARDEZ DETAINEE FACILITY WERE ABUSED BY

U.S. FORCES AS NONE COULD BE IDENTIFIED AND INTERVIEWED.

AN INTERVIEW WITH [redacted] WHO ALLEGEDLY REPORTED THE INCIDENT, REVEALED THAT THERE WAS NO ALLEGED ABUSE CONCERNING DETAINEES IN U.S. FORCES CUSTODY AND THAT [redacted] WAS MISSING A TOENAIL [redacted] COULD NOT PROVIDE THE NAME OF THE DETAINEE DUE TO LACK OF RECORD KEEPING.

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

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

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DATE 20 SEP 2004

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

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR 3D MP GRP USACIDC FT GILLEM GA
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CHIEF OF STAFF, CJTF-180, BAGRAM AIR FIELD
COMMANDER, TF EAGLE, BAGRAM AIR FIELD ([redacted]
PROVOST MARSHAL OFFICE, BAGRAM AIRFIELD ([redacted]
PROVOST MARSHAL OFFICE, CJTF 76 ([redacted]
STAFF JUDGE ADVOCATE, CJTF 76 ([redacted])
DIR AFIP AFME WASH, DC//AFIP-CPLF

SUBJECT: CID REPORT OF INVESTIGATION - 1ST SUPPLEMENTAL /SSI - 0062-2004-CID369-69278 - 5H9B / 5Y2E / 5C2B

DRAFTER: [redacted]

RELEASER: [redacted]

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 MAR 2003, 0001 - 18 MAR 2003, 2359; GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN

2. DATE/TIME REPORTED: 24 MAY 2004, 0900

3. INVESTIGATED BY:
SA [redacted]

4. SUBJECT:

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

5. VICTIM:

1. NASEER, JAMAL (DECEASED) ; CIV; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; UNDETERMINED MANNER OF DEATH, MALTREATMENT OF A PERSON IN US CUSTODY (NFI)

2. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

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3. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

4. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

5. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

7. [redacted]; MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

8. [redacted] MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

6. INVESTIGATIVE SUMMARY:

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

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO ADD [redacted], AND MR. NASEER AS VICTIMS OF THIS INVESTIGATION AND TO RE-FOUND THE OFFENSE OF UNDETERMINED DEATH AS IT PERTAINS TO MR. NASEER.

ON 19 SEP 04, AN INDIVIDUAL, REQUESTING TO REMAIN ANONYMOUS, WAS INTERVIEWED WHO PROVIDED THE IDENTITY OF THE EIGHT (8) LOCAL NATIONAL DETAINEES, WHO WERE ALLEGEDLY ABUSED BY MEMBERS OF THE U.S. FORCES. THE ANONYMOUS INDIVIDUAL FURTHER PROVIDED THAT THE VICTIMS WERE WORKING THE SEDA KONAL CHECK POINT BETWEEN GARDEZ

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AND KHOST ON 1 MAR 03, WHEN [redacted] ARRIVED WITH MEMBERS OF HIS U.S. SPECIAL FORCES UNIT AND APPREHENDED THEM. THE ANONYMOUS INDIVIDUAL FURTHER STATED THE VICTIMS WERE HELD IN GARDEZ FOR 17 DAYS, AND ON THE 16TH DAY IN CUSTODY, MR. NASEER DIED AS A RESULT OF PHYSICAL ABUSE WHILE IN U.S. CUSTODY, AND MR. [redacted] WAS ALSO BEATEN SO BADLY HE COULD NOT WALK. IT WAS ALSO REPORTED THE REMAINING SIX INDIVIDUALS WERE ALSO PHYSICALLY ABUSED DURING THEIR DETENTION AT GARDEZ. THE ANONYMOUS INDIVIDUAL FURTHER RELATED THE AFGHANISTAN MILITARY ATTORNEY GENERAL, [redacted] COMPLETED AN INVESTIGATION AFTER THE INCIDENT, AND HAD STATEMENTS FROM ALL THE VICTIMS AND PERSONNEL, WHO REMOVED THE BODY FROM THE GARDEZ FACILITY. THE ANONYMOUS INDIVIDUAL ALSO RELATED THE ALLEGATIONS WERE INVESTIGATED BY UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN, WHO REPORTED IT UP THEIR CHAIN OF COMMAND.

COORDINATION WITH THE AFGHANISTAN MILITARY ATTORNEY GENERAL AND THE UNITED NATIONS ASSISTANCE MISSION TO AFGHANISTAN IS PENDING.

INVESTIGATION CONTINUES BY USACIDC.

FINAL:

THIS OFFICE WAS NOTIFIED BY THE STAFF JUDGE ADVOCATE, BAGRAM AIRFIELD, AFGHANISTAN, APO AE 09354, THAT EIGHT DETAINEES FROM GARDEZ WERE ALLEGED TO HAVE BEEN ABUSED AND THAT ONE OF THE DETAINEES DIED WHILE AT THE GARDEZ DETAINEE FACILITY. THE OTHER SEVEN WERE TRANSFERRED FROM GARDEZ TO THE KABUL POLICE DETAINEE FACILITY AFTER APPROXIMATELY THREE MONTHS.

INVESTIGATION REVEALED THAT NO DETAINEE DIED IN U.S. CUSTODY WHILE AT THE GARDEZ DETAINEE FACILITY AND THAT ONLY ONE OF THE SEVEN DETAINEES COMPLAINED OF POSSIBLE ABUSE, WHICH WAS A TOE NAIL BEING REMOVED.

FURTHER INVESTIGATION FAILED TO PROVE OR DISPROVE THAT ANY OF THE SEVEN DETAINEES FROM THE GARDEZ DETAINEE FACILITY WERE ABUSED BY U.S. FORCES AS NONE COULD BE IDENTIFIED AND INTERVIEWED.

AN INTERVIEW WITH [redacted] WHO ALLEGEDLY REPORTED THE INCIDENT, REVEALED THAT THERE WAS NO ALLEGED ABUSE CONCERNING DETAINEES IN U.S. FORCES CUSTODY AND THAT

[redacted] WAS MISSING A TOENAIL [redacted] COULD NOT PROVIDE THE NAME OF THE DETAINEE DUE TO LACK OF RECORD KEEPING.

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

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

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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Afghanistan MP Det (CID)
Building 591, Bagram Airfield, APO, Armed Forces Africa, Canada, Europe & Middle East 09354-935

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14 Jul 2004

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0062-2004-CID369-69278 - 5H9B / 5Y2E / 5C2B

DATES/TIMES/LOCATIONS OF OCCURRENCES:
1. 01 FEB 2003, 0001 - 30 APR 2003, 0000; GARDEZ DETAINEE FACILITY, GARDEZ, AFGHANISTAN

DATE/TIME REPORTED: 24 MAY 2004, 0900

INVESTIGATED BY:
SA [redacted]

SUBJECT:
1. UNKNOWN, ; UNDETERMINED MANNER OF DEATH (UNFOUNDED), MALTREATMENT OF A PERSON IN US CUSTODY, ASSAULT (NFI)

VICTIM:
1. (UNKNOWN), (DECEASED) ; AFGHANISTAN; GARDEZ, AFGHANISTAN; MALE; WHITE; GARDEZ, AF; XZ ; UNDETERMINED MANNER OF DEATH (UNFOUNDED), MALTREATMENT OF A PERSON IN US CUSTODY (NFI)

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

INVESTIGATIVE SUMMARY:

"THIS IS DETAINEE ABUSE INVESTIGATION"

This office was notified by the Staff Judge Advocate, Bagram Airfield, Afghanistan, APO AE 09354, that eight detainees from Gardez were alleged to be abused and that one of the detainees died while at the Gardez detainee facility. The other seven were transferred from Gardez to the Kabul Police Detainee Facility after approximately three months.

Investigation revealed that no detainee died in U.S. custody while at the Gardez detainee facility and that only one of the seven detainees complained of possible abuse, which was a toe nail

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being removed.

Further investigation failed to prove or disprove that any of the seven detainees from the Gardez detainee facility were abused by U.S. forces as none could be identified and interviewed.

An interview with [redacted] who allegedly reported the incident, revealed that there was no alleged abuse concerning detainees in U.S. Forces custody [redacted] was missing a toenail [redacted] could not provide the name of the detainee due to a lack of record keeping.

STATUTES:

Article 93, UCMJ: Maltreatment

Article 128, UCMJ: Assault

EXHIBITS/SUBSTANTIATION:

ATTACHED:

1. Agent's Investigative Report (AIR) of SA [redacted] 3 Jul 04, detailing the Basis for Investigation; interview of [redacted]

2. Statement of [redacted] 14 Jun 04, wherein he described the [redacted] seven detainees from U.S. forces [redacted] (USACRC and file copies only)

3. English language translation of Exhibit 2, 3 Jul 04.

NOT ATTACHED:

None.

The originals of Exhibits 1 through 3 were forwarded to USACRC with the original of this report.

STATUS: This is a Final (C) Report. This investigation is being terminated IAW CIDR 195-1, para 4-17a(6), in that the Special Agent-in-Charge (SAC) of this office determined that furtherance of this investigation would be of little or no value.

SUMMARY OF REMAINING LEADS: Identification and interview of alleged victims.

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REPORT PREPARED BY

[redacted]
SA [redacted]
Special Agent, [redacted]

REPORT APPROVED BY

[redacted]
SA [redacted]
Special Agent-in-Charge

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Provost Marshal Office, CJTF 76, Bagram Air Field, APO AE 09354
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SJA, TF Dragon, Bagram Air Field, APO AE 09354
Chief of Staff, CJTF-180, Bagram Air Field, APO AE 09354
FILE

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AGENT'S INVESTIGATION REPORT | 0062-04-CID369-69278

CID Regulation 195-1 | PAGE 1 OF 1 PAGE

About 0900, 24 May 04, this office was notified by the Office of The Staff Judge Advocate (SJA), Bagram Airfield, Afghanistan APO AE 09354 (BAF), that eight detainees from Gardez were abused while in U.S. custody. One of the detainees was suspected to have died while at Gardez and the other seven were transferred to the local police prison in Kabul, Afghanistan, three months later.

About 1000, 14 Jun 04, SA [redacted] coordinated with [redacted] CFC, Staff Judge Advocate, Kabul, who provided information of the phone number and whereabouts of [redacted] phone number [redacted]

About 1450, 14 Jun 04, SA [redacted] interviewed [redacted] who rendered a statement in his native language, wherein he stated that he had no knowledge of any detainee's dying in U.S. custody and that the only complaint he knew of was that one former detainee claimed his toenail had been removed by U.S. forces. [redacted] further stated he had coordinated with ISAF and an unknown representative from the U.S. embassy in Kabul, Afghanistan, about the toenail complaint; however no one ever came [redacted] to discuss this matter with him. Lastly [redacted] stated that due to poor recording keeping he could no identify the group of detainees or the provinces they were originally from.

About 1120, 3 Jul 04, SA [redacted] obtained a translation of [redacted] statement given on 14 Jun 04, translated by [redacted] and [redacted] category two interpreters, Titan Inc, BAF. (See Translation for details)

//LAST ENTRY//

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[redacted]
Special Agent [redacted]

Afghanistan MP Detachment (CID)
Bagram APO AE 09354

Signature: [redacted]

Date: 3 Jul 04

Exhibit: 1

CID Form 94

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Exhibit 2

Page(s) 107-108 withheld

Exemption(s) High b2

Pertains to Foreign Language Documents

STATEMENT OF [redacted] TAKEN AT _____ DATED 14 Jan 04

9. STATEMENT *(Continued)*

Q: [redacted]
A: [redacted] the name you provided me?
Q: Are the [redacted]
A: I will try to find the names.
Q: Did the [redacted] mentioned [redacted] had died?
A: No they did not, the only abuse mentioned was the missing toe nail

End of Statement

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LAW ENFORCEMENT SENSITIVE

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Exhibit 2

Translated 24 Jul 03, from statement of [redacted]

In the year of 1382, a group of Taliban from Gauntanamo were brought [redacted] to be released. One of them had their toenail pulled out. For three months they were kept in this secure facility, until they were identified with the Order Interior Minister. They were handed over to I.C.R.C. (International Red Cross) for them to be taken to their province of origin. They were from different provinces. We informed I.S.A.F. of the incident and their representative was already present. We like all authorities and friends to be informed.

//End of Statement//

Translated by

[redacted]
Category 2 interpreter, Titan INC

[redacted]
Category 2 interpreter, Titan INC
[redacted]

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LAW ENFORCEMENT
SENSITIVE

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Exhibit 3

0062-04-4-0369-69278 Jul 04

On Date: 1382 one Group
wich Is Releas. from GTMO
TAKed them to the polic Compound,
one of the puc, wich they take
a nail from his foot.
They were Kept them in the
police compound for three days
to aprove theire Identity.
After three day by the permation
Intigrior minister they were
taking to the International Red
cross and after that they were
taking to thier provences.
Becouse they were from Diffirent
provences.

LAW ENFORCEMENT
SENSITIVE

For Official Use Only Exhibit 3

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Titan INC [redacted] CAT II 4/7/23
CAT II

in the year of 1382 agroup of Taliban from Guantanamo were brought to this Compound to be Released on of them had thear Toe nails pulled out ~~$~~ For 3 months they were Kept in this secure facility untel they were idintified. withe the order interior minster they were ~~to the~~ handed over to the I.C.R.C for them to be taken to thear province of origin they were from difrent provinces.
~~One~~ we informed I.S.A.F of the incident and thear Represntitive was al Read present.
we laik All Atority & Frends to be informed

End Statment

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About 1410, 22 Sep 04, SA [redacted] interviewed [redacted] a [redacted] interpreter working with Special Forces at the Gardez Firebase. [redacted] provided a statement wherein he stated [redacted] two special forces medics, [redacted] and one other unknown U.S. soldier repeatedly beat the eight prisoners taken from the Afghan National Army checkpoint last year. [redacted] further related that one of the eight prisoners, Jamal NASSER was killed by the abuse and that [redacted] was also one of the prisoners. [redacted] stated the abuse consisted of punching, kicking, being immersed in cold water on thrown on the grown which had snow, and being burnt with a stove. [redacted] stated the eight prisoners were very badly beaten and that they were left outside in the snow all day while wet from being immersed in water and then at night taken to a tent and made to sleep in wet clothes. [redacted] stated that when NASSER was killed that the Special Forces called [redacted] to come get the prisoners and the body. Lastly, [redacted] told all the Gardez Firebase local nationals that if they told anyone what happened they would be fired from their job.

AGENT'S COMMENT: The present [redacted] staff in Gardez was not the same staff this office interviewed previously at the Gardez Firebase as they are rotated out from time to time.

About 1515, 22 Sep 04, SA [redacted] conducted canvass interviews of the following detainees, who stated they had not been abused and were treated well. The detainees stated they had been at the Gardez Firebase for one week:

[redacted]

About 1600, 22 Sep 04, SA [redacted] obtained photographs of the water pump outside the front gate. The tent that held the detainees along with the stove has been gone since 2003, so no verification could be made.

About 0830, 23 Sep 04, SA [redacted] conducted an interview of [redacted] Afghan Security Force, with [redacted] who interpreted the interview. [redacted] stated that last year while snow was still on the ground that U.S. Special Forces went to an illegal Gardez checkpoint that were extorting money from drivers and captured eight Afghans and brought them to the Gardez Firebase. [redacted]

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[redacted]
Special Agent [redacted]
Afghanistan MP DET CID
Bagram, APO AE 09354

Signature: [redacted] Date: 30 Sep 04 Exhibit: 4

stated that all eight of the detainees were beat very badly the first day and after that day they were moved behind the compound where no one could see what happened. [redacted] stated he was scared to ask about the prisoners, or report the incident. [redacted] stated about 15-16 days after the prisoners capture, [redacted] died at the firebase, and that he wrapped the body in the white cloth, which is his countries custom, and then transported the body to [redacted] house. [redacted] did not know the names of the U.S. Soldiers involved with the death of [redacted] and could not give this office a description of them.

About 0920, 23 Sep 04, SA [redacted] interviewed [redacted] an interpreter for the firebase, who stated that last year while snow was on the ground that U.S. Special Forces went to a checkpoint outside of Gardez and arrested eight afghans working the checkpoint that were stealing money from the local drivers. The eight were brought back to the base and [redacted] one of the captives, was very sick and thought to have a kidney infection. About 15 days later [redacted] died. [redacted] did not see any abuse.

AGENT'S COMMENT: [redacted] was very scared about the conversation and this agent does not believe he was told exactly what happened.

About 0945, 23 Sep 04, SA [redacted] interviewed the following personnel:

[redacted] a [redacted] interpreter who was talked to the last time the agent was in Gardez, stated he was not in Gardez at that time and was rotated out at another location [redacted]

[redacted] an Afghan Security Force (ASF) guard, who has been in Gardez [redacted] and not heard about any abuse.

[redacted] an ASF guard, who has been at Gardez [redacted] but had not heard about or seen abuse.

[redacted] ASF guard, who has been in Gardez for about [redacted] and not heard about or seen any type of abuse.

[redacted] an ASF [redacted] who has been at Gardez for [redacted] and not seen or heard about any type of abuse.

[redacted]
Special Agent, [redacted]
Afghanistan MP DET CID
Bagram, APO AE 09354

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Signature: [redacted] Date: 30 Sep 04 Exhibit: 4

CID Form 94

[redacted], ASF [redacted] who has been at Gardez for [redacted] and heard about or seen any abuse.

[redacted] an ASF guard, who has been at Gardez for [redacted], had not heard about or seen any type of abuse.

[redacted] a [redacted] interpreter who was talked to last time, [redacted] had not heard about the abuse or any other abuse.

About 1353, 23 Sep 04, SA [redacted] and [redacted] a Category 2 interpreter, Gardez Firebase, interviewed the following Afghan Soldiers assigned to the Setu Pass Checkpoint. [redacted] stated that [redacted] and his crew were very bad men, taking money and supplies from Afghans traveling through the checkpoint and sometimes even abusing women:

[redacted]

About 2030, 23 Sep 04, SA [redacted] and [redacted] a local Category 1 interpreter, completed in interview of [redacted] who stated last year him and seven others were working a checkpoint in Setu Pass, when American Special Forces came with two trucks, and surrounded the checkpoint. The Americans said they wanted to talk, and drink tea. Everyone had went inside, and [redacted] stated he saw Afghan Security Forces (ASF) running around outside. Upon asking the Americans why the ASF were here, and the Americans said the ASF were for security. After the tea came [redacted] stated he and 10 of his men were taken prisoner, but 3 people were released that day. The remaining eight prisoners had bags placed over their heads, and were taken to the Gardez firebase. Upon arrival at the firebase, The prisoners were made to sit on our knees in the snow. And if they tried to sit down, they were punched and kicked. The prisoners had water poured on them a lot during the five days that we were made to sit on their knees in the snow. The prisoners were not able to eat, drink, or sleep for the first five days. They were taken separately to a room to be interrogated about stealing money from people at the checkpoint. The prisoners were interrogated for 6 to 7 days straight. During the interrogations we were punched and kicked. After 6 nights were we put in individual rooms, and they prayed for the Americans to kill them rather than to beat them. About five days

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later [redacted] was moved to a mattress in the room with the other prisoners, and he could not walk from the beatings. All eight of the prisoners talked, and had all been beaten by being kicked and punched. Most of the prisoners could not stand up. One night while they were sleeping the Americans came, and poured cold water on them, and made them get up. They were taken from their rooms and beaten. The Americans fired guns above [redacted] head, and said "tell us the truth or we will beat you". We were taken to our sleeping rooms again, and [redacted] health condition was getting worse and worse. On the 17th day, I requested through an interpreter for a doctor to come see him. The doctor came, and said to warm the room up for him, and asked if he had bean beaten like this, and then kicked and punched [redacted] The doctor was very angry, and moved [redacted] to another room. They said they were releasing [redacted] because he had a medical problem. I said no he was healthy before you beat him. Later, I was sitting outside, and saw two Americans carrying [redacted] and I heard him say let me sit down but they didn't. That afternoon I asked to see [redacted] and when I went outside I saw [redacted] body. The American apologized to me, and said they were sorry, but he was sick and died. [redacted] was then transported to the local hospital, and then [redacted] for burial. [redacted] further stated that [redacted] cut some bruised finger off of NASSER's body to be used later, but had bad dreams about doing this, and buried it with the body two months later. (See Statement for details)

AGENT'S COMMENT: [redacted] stated he had taken pictures of the body before it was buried which showed marks and he would give this office that film. [redacted] would not give consent to have Mr NASSER exhumed as its against their beliefs. The case agent will obtain the film from [redacted] on 24 Sep 04.

About 1030, 24 Sep 04, SA [redacted] and [redacted] a local Category 1 interpreter, interviewed [redacted] and [redacted] both of Afghan Security Forces, Gardez Firebase, who stated they had seen the 8 prisoners brought in last year when snow was on the ground. The prisoners were thrown from the trucks onto the ground and made to sit on their knees. If they moved from their knees they were kicked. [redacted] saw [redacted] threw water on the prisoners, and [redacted] saw [redacted] throw water on the prisoners and kick them. [redacted] further stated about two months before the 8 prisoners came to the camp that him and [redacted] and others he can't remember were out at a checkpoint fighting the Pacha-Khan-Zadran (PKZ) fighters. After the battle it is customary for the Afghans to bury both sides of the dead. When [redacted] found out he got angry and cut the beard off one of the dead, being disrespectful. The Special Forces and ASF, then went to the Waze Village, and there were three local villagers there. [redacted] had them all sit down, and there was no interpreter there, the villagers were un-armed, and [redacted] shouted

[redacted]
Special Agent, [redacted] Afghanistan MP DET CID
Bagram, APO AE 09354

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Signature: [redacted] Date: 30 Sep 04 Exhibit: 4

something at them and one stood up confused and [redacted] shot him in the face with his M-4 rifle. [redacted] was going to shot the next villager but another American stopped him.

About 1100, 24 Sep 04, SA [redacted] and [redacted] talked with [redacted] an interpreter who was on the mission at the Wazi Village who said he was securing the village when [redacted] shot the villager. He stated he was told the villager went for a gun.

AGENT'S COMMENT: [redacted] stated he did not know anything when initially talked to but became very nervous and paced the camp. About 5 minutes later he asked to speak to the case agent in private and made his statement. [redacted] stated the locals were told by Americans never to tell about what goes on or they will be fired or killed.

About 0800, 25 Sep 04, SA [redacted] interviewed [redacted] a category 1 interpreter for the Gardez Firebase, who rendered a sworn statement wherein he stated at the beginning of last year, the Special Forces unit at Gardez, went and apprehended 8 Afghani's from a Checkpoint in Setu Pass. The detainees were thrown in the snow and he saw [redacted] and [redacted] pour water on NASSER. He then went on vacation and when he came back was told that [redacted] beat NASSER to death. He further stated [redacted] is also the person who killed an innocent man in the Jadran Area (Waze village) and cut a beard off a dead man.

About 0800, 26 Sep 04, SA [redacted] completed a check of all records of the Gardez Firebase concerning the apprehending of detainees. There were no records before Oct 2003, therefore there is no way to determine who was held at the Gardez compound before that time.

About 0900, 27 Sep 04, SA [redacted] and [redacted], a Category 2 interpreter, Gardez Firebase, completed canvass interviews of the following personnel:

[redacted] who has been as the firebase for about [redacted] and has not seen or heard anything concerning abuse.

[redacted], who has been as the firebase for about [redacted] and has not seen or heard anything concerning abuse.

[redacted] who has been as the firebase for about [redacted] and has not seen or heard anything concerning abuse.

[redacted]
Special Agent, [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

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Signature: [redacted]

Date: 30 Sep 04 Exhibit: 4

CID Form 94

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[redacted] an Afghan Security Force (ASF) [redacted], who has been at the firebase for [redacted] and had not seen or heard about any abuse.

[redacted] a ASF [redacted], who has been at the firebase for [redacted] and had not seen or heard about any abuse.

[redacted] who is a ASF [redacted] and been at the firebase for [redacted] stated he saw Americans pour water on the eight prisoners of [redacted] group and heard the prisoners scream from the tents while being interview. The noise sounded like people being beaten.

[redacted] an ASF [redacted] who has been at the firebase for 3 years and had not seen or heard any abuse.

[redacted] an ASF [redacted] who has been at the firebase for 3 years and not seen or heard any abuse.

[redacted] an ASF [redacted] who has been at the firebase for [redacted] and not seen or heard any abuse.

AGENTS COMMENT: while talking to the detainee facility guard, the case agent went inside the facility again and talked with the same four prisoners as before. The prisoners stated all was well but food was short for them the past few days. The case agent talked with [redacted] who runs the ASF, and he stated he would ensure the prisoners got sufficient amount of food.

About 1300, 27 Sep 04, SA [redacted] and [redacted], a category 2 interpreter, interviewed [redacted] who stated he had only been working at the office [redacted] and that all the police that worked for [redacted] were fired when he was captured by U.S. Forces and sent to GETMO. [redacted] further stated his records department had copies of the investigation of [redacted] and the 7 others taken prisoner by the U.S. Forces. [redacted] stated he would talk with [redacted] to try and persuade him to let this office exhume the body [redacted]

About 1400, 27 Sep 04, SA [redacted] and [redacted] travel with [redacted] to the Police Records Building, and it was determined the person who had the records was not in the city. This office was asked to come back to the building at 0900, 28 Sep 04 to obtain copies of the records.

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[redacted]
Special Agent, [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

Signature: [redacted]

Date: 30 Sep 04 Exhibit: 4

About 1440, 27 Sep 04, SA [redacted] and [redacted] interviewed [redacted] who stated he did not know anything about the abuse and further would provide any assistance to this office. [redacted] further stated that Former Governor [redacted] is now the Governor of the [redacted] province near Kabul.

About 0900, 28 Sep 04, SA [redacted] and interpreter [redacted] coordinated with [redacted], Assistant Military Attorney, [redacted] who provided this office with the original of their 115 page investigation containing police interviews of victims hospital staff, witness and records from the hospital, to make copies.

About 0940, 28 Sep 04, SA [redacted] travel to the Gardez Stationary shop and made copies of the 115 pages of the Investigation. $20.00 in U.S. Government Fund was expended to make the copies.

About 1200, 29 Sep 04, SA [redacted] SA [redacted] and [redacted], a Category 2 interpreter, Gardez Firebase, interviewed [redacted] who stated he had the film developed and that there were no visible pictures. The film was taken and released to the case file. [redacted] further stated others in the village might have pictures and he would check. [redacted] was asked about exhuming [redacted] and explained the reasons and said he and his tribe would not consent to the exhuming of the body, as others would look bad at them. He was told that the Afghan Government might authorize this office to exhume the body and he said that's fine. [redacted] further stated that of the victims [redacted] was in [redacted] is in [redacted] s in [redacted] left afraid of dying and did not tell anyone where he went, [redacted] s from [redacted] but living in [redacted] for work.

About 1310, 29 Sep 04, SA [redacted] and [redacted] a Category 2 interpreter, Gardez Firebase, interviewed [redacted] who was captured with [redacted]. [redacted] was kicked and punched while detained, had water poured on him while he was left in the snow, which for the first couple of days was day and night. He was then moved to a tent at night. [redacted] had his toenails removed. He was blindfolded and handcuffed while being detained but could here the Americans while being beaten. He said the Americans told him he was captured because he was doing bad things at the checkpoint to Afghan people. [redacted] was provided a DD Form 2701.

About 1340, 29 Sep 04, SA [redacted] and [redacted], a Category 2 interpreter, Gardez Firebase, interviewed [redacted] buried the body that she saw a cable mark on his arms, his legs were black

[redacted]

Special Agent, [redacted] Afghanistan MP DET CID
Bagram, APO AE 09354

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Signature: [redacted] Date: 30 Sep 04 Exhibit: 4

in color, and he had bruises on his chest, back and right cheek. SA [redacted] asked [redacted] if she had any belongings that Jamal had with him at the firebase. [redacted] stated she only had his broken watch, which this office couldn't have. [redacted] was asked is she had the clothing from Jamal's body, and she said yes. [redacted] was provided a DD Form 2701 for Jamal NASSER.

About 1345, 29 Sep 04, SA [redacted] collected 1 shirt top and one pants bottom from [redacted] that was the clothing taken from the body of Jamal NASSER. The clothing was retained on DA Form 4137, Evidence/Property Custody Document, Document Number 0069-04.

About 1400, 29 Sep 04, SA [redacted] and [redacted], a Category 2 interpreter, Gardez Firebase, coordinated with [redacted], ASF [redacted] who is [redacted] stated he would check in his village and find [redacted] for this office to interview him.

About 0930, 30 Sep 04, SA [redacted] interviewed [redacted] a Category 2 interpreter, Gardez PRT, who stated [redacted] he did not see any types of abuse to the men. However, the day when [redacted] was killed he saw the body and it was extremely bruised and beat up especially the feet. [redacted] is writing a statement of his account to be picked up this afternoon by this office.

About 1100, 30 Sep 04, SA [redacted] and [redacted], a Category 1 interpreter, Gardez Firebase, interviewed [redacted] who [redacted] the body upon its arrival. [redacted] stated [redacted] NASSER's body [redacted] had a lot of bruising on the chest, back, knees and legs [redacted] also stated that NASSER's face and body was swollen and his toenails had been removed.

About 1140, 30 Sep 04, SA [redacted] and [redacted] a Category 1 interpreter, Gardez Firebase, interviewed [redacted] the hospital [redacted] who stated that [redacted] was the [redacted] have the doctor do an exam. However during [redacted] had his men come take the body from the hospital. [redacted] stated [redacted] office had no records of NASSER's visit, as there was no time to process him.

About 1210, 30 Sep 04, SA [redacted] and [redacted] a Category 1 interpreter, Gardez Firebase, coordinated with [redacted] Gardez, who stated he would

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[redacted]
Special Agent, [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

Signature: [redacted]

Date: 30 Sep 04 Exhibit: 4

travel and see [redacted] and talk [redacted] into letting this office exhume the body. However they may want some monetary compensation.

About 1645, 30 Sep 04, SA [redacted] obtained a written statement from [redacted] concerning him seeing Jamal NASSER's death body at the firebase. (See Statement for details)
//LAST ENTRY//

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[redacted]
Special Agent, [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

Signature: [redacted]

Date: 30 Sep 04 Exhibit: 4

10pm
2 Sep 04

0062-04-CID369-69278

I was [illegible] with them we we [illegible] to sato pass

we arrested all of the chick point mansand thire

commander name was pari when we brough these gays

Her aftar that [redacted] start intrigation frome them

He beat all the prisoner very hard witout any mircy

That was a winter sesean was snow on land about

30cm He was sat every prisoner under hand pump

well and he put watar on them afterwatar

He put all these poeple out sid on snow

They pounch the prisoner on stomach

and He hit the prisoner hard on ground

even they burn the prisoner hands

He used bad Language to the prisoner

The cause of beating hard one prisoner deat

After they handover to the Local police.

Q: [redacted]

A: [redacted]

Q: about when did you go to the check point

A: 1000 in the morning & there was still snow on the ground. I'm not sure what month.

Q: Who went with you to the Check point

A: [redacted]

Q: Who did you see abuse the prisoners?

A: [redacted], [redacted] & another american soldier

Q: What type of Abuse did you see?

A Punching, Choking, Dragging & Slamming on the ground. The also Dunked heads of the prisoners in water. They also burnt them with the stove

Q: How did the one prisoner die?

A: Because of the Beating & Cold water.

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000122

Page 1 of 4

Exhibit 5

0062-04-CID 802-69278

Q: about how many were the Detainees in the firebase?
A: 15-16 Days
Q: Where did they go after that?
A: They were turned over To [redacted] who is now in [redacted]
Q: Who picked up the Dead prisoners Body?
A: Im not sure.
Q: Do you know the Dead prisoners Name?
A: Jamal Nasser [redacted] was captive Too & Living in gardez. [redacted]
Q: Did any of the prisoners Do anything to get Beat?
A: No the prisoners did nothing. They were Beat for Information.
Q: Did any of the us Soldiers tell [redacted] or [redacted] To stop the abuse?
A: Only I heard one, I dont remember his Name
Q: What did he look like? ([redacted]
A: [redacted] White skin & [redacted] about [redacted]
Q: How long were the prisoners kept out in the snow?
A: all day until they went to sleep then they we moved To a tent.
Q: Were they wet the whole time in the snow?
A: Yes & went to bed at night with wet clothes.
Q: Where were the prisoners Beat at?
A: an interrogation tent but its gone Now.
Q: Why didnt anyone find out about the abuse & Death
A: [redacted] told everyone Not to Ever talk or they would lose their Job.
Q: Did you see prisoners hit with plastic pipes or cables
A: No.
Q: Did you see [redacted] abuse anyone?
A: No. [redacted] Did interrogations alone.

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000123
Exhibit 5

Page 2 of 4

ENFORCEMENT

Q: Do you know any of the names of the other Americans?
A: NO
Q: About How many Americans were at the Gardez Firebase During the Abuse
A: one team
Q: Did the Americans try to Resusitate Mr Naseer?
A: Yes I heard they did, [redacted]
Q: ON a scale ~~1 to 5~~ 1 To 10 With ten Being the Worst How hard were the Prisoners Punched & Kicked.
A: 7 or 8
Q: about How many Hours were the prisoners kept in the snow?
A: 10 HRS Approximately. Dawn to Dusk
Q: Was Mr Nasser Healthy or sick upon His arrival?
A: he was healthy.
Q: Did [redacted] use an Interpreter During his interrogation of [redacted]?
A: [redacted] I also heard a pistol shot when [redacted] interviewed [redacted]
Q: Do you Know Why the 8 prisoners were arrested?
A: Robbing Drivers.
Q: Where were the prisoners Burnt at?
A: [redacted] was burnt Is what I heard.
Q: Did you tell anyone about the abuse?
A: No, I was Scared to lose my job.
Q: Do you Know Who's arms Nasser Died in?
A: NO I dont
Q: were any of the 8 prisoners Given Medical Attention?
A: Just Nasser.
Q: How far is Seta pass from gardez firebase?
A: about 12 to 15 Kilometers
Q: were the 8 Afghans any terrorist threat?
A: NO Just Robbers

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Exhibit 5

Q: when [redacted] at the prisoners did they [illegible] Braises or Bled
0062-04-CID369-69278
A: they did Both
Q: How Bad were the prisoners Beat?
A: They were Beat Bad & hard on the Face & Stomach & Back, Prisoners were Kicked & Stepped on the Butt & Back with their heels of Boots & Diggings in the flesh,
Q. Were there any other prisoners here at that time
A: No, only the 8.
Q: were there any other times you saw any abuse
A: No.
Q: What do you think should happen to [redacted] & the other american who abuse the prisoners
A: The US GOVT Should use their policy & put them in Jail,
Q: Do you have any other information to add?
A: NO ← End of Statement

this is my statment true what I saw during prisoner investigation [redacted] is another terp He saw that event too [redacted]

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Exhibit 5

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 6

PAGES 126 – 129

PHOTOGRAPHS OF WATER PUMP LOCATED GARDEZ DETENTION FACILITY

NON RESPONSIVE

1530
23Sep04 [redacted] Sou

0062-04-CID369-69278

while [redacted]
plus his body guards of [redacted] at the
Sato Kandaw pass checkpoint Grabed
the condition of [redacted] was bad
he was complaining a lot of his kidney.
American doctors tried thier
best to save the life of
[redacted] but unfortunatly
pass away.

For Official Use Only

LAW ENFORCEMENT
SENSITIVE

Thanks

Exhibit 7

000130 bb
-cc

There were eleven of us at the watch Post when we were arrested. We were part of the 3rd Co division.

The Americans visited us frequently, wherever they wanted to go we would accompany them. If they needed any information about a certain area we would gladly provide that to them.

The name of this area is [redacted]. The people of this area did not want the government to their area, because these people belonged to JALALUDDIN's tribe. Once the people of that are attacked us. One person from our group was injured. We ~~transfered~~ took the injured to the Base and later on he was transfered to the hospital in Gardez. We reported this incidence to the 3rd division, We were ordered to arrest the people suspected of the attack. We arrested six people and turned them to the 3rd division Their leader was a guy named [redacted] he was also the District Chief of [redacted]. He warned us ~~the~~ to get out of the area and that they did not want us there. Then these people blamed us for taking bribes from the local people. All those arrested were released in a week after they pledged their cooperation with the government and promised that they won't do anything against the government. They pledged their cooperation to [redacted] Governor [redacted]. ~~Here~~ They were having meetings with the Government every week and they continued to say bad things about us. none of us were allowed to participate in these meetings. They also complained to the b7 b6 Americans about us.

000131

One day the Americans called us and said they want to meet with us I came to the the ~~post~~ Post at 9:00 am, I was sitting that ~~two~~ two America Vehicles came. The Americans came and told me [redacted]

[redacted]

The took brought in some tea. [redacted] They arrested me in the room and my soldier outside. They put us all in the vehicles like bags, They took our weapons. They also took our vehicles. Then they took us about 200 meters away from the building and then they blew up all our our ammunitions. They brang the rest of our weapons in a pickup truck to the base.

There were Eleven of us, they released three [redacted]. They made us Kneel down, would not let us stand. if we moved, they would kick us and punch us. They accused us of Placing road blocks and taking money from the drivers. For six or seven days they did not feed us or or let us sleep. Three or Four soldiers would beat me up, sometimes I would lose consciousness and would pray that I might die. after six days they transfered me to a different room, I did not see [redacted] for five days. After five days they threw in [redacted] into the room like a rag. He could hardly talk, he could not walk. We were sleeping when they came and started beating us They fired bullets at us. [redacted] situation got progressively worse We asked the interpreter to call a doctor. It was on the 17th day that the doctor came. The doctor said that he should be put in a warm room The put [redacted] in another room then the released him and said that they had made a mistake. They said they would take him to Bagram for the treatment. I heard [redacted] voice, he wanted to see me. But they would not let me talk with him. 000132 I asked them where [redacted] was, nobody could tell me who They told me, they had to give him a shot. I was very worried Vehicles were leaving the base in a hurry towards the Bagram An American came in with a translator and said that they came from the Bagram. and they had gone to [redacted] house. b2 b6 7C

and that [redacted] were here this morning. I told them that I wanted to see [redacted] dead or alive. The interpreter told me ~~that~~ not to worry, every body dies. I looked outside and saw [redacted] dead body there. The Americans told me very respectfully that [redacted] was dead and that he felt my pain. He told me that [redacted] had some health problems. I told them [redacted] had no health problems. I cried till one AM and insisted that I wanted to take [redacted] body home. Then the Havana and Police Vehicles carried [redacted] to the hospital and took me to the police station.

Signed [redacted].

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EXHIBIT 8

To whom it may concern,

in march of 2003 while I was working with [redacted] sometimes I was helping the [redacted] guys as interperter. one day while I was on a mission with [redacted] I heard that ODA is going to disarm [redacted] chick point which was an illeagal chickpoint. When we got back I heard that ODA blew the chick point up and captured a bunch of guy from chick point indouding [redacted]. But eventually I found out one day early in the morrning that [redacted] had a bad time last night and may die because he has been beaten by ODA guys. That day ~~at~~ Between 10 - 11 in the morrning that [redacted] passed away.

I saw the dead body scratches on his body and with really bad wonds in his feet and by dead body I saw [redacted] crying. It seemed that he was beaten badly and no took care of him because he was complaing about stomach ache and high fever while he was alive. It seemed that was torchered alot. that was all I saw and hear. and the Statement is based on best of my mind.

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Exhibit 11

[redacted]

LAW ENFORCEMENT SENSITIVE

For Official Use Only 30 Sep 04
0062-04-CID369-69278
LAW ENFORCEMENT SENSITIVE

To whom it my concern,

All the thing that I am writing on this paper is the best of my knowledge, I was working with [redacted] an incident happened in Wazi District of Paktia province. The story is: One of ODA groups went out to disarm one of illeagal chick point in above mintioned place which was under control of [redacted] ([redacted] who was a famous war lord in that caria. After a clash which happened at that spot one of American SF guy named [redacted] chased some of those guys that they were running the chick points, he catches some one that I am not sure that if he was one of the chick point gus or not. [redacted] had 2 AMF Solders with him but not any interperter, but one of the AMF solder could speak a few words of English. [redacted] order the guy captured by him to laydown or sitdown but the AMF Solder can't translate his words correctly and instead he translates his ([redacted] 3) words as (standup). [redacted] shots the guy in head This is what I heard from those people or guy that they were there at the spot. But it is really neccerry to mintioned that at that time I was not at the spot and I was back at the base waiting with [redacted] if there was need for us to go. this is what I heard from many people involved in that incident.

000135 66

[redacted]

Exhibit 10

0800
25Sep04

0002-04-CID369-69278

[redacted] was [redacted] on Crardez, Koust road at Setu pass. He was runing a illegal checkpoint over there. A lot of people and Truck drivers had complain from [redacted] The people and drivers had claimed that [redacted] takes money by force from them. Some of those people and driver were came to Crardez Fire base to American and complained about [redacted] and his soldier. After that the ODA team made a decision against [redacted] to capture him. in that time Cant was [redacted] they started a mission against [redacted] and his soldiers. They arested [redacted] with his soldiers without any shooting, fighting and casuality. Americans brought [redacted] and his soldiers to fire base Crardez base for interogation it was winter sesion and weather was very cold and Land was covered by snow. [redacted] was interpreter [redacted] There was one [redacted] among the prisoners. There were two Americans guys medic [redacted] and medic [redacted] of ODA team. they, bring out [redacted] from prison and put him on land and Snow and poured water on him. [redacted] When we came [redacted] to fire base [redacted] died. When we went to [redacted] they were talking about [redacted] They told that Ame[redacted] and [redacted] beated [redacted] hard and put him in cold land So he died and All the AMF of fire base soldiers were sad because of American treat with prisoners [redacted] one of AMF X.O Commander says

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Exhibit 9

[redacted] is a guy who killed one inocent guy at Jadran area and pill also cut some hair of the dead body. [redacted] says ~~in that mision~~ There was no interpreter in that mission beside [redacted] and [redacted] one AM.F Soldier. When the American knew that [redacted] died after that they sent [redacted] is Soldiers to [redacted] Because their health condition was no good. I did not see no beating of prisoners on my eyes but every knew of their health condition from and yelling.

[redacted]

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0078-04-CID103

DETAILS

BASIS FOR INVESTIGATION: On 23 Sep 04, this office received a Category 1 (CAT 1) Request for Assistance (RFA) from the Afghanistan Military Police Detachment (CID), 3d Military Police Group (CID), Bagram Airfield, APO AE 09354, to locate, fully identify, and conduct subject interviews of two Special Forces (SF) medics, only identified as [redacted] NFI) and [redacted] NFI) and an unknown SF soldier. Both military members are assigned to the 20th SF Group (SFG), Birmingham, AL 35210 (BHM).

At 1050, 23 Sep 04, SA [redacted] coordinated with [redacted] HHD, 20th SFG, [redacted] (HAL), who stated [redacted] could be identified as [redacted] B Company, 20th SFG, [redacted] NFI) (phone number [redacted], and was assigned to Gardez, Afghanistan from Sep 02 until Apr 03. [redacted] also stated [redacted] could possibly be identified as [redacted] Battalion Support Company, 20th SFG, (Home Address - [redacted] phone number [redacted] (NFI).

At 1130, 23 Sep 04, SA [redacted] coordinated with [redacted] 20th FSG, [redacted] Oporto-Madrid Boulevard, BHM (phone number [redacted], who stated he was the unit commander of the 2021 SF Detachment (2021 SFD) in Gardez, Afghanistan. [redacted] also stated the 2021 SFD consisted of eleven personnel:

1. [redacted]
2. [redacted] (resides at location unknown) (NFI);
3. [redacted] possibly in Iraq (resides in [redacted] (NFI);
4. [redacted] B Company, 1st Battalion, 20th SFG, Mobile, AL (resides in [redacted] (NFI);
5. [redacted] Detachment (Det) 1, B Company, 20th SFG, Decatur, AL (NFI);
6. [redacted] Det 1, B Company, 20th SFG, Mobile, AL (NFI);
7. [redacted]
8. [redacted] possible in Iraq (resides in [redacted] (NFI);
9. [redacted] ETSed from U.S. Army, resides at unknown location (NFI);
10. [redacted] (reside in [redacted] (NFI);
11. [redacted] active duty, Fort Bragg (NFI).

Agent's Comments: [redacted] was identified by [redacted] as [redacted], not [redacted] as stated above.

At 1315, 23 Sep 04, [redacted] Executive Officer (XO), 20th SFG, 5601 Oport-Madrid Boulevard, BHM, provided this office with a list of the soldiers assigned to Gardez, Afghanistan from Feb 03-Apr 03 to the 2021 SF Detachment. The soldiers are as follows:

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	Redstone Arsenal Resident Agency (CID), Redstone Arsenal, AL 35898
SIGNATURE [redacted]	DATE 28 Sep 04 / EXHIBIT 12

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0078-04-CID103

DETAILS

1. [redacted] A Company, SF BN, 20th SFG, 1455 Shug Jordan Parkway, Auburn, AL 36832-3546 (Home Address: [redacted] (in Iraq as a contractor);
2. [redacted] Det 1, B Company, 20th SFG, Decatur, AL 35601-5595 (Home Address: [redacted]) (On Active-duty at Fort McClellan, AL);
3. [redacted] Det 1, B Company, 20th SFG, Decatur, AL 35601-5595 (Home Address: [redacted] (On Active-duty at Fort McClellan, AL);
4. [redacted] B Company, Det 1, 20th SFG, Mobile, AL 36605-5098, (Home Address: [redacted] 39452);
5. [redacted] Det 1, B Company, 20th SFG, Decatur, AL 35601-5595 (Home Address: [redacted] (On Active-Duty at Fort McClellan, AL);
6. [redacted] Det 1, B Company, 20th SFG, Decatur, AL 35601-5595 (Home Address: [redacted] (ETSed and in Iraq as a contractor);
7. [redacted] formerly of Det 1, B Company, 20th SFG, Decatur, AL 35601-5595, (Home Address: last known address - [redacted]) (ETSed from U.S. Army);
8. [redacted] (Home Address, [redacted]);
9. [redacted] retired, location unknown;
10. [redacted] retired, location unknown;
11. [redacted] Active-Duty at Fort Bragg.

At 0815, 24 Sep 04, SA [redacted] advised [redacted] of his legal rights, which he waived and provided a sworn statement detailing his knowledge of the capture and interrogation of several detainees in Gardez, Afghanistan. (See Waiver Certificate and Sworn Statement for details)

At 1125, 24 Sep 04, SA [redacted] advised SFC [redacted] of his legal rights, which he waived and provided a sworn statement detailing his knowledge of the capture of several detainees in Gardez, Afghanistan. (See Waiver Certificate and Sworn Statement for details)

At 1310, 24 Sep 04, SA [redacted] advised [redacted] of his legal rights, which he waived and provided a sworn statement detailing his knowledge of the capture and interrogation of several detainees in Gardez, Afghanistan. (See Waiver Certificate and Sworn Statement for details)

At 1430, 24 Sep 04, SA [redacted] advised [redacted] of his legal rights, which he waived and provided a sworn statement detailing his knowledge of the capture of detainees and medical treatment of Mr Jamal NASEER, Gardez, Afghanistan (NFI) in Mar 03. (See Waiver Certificate and Sworn Statement for details)

At 1700, 24 Sep 04, At 1700, 24 Sep 04, SA [redacted] briefed [redacted] Commander, 20th SFG, BHM on all aspects of this investigation. [redacted] stated he did not have knowledge of any abuse or

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Redstone Arsenal Resident Agency (CID), Redstone Arsenal, AL 35898	
SIGNATURE [redacted]	DATE 28 Sep 04	EXHIBIT 12 - 000139

CID FORM 94
1 Jul 99

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LAW ENFORCEMENT

Exhibit _____

Encl 1

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0078-04-CID103

DETAILS

maltreatment of detainees by his unit while in Afghanistan and is thoroughly satisfied the death of the detainee was not from abuse or maltreatment by his unit. [redacted] provided the following orders to this office: [redacted] (Orders #356-020, 22 Dec 01) bringing him on active-duty and orders (Order 280-066, 7 Oct 02) extending his active-duty time; [redacted] orders (Order 217-038, 5 Aug 03) bringing him on active-duty and orders (Order 178-0144, 27 Jun 03) releasing him from active-duty; [redacted] orders (Order 356-018, 22 Dec 01) bring him on active-duty and orders (Order 302-044, 29 Oct 03) releasing him from active-duty; [redacted] orders (Order 217-082, 5 Aug 04) bringing him on active-duty and orders (Order 178-0139, 27 Jun 03) releasing him from active-duty; [redacted] orders (Order 356-060, 22 Dec 01) bringing him on active-duty and orders (Order 280-100, 7 Oct 02) extending his active-duty time; [redacted] orders (Order 280-097, 7 Oct 02) extending his active-duty time; [redacted] orders (Order 356-028, 22 Dec 01) bring him on active-duty and orders (Order 280-074, 7 Oct 02) extending his active-duty time; [redacted] orders (Order 356-025, 22 Dec 01) bring him on active-duty and orders (Order 061-0294, 1 Mar 04) releasing him from active-duty. (See Orders for details)

About 1310, 27 Sep 04, SA [redacted] this office, and SA [redacted] interviewed [redacted] to ascertain if he observed any mistreatment of prisoners while in Afghanistan. [redacted] stated the prisoners were not mistreated and were provided shelter, food and water. He did not observe or participate in the utilizing of cold water and/or heat sources to mistreat any prisoner. He thought the interrogations were handled by [redacted] as he was a trained intelligence operator. He did not have any knowledge of how a prisoner died, nor did he observe [redacted] illegally kill anyone.

At 0930, 28 Sep 04, SA [redacted] interviewed [redacted] who stated he did not have knowledge of any abuse or maltreatment of detainees from his unit while in Afghanistan. [redacted] also stated he did not hear about the death of the detainee until after his unit redeployed from Afghanistan and does not know the details of the incident.

At 1900, 28 Sep 04, SA [redacted] conducted a non-custodial interview of [redacted] who stated he was involved in the capture of 10 to 12 Afghanistan rebels during the 1st week of Mar 03 in Gardez, Afghanistan at a check point. [redacted] also stated after the capture the detainees were transported to the 20th SFG "safe house" in Gardez and he did not have any contact with the detainees after that point. [redacted] related he did not see or hear of any abuse or maltreatment of any detainees. [redacted] also related he did not see or hear of any "questionable kills" in Afghanistan.

About 1515, 29 Sep 04, SA [redacted] interviewed [redacted] to ascertain his knowledge of the alleged mistreatment of prisoners. [redacted] stated he was on leave with [redacted] during the time period when the team apprehended the 10-12 prisoners. Upon

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Redstone Arsenal Resident Agency (CID), Redstone Arsenal, AL 35898	
SIGNATURE [redacted]	DATE 28 Sep 04	EXHIBIT 12 000140

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LAW ENFORCEMENT SENSITIVE

Exhibit _____

Encl 1

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0078-04-CID103

DETAILS

returning from leave, he did not have any contact with the prisoners and never witnessed any improper handling. [redacted] did not have any knowledge of [redacted] illegally killing anyone.

At 1940, 29 Sep 04, SA [redacted] conducted a non-custodial interview of [redacted], to ascertain his knowledge of the alleged mistreatment of prisoners. [redacted] stated he never witnessed any mistreatment of prisoners and did not have any information about [redacted] illegally killing anyone.

STATUS: This office has completed all requested investigative activity. No further investigative activity is anticipated by this office.///Last Item///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Redstone Arsenal Resident Agency (CID), Redstone Arsenal, AL 35898	
SIGNATURE [redacted]	DATE 28 Sep 04	EXHIBIT 12-000141

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Exhibit _____ Encl 1

0062-04-CID369-69228

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.
Birmingham, AL	24 Sep 04	0826	0078-04-CID103

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	Detachment 1, B Company, 20th Special Forces Group, Decatur, AL 35601-5595
6. SSN [redacted]	7. GRADE/STATUS [redacted]

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] Manslaughter/// [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 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.
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 available)*	3. SIGNATURE OF INTERVIEWEE [redacted]
1a. NAME *(Type or Print)*	4. SIGNATURE OF INVESTIGATOR [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR [redacted]
2a. NAME *(Type or Print)*	6. ORGANIZATION OF INVESTIGATOR Resdtone Resident Agency, USACIDC, Redstone Arsenal, AL 35898
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

000142

2. SIGNATURE OF INTERVIEWEE

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

USAPPC V1.00

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DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

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LAW ENFORCEMENT SENSITIVE

Exhibit 13

Encl 2

0062-04-CID369-69278

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
Birmingham, AL	24 Sep 04	1116	0078-04-CID103

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
Detachment 1, B Company, 20th Special Forces Group, Decatur, AL 35601-5595

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In MAR 2003, MY DETACHMENT CONDUCTED A MISSION IN PAKTIA Province, EAST of Gardeyz. The MISSION regarded investigating and preventing extortion and robbery activities used to fund AQ/TB/HIG elements. We had patrolled the area often and had previously seen the checkpoint.

[redacted] PUCs were secured with Flex ties around hands and feet. There were 10 or 11 PUCs transported. They were placed in the back of ~~a~~ Toyota Trucks, And provided blankets for the Journey. The return trip was approx 1.5 hours.

We discovered a large cache in the mosque. The AMMO was removed and subsequently used to destroy the checkpoint bldg while the MOSQUE remained intact.

We arrived at the FIREBASE AND OFF-LOADED THE PUCs. They remained secured, silent and segregated. They were hooded, but provided water and Flex ties checked. ALL pucs were to go through a screening process to identify personal information. During this process we identified a [redacted] who was a sex slave to [redacted] He remained at our Firebase for several days until his family could be contacted [redacted] He worked for [redacted], our camp [redacted], until travel arrangements could be made, about 4 days.

Another PUC turned out to be [redacted] that was being held until he could arrange payment for his passage. He was released on the 2d day.

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EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 7 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 SIDE OF ANOTHER COPY OF THIS FORM.

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DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. USAPPC V2.00

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LAW ENFORCEMENT SENSITIVE

Exhibit 13

Exhibit 12

0062-04-CID369-69278

FILE NU 0078-04-CID103

STATEMENT OF [redacted]

TAKEN AT Birmingham, AL DATED 24 Sep 04 CONTINUED

STATEMENT (Continued)

I do not know the exact number of PUCs remaining but it was between 7-10.

As a 180A Commander, I had myself and one functioning Trained 18F (intel sgt) on the Team. I only Authorized the 18F and myself to conduct interviews and interrogations of the remaining PUCs. I allowed the 18D (MEDICS) access to the PUCs for Medical Responsibility.

I conducted Interrogations with [redacted], the checkpoint Cdr. starting on the 2d day. I interrogated him using several Techniques- reward system, aggressive questioning by the 18F followed by relaxed session with me, Bombardment questioning, Open Hand Facial Slaps, and incorrect information allowing him to correct.

He was treated for a cut off his foot incurred while being transported. None of the other PUCs proved to have much information. I Authorized the 18F to use the same techniques listed above, however all Physical Contact was not allowed after it had been used during a session on the 2d or 3d day. While we obtained information, we did not have evidence to support sending the PUCs to BAGRAM. We had already had other PUCs returned to our location, so we did not feel we could Justify sending these PUCs with less evidence. ~~We had the PUCs~~ [redacted], Interrogations lasted approx 4-5 days amid ongoing operations. Arrangements were made with the Camp [redacted] to provide food and water. They were sheltered in a Bunker outside the compound and provided Blankets.

Upon determining that they did not meet PUC criteria, Arrangements were made with the Governor to move them to the Police facility. This should have occurred around the 1 week mark. Due to the Governors feud with the Police Chief, they were not picked up until the 10th day (approx.) or rather Three days after the scheduled Pick-up.

On the day of the Pick-up, One PUC died. He was a PUC that had no info to offer and was only Interrogated early. [redacted]

I had a difficult decision regarding reporting the death. They were all supposed to be gone three days ago. We were co-located with a [redacted] element and I did not want ~~them~~ the unnecessary attention at our location.

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INITIALS OF PERSON MAKING STATEMENT: [redacted]

PAGE 2 OF 7 PAGES

[redacted]

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EXHIBIT 13

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STATEMENT OF [redacted]

TAKEN AT Birmingham, Al DATED 24 SEP 04 CONTINUED

STATEMENT (Continued)

I informed the Governor that he needed to come pick up the PUCs immediately and place them under his authority. He said he would arrange all Muslim requirements with the family for Burial.

He had the PUCs transported to the police facility with all the documentation we recovered and produced.

I reported PUCs on my SITREP and their turnover to local authorities. I did not report the death.

We continued our operations during the PUC detention and afterward until we started Phasing out of the country ~~on~~ 6 April until final RIP on 17 Apr. I understood that the PUCs were going to be tried under AFGHAN law for Extortion, Robbery and child molestation.

Q: SA [redacted]

A: [redacted]

Q: What ARE PUCs?

A: Personnel Under US Control.

Q: Who WAS your 18F (intel sgt)?

A: [redacted]

Q: Who WERE your 18D (medics)?

A: [redacted] and [redacted]

Q: Who WERE the soldiers under your command during this incident?

A: [redacted], [redacted] (7thSFG), [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted]

Q: Who WAS involved in the screening and interrogations of these detainees?

A: Screening- [redacted], maybe [redacted]

Interrogation- Myself, [redacted]

Q: How long did the screening process take?

A: into the 2d day - 24 hours, did not proceed through entire night

Q: Who WAS interrogated after the screening?

A: [redacted], perhaps other unnamed

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FILE NU 0062-04-CID369-69278
0078-04-CID103

STATEMENT OF [redacted]

TAKEN AT Birmingham, AL DATED 24 SEP 04 CONTINUED

STATEMENT (Continued)

Q: Did you participate or observe any kicking, punching, or striking of any detainees?
A: Yes - facials slap, collar grabbing
Q: Were the facial slaps with a closed fist or opened hand?
A: I don't know with certainty
Q: Did you use facial slaps with the detainees?
A: NO [redacted]
Q: Who did you observe using facial slaps?
A: [redacted]
Q: Did you participate or observe immersing of detainees in cold water?
A: NO
Q: Why did [redacted] use facial slaps with the detainees?
A: It is an Interrogation Technique learned and Authorized by me during an aggressive Q & A session.
Q: Who did [redacted] use facial slaps on?
A: [redacted]
Q: Did you observe or participate in any abuse or maltreatment of the detainees?
A: NO
Q: Did you observe or participate in burning detainees with a heating stove?
A: NO
Q: Where did the detainees sleep?
A: In a Guarded Bunker outside of the Compound
Q: Were the detainees forced to sleep in wet clothes?
A: NO
Q: Who is "[redacted]"?
A: [redacted]
Q: What participation did the medics [redacted] having in the interrogations and screenings?

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INITIALS OF PERSON MAKING STATEMENT: [redacted]

PAGE 4 OF 7 PAGES

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EXHIBIT 13

0062-04-CIDB69-69278

FILE NU ER 0078-04-CID103

STATEMENT OF [redacted]

TAKEN AT Birmingham, AL DATED 24 SEP 04 CONTINUED

STATEMENT (Continued)

A: They had Medical Responsibilities
Q: Did you OBSERVE [redacted] OR [redacted] ABUSE OR MALTREAT ANY DETAINEE?
A: NO
Q: Who guarded and observed the DETAINEES while in U.S. Custody?
A: AFGHAN MILITIA FORCE (AMF) Security Personnel
Q: WERE the DETAINEES provided food, WATER, and shelter?
A: Yes and Medical accessibility
Q: What WAS the condition of the DETAINEES WHEN TAKEN into Custody?
A: Good Condition
Q: HOW WERE the DETAINEES TREATED while in Custody?
A: Provided Food, water, shelter, Medical, Guarded, escorted, most of the time left alone in shelter.
Q: How much time in A day would your soldiers spin with the DETAINEES?
A: couple hours ~~until~~ a day for the first several days (around day 4 or 5) Only [redacted] had continued Interrogation. Most others were not further interrogated after day 2 or 3.
Q: Who WAS the DETAINEE that died in Custody?
A: [redacted]
Q: What WAS the CAUSE of his death?
A: I don't know
Q: WAS he ABUSED OR MALTREATED IN ANY WAY?
A: NO
Q: IN your opinion, did he die of ABUSE OR MALTREATMENT?
A: NO
Q: Why did you not report his death?
A: Due to the fact he was scheduled to be picked up days earlier and the unneeded attention near a [redacted] element.
[redacted]

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INITIALS OF PERSON MAKING STATEMENT: [redacted] PAGE 5 OF 7 PAGES

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0062-04-CID364-67243

FILE NU: 0078-04-CID103

STATEMENT OF [redacted]

TAKEN AT Birmingham, AL DATED 24 SEP 04 CONTINUED

STATEMENT (Continued)

Q: How was he treated while in custody?
A: Like the other pucs.
Q: Why do you think these Allegations have been made?
A: The Ambiguous Tribal allesjances and political situation in Afghanistan. One day they are Bad, the next they are good. A fight for power in Gardeyz and PAKTIA Province between warlords, police chiefs and appointed Gov't officials.
[redacted] is a warlord who attacked Gardeyz, Conducted at least Five Ambushes on Coalition forces, including one that wounded the V/20 BN Cdr.
In a subsequent Fire Fight in MARCH, one of his Sons were Killed by my men. [redacted] The personnel at the Checkpoint reported to him. I believe this is an series of lier designed to avenge his son.
[redacted] is now involved in the Political landscape in the Afghan Government.
Q: Did you EVER OBSERVE ANYONE EVER ~~shot~~ [redacted] shoot or Attempt to ~~shot~~ [redacted] shoot A detainee?
A: NO
Q: Do you have Any thing else to add to this statement?
A: No /// End of Statement /// [redacted]

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INITIALS OF PERSON MAKING STATEMENT: [redacted] PAGE 6 OF 7 PAGES

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0062-04-CID369-69278

0078-04-CID103

STATEMENT *(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 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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of September 20 04

at Birmingham, AL

[redacted]

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

Article 134, UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [redacted]

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LAW ENFORCEMENT SENSITIVE

Exhibit 13

USAPPC V2.00

0062-04-CID369-65278

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 / TIME	4. FILE NO.
Birmingham, AL	24 Sep 04 / 1135	0078-04-CID103

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	Detachment 1, B Company, 20th Special Forces Group, Decatur, AL 35601-5595
6. SSN [redacted] / 7. GRADE/STATUS [redacted]	

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] Manslaughter///[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 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.
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 available)*	3. SIGNATURE OF INTERVIEWEE [redacted]
1a. NAME *(Type or Print)*	4. SIGNATURE OF INVESTIGATOR [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR [redacted]
2a. NAME *(Type or Print)*	6. ORGANIZATION OF INVESTIGATOR Resdtone Resident Agency, USACIDC, Redstone Arsenal, AL 35898
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

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2. SIGNATURE OF INTERVIEWEE

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

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Exhibit 14

0062-04-CID365-69278

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
Birmingham, AL	24 Sep 04		0078-04-CID103

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
Detachment 1, B Company, 20th Special Forces Group, Decatur, AL 35601-5595

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In reference to the allegations, I remember the mission on which ODA 2021 took down the "checkpoint" on the Sait-Kandal Pass where we took into custody a number of suspected "Bad guys". We flex-cuffed their hands behind their backs and loaded the prisoners into our vehicles. After returning to base camp, I remember seperating the prisoners and placing a local assest guards on each prisoner. I don't remember how long we held the prisoners, nor what types of interrogation techniques were used during the time we had them in our custody. I belive about three days passed when I learned that all prisoners were turned over to the local authorities in Gardez. I have no knowledge of any mistreatment of any prisoners nor do I know of any of the prisoners having died while in our custody.

QiSA [redacted]

Ai [redacted]

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[redacted]

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EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 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 SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. USAPPC V2.00

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Exhibit 14

0062-04-CID369-69278

FILE NUMBER 0078-04-CID103

STATEMENT OF [redacted]

TAKEN AT Birmingham, AL DATED 24 SEP 04 CONTINUED

STATEMENT (Continued)

Q: WERE YOU INVOLVED IN THE SCREENING OR INTERROGATION OF THE DETAINEES?
A: NO.
Q: DO YOU KNOW WHO WAS INVOLVED?
A: [redacted] and [redacted] (acting Intel Sgt)
Q: DID YOU OBSERVE OR PARTICIPATE IN ANY ABUSE OR MALTREATMENT OF DETAINEES?
A: NO.
Q: AFTER THE DETAINEES WERE BROUGHT BACK TO THE COMPOUND AND SEGREGATED, DID YOU SEE THEM AGAIN?
A: [redacted] NO.
Q: DID ANYONE TALK TO YOU ABOUT ABUSING THE DETAINEES?
A: NO.
Q: DO YOU HAVE ANYTHING TO ADD TO THIS STATEMENT?
A: NO. /// END OF STATEMENT /// [redacted]

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INITIALS OF PERSON MAKING STATEMENT: [redacted]

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EXHIBIT 14

0042-04-CID364-69278

0078-04-CID103

STATEMENT *(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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of September, 19 04

at Birmingham, AL

[redacted]

(Signature of Person Administering Oath)

[redacted] 000153

(Typed Name of Person Administering Oath)

Article 134, UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 3 OF 3 PAGES

USAPPC V2.00

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LAW ENFORCEMENT

Exhibit 14

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0262-04-CID369-69278

...HTS WARNING PROCEDURE/WAIVER CERTIFICAT...

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

0078-04-CID103

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION Birmingham, AL	2. DATE 24 Sep 04	3. TIME 13:17	4. FILE NO. 0078-04-CID103
5. NAME *(Last, First, MI)* [redacted]	8. ORGANIZATION OR ADDRESS Detachment 1, B Company, 20th Special Forces Group, Decatur, AL 35601-5595		
6. SSN [redacted]	7. GRADE/STATUS [redacted]		

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~~: Manslaughter/// [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 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.
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 available)*	
1a. NAME *(Type or Print)*	3. SIGNATURE OF INTERVIEWEE [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [redacted]
2a. NAME *(Type or Print)*	5. TYPED NAME OF INVESTIGATOR [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR Resdtone Resident Agency, USACIDC, Redstone Arsenal, AL 35898

Section C. Non-waiver

1. ☐ I want a lawyer ☐ I do not want to be questioned or say anything

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2. SIGNATURE OF INTERVIEWEE

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

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LAW ENFORCEMENT SENSITIVE

Exhibit 15

Encl 2

0062-04-CID369-69278

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
Birmingham, AL	24 Sep 04	1417	0078-04-CID103

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS
Detachment 1, B Company, 20th Special Forces Group, Decatur, AL 35601-5595

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

SOMETIME DURING THE FIRST WEEK OF MARCH, MY ODA REMOVED A CHECKPOINT AND TOOK EIGHT TO TEN AFGHANIS INTO CUSTODY. WE BROUGHT THEM BACK TO OUR FIREBASE AND BEGAN SCREENING AND QUESTIONING THEM. I SAT IN ON SOME OF THE INTERVIEWS WITH [redacted] WHO CONDUCTED THEM. THIS WAS THE FIRST DAY/NIGHT THAT THEY STAYED AT THE COMPOUND. TWO INDIVIDUALS WERE DETERMINED NOT TO BE A PART OF THE CHECKPOINT, [redacted] ONE WAS AN ADOLESCENT AFGHANI [redacted] WHO HAD BEEN KIDNAPPED AND HELD AT THE CHECKPOINT ILLEGALLY, AND THE OTHER WAS EITHER VISITING OR HAD BEEN HELD AS WELL. BOTH WERE RELEASED. TO MY KNOWLEDGE THE QUESTIONING DID NOT LAST MORE THAN TWO DAYS. WE HELD THEM FOR A WEEK TO TEN DAYS AND TURNED THEM OVER TO THE LOCAL GOVERNMENT. DURING THEIR STAY THEY WERE PROVIDED WITH SHELTER, BLANKETS, FOOD, AND WATER, THIS WAS OVERSEEN BY THE LOCAL AFGHANI'S WHO WERE EMPLOYED [redacted] AT THE COMPOUND. THE DAY THE PRISONERS WERE TURNED OVER TO THE LOCAL AUTHORITIES, [redacted] ONE OF THE MEDICS INFORMED ME THAT ONE OF THE PRISONERS HAD DIED.

Q: SA [redacted]
A: [redacted]
Q: Which interviews did you observe?
A: THE TWO INDIVIDUALS THAT WERE RELEASED AND [redacted]
Q: During these interviews did you or anyone else beat or abuse the detainees?
A: NO.
Q: What was your involvement in the interviews?
A: I SAT IN AND OBSERVED THE FIRST FEW INTERVIEWS AND THEN I RETURNED TO THE INTERIOR OF THE COMPOUND.
Q: Did you see the detainees again after you went to the compound?
A: THAT NIGHT I WENT BACK OUT TO CHECK ON THINGS, AND OBSERVED THE LOCAL AFGHANI'S

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 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 SIDE OF ANOTHER COPY OF THIS FORM.

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USAPPC V2.00

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

Exhibit 15

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LAW ENFORCEMENT SENSITIVE

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Ex. 12

FILE NU : 0078-04-CID103

STATEMENT OF [redacted]

TAKEN AT Birmingham, AL DATED 24 Sep 04 CONTINUED

STATEMENT (Continued)

BRING THE DETAINEES BLANKETS AND HEATERS, AND PLACE THEM IN A TENT. I WOULD PERIODICALLY SEE THE DETAINEES DURING THE NEXT WEEK OR SO.

Q: Who guarded the detainees?

A: THE LOCAL AFGHANI MILITIA WHO WERE EMPLOYED AT THE SAFEHOUSE

Q: How were the detainees treated?

A: THEY WERE PROVIDED FOOD, WATER, BLANKETS, AND KEPT IN A TENT AT NIGHT WITH HEATERS. DURING THE DAY THEY WERE MOVED OUT INTO THE SUNLIGHT.

Q: Who is [redacted] and "[redacted]"?

A: THE ODA'S MEDICS. [redacted] AND [redacted]

Q: What were their involvements with the detainees?

A: THEY PROVIDED MEDICAL COVERAGE.

Q: Did you hear or observe [redacted]" OR "[redacted]" Abuse or maltreat a detainee?

A: NO.

Q: WAS "[redacted]" OR "[redacted]" involved in the interrogations?

A: "[redacted]" WAS ON LEAVE DURING THAT TIME AND I NEVER SAW [redacted] INVOLVED WITH THE INTERROGATIONS.

Q: Did you observe or participate in kicking, punching, or striking of a detainee?

A: NO.

Q: Did you observe or participate in the immersing in cold water of a detainee?

A: NO.

Q: Did you observe or participate in the burning of a detainee with a heating stove?

A: NO.

Q: Were the detainees forced to sleep in wet clothes?

A: NO.

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

A: NO. /// END of STATEMENT /// [redacted]

[redacted]

INITIALS OF PERSON MAKING STATEMENT: [redacted]

PAGE 2 OF 3 PAGES

EXHIBIT 15

FOR OFFICIAL USE ONLY – Law Enforcement Sensitive

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End 2

062-04-CID369-69278
0078-04-C10103

STATEMENT *(Continued)*

[redacted]

Not Used

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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of September, 19 04

at Birmingham, AL

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

Article 134, UCMJ
(Authority To Administer Oaths)

000157

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 3 OF 3 PAGES

USAPPC V2.00

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LAW ENFORCEMENT SENSITIVE

Exhibit 15

Encl 2

0062-04-CID 369-69278

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	TIME	4. FILE NO.
Birmingham, AL	24 Sep 04 [redacted]	1441 [redacted]	0078-04-CID103
5. NAME *(Last, First, MI)* [redacted]	8. ORGANIZATION OR ADDRESS: Detachment 1, B Company, 20th Special Forces Group, Decatur, AL 35601-5595		
6. SSN [redacted]	7. GRADE/STATUS [redacted]		

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] Manslaughter/// [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 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.

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 available)*	3. SIGNATURE OF INTERVIEWEE [redacted]
1a. NAME *(Type or Print)*	SIGNATURE OF INVESTIGATOR [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR [redacted]
2a. NAME *(Type or Print)*	6. ORGANIZATION OF INVESTIGATOR Resdtone Resident Agency, USACIDC, Redstone Arsenal, AL 35898
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

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2. SIGNATURE OF INTERVIEWEE

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

USAPPC V1.00

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

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LAW ENFORCEMENT SENSITIVE

Exhibit 16

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Ex. 12

0062-04-CID369-69278

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
Birmingham, AL	24 Sep 04		0078-04-CID103
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
[redacted]	[redacted]		[redacted]

ORGANIZATION OR ADDRESS
Detachment 1, B Company, 20th Special Forces Group, Decatur, AL 35601-5595

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On or around the date [redacted] I arrived ~~on~~ at in the [redacted] to go on leave. This occured after taking several days to fly out of Baghram AFB. From [redacted]. I rented a car from the airport and drove to [redacted] to visit [redacted]. I stayed there for a night or two, got my truck from lock up (7th Group) and drove to [redacted]. Here I spent Valentines day with her. We spent a few more days in [redacted] together. Then she flew back. I spent some more days at [redacted] house afterwards. I then drove back to [redacted] to spend the remainder of my leave. We had been given 15 days leave (R&R) in country. I then tried to find a flight back to Afghanistan. No flights were flying from Ft Bragg so I drove to [redacted] where I waited several days for a flight back to [redacted]. In [redacted] I spent a couple of days waiting on a flight to Baghram AFB. This was around the [redacted] or [redacted]. From Baghram AFB I made radio contact with my ODA to arrange for them to pick me up. After deciding that a CONOP would take too long. I decided to try a [redacted]. [redacted] and myself after several

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 5 PAGES
	[redacted]	

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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.

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USAPPC V2.00

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

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LAW ENFORCEMENT SENSITIVE

Exhibit 16

Exhibit 17

FILE NUMBER 0078-04-CID103

STATEMENT OF [redacted]

TAKEN AT Birmingham, AL DATED 24 SEP 04 CONTINUED

STATEMENT (Continued)

days made our way back to the Gardeyz safehouse. [redacted] This was around the [redacted] I checked on the status of the prisoners and offered any medical help if needed. The prisoners were in a heated tent with blankets and were provided food + water on a regular basis. A day or two later one [redacted] I was alerted to one prisoner having some problems. From the medical history I could obtain due to language barriers it appeared that the man had a possible UTI (urinary tract infection). This was the [redacted] common due to the fact that a [redacted] had been held captive and sodomized by the guards at the [redacted] I ~~treated the patient~~ with [redacted] checked the prisoner out and noted that all systems were unremarkable to the best of my ability. I then treated ~~with~~ [redacted] him with antibiotics and stayed up that night with the pt. Just as I did with all pts under my care. Around 3 o'clock that next morning [redacted] and I swapped watch. [redacted] had noted that the pt was better in the morning and appeared to be doing well. Later that morning I was by the chow tent when [redacted] came running up to me to get my help and tell me the pt had expired. I grabbed [redacted] my aid bag and immediately began to revive [redacted] the pt [redacted] and myself performed CPR and intubated the pt to secure a better airway as well as deliver high flow O2 through a Bag Valve Mask (BVM). An IV of NS (normal saline) was initiated via N catheter in his arm. Here we administered cardiac meds for the asystole algorhythm. This since no EKG was present and without a pulse. This was the most logical pathway to take. After approximately 30mm of CPR and pushing meds. We decided to stop working on the pt. This decision was made due to time elapsed during our attempt to revive him. From here we notified our Commander (LT) [redacted] as to what happened.

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INITIALS OF PERSON MAKING STATEMENT: [redacted] PAGE 2 OF 5 PAGES

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0062-04-CID367-22-8

FILE NU 0078-04-CID103

STATEMENT OF [redacted]

TAKEN AT Birmingham, Al DATED 24 SEP04 CONTINUED

STATEMENT (Continued)

Q: SA [redacted]
A: [redacted]
Q: What was the condition of the detainees when you returned from R. leave?
A: Appeared to be in good health to the best of my recolection
Q: Did you do physical exams of the detainees?
A: No, I arrived much [redacted] later than their initial arrival.
Q: Did the detainees appear to be abused, beaten, or maltreated?
A: No.
Q: Did you abuse any of the detainees?
A: No
Q: Did you punch, kick, or strike any of the detainees?
A: No
Q: Did you summerge any detainee in cold water?
A: No
Q: Did you burn any detainee with a heating stove?
A: No
Q: Were the detainees forced to sleep in wet clothes?
A: No
Q: Did you observe anyone abuse or maltreat any detainee?
A: No
Q: Did you observe [redacted] abuse or maltreat any detainee?
A: No
Q: Did you participate in or observe interrogations of any detainee?
A: No
Q: The detainee that died, did he appear to be abused or maltreated? b6 7C
A: No

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INITIALS OF PERSON MAKING STATEMENT: [redacted] PAGE 3 OF 5 PAGES [redacted]

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FILE NU 0062-04-CID567-64028
0078-04-CID103

STATEMENT OF [redacted]

TAKEN AT Birmingham, AL DATED 24 Sep 04 CONTINUED

STATEMENT (Continued)

Q: Who was with the detainee when he died?
A: Afghan militia
Q: What do you think the detainee died from?
A: Possibly natural causes.
Q: From when you returned, how much interaction did your team have with the detainees?
A: Very little.
Q: Do you have anything to add to this statement?
A: No /// End of Statement /// [redacted]

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INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 4 OF 5 PAGES [redacted]

EXHIBIT 16

Encl 7

0062-04-CID369-69278

0078-04-CIDO3

STATEMENT *(Continued)*

[redacted] Not Used

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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of September, 19 04

at Birmingham, AL

[redacted]

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 134, UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 5 OF 5 PAGES

Exhibit No

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LAW ENFORCEMENT SENSITIVE

Exhibit 17

Page(s) 164-178 referred to

HRC.

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0815-04-CID023; 0062-04-CID369-69278

DETAILS

BASIS FOR INVESTIGATION:

About 1000, 12 Oct 04, this office received a (Cat 1)-Request for Assistance (RFA), from the Afghanistan Military Police (MP) Detachment (CID), 3rd MP Group (CID), Bagram Airfield, APO AE 09354, to conduct a Subject Interview of (Mr.) [redacted] formerly of, A Co 20th Special Forces Group(SFG), 5601 Oporto-Madrid Boulevard, Birmingham, AL 35210, and [redacted] Headquarters and Headquarters Detachment (HHD), 3rd Battalion, 7th Special Forces (3/7th SFG), Fort Bragg, NC 28307 (FBNC), pertaining to detainee abuse and undetermined death of Mr. Jamal NASSER, Afghan Detainee.

DETAILS:

About 1030, 12 Oct 04, SA [redacted] attempted to contact [redacted] in order to determine the employment status of [redacted] and [redacted] Attempt met with negative results.

About 1650, 12 Oct 04, SA [redacted] received e-mail verification from [redacted] that [redacted] is an instructor at [redacted] Additionally, he stated that [redacted] is active duty, and stationed at [redacted] (See e-mail for details)

About 1700, 12 Oct 04, Investigator (INV) [redacted] this office, conducted a check of DEIDS, which confirmed [redacted] to be active duty currently assigned to HHD, 3/7th SFG, FBNC.

About 1730, 12 Oct 04, SA [redacted] coordinated telephonically with [redacted] He stated he is a U.S. Army National Guard but was deactivated on 23 Jun 04, and is currently a civilian instructor at [redacted] and would be available for interview on 13 Oct 04. Additionally, he provided his home of record as: [redacted]

About 1900, 12 Oct 04, SA [redacted] coordinated with [redacted], Trial Counsel, United States Army Special Operations Command Airborne (USASOC) (A), FBNC, in order to obtain an opinion as to the Rights Advisal for [redacted] due to his current status as a civilian. [redacted] stated it was possible that [redacted] would be brought back on duty if the alleged incidents transpired and this office should mirandize [redacted] prior to any interview/ interrogation.

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID) (DSE) 3d MP Group, Fort Bragg, NC 28310-5000 000179	
SIGNATURE Draft Copy [redacted]	DATE 14 Oct 2004	EXHIBIT 18

DETAILS

About 1204, 13 Oct 04, SA [redacted] advised [redacted] of his rights, which he waived and provided a Verbal Statement, in which he admitted killing an unknown Afghani man in self defense but claimed not to have abused or witnessed any abuse to any Afghanis or other foreign nationals while deployed to Afghanistan in 2002 and 2003. (See AIR entry below for details of [redacted] Verbal Statement)

AGENT's COMMENT: [redacted] consented to be interviewed, but refused to provide a Sworn Written Statement, or to be photographed.

About 1207, 13 Oct 04, [redacted] described the events that led to his shooting and killing of an Afghani man in self defense. He stated that sometime near the end of February 2003, his team was on a patrol near the Wazi Village in Afghanistan, during the early afternoon when they received fire while at a checkpoint about two hours from his team's operation base in Gardez, Afghanistan. After a firefight of approximately three and one half hours, his team secured a village with the help of local pro-coalition Afghani fighters (PCAF). [redacted] stated he was instructed to move forward, toward a ridge after the firefight because movement had been reported by someone on his team. He proceeded toward the ridge with an unknown number of PCAFs. While moving up the ridge, [redacted] and his PCAF's spotted two men armed with AK-47's and he engaged them, with his M-4 military issue weapon, but reported missing both men who apparently escaped from coalition fighters. After this incident [redacted] and the PCAF's joined the rest of his team who were clearing houses from the top of the ridge from which they previously received fire. [redacted] stated he was walking around a residence that was being cleared when he noticed three Afghani men, who were all wearing dish dashas, and sitting on the ground near the entrance to the residence. He claimed the men were being watched by a group PCAFs. He then linked up with the senior medic [redacted] B Co, 20th SFG, and inquired about what was happening. Shortly after, they were informed by [redacted] A Co, 20th SFG, who yelled from the residence that a weapons cache had been discovered therein. Immediately after informed, [redacted] and [redacted] moved to where the three Afghani men were sitting on the ground in order to secure them. [redacted] stated he was shouting in English for the men to get down on the ground. He claimed [redacted] was shouting in broken Pashto (he was not fluent), for the men to get in a prone position on the ground, which they did not, but remained in a sitting position. [redacted] stated it was getting dark but one of the PCAFs was illuminating the three guys with a flashlight. At a distance of fifteen feet from the individuals, [redacted] continued to motion with his hand and shout in English for the individuals to get down on the ground but they instead all popped up and stood facing [redacted] and him. At this point, [redacted] and he moved in on the men at which point the man directly in front of him lunged at [redacted] immediately stepped back and brought up his weapon which made the man stop the forward lunge. [redacted] walked closer to him with his weapon still up holding it with his right hand. He stated he used his left hand to control the individual. [redacted] stated this man was at least 6'4, the biggest Afghani he had ever seen with broad shoulders and a big build. The individual slouched as if he were

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID) (DSE) 3d MP Group, Fort Bragg, NC 28310-5000	
SIGNATURE Draft Copy [redacted]	DATE 14 Oct 2004	EXHIBIT 18

000180

DETAILS

going to get down but suddenly reached and grabbed the barrel of [redacted] M-4 rifle with both of his hands. He was unsure if the individual was armed, or if his hands were around the muzzle opening or just the barrel itself. At this point, [redacted] was yelling at him to let go, and physically pushed him off the rifle with his left arm, palm facing out and trying to pull the rifle from him while his right hand was on the pistol grip and his weapon was on safe. After several attempts to remove this guy from the M-4 rifle, [redacted] switched the selector from the safe position, to the semi position, and pulled the trigger, which fired the round into the center sternum of the Afghani. He was unsure whether the muzzle of the M-4 rifle was in contact with the chest of the man. The individual did not release the barrel but still was trying to pull the weapon from him. [redacted], continued with his attempt to get the man to let go of his weapon, and he fired another round hitting him roughly in the center of the body, a little higher than the previous shot, due to the recoil of the weapon. The second shot hit about even level with the collarbone. At this point, the individual still had both hands on the weapon so [redacted] fired a third and final shot which hit the individual in the mouth area, at which point the individual dropped to the ground in front of him. [redacted] claimed that simultaneous to his actions, [redacted] was "tussling" with the other two individuals. [redacted] stated that after the man he shot hit the ground; he stood over the body pointing his rifle at the fallen man to insure he would not attack anyone else. At this point, [redacted] had secured the other two individuals by flex cuffing them and letting the PCAF's guard them. [redacted] moved to the fallen individual and checked his body for signs of life, which met with negative results. [redacted] stated the two captured men were taken by the team to the holding tent at there operations base. He did not know the disposition of the deceased individual. At a debrief following the firefight and search of residences, [redacted] stated he did not in any way document the incident in which the individual was shot and killed, but his team leader [redacted] A Co, SFG, was fully aware of the incident.

Later, [redacted] was asked about the death and possible abuse of detainees at the Garnez Detention Facility. [redacted] recounted how his team had, sometime in March 2003, captured several Afghani Men (about seven or eight), at a checkpoint. The men were apprehended due to possession of weapons that were outlawed by the coalition forces. The detainees were brought back to the SF Command Post at Garnez and were incarcerated in a GP large tent. According to [redacted] there was no separated partition to the tent or a place to isolate any of the detainees. He also stated he conducted an initial physical of the detainees and made sure all the detainees were provided food and water. He related how one of the detainees exhibited all the symptoms of a bladder infection and how he provided the detainee with medication to treat the suspected infection. He was unable to remember the name or description of the detainee, other than he looked Middle Eastern and was of middle age. [redacted] claimed either he or [redacted] would check the health of the detainees and make sure they had been provided food and water every day at a minimum. [redacted] related that a few days after the arrival of the detainees, he treated the man with the bladder infection one night, and into the next morning (sometime around 0200), administering antibiotics

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID) (DSE) 3d MP Group, Fort Bragg, NC 28310-5000	
[redacted] Draft Copy	DATE 14 Oct 2004	EXHIBIT 18

000181

DETAILS

until he was no longer in discomfort. Around 0500 that same morning the detainee appeared to be in good health when check by [redacted] About 0700, while getting coffee, [redacted] was alerted by some of the PCAFs that a detainee needed help. [redacted] and [redacted] left immediately to the tent and found the same man they treated earlier. They discovered him in a new dish dash, slouching at the entrance of the tent. [redacted] stated that he leaned over and shook him to check his responsiveness, which met with negative results, so he started Cardiopulmonary Resuscitation (CPR). After conducting CPR, he and [redacted] presumed the detainee dead and filled out a form documenting the death. [redacted] could not remember how long the detainees stayed at the operations base, but believed it to be approximately one week, ten days at the most, which is longer than they usually keep detainees. [redacted] stated the remaining detainees were transferred to Gardez Detention facility, controlled by the local Afghani Police Chief. He also stated the detainees were transferred to Gardez due the requirement of the Bagram Detention Faculty for extensive paperwork and entry physical of all new detainees. [redacted] denied ever abusing any detainees or witnessing any abuse to detainees by any coalition forces, the entire time he was deployed.

Finally, [redacted] was asked if at any time during his deployment, he had cut the beard off of anyone. He stated that sometime in March 2003, immediately following a battle between two Afghani factions, he did take a small, folding pocket knife and proceeded to cut a small amount of the facial hair from an unknown Afghani male. When asked why this was done; [redacted] explained he did this in an attempt to prove to the some of the coalition Afghani's that the man was dead. [redacted] denied the action was done to show disrespect to the deceased and the understanding of checking the body's pulse was of disbelief to the Afghan soldiers. He claimed he removed the facial hair, as an elaborate gesture because of the reverence facial hair holds in the Middle Eastern world.

About 1350, 13 Oct 04, SA [redacted] this office, coordinated with [redacted] HHD, 3/7th Special Forces Group, FBNC, who stated [redacted] was currently deployed to the South American Theater of Operations. [redacted] stated he would have the unit commander contact this office with further information pertaining to [redacted] date of arrival back to the continental U.S., and his exact location in South America.

About 1556, 13 Oct 04, SA [redacted] coordinated with [redacted] HHD, 3/7 SFG, FBNC, wherein he stated [redacted] was stationed at the U.S. Embassy [redacted] is currently working with the Defense Attaché's Office, [redacted] Further, [redacted] is not scheduled to return to the U.S. until early December 2004.

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID) (DSE) 3d MP Group, Fort Bragg, NC 28310-5000	
SIGNATURE Draft Copy	DATE 14 Oct 2004	EXHIBIT 18

000182

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0815-04-CID023; 0062-04-CID369-69278

DETAILS

About 1630, 14 Oct 04, SA [redacted] briefed [redacted] Chief of Justice, USSOC-A, FBNC, of the results of the interview with [redacted] and other aspects of the CID investigation.

This investigation is closed in the files of this office. No further investigative activities are anticipated.

//L AST ENTRY//

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID) (DSE) 3d MP Group, Fort Bragg, NC 28310-5000	
SIGNATURE [redacted] Draft Copy [redacted]	DATE 14 Oct 2004	EXHIBIT 18 000183

CID FORM 94
1 FEB 77

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Exhibit _____

LAW ENFORCEMENT

0815-04-CID223/0062-04-CID367-64248

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
[redacted]	13 Oct 2004	1204	

5. Name (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	[redacted]
6. SSN: [redacted]	7. GRADE/STATUS: [redacted]

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: homicide, mistreatment of detainees; disobeying a lawful order; 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 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 PAST THRIRTY DAYS?
A: 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]	3. SIGNATURE OF INTERVIEWEE [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE: SVA MP Det. FBNC	4. SIGNATURE OF INVESTIGATOR [redacted]
2a. NAME *(Type or Print)*	5. NAME OF INVESTIGATOR: SA [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR: 87th MP Det (ABN) (CID), Fort Bragg, NC 28310

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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

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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

Exhibit 19

LAW ENFORCEMENT SENSITIVE

For Official Use Only

EJC 3

0062-04-CID369-69278

Subject:

Co-Subjects:

Victims:

Incident:

I/DOD INTEREST/BAGRAM AFGHANISTAN/U.S. ARMY REQUEST TO INTERVIEW MR [redacted]

1. On 07Oct04, Reporting Agent (RA) received a request from U.S. Army Criminal Investigation Division (CID), Bagram Afghanistan to interview [redacted]. As background, investigation by CID revealed that between 01-18Mar03, eight Afghanistans who were working the checkpoint at Seda Konal between Gardez and Khost Afghanistan were taken prisoner by U.S. Army Special Forces (SF). According to the CID report the eight prisoners were beaten, possibly burned and doused with water and made to stay outside in winter weather. One of the detainees subsequently died, a Mr. Jimal NASEER. The prisoners were then turned over to the local police at Gardez by SF personnel. The interview was conducted at the Joint Task force (JTF), Guantanamo Bay, Cuba. Present as a translator was [redacted]

2. On 13Oct04, RA along with Participant [redacted] interviewed [redacted] who advised he was the [redacted] for Gardez and remembered the above incident. According to [redacted] the eight prisoners worked for [redacted] the "URDU" Afghanistan border police. Further, [redacted] advised the deceased prisoner [redacted] who was also one of the eight prisoners. [redacted] said his name/nickname was [redacted] advised [redacted] was the one [redacted] the checkpoint when they were picked up. According to [redacted] of Patktia Province, [redacted] and [redacted] boss, [redacted] had problems with each other or conflicts. [redacted] said allegations arose from the [redacted] office, wherein the eight prisoners were accused of stealing items, taking money and searching females at the checkpoint. [redacted] said the prisoners were picked up by Special Forces (SF) and taken to the (SF) camp. [redacted] said the checkpoint guards did not come under his jurisdiction, but worked for [redacted] and he was not aware of their arrest by SF until they were turned over to him.

3. [redacted] said there were seven prisoners turned over to him and they all appeared to have been beaten and mistreated. He explained that it was cold outside, but they were wet. He could see that their legs were beaten and it appeared they were burned on their legs by either hot water or something else. He added that one of the prisoners [redacted] was killed by SF. He said some had bruises on their faces and one had scars on his face. [redacted] said the prisoners told him they were also beaten in the stomach with fists. [redacted] said he notified the [redacted] doctor, [redacted] who is the [redacted] He believed the prisoners were treated by the doctor for several days and he said it was anywhere from one day to one month. He added the doctor told him

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Exhibit 20

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LAW ENFORCEMENT SENSITIVE

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some of the prisoners were passing blood in their urine. [redacted] said the doctor resides in [redacted] and holds the rank of [redacted] said the prisoners were kept warm, fed and received medical attention while at [redacted] Gardez. Further, [redacted] advised the doctor visited the prisoners twice a day, giving them medicine and treating their injuries.

4. [redacted] said the seven were turned over [redacted] by SF personnel. When asked, [redacted] said one of the SF soldiers who he believed was in charge was called [redacted] He described [redacted] as being a white male [redacted] (NFI). He could not provide any information on the number of or descriptions of other SF personnel present. [redacted] said he prepared a report for the Interior Ministry, which has the names of the SF personnel mentioned in it along with the prisoner names, dates and times. [redacted] said he doesn't remember the date, but knows he has been incarcerated for 16 months at various locations and that the incident occurred a few months before that in the winter (Mar03).

5. [redacted] said he wrote a letter to [redacted] Patktia Province and to SF to inquire what to do [redacted] said he never heard anything from the [redacted] or SF personnel, so he had the radio announce anyone having information against [redacted] to come forward. When nobody came forward, [redacted] said he had [redacted] transported by vehicle to the Interior Ministry in Kabal, Afghanistan. Again [redacted] said a report was prepared and given to the Interior Ministry, who also prepared documentation.

6. [redacted] was then questioned about the prisoner who died. He advised that the SF had transported the body from their camp to the Gardez Public Hospital. The family was notified. He said [redacted] and military knew about the death and nobody asked him to cover up anything. He said the hospital made arrangements to clean the body and prepare it for burial. He further advised that no one from the family filed a complaint with the police. [redacted] said he never saw the body and nobody told him the condition of the body. However, [redacted] assumed that since the others were badly beaten that he believed the eighth man died as a results of the beatings. He added that criminal investigators from his department may have gone to the hospital, but he is not aware of any additional information concerning the death.

7. On a separate issue, [redacted] was asked if he knew about the death of a villager who was shot in Waze Village. [redacted] said he only heard from the radio that [redacted] son was killed by Americans (rumor). He heard that [redacted] was against the Afghanistan Government and that the son was killed on the road (NFI). However, [redacted] said he had no specific information about this death, only what he had heard on the radio.

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LAW ENFORCEMENT
SENSITIVE

Exhibit 20

8. [redacted] advised the correct spelling of his name is [redacted] had no additional information to add and the interview was concluded.

PARTICIPANT(S)
[redacted] SA NCISRA GUANTANAMO BAY, CUBA
TRANSLATOR JTF, GUANTANAMO BAY, CUBA

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LAW ENFORCEMENT
SENSITIVE

Exhibit 20

About 1100, 12 Oct 04, SA [redacted] and [redacted] a Category 2 interpreter, met with [redacted], Gardez hospital to try and determine what doctors treated the other seven patients taken from the firebase. [redacted] could not locate the 2003 logbook. This office will return to the Gardez hospital at 1000, 13 Oct 04.

About 1130, 12 Oct 04, SA [redacted] and [redacted] coordinated with [redacted] and [redacted] who stated that their Government consented to have the body of Jamal NASSER exhumed. This office will coordinate with [redacted] so he can be informed of the decision and then show this office where the gravesite is.

About 1440, 13 Oct 04, SA [redacted] interviewed [redacted] a Category 3 interpreter from the Gardez PRT, who stated he had not seen any abuse while in Gardez. He had been in Gardez since [redacted]

About 1020, 14 Oct 04, SA [redacted] and [redacted] a Category 2 interpreter, interviewed [redacted], who stated at the beginning of 2003 while working in the Seto Pass Checkpoint, U.S. soldiers from the firebase came and arrested him and his crew. He was handcuffed then brought back to the firebase where he was further blindfolded. He was made to sit on his knees and then had a snow and water mix poured on him for 18 days. During the 18 days he was kicked, and punched in the kidneys, nose, and legs if he moved form his knees. During interrogations he was kicked and told if he did not tell the truth he would be killed. He said he was held for 20 days and about at day 18 he saw the body of Jamal NASSER, which was swollen, and discolored on his face, knees and feet like he had been beaten. After being taken from the firebase he was kept in [redacted] by [redacted] and a unknown DR from the Gardez hospital came to [redacted] and treated the seven survivors there. [redacted] also stated that [redacted] He stated he was not [redacted] and did not [redacted] was given a DD Form 2701 and explained what it was. Photographs were exposed of the [redacted] stated there was another victim in the [redacted] Village.

About 0920, 16 Oct 04, SA [redacted] and [redacted] a Category 2 interpreter, interviewed [redacted] who stated at the beginning of 2003 him and 10 other soldiers were arrested by Americans in the Seto Pass. Upon arrival at the firebase, two were released, [redacted] The nine others were kept at the firebase on there knees in the snow for 17-18 days. During that time [redacted] was kicked in the back kidney area and punched in the

[redacted]
Special Agent, [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

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Signature: [redacted] Date: 22 Oct 04 Exhibit: 21

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face if he moved from his knees. During interrogations [redacted] stated that two Americans named [redacted] both punched his stomach and kicked his back and face after an American named [redacted] told them to beat him. [redacted] stated he had a water snow mix poured on him everyday while at the camp and slept in wet clothes. At the end of the 17-18 days, he saw [redacted] body, which was swollen, and black from bruises, the body also looked frostbit. [redacted] was given a DD Form 2701, and explained the document. [redacted] stated he did not know where [redacted] lived but sees them sometimes. [redacted] was told if he could bring either of them to the firebase he would be compensated for his time.

About 1310, 16 Oct 04, SA [redacted] and [redacted] interviewed [redacted], who stated he had only been at the camp [redacted] and had not seen or heard about any abuse.

About 1320, 16 Oct 04, SA [redacted] and [redacted] re-interviewed [redacted] ASF, who stated he did see the water poured on [redacted] and men, and saw them kicked, and punched, when they moved from their knees. [redacted]

About 1410, 16 Oct 04, SA [redacted] and [redacted] interviewed [redacted] who stated that he was the [redacted] before [redacted] and in Jan 03, [redacted] the Americans went to the Setu Pass Checkpoint, and arrested [redacted] and his men. They were brought back to the firebase and put on their knees facing a wall, if the moved any they were kicked or punched. The prisoners also had water poured on them while sitting on their knees. During interrogations he could hear screams from the interview room and a gunshot when [redacted] was interviewing someone. [redacted] stated he saw the victims when they left the firebase and that they were very bruised and beaten. He did not see the body of Jamal NASSER.

AGENT'S COMMENT: [redacted] stated that [redacted] was scared and had not told this office everything he knew and saw. The case agent had [redacted] plead with him to come to the firebase at a later time to disclose the information. [redacted] stated he would come to the firebase on Mon, 18 Oct 04 to talk with the case agent. [redacted] stated that [redacted] saw everything.

About 1520, 16 Oct 04, SA [redacted] and [redacted] interviewed [redacted] who works for [redacted] who stated he had only been at the firebase for [redacted] and had not seen or heard about any abuse.

[redacted]
Special Agent, [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

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Signature: [redacted] Date: 22 Oct 04 Exhibit: 21

CID Form 94

About 1540, 16 Oct 04, [redacted] interviewed [redacted] an interpreter [redacted] stated that he did see [redacted] punch and slap [redacted] and his men while they were on their knees facing the Hescos if the moved. [redacted] further admitted he witnessed [redacted] slap and punch [redacted] and his men during interrogations. [redacted] did not see water poured on the prisoners or guns fired above their heads. [redacted] stated that the remaining victims were bruised and swollen when they left and that Jamal NASSER's body was bruised and swollen, when everyone was released to the Gardez Police [redacted].

About 1610, 16 Oct 04, SA [redacted] interviewed [redacted] further stated when the prisoners were brought back to the firebase that they were made to sit on their knees facing hescos and that the Americans poured water onto them. [redacted] did not see any abuse, but when prisoners were being interviewed in the interrogation tent he heard screams from the prisoners. He was not able to see the prisoners or NASSER's body but believe he died from being beaten to hard.

About 1000, 17 Oct 04, SA [redacted] met with [redacted] and [redacted] none of the family would take this office to the gravesite. [redacted] arrived and stated the Police chief or Gov. did not have authorization to give for the removal of the body. $40.00 in U.S. Government funds was expended as compensation for the removal of the body.

About 1200, 17 Oct 04, SA [redacted] traveled to meet the governor, who stated he was wrong and not able to give authorization for the grave exhumation.

About 1600, 17 Oct 04, SA [redacted] met with the [redacted] who stated he understood why this office wanted to exhume the body and agreed. [redacted] will travel to talk with [redacted] and convince them to give this office consent to remove the body. He will come by the Firebase tomorrow and tell the outcome of meeting with the family. $20.00 in U.S. Government funds was expended to pay for fuel for [redacted] took this office to the gravesite and SA [redacted] obtained the GPS grid coordinate for the site, 42SWC: 42643 27219.

[redacted]
Special Agent, [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

Signature: [redacted]

Date: 22 Oct 04 Exhibit: 21

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CID Form 94

About 0845, 18 Oct 04, SA [redacted] and [redacted] a Category 2 interpreter, interviewed [redacted] stated that in Mar 03, [redacted] Americans went to the Setu Pass Checkpoint and arrested [redacted] and 10 of his soldiers for stealing money from people. The Americans also discovered explosives in their possession. The 11 prisoners were brought back to the firebase and two were released without being abused. The remaining nine were forces to sit on their knees, and face the hescos. Water was poured on their heads, and they were kicked and punched by most of the Americans at the camp. The only person [redacted] recognized was [redacted], but a lot more participated. When the prisoners were beaten and had water put on them, the other Americans laughed and clapped. He could not hear or see anything that happened in the interrogation room. A few days after their arrival [redacted] saw the prisoners and they were swollen and bruised. [redacted] further saw the body of Jamal NASSER and his face was swollen and green from bruising. After NASSER died the remaining prisoners were given to the Gardez police [redacted]

About 1055, 18 Oct 04, SA [redacted] and [redacted] interviewed [redacted] who stated he could not convince the family to let this office exhume the grave of Jamal NASSER. SA [redacted] asked [redacted] to let [redacted] know to bring the other two victims to the firebase ASAP.

About 0900, 19 Oct 04, SA [redacted] and [redacted] re-interviewed [redacted], who stated that [redacted] some Americans went to the Setu Pass Checkpoint to arrest [redacted] and his men. When they arrived at the pass and arrested the men the Americans found rockets, machine guns and explosives in the Mosque. The Americans set explosives around the mosque to blow it up, but before they did the American [redacted] stopped them, and had the weapons taken out of the mosque and blown up outside. After that [redacted] dragged one of the prisoners through rocks and then held him over a cliff and told him if he did say where the other weapons were he would drop him to his death. The Americans then took the prisoners to the firebase and two were release within the first day or so. The prisoners were made to sit on their knees and face hescos. A couple of days after this [redacted] passed out and then [redacted] came out and poured cold water on him. [redacted] did not see any abuse but heard scream from the prisoners from the interrogation tent. [redacted] stated he did see one of the Americans hold [redacted] underneath the water pump and put water on him.

About 1010, 19 Oct 04, SA [redacted] and [redacted] interviewed [redacted] stated he saw the water poured on prisoners. [redacted] stated that one night after [redacted] group was taken prisoner, that an American called [redacted] came to his hut and told him to bring could water which he constantly put

[redacted]
Special Agent, [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

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Signature: [redacted]

Date: 22 Oct 04 Exhibit: 21

on [redacted] stated he saw [redacted] who was alive and badly bruise and swollen. [redacted] did not see any other type of abuse.

About 1200, 19 Oct 04, SA [redacted] reviewed both articles by [redacted] (reporter) and noted that Gov [redacted] and Military investor from Kabul need to be interviewed, and also [redacted] from the Gardez hospital, which was already noted.

About 1240, 19 Oct 04, SA [redacted] and [redacted] interviewed [redacted] from the Gardez hospital who stated he did not see any of the victims or the body of Mr NASSER.

About 0700, 20 Oct 04, SA [redacted] and [redacted], interviewed [redacted] who stated he was the Dr from the Gardez hospital, who the police [redacted] had come to look at one of the very injured prisoners. [redacted] stated that when he arrived he was told to treat [redacted] for extreme swelling in his legs. Upon examination of [redacted] it was noted his legs and feet were very swollen from some type of blunt force trauma. They were also black from bruising the [redacted] could barely move them or put on shoes. [redacted] could not remember any other injuries and did not see any other of the victims, as there were over 20 people in the police cell.

About 1350, 21 Oct 04, SA [redacted] and [redacted] interviewed [redacted] who stated that in Mar 03, he was arrested with others from the Setu Pass Checkpoint by Americans. He was taken to the American Firebase, blindfolded and handcuffed and made to sit on his knees in the snow facing a hesco wall. He was doing this for 16-17 days. Everyday he had water/snow mix poured on him and was punched in the back, kidney area and stomach, or had his head pushed into the hesco if he moved at all. During interrogations two Americans held his hands, and two other Americans punched his stomach repeatedly. He was blindfolded, but could hear 4 different American voices. He stated he was given bread to eat that sometimes that was bad. After the 16-17 days he was turned over to the Gardez police and his face and knees were very swollen from the beatings. [redacted] was given a DD Form 2701 and explained what it was. [redacted] was further provided $20.00 in U.S. Government funds for fuel compensation.

About 1430, 21 Oct 04, SA [redacted] and [redacted] interviewed [redacted] who stated that in Mar 03, he was arrested with others from the Setu Pass Checkpoint by Americans. He was taken to the American Firebase, blindfolded and handcuffed and made to sit on his knees in the snow facing a hesco wall. He was doing this for 17 days. Everyday he had a water/snow mix poured on him and was punched and kicked in back kidney area legs, and

[redacted]
Special Agent, [redacted] Afghanistan MP DET CID
Bagram, APO AE 09354

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Signature: [redacted] Date: 22 Oct 04 Exhibit: 21

stomach if he moved at all. During interrogations he was punched his chest repeatedly, and heard an American called [redacted] When he asked for bread and water his blindfold was removed, and water was poured on him, and the Americans ate bread in front of him. After the 17 days he was turned over to the Gardez police and his face, legs, chest, and knees were very swollen from the beatings. [redacted] was given a DD Form 2701 and explained what it was. [redacted] was further provided $20.00 in U.S. Government funds for fuel compensation.

About 0930, 22 Oct 04, SA [redacted] and [redacted] coordinated with [redacted] who stated that [redacted] hat were captured with him and then released that day were currently in [redacted] and that he had no contact with them.

//LAST ENTRY//

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[redacted]
Special Agent, [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

Signature: [redacted]

Date: 22 Oct 04 Exhibit: 21

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[redacted]

[redacted]yo [redacted]

Gardez AF [redacted]

(amerians)
They came to the pass & we gave them ChI
We were arrested · Handcuff & the
Blind folded when we got here
I twas very cold. I was made
To sit on my knees & they poured buckets
of cold water on me. [redacted]
[redacted] I could only have it when I moved
I was kicked & punched in the kidneys
Nose legs. If we moved from our
knees we were beaten
Ouring iterrogation ~~they~~ he was told
If he lied we would be killed
We were kicked ouring interrogations
about 20 Days 18 Days snow was
mixed with water & poured on us.
I was beated 18 Days.
The body of Nasser looked beate & 66
swollen on feet knees & face
I couldnt see if toe nails removed
a DR from Gardez hospital came to the
[illegible] station.

000194

Exhibit 22

0920 160404

8-9 Recie 2701

170ays

0062-04-CIN 369-69278

9 people kept 17-180ays

[redacted] yo [redacted]

I was arrested with [redacted] & 9 others

By americans. [redacted]

were released after being brought to the fire base

The rest of us were made to sit on our knees

& If we moved from our knees or relaxed ~~one~~ I

was kicked in the back or punched in the

face. I had swollen my cold water poured on me

Everyday. During Interrogations I

was punched & kicked in the back of face.

stomach

The ~~two~~ three that beat us were the two us

Soldiers called "[redacted]" & a man named

[redacted] gave the order for me beat

[redacted] Body looked like his body was

swolled & black from bruises & maybe Frostbite

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OFFICIAL

Exhibit 12

End Mar 03 [redacted]

0062-04-CID 369-69278

0700
20 OCT 04

I was called to the Gardez police Station to treat [redacted]

He had Swollen in legs & his Body

I Cant recall if He was Bruised anywhere else.

In the ORS opinion the swelling was Cause By Blunt Force trauma

His legs was Swollen & Black.
Couldnt move them or put on shoes

He was the only one called from the Hospital to treat any of the prisoners.

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Exhibit 24

0062-04-CID 369-69278

1350
21Oct04

[redacted] Yo [redacted] Afghanistan

Mar 03

I was Arrested with others from the Seto Pass Check Point. When Brought Back to the Firebase we were made to sit on our Knees in the Snow facing a hesco wall. If we moved our heads were Pushed into the hesco & we were Punched in the Back kidney area & Chest. Snow & water mix was Poured on me also. I Sat outside 16-17 Days & water was Poured on me & I was beaten. When I was fed the Bread was NO good. During the interrogations I was Two Persons held my hands & Two others Punched my Chest I was Blind folded but heard 4 Different voices. after beating My face Knees were Swollen. I heard two gunshots during Interrogations. After the 16-17 Days I was released to the garde Police.

Not Electricuted
or Burnt
No Toe nails Removed

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EXHIBIT 25

OFFICIAL

1430
21OCT04

[redacted] YO [redacted] 04-CV-D 389-69273

Mar 03

I was Arrested with [redacted] others
at the Sefin pass Checkpoint. When
I was brought back I was blindfolded
& handcuffed. I was made to sit on my Knees
in the SNOW facing A hesco wall in the SNOW.
Water mixed with SNOW was poured on me
Daily. I was punched ~~& kicked~~
in my stomach legs & back If I moved.
During interrogations I was Hit Repeatedly
in the chest Saying I was Lying. I heard
One American name [redacted]
Americans took off my blind fold when I asked
for food & water they Poured the water
ON me & Ate the Biscuit in front of
me. I heard a gun shot when
[redacted] was being interview, my
Body, legs back chest & face were
very swollen when I was released
to the garder Police

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EXHIBIT 26

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0070-04-CID253
RFA 0062-04-CID369-69302

On 22 Oct 04, this office received a Request for Assistance (RFA) from the Afghanistan Military Police Detachment (CID), Bagram Airfield, APO AE 09354, requesting this office locate, fully identify, and interview [redacted] HHD, 3rd Battalion, 7th Special Forces Group (SFG), Fort Bragg, NC 28307, concerning his knowledge of the abuse of eight detainees and the undetermined death of a detainee. According to the RFA [redacted] was currently assigned to the Defense Attaché Office (DAO), U.S. Embassy-[redacted]

About 1300, 10 Nov 04, SA [redacted] advised [redacted] of his legal rights, which he waived, and related he was deployed to Afghanistan from December 2002 through June 2003. [redacted] stated that he did not remember the names of the members of his team but remembered [redacted], known as [redacted], [redacted], known as "[redacted]", and [redacted] denied being known as "[redacted]" during his deployment. [redacted] further stated that he was present in several incidents (described by him as attacks or ambushes by the enemy) in Afghanistan around March 2003, in areas known to him as "Setu Kandow" and the "Waze Pass". [redacted] also stated that he was involved in the apprehension of several enemy soldiers at the "Setu Kandow Pass" in March 2003, for tipping the enemy about their whereabouts in the area. Further, [redacted] related these soldiers were also involved in firearms trafficking and stealing money from people that went through the pass. During this apprehension, related [redacted] no shots were fired due to the techniques of deception used by his team, [redacted] related that this was a common standard operating procedure (SOP) in these operations against these insurgents to prevent shooting incidents. [redacted] stated he recalled the death of an Afghani national for reasons he did not remember, and further stated he reported the death to the Area Governor known to him as "[redacted]". When asked questions pertaining to his involvement in assaults or any other acts of mistreatment against persons under the custody of the U.S., [redacted] declined to answer the questions and stated he had no comments to those questions. Further, [redacted] stated he did not recall how many prisoners he interviewed while at the Gardez Detention Facility or the names of them. Also, [redacted] stated he did not remember the name of the translator that was with him during the interviews. When [redacted] was asked about acts of assault committed by other personnel from his unit, again [redacted] stated he had no comments and declined to answer the questions.

About 1430, 10 Nov 04, [redacted] invoked his legal rights and requesting a lawyer and terminating the interview. (See Non-Waiver Certificate of [redacted] for details)

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[redacted]
Special Agent, [redacted]

Puerto Rico Branch Office (CID)
Ft Buchanan, PR 00934

Signature: [redacted]

Exhibit:
Date: 10 Nov 04 Enclosure: 1

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CID Form [redacted]

Exhibit 27

Agent's Comments: [redacted] stated that although he had consulted his interview with USACIDC to the Chief Staff Judge Advocate, 7th SFG, Fort Bragg, NC 28307, he had not retained legal counsel at the time of his interview. During the interview [redacted] remained calmed and did not show any signs of deceptive behavior. During the interview [redacted] constantly inquired about his legal rights and the consequences of exercising them during the interview.

STATUS: This investigation is closed in the files of this office with no further investigative activity. Any additional investigative activity will be conducted under a separate sequence.
//LAST ENTRY//

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Special Agent, [redacted]
Puerto Rico Branch Office (CID)
Ft Buchanan, PR 00934

Signature: [redacted]
Exhibit:
Date: 10 Nov 04 Enclosure: 1

CID Form [redacted]

FOR OFFICIAL USE ONLY

[redacted] LAW ENFORCEMENT SENSITIVE

Exhibit 27

0062-04-CID369

RIGHTS WARNING PROCEDURE/WAIVER CERTIFIC

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

0062-04-C103C5-GF278

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION	2. DATE	3. TIME	4. FILE NO.
Fort Buchanan, PR 00934	10 Nov 04	1307	0062-04-CID369

NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	HHD 3rd BN, 7th Special Forces Group (SFG) Fort Bragg, NC 28307
SSN: [redacted]	7. GRADE/STATUS: [redacted]

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 Investigations Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy, Maltreatment of a Person in U.S. custody, Assault///Last Item [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. [redacted] 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 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 yet? 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. MM

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE: [redacted]
1a. NAME *(Type or Print)*	4. SIGNATURE OF INVESTIGATOR: [redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	5. SA [redacted]
2a. NAME *(Type or Print)*	6. ORGANIZATION OF INVESTIGATOR Puerto Rico Branch Office, USACIDC Fort Buchanan, PR 00934
b. ORGANIZATION OR ADDRESS AND PHONE	

Section C. Non-waiver

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

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000201

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

Exhibit 28

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."

(For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before,

c. during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent *(i.e., fewer than 30 days ago)*, obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)*

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the supsect/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)* [redacted] requested a lawyer at 1430, 10 Nov 04 and decided to terminate the interview with no further comments. Section C of DA Form 3881 was filled out at that time

000202

REVERSE OF DA FORM 3881

USAPA V2.01

AGENT'S INVESTIGATION REPORT | 0062-04-CID369-69278

CID Regulation 195-1 | PAGE 1 OF 2 PAGES

About 0930, 8 Nov 04, SA [redacted] conducted canvass interviews of the following 20th SFG personnel who stated they were at Camp Vance, Bagram Afghanistan from Sep 02- Apr 03 and did not see or hear about any type of detainee abuse:

SGT [redacted]
SPC
SFC
SSG
MAJ

About 0916, 9 Nov 04, SA [redacted] advised [redacted] of his legal rights, which he waived and rendered a sworn statement, wherein he admitted giving [redacted] permission to strike detainees in interviews. [redacted] stated he did not have an order or memorandum authorizing this. [redacted] stated he did not see any abuse and did not know why Mr NASSER died. [redacted] stated the only prisoner that looked beat up upon their release was [redacted] further stated that there were two Air Force personnel attached to the firebase and no others. The two personnel were Airman 1st Class [redacted] and [redacted] (NFI) and a visitor [redacted] 25th Inf. Lastly, [redacted] stated he was not at the village when [redacted] shot the villager and that he did not report the incident and included the dead villager with the PKZ casualty numbers he forwarded to his command. (See Rights Waiver Certificate and Sworn Statement for details)

About 1250, 9 Nov 04, SA [redacted] obtained a sketch of the firebase from [redacted] depicting where the detainees were held and interviewed. (See Sketch for details)

About 1430, 9 Nov 04, SA [redacted] advised [redacted] of his legal rights, which he waived and rendered a sworn statement, wherein he stated he was not at the firebase when [redacted] and his men were captured and that when he arrived he had very little interaction with the detainees, except for the treatment of Mr NASSER. [redacted] stated he treated [redacted] NASSER for a complaint he thought to be a kidney infection and that he further tried to resuscitate him after his death. [redacted] stated Mr NASSER's feet and hand were swollen when he treated him. [redacted] stated he did not see, hear or participate in any detainee abuse. [redacted] stated he did witness [redacted] shoot the villager and that it was self-defense as the villager grabbed the barrel of [redacted] M-4 and was pushed off and then the second time the villager grabbed the rifle he was shot a few times before falling down. (See Rights Waiver Certificate and Sworn Statement for details)

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[redacted]
Special Agent, [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

000203

Signature: [redacted]

Date: 16 Nov 04 Exhibit: 29

CID Form 94

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT

About 0925, 10 Nov 04, SA [redacted] interviewed [redacted] who stated he was at the firebase during the time of the incident however he did not see or participate in any detainee abuse, as he had not contact with the detainees. [redacted] further stated he did not see why the ASF or interpreters would lie or make up false information about what happened at the firebase. (See Sworn Statement for details)

About 0900, 11 Nov 04, SA [redacted] traveled to [redacted] for an interview of [redacted] however upon arriving at [redacted] was not at the meet site and was not able to be contacted by his phone numbers.

About 1320, 16 Nov 04 [redacted] 86th MP DET CID, Fort Benning, GA 31905, advised [redacted] of his legal rights, to undergo a polygraph examination. [redacted] denied abusing any local nationals or seeing any abuse, and further requested legal counsel upon further questioning. (See Right Waiver Certificate for details)

About 1442, 16 Nov 04, SA [redacted] interviewed [redacted] B Co, 1/20th Special Forces Group, Birmingham, AL, who stated he was at the Gardez firebase during the time of the abuse, however he did not see any abuse. (See Sworn Statement for details)

//LAST ENTRY//

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[redacted]
Special Agent, [redacted] Afghanistan MP DET CID
Bagram, APO AE 09354

000204

Signature: [redacted] Date: 16 Nov 04 Exhibit: 19

CID Form 94

0062-04-CID264-69278

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: Birmingham AL	2. DATE: [redacted] 9 Nov 04	3. TIME: [redacted] 0916	4. FILE NO.
5. NAME (Last, First, MI): [redacted]	8. ORGANIZATION OR ADDRESS: Det 1 Bravo Company 20th SFG Birmingham AL		
6. SSN: [redacted]	7. GRADE/STATUS: [redacted]		

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~~: Murder (1)

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)*
Q: Have you been advised of your legal Rights in the past 30 days? A: I was advised of my rights by [redacted] on initial questioning. [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: [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: Afghanistan 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.

000205

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 30

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
[redacted]	9 NOV 04	1249	

LAST NAME, [redacted]	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS

Det 1 BCo 204th SFG

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

* I do not wish to write another account of the events in Gardez due to the fact I have already written one. I am willing to answer questions. [redacted]

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

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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 1 JUL 72 2823 SUPERSEDES DA FORM 2823, 1 JAN 66, WHICH WILL BE USED.

000206

For Official Use Only LAW ENFORCEMENT SENSITIVE

Exhibit 30

Statement of [redacted] dated 9 Nov 04, taken at the 20th SFG Armory, Birmingham, AL (Statement Continued)

Q: [redacted]
A: [redacted]
Q: What time frame were you at the Gardez firebase in Afghanistan?
A: Feb 03 to ~~Mar 03.~~ APR 03.
Q: When did you go to the Setu Kandow Pass checkpoint to arrest [redacted] and his men?
A: Mar 03, I believe not sure though.
Q: Why did you go to the Setu Kandow Pass checkpoint to arrest [redacted] and his men?
A: Ultimately he and his men were stealing money from truck drivers and sending guns to anti-coalition forces.
Q: Did you have any intelligence reports [redacted] and his men were a threat to U.S. or coalition forces?
A: Yes.
Q: How many days were the detainees at the firebase?
A: I estimate it was about 10 days.
Q: How many detainees were at the firebase the whole time?
A: about 8-9 held the whole time.
Q: ~~Were explosives charges set inside the mosque when you found the cache upon~~ [redacted] arrest?
A: They might have been put in the mosque but we blew the cache out of the mosque.
Q: You say you gave permission for [redacted] to hit ~~(open and closed fist)~~ open hand detainees during interrogations; did you have a memorandum or order from your higher headquarters authorizing that?
A: No, I did not have a memorandum and not seen one. I used tactics that were used in SERE.
Q: Did you see [redacted] hit detainees during the interviews?
A: Yes, open or closed hand slaps not punches.
Q: Did you hit any detainees during interviews?
A: I did not use physical force at all.
Q: Is it policy to turn detainees that have no U.S. interest over to the local police?
A: It becomes a case by case basis.
Q: When the detainees were first brought from the checkpoint to the firebase, where were they put?
A: They were put in a line facing the compound wall.
Q: Were they facing hescos?
A: No, they were facing the clay compound yard.
Q: How were they made to sit?
A: On their knees facing the wall.
Q: Was there snow on the ground?
A: ~~Yes~~ NOT where they were sitting. [redacted]
Q: About how cold was it outside?
A: Cold enough for there to be snow on the ground.

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000207

Statement of [redacted] dated 9 Nov 04, taken at the 20th SFG Armory, Birmingham, AL (Statement Continued)

Q: How long are firebases suppose to hold detainees before determining if they are going to be sent to Bagram or released?
[redacted]A: I don't know if there was a policy.
Q: What was the normal turn around for detainees to be released or sent to Bagram?
[redacted]A: About 3 days, depending on flights out of Gardez.
Q: Why was [redacted] group held 10 days?
[redacted]A: For further interrogation to obtain information he might have had, to determine if he met PUC criteria. [redacted]
Q: When you turned the remaining detainees over to Police [redacted] who actually arranged for the transfer? or ODA member relayed to [redacted]
[redacted]A: I told [redacted] to get them to come pick them up.
Q: Who in the local government was contacted for the transfer of the detainees?
[redacted]A: Im not sure but GOV [redacted] was notified of it.
Q: Were the local Government officials (police chief or governor) ordered or threatened to take the prisoners?
[redacted]A: No.
Q: Why were the prisoners immediately turned over to the locals after Jamal NASSER died? They were late in picking them up already, so this caused the sense of urgency. [redacted]
[redacted]A: It was because the death caused an immediate sense of urgency for their turn over.
Q: Why did you not report the death of Jamal NASSER while he was in U.S. Custody?
[redacted]A: I did not want to draw any unneeded attention to the firebase and the detainees should have been gone days prior and the [redacted] and Firebase detainees should not have died in U.S. custody [redacted]
Q: Are you aware as the firebase CDR you were required to report this to your headquarters?
A: Yes.
Q: Have you ever been to the U.S. Army, Survive, Evade, Resist, Escape (SERE) school?
[redacted]A: Yes.
Q: Have you ever heard of a tactic of pouring cold water or a water and snow mix on persons captured?
[redacted]A: They do spray cold water on prisoners.
Q: Did you see or know that your men were pouring cold water or the snow mix on the detainees?
[redacted]A: No.
Q: Who was your Air Force weatherman at the firebase?
[redacted]A: I had none.
Q: Who was your EOD support at the firebase?
[redacted]A: I had had no EOD attached at the firebase.
Q: Who was at the firebase between Jan 03 and Mar 03?
[redacted]A: We had [redacted] who used fake names [redacted].
Q: Did you have any other person attached to you?
[redacted]A: I have two Air Force Tac-P who controlled air strikes, [redacted] was also visiting the Firebase at the time (25th I.D) [redacted].
Q: How did you think Jamal NASSER die?
[redacted]A: I don't know.

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For Official Use Only

Initials [redacted] LAW ENFORCEMENT SENSITIVE

Exhibit 30

Statement of [redacted] dated 9 Nov 04, taken at the 20th SFG Armory, Birmingham, AL (Statement Continued)

Q: Who is [redacted]?
A: I have to be that nickname.
Q: How were your relations with the Afghan Security Force (ASF) that protected the Gardez firebase?
A: They were good.
Q: Did you trust them?
A: Yes.
Q: Who were the interpreters used to interrogate the [redacted] and his men?
A: [redacted] was one.
Q: Did you trust your interpreters?
A: Most of them.
Q: Who were the firebase medics?
A: [redacted] and [redacted].
Q: From your knowledge have they treated many people?
A: Yes, frequently.
Q: What would you rate their experience level at identifying illnesses and giving treatment?
A: low to medium because their new to the medical profession.
Q: Can you explain how Jamal NASSER would die from a kidney infection, which is not fatal, even after the medics stated his condition was improving?
A: NO.
Q: Did either of your two medics participate in interrogations?
A: No, not in interrogations but in screenings.
Q: What do screenings consist of?
A: Screenings consist of collecting personal date.
Q: Who was authorized to hit detainees, by you?
A: [redacted]
Q: Did the other team members receive any guidance on interview tactics?
A: No.
Q: What was the condition of the detainees when they were released to [redacted]
A: One was dead, [redacted] did have a little bruising on his face from interrogation.
Q: What did Jamal NASSER's body look like when it was released?
A: I recall nothing stood out as far as wounds.
Q: Can you explain why when the hospital processed his body he was severely bruised, discolored and swollen?
A: No.
Q: Were the ASF personnel told to stay away from the detainees while at the firebase?
A: No.
Q: Were the interpreters threaten or told that if the told anyone about the incident they would be killed or fired?
A: I don't know anything about that.

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For Official Use Only

Initials [redacted] LAW ENFORCEMENT SENSITIVE

Exhibit 30

Statement of [redacted], dated 9 Nov 04, taken at the 20th SFG Armory, Birmingham, AL (Statement Continued)

Q: Why were [redacted] and his men turned over to Chief [redacted] e had no jurisdiction over them?
[redacted] A: The Governor asked them to be arrested and they did not meet PUC Criteria. CCW
Q: When the detainees were captured at the checkpoint did SFC [redacted] hold one over the side of the hilltop telling him to tell the location of the other cache or he would drop him?
[redacted] A: He had a prisoner holding him ~~on~~ near [redacted] the hillside, but I cannot confirm what he said, but he was doing an onsite interrogation.
Q: To the incident at WAZE village, did you see or hear that SSG [redacted] cut a beard off of a dead PKZ troop because he was upset that the ASF wanted to bury the body?
[redacted] A: No I did not hear anything about the incident.
Q: Did you see SSG [redacted] shoot the villager in the Waze village?
[redacted] A: No.
Q: When did you hear about the incident?
[redacted] A: I heard about it upon return from the firebase, SSG [redacted] told me that he had 3 villagers sitting down being talked to and one of them stood up and then grabbed his M-4, he pushed him off and then he grabbed the weapon again and SSG [redacted] stated he shot the villager.
Q: Did you report that SSG [redacted] had shot a villager up to your headquarters?
[redacted] A: No, I just reported the total count of deaths. I figured it was part Close quarters combat of the battle with PKZ.
Q: Were any prisoners brought back to the firebase?
[redacted] A: Yes, I think two. I believe one was the brother.
Q: Did you see the prisoners?
[redacted] A: No.
Q: How long were they held?
[redacted] A: A day or two.
Q: Did you see, hear or assist in any abuse of the two prisoners?
[redacted] A: No.
Q: Do you have anything else to add to this statement?
[redacted] A: ////////////////////////////////////End of Statement//

For Official Use Only

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Initials [redacted]

Exhibit 30

0062-04-CID 869-69273

STATEMENT OF [redacted] TAKEN AT Birmingham AL DATED 9 NOV 04

9. STATEMENT *(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 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)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of November 2004 at Birmingham AL

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

Article 136 UCMJ
(Authority To Administer Oaths)

000211

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 6 OF 6 PAGES

PAGE 3, DA FORM 2823, DEC 1998

USAPA V1.00

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For Official Use Only LAW ENFORCEMENT

Exhibit 30

0062-04-CID369-69273

Gardez Fire Base

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PRT

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X = Prisoners (possible)
I = Interrogation Area (Tent

Sketched By: [redacted] 9NOV04 1250 PM

Verified By: SA [redacted] 9NOV04 1255

For Official Use Only

LAW ENFORCEMENT SENSITIVE

Exhibit 31

0062-[illegible]-CID 369-69278

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.
Birmingham AL 35210	9 Nov 04	1430	

5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS
[redacted]	Det 1 Bravo Company 1/20th SFG Birmingham AL 35210
6. SSN [redacted]	7. GRADE/STATUS [redacted]

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, Cruelty of a Person in US custody (11

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)* Q: Have you been advised of your Legal Rights in the Past 30 Days & A: Yes, I did not request Legal Counsel [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 [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 AFghanistan MP DET CID Bagram Airfield APO AE 09354
b. ORGANIZATION OR ADDRESS AND PHONE	

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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.

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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 LAW ENFORCEMENT

Exhibit 32

SWORN STATEMENT

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

LOCATION	DATE [redacted]	TIME [redacted]	FILE NUMBER
	9 NOV 04	1710	

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	

ORGANIZATION OR ADDRESS

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

X I would like to elaborate on my prior statement. I would like to state that the feet and hands of Naseer were swollen. And, I remember [redacted] saying he had to bandaging their knees, their boy Naseer & [redacted].

And to the occurances at the Wazi district. I was with [redacted] after the ambush occured while the village was being searched. We detained three men one of which met the description of one of our attackers. We asked the men to set together. When RPGs were found we told the men to lie down. As I was assisting with one man another got up and grabbed [redacted] gun. [redacted] then wrestled the gun free and told the man to get down. I had drawn my pistol to strike him when he lunged at [redacted] again and grabbed his gun for a second time. Then [redacted] shot him. I am unsure if he was holding the gun or was lunging for it. This appeared to be in self defense. [redacted]

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 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 SIDE OF ANOTHER COPY OF THIS FORM.

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DA FORM 1 JUL 72 2823 SUPERSEDES DA FORM 2823, 1 JAN 66, WHICH WILL BE USED.

For Official Use Only LAW ENFORCEMENT SENSITIVE

Exhibit 32

Statement of [redacted] dated 9 Nov 04, taken at the 20th SFG Armory, Birmingham, AL (Statement Continued)

Q: [redacted]
A: [redacted]
Q: What time frame were you at the Gardez firebase in Afghanistan?
A: Sep 02 thru Apr 03.
Q: When did you go to the Setu Kandow Pass checkpoint to arrest [redacted] and his men?
A: [redacted]
Q: How many detainees were at the firebase when you got back from leave?
A: I'm not sure.
Q: Did you see anyone beat [redacted] or any of his men?
A: No.
Q: Did you hit any detainees during interviews?
A: No.
Q: Was it standard to turn detainees that have no U.S. interest over to the local police?
A: It would depend.
Q: Where we the detainees when you got back from leave?
A: In a tent.
Q: Was there snow on the ground?
A: I'm not sure but it was cold
Q: Did you see any of the detainees when you arrived from leave?
A: As I walked through their tent.
Q: Were they injured that you saw?
A: They didn't appear to be.
Q: What was the normal turn around for detainees to be released or sent to Bagram?
A: I'm not sure.
Q: Where were the detainees taken after the left the firebase?
A: I heard the Governor or police chief of Gardez.
Q: Have you ever been to the U.S. Army, Survive, Evade, Resist, Escape (SERE) school?
A: Yes.
Q: Have you ever heard of a tactic of pouring cold water or a water and snow mix on persons captured?
A: Yes it was a tactic the used pretty regular.
Q: Did you see or know that any U.S. personnel were pouring cold water or the snow mix on the detainees?
A: No.
Q: How did you think Jamal NASSER die?
A: I don't know.
Q: How were your relations with the Afghan Security Force (ASF) that protected the Gardez firebase?
A: It was as good as we could hope.
Q: Did you trust them?
A: Not really.

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For Official Use Only

Initials [redacted] ~~LAW ENFOR~~CEMENT SENSITIVE

Page 2 of 4

Exhibit 32

Statement of [redacted] dated 9 Nov 04, taken at the 20th SFG Armory, Birmingham, AL (Statement Continued)

Q: What made you think NASSER had a kidney infection?
A: The pain he was describing.
Q: What would you rate you experience level at identifying illnesses and giving treatment?
A: About medium.
Q: Did you participate in Interrogations or screenings of [redacted] and his men?
A: No.
Q: Did anyone authorize you to hit detainees?
A: No.
Q: Did you receive any guidance on interview tactics?
A: No.
Q: What was the condition of the detainees when they were released to [redacted]?
A: I don't really recall.
Q: Would it be possible that that they were bruised up or swollen?
A: Yes.
Q: Can you explain why when the hospital processed NASSER's body he was severely bruised, discolored and swollen?
A: Feet and knees might have been where and how he was made to sit. Face I could not say.
Q: Were the ASF personnel told to stay away from the detainees while at the firebase?
A: I don't know, but it seems like that would be a smart decision.
Q: Were the interpreters threaten or told that if the told anyone about the incident they would be killed or fired?
A: I don't know.
Q: At the incident at WAZE village, did you see or hear that [redacted] cut a beard off of a dead PKZ troop because he was upset that the ASF wanted to bury the body?
A: Yes, but I don't recall anything about it.
Q: Were any prisoners brought back to the firebase?
A: Yes, the two survivors.
Q: Did you see the prisoners?
A: I talked with them.
Q: How long were they held?
A: A day.
Q: Did you see, hear or assist in any abuse of the two prisoners?
A: No.
Q: Do you have anything else to add to this statement?
A: No.////////////////////////////////////End of Statement//

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I did have one of the detainees struggle with me [redacted] I [redacted] struck him in the side with my [redacted] Detainee from [redacted] village [redacted]

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For Official Use Only

Initials [redacted]

LAW ENFORCEMENT SENSITIVE

Exhibit 32

STATEMENT OF [redacted] TAKEN AT Birmingham AL DATED 9 NOV 04

9. STATEMENT *(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 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 9 day of NOVEMBER 2004 at Birmingham AL

[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

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INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 4 OF 4 PAGES

USAPA V1.00

PAGE 3, DA FORM 282 [redacted]

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Exhibit 32

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0062-04-C

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
Birmingham AL	10 Nov 04	0925	

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS: Det 1 8co 20th SFG Birmingham AL

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

X In reference to Sait Kandau Pass, the team took down an illegal checkpoint that was manned by approximately 12 persons. After subdueing and handcuffing the bad guys, we took them back to the safe house. There, the prisoners were seperated and interrogated and segregated. A couple were released within a day or two, and the rest were handed over to the Police force in Gardez. I was in charge of the day to day operations around the safe house, and did not have time to participate in the interrogations of the prisoners.

In reference to the Wazee pass/village incident, I was providing covering fire; first with the Barrett Sniper Rifle, and later with the M240B mounted on the HMMV. I don't recall anything other than what I heard

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EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF ____ 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 SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 1 JUL 72 2823 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

Exhibit 33

For Official Use Only LAW ENFORCEMENT SENSITIVE

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

STATEMENT OF [redacted] TAKEN AT Birmingham AL DATED 2004/11/10

9. STATEMENT (Continued)

[redacted] later during a "debrief" around the house. [redacted] shot a man that was much larger than himself, that was acting violently toward him and the other assaulter that was with him. I heard the account that the man was trying to disarm and keep [redacted] and the other guy from searching for the ambushers that were seen running into his house. They found bandaleers of ammo and other objects that were suspected to have been left by the ambushers as they tried to hide from our guys.. [redacted]

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INITIALS OF PERSON MAKING STATEMENT + [redacted]

PAGE 2 OF 6 PAGES

USAPA V1.00

PAGE 2, DA FORM 2823, DEC 1998

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Exhibit 33

Statement of [redacted] dated 10 Nov 04, taken at the 20th SFG Armory, Birmingham, AL (Statement Continued)

Q: [redacted]
A: [redacted]
Q: What time frame were you at the Gardez firebase in Afghanistan?
A: Sep 02 thru early May 03.
Q: Did you go to the checkpoint to apprehend [redacted] and his men?
A: Yes.
Q: When did you go to the Setu Kandow Pass checkpoint to arrest [redacted] and his men?
A: About 1000 early morning, I cant recall what month.
Q: Did you see [redacted] old the detainee over the hillside while at the checkpoint?
A: No, I didn't see it.
Q: How many detainees were held at the firebase after the two or three were released?
A: I think about a dozen were picked up and two or three were released so between 8-10.
Q: Did you see anyone hit [redacted] or any of his men?
A: No.
Q: What was your position at the firebase?
A: I did all the daily logistics for supplies and necessities for the firebase.
Q: Was it standard to turn detainees that have no U.S. interest over to the local police?
A: The reason we went up there the first place was because we had reports that the checkpoint was stealing and killing people. They would hide weapons they had in a mosque when we came to that area. So that's why were arrested them for the local police.
Q: When up on at the checkpoint where did the cache you found get blow up?
A: It was blow up outside.
Q: Were charges initially set in the mosque?
A: No, I was going to blow it up in place until I found out the building was a mosque.
Q: Was there snow on the ground during this time?
A: Yes.
Q: What happened when the detainees when they were taken back to the firebase?
A: The last thing I remember, they were taken and set facing the hesco walls on their knees.
Q: Did you see any of the detainees doused with water?
A: No, I wasn't in on any of that.
Q: About how much contact did you have the detainees?
A: NONE
Q: Did you see any of the detainees with bruising?
A: No.
Q: Were they injured that you saw?
A: No.
Q: What was the normal turn around for detainees to be released or sent to Bagram?
A: About 2-3 days.
Q: How long were these detainees held at the firebase?
A: About a week they were turned over to the local government.

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Statement of [redacted] dated 10 Nov 04, taken at the 20th SFG Armory, Birmingham, AL (Statement Continued)

Q: Do you know how the one detainee died?
A: No, I didn't even he had died until I returned to the USA.
Q: Have you ever been to the U.S. Army, Survive, Evade, Resist, Escape (SERE) school?
A: No.
Q: Have you ever heard of a tactic of pouring cold water or a water and snow mix on persons captured?
A: I have heard the stories from the guys that have been to the school about it.
Q: Did you see or know that any U.S. personnel were pouring cold water or the snow mix on the detainees?
A: No.
Q: How were your relations with the Afghan Security Force (ASF) that protected the Gardez firebase?
A: Pretty good.
Q: Did you trust them?
A: Some of them yes.
Q: Did you participate in interrogations or screenings of [redacted] and his men?
A: No.
Q: Did anyone authorize you to hit detainees?
A: No.
Q: Did you receive any guidance on interview tactics?
A: No.
Q: What was the condition of the detainees when they were released to [redacted]?
A: I don't really remember.
Q: Who guarded the detainees?
A: The interrogators and the ASF personnel.
Q: At the incident at WAZE village, did you see or hear that [redacted] cut a beard off of a dead PKZ troop because he was upset that the ASF wanted to bury the body?
A: No.
Q: Were you in the village when [redacted] shot the villager or you just heard about the incident?
A: I just heard about it.
Q: Were any prisoners brought back to the firebase from the Waze village ?
A: One or two were held but released.
Q: Did you see or hear about any abuse done to [redacted], or his men?
A: No.
Q: Why do you think the ASF personnel and firebase interpreters stated they saw water being poured on detainees, facial strikes to detainees and facial bruising on detainees be fore their release?
A: I don't know.
Q: From your knowledge of them, do you think they would lie about something like this?
A: Some might but others may not. I don't think [redacted] or [redacted] would make up any stories.

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0062-04-CID369-69278

Statement of [redacted] dated 10 Nov 04, taken at the 20th SFG Armory, Birmingham, AL (Statement Continued)

Q: Is there anything you left out of your statement you wish to add?
[redacted] A: No.
Q: Do you have anything else to add to this statement?
[redacted] A: No.//End of Statement//

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LAW ENFORCEMENT
SENSITIVE

Exhibit 33

Initials [redacted]

[redacted]

Page 8 of 8

STATEMENT OF [redacted] TAKEN AT Birmingham AL DATED 10 NOV 04

9. STATEMENT *(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 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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by [redacted] to administer oaths, this 10 day of November, 2004 at Birmingham AL

[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

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INITIALS OF PERSON MAKING STATEMENT [redacted]

Exhibit 33

For Official Use Only LAW ENFORCEMENT SENSITIVE

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 Benning, GA DATE: 16 Nov 04 TIME: 1320hrs [redacted]
FILE NUMBER: 0062-04-CID013-69278-5H9
NAME (Last, First MI): [redacted] SSN: [redacted] STATUS: [redacted]
ORGANIZATION OR ADDRESS: Det 1, B Co., 1/20th Special Forces Group, Birmingham, AL 35210

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

1. I do not have to answer 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.

[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 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 ever been advised of your legal rights and requested legal counsel?

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
SA [redacted]
Afghanistan CID

Witness# 2
Signature of Witness

[redacted]
Signature of Interviewee

[redacted]
Signature of Investigator/Special Agent
SA [redacted]
86th MP DET (CID)
FORT BENNING, GA 31905

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

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LAW ENFORCEMENT SENSITIVE

Exhibit 34

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retr
DISCLOSURE:

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Fort Benning GA 31905	2004 11 16	1442	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	[redacted]

8. ORGANIZATION OR ADDRESS: Det Pco Y20 SFG Birmingham AL

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I [redacted] SOMETIME DURING THE FIRST WEEK OF MARCH 2003 MY ODA (INCLUDING MYSELF) REMOVED AN ILLEGAL CHECKPOINT LOCATED AT THE SAFO KANDOW PASS. THIS CHECKPOINT CONSISTED OF 7-9 PERSONNEL. WE OBTAINED THEM AT OUR COMPOUND FOR APPROXIMATELY 10 DAYS AND THEN TURNED THEM OVER TO THE LOCAL GOVERNMENT. THE REMOVAL OF THE CHECKPOINT WAS DONE WITHOUT A SHOT BEING FIRED AND ALL PERSONNEL WERE REMOVED WITHOUT INCIDENT. WHILE AT THE COMPOUND THE AFGHANIS WERE QUESTIONED FOR APROX TWO DAYS. I OBSERVED A FEW OF THE INTERVIEWS, 2 OF WHICH LED TO THE RELEASE OF 2 SUBJECTS WHO APPEARED TO BE EITHER KIDNAPPED OR THERE BY ACCIDENT WHEN WE ARRIVED AT THE CHECKPOINT [redacted]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 6 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.

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DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

LAW ENFORCEMENT SENSITIVE

Exhibit 36

For Official Use Only

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEE... L PAGE OF THIS FORM.

STATEMENT OF [redacted] TAKEN AT Fort Benning GA 3/505 DATED 16 NOV 04

9. STATEMENT (Continued)

[redacted] * ON OR AROUND 13 MAR 2003, ODA 2021 (INCLUDING MYSELF) WERE ON PATROL BETWEEN OARDEZ AF AND KHOST AF, WHEN WE WERE AMBUSHED NEAR THE VILLAGE OF WAZE, [redacted] BY [redacted] PERSONAL VILLAGE MILITIA AFTER RETURNING FIRE AND CONTINUING TO ENGAGE THE AMBUSHING FORCE, CLOSE AIR SUPPORT ARRIVED AND ALLOWED US TO MANUEVER ON THE ENEMY POSITIONS. THE ENGAGEMENT LASTED FOR 4-5 HOURS AND SPANNED 3-4 KILOMETERS. WE WENT FROM BEING AMBUSHED TO PURSUING THE ENEMY THROUGH ROUGH TERRAIN TO FINALLY CLEARING THE VILLAGE OF WAZE BY GOING HOUSE TO HOUSE IN SEARCH OF PERSONNEL INVOLVED. DURING THIS THE ODA BECAME SPREAD OUT FROM THE ROAD THROUGHOUT THE VILLAGE AND IN THE HILLS SURROUNDING THE VILLAGE. WE HAD BEEN AUGMENTED BY A QUICK REACTION FORCE CONSISTING OF 82ND, [redacted] AND ANOTHER ODA. SOMETIME DURING THIS, A RADIO TRANSMISSION FROM [redacted] ASKED FOR ASSISTANCE, SOMEONE ELSE ASKED FOR HIS LOCATION AND HE STATED SOMETHING TO THE EFFECT OF WHERE A SHOT WAS JUST FIRED. I LATER WAS TOLD THAT [redacted] HAD BEEN ATTACKED AND HAD KILLED AN AFGHANI. I WASN'T PRESENT FOR THE EVENT AND HENCE DID NOT WITNESS [redacted]

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Continued next page.

INITIALS OF PERSON MAKING STATEMENT [redacted]

For Official Use Only LAW ENFORCEMENT SENSITIVE

Exhibit 36

Statement of [redacted] dated 16 Nov 04, taken at Fort Benning, GA 31905 (Statement Continued)

Q: [redacted]
A: [redacted]
Q: What time frame were you at the Gardez firebase in Afghanistan?
A: 11 Sep 02 thru 15 Apr 03.
Q: Did you go to the checkpoint to apprehend [redacted] and his men?
A: Yes.
Q: Did you see [redacted] hold the detainee over the hillside while at the checkpoint?
A: No, I didn't see it.
Q: Did you see anyone hit [redacted] or any of his men?
A: No.
Q: What was your position at the firebase?
A: I was one of the engineers.
Q: Was it standard to turn detainees that have no U.S. interest over to the local police?
A: We normally release them but we turned these prisoners over because I believe the Governor requested them.
Q: When up on at the checkpoint where did the cache you found get blow up at?
A: It was blow up outside away from the mosque.
Q: Were charges initially set in the mosque?
A: No.
Q: Was there snow on the ground during this time?
A: Yes, I believe so.
Q: What happened when the detainees when they were taken back to the firebase?
A: They were separated, put on the ground sitting on their knees, facing the compound wall.
Q: Did you see any of the detainees doused with water?
A: No.
Q: Did you see the interview of [redacted] by [redacted]?
A: I saw part of it.
Q: You did not see him strike him at all?
A: No.
Q: About how much contact did you have the detainees daily?
A: Very Little, maybe twice after the first day.
Q: Did you see any of the detainees with bruising or injuries?
A: No.
Q: Did you see the body of the dead detainee?
A: No.
Q: What was the normal turn around for detainees to be released or sent to Bagram?
A: About 3-4 days depending on transportation.
Q: How long were these detainees held at the firebase?
A: Maybe ten days.
Q: Why were they held longer than usual?
A: From what I understand we were waiting on the Governor.

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Statement of [redacted] dated 16 Nov 04, taken at Fort Benning, GA 31905 (Statement Continued)

Q: Do you know how the one detainee died?
A: No.
Q: Have you ever been to the U.S. Army, Survive, Evade, Resist, Escape (SERE) school?
A: No.
Q: Have you ever heard of a tactic of pouring cold water or a water and snow mix on persons captured?
A: Yes, I believe that they do that in SERE school.
Q: Did you see or know that any U.S. personnel were pouring cold water or the snow mix on the detainees?
A: No.
Q: How were your relations with the Afghan Security Force (ASF) that protected the Gardez firebase?
A: Some were very good and could be trusted some not.
Q: Did you trust them?
A: To a point.
Q: Did you participate in interrogations or screenings of [redacted] and his men?
A: I only observed a couple.
Q: Did anyone authorize you to hit detainees?
A: No.
Q: Did you receive any guidance on interview tactics?
A: No.
Q: What was the condition of the detainees when they were released to [redacted]
A: I did not see them.
Q: Who guarded the detainees?
A: The ASF personnel.
Q: At the incident at WAZE village, did you see or hear that [redacted] cut a beard off of a dead PKZ troop because he was upset that the ASF wanted to bury the body?
A: No.
Q: Were you in the village when [redacted] shot the villager or you just heard about the incident?
A: I just heard about it.
Q: Were any prisoners brought back to the firebase from the Waze village ?
A: Yes, two were.
Q: How long were the prisoners held?
A: 24hrs I believe.
Q: Did you see or hear that either of the two were abused while in U.S. Custody?
A: No.
Q: Why do you think the ASF personnel and firebase interpreters stated they saw water being poured on detainees, facial strikes to detainees and facial bruising on detainees be fore their release?
A: I would say because we cut their pay and their loyalties are questionable.

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Statement of [redacted] dated 16 Nov 04, taken at Fort Benning, GA 31905 (Statement Continued)

Q: What exactly did you hear happened in the village when [redacted] shot the villager?
A: [redacted] stated that they were searching the compound and found weapons and 2-3 men were detained and were agitated about finding the weapons and one of the villagers rushed [redacted] and was pushed and then he rushed again and grabbed his weapon and he was shot.
Q: Is there anything you left out of your statement you wish to add?
A: No.
Q: Do you have anything else to add to this statement?
A: No.////////////////////////////////////End of Statement//

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Initials [redacted]

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LAW ENFORCEMENT
SENSITIVE

Exhibit 36

STATEMENT OF [redacted] TAKEN AT Fort Benning GA 31905 DATED 16 NOV 04

9. STATEMENT *(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 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)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of November, 2004 at Fort Benning GA 31905

[redacted]
(Signature of Person Administering Oath)

SA [redacted]
(Typed Name of Person Administering Oath)

Article 136 UCMJ
(Authority To Administer Oaths)

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INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 6 OF 6 PAGES

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Exhibit 36

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LAW ENFORCEMENT SENSITIVE

0062-04-CID369-69278

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER (0062-04-CID369-69278 / 0133-04-CID369-69302)
0996-04-CID023

Page 1 of 1 Pages

DETAILS

BASIS FOR INVESTIGATION: This investigation was initiated upon receipt of a Request For Assistance from the Afghanistan Military Police Detachment, 3D Military Police Group (CID), Bagram Air Field, APO AE 09354 of eight detainees that were captured from a checkpoint in Gardez, Afghanistan and had been abused and that one of the detainees died while in U.S. custody. Interviews of the victims revealed that the victims were apprehended at the Setu Kandow Pass checkpoint in Mar 03, by U.S. Special Forces, taken back to the Gardez firebase, made to it on their knees in the snowand had water poured over them while outside. The victims stated they were kicked or punched if they moved from thei knees. Victims further stated when they were interviewed they were beaten badly. Victims identified "[redacted]", "[redacted]" ([redacted]), and "[redacted]" ([redacted]), 1/20th Special Forces, as personnel that commited the abuse. An interview of [redacted], the fire base commander stated that [redacted], the commander of the checkpoint, was the only one of the detainees that he knew was beaten. [redacted] stated that he gave [redacted] permission to strike [redacted] further related that during the time of the alleged abuse, [redacted] 25th Infantry Division (NFI) was visiting the firebase. [redacted] has been promoted to [redacted] and currently stationed at A Detachment, A Company Student 4th Battalion, Special Warfare Center, Fort Bragg, NC 28310.

DETAILS:

About 1523, 14 Dec 04, SA [redacted] interviewed [redacted] who provided a sworn statement, wherein he detailed his knowledge of detainee abuse while at Gardez Firebase, Afghanistan. (See Sworn Statement of [redacted] for details)

STATUS: All investigative activity within the jurisdiction of this office has been completed. This investigation was closed in the files of this office.

//LAST ENRTY//

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	87th Military Police Detachment (CID) (DSE) 3d MP Group, Fort Bragg, NC 28310-5000	
SIGNATURE [redacted]	DATE 14 Dec 04	EXHIBIT 37 · 000231

CID FORM 94
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LAW ENFORCEMENT SENSITIVE

Exhibit ____

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent [redacted] Chief of Staff for Personnel.

LOCATION	DATE	FILE NUMBER
Fort Bragg, NC 28310	14 Decem[redacted]1523	0996-04-CID023
LAST NAME, FIRST NAME, MIDDLE NAME	**SOCIAL SECURITY NUMBER**	**GRADE/STATUS**
[redacted]	[redacted]	[redacted]

ORGANIZATION OR ADDRESS

A Detachment, A Company Student, 4th Battalion, Special Warfare Center, Fort Bragg, NC 28310

I, [redacted], want to provide the following statement, under oath:

Q: SA [redacted]
A: CPT [redacted]
Q: What time were you assigned at the Gardez Firebase Afghanistan?
A: Anywhere between February and June 2003.
Q: Who was at the firebase with you?
A: ODA 2021, (SF Team 2021), [redacted]
Q: Who or What is [redacted]
A: At this time I can not disclose that information.
Q: Did you see any abuse during your time frame at the Gardez Firebase?
A: No
Q: Did you see anyone pouring water on any detainees while at the firebase?
A: No
Q: Did you see any detainee around the firebase that looked as if he had been assaulted?
A: No, However due to the extreme cold and elevation, coupled with the lack of adequate cold weather clothing and foot wear, many of the detainees had bluish and blackened skin.
Q: Do you recall when one of the detainees from the firebase died?
A: I had already left when the detainee allegedly died.
Q: Do you know how he died?
A: I have no idea.
Q: Did you see his body?
A: No
Q: Do you know about what time frame the detainee died?
A: I have no idea, obviously after I left.
Q: Did you go on the trip to the Sate Kandow Pass to apprehend the local nationals at the checkpoint.
A: No
Q: Did you go out on the mission to the Waze village where PKZ troops attacked the Special Forces and AMF guards?
A: Yes
Q: Can you describe what happened.
A: ODA 2021 was conducting a patrol from the town of Gardez to the town of Khowst. Upon entering the town of Waze, ODA 2021 came under heavy enemy fire. Over a period of the next several hours, we assaulted through the ambush, reorganized and headed back to Gardez. Several villagers in the area came and told us on their own accord, that it was in fact PKZ and his militia that attacked us.
Q: Had you ever heard that Dr[redacted]shot and killed a villager in the Waze village?
A: Yes.
Q: Where you in the area when this occurred?
A: Yes
Q: Can you describe what happened?
A: It was about ¾ though the fight and we were searching houses of villages that were participating in the ambush. The houses were located along the same ridge line that a suspect machine gun position was. Individuals were brought out of the house, numerous weapons were found inside this one house. In the process of detaining these individuals, a villager assaulted [redacted] by grabbing the barrel of his weapon, in which [redacted] responded with justified lethal force.
Q: Had you ever heard that [redacted] cut the beard off of a dead PKZ troop while fighting in the Waze village?
A: No

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] 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."

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DA Form 2823 (Automated)

OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

Exhibit 20

0062-04-CID 369-67218

STATEMENT OF [redacted] TAKEN AT _____, DATED 14 December 2004 CONTINUED:

[redacted]

Q: Do you have anything else you would like to add to this statement?
A: NO////LAST ENTRY//[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 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 14 DAY OF December, 2004 AT Fort Bragg NC 28310

[redacted]
(Signature of Person Administering Oath)

[redacted]

SA[redacted]
(Name of Person Administering Oath)

Article 136, b (4) UCMJ
(Authority to Administer Oath)

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EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 2 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."

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DA Form 2823 (Automated)

LAW ENFORCEMENT SENSITIVE

Exhibit 38

0062-04-CID369-69278

AGENT'S INVESTIGATION REPORT 0390-04-CID054

CID Regulation 195-1 PAGE 1 OF 1 PAGES

BASIS FOR INVESTIGATION: This investigation was initiated upon receipt of a Category 1 Request for Assistance (RFA) (0062-04-CID369-69278) from the Afghanistan MP Detachment, 3d MP Group (CID), Bagram Air Field, APO AE 09354, to interview [redacted] 122d Air Support Squadron, Camp Beauregard, Pineville, LA 71360, concerning his knowledge of detainee abuse while in Afghanistan.

Abut 1332, 18 Dec 04, SA [redacted] conducted an interview of [redacted] who provided a sworn statement wherein he related he had no knowledge of detainee abuse or the death of a detainee while he was stationed at the Gardez Fire Base, Gardez, Afghanistan. Further, [redacted] provided a sketch of the compound. (See Sworn Statement and Compound Sketch for details)

STATUS: All requested investigative activity has been completed and no additional investigative activity is anticipated. This action is closed within the files of this office.///Last Entry///

SA [redacted]

Fort Polk Resident Agency
6th Military Police Group (CID),
Fort Polk, Louisiana 71459

Signature: [redacted]

Date: 18 Dec 04

CID Form 94 [redacted]

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Exhibit 39

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LAW ENFORCEMENT SENSITIVE

EXHIBIT:

ENCL

0662-04-CID369-69278

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
FT POLK RA , 6TH MP GROUP (CID)	18 Dec 04	1332	0390-04-CID054

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	RANK/STATUS
[redacted]	[redacted]	[redacted]

ADDRESS/ORGANIZATION
122d Air Support Squadron, Camp Beauregard, Pineville, LA 71360

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I deployed from the 122d Air Support Squadron, and was attached to the Combined Joint Special Operations Task Force (CJSOTF), Afghanistan, from 23 Jan 03 through 4 Jul 03. I was located at the Gardez Firebase, Gardez, Afghanistan. I was there most of my tour except for about two and a half weeks in Mar or Apr 03, when I had to fly to Germany to have an MRI done because I was having bad headaches. And then my last month in Afghanistan I spent at the Bagram Airfield. I was responsible for providing close air support for the firebase while I was at the Firebase.

Q: SA [redacted]
A: [redacted]
Q: Who was at the firebase with you?
A: I remember I knew [redacted] (Medic), [redacted] (Demo), [redacted] (Medic), [redacted] (Intelligence) [redacted] (Weapons), [redacted] (left 19 Feb 03), [redacted] (he was with the 122d), and [redacted] Team Leader). I don't know any of their last names as we were on a first name basis and we didn't wear our name tape on our uniforms.
Q: Did you see any abuse during your time frame at the firebase?
A: Actually I didn't; although, we were all together when the guys were arrested at the Setu Kandow pass.
Q: How many people were arrested?
A: About 8 or 9.
Q: Do you know why they were arrested?
A: Actually I don't.
Q: Do you remember how long they were detained on the firebase?
A: I think three days.
Q: After the detainees were arrested what did you and the others do with them next?
A: They were arrested at the top of the pass, flex cuffed, we put sand bags over their heads and we drove back to the fire base.
Q: What time of day would you say this was?
A: It was around mid morning.
Q: What was your responsibility during this mission?
A: To provide close air support and local security. I wasn't responsible for detaining any of the guys.
Q: What happened after the detainees were put in the trucks?
A: We drove back to the firebase. They were unloaded and I went back to down load our equipment and get something to eat.
Q: Where were the detainees downloaded?
A: Just outside the inner perimeter gates of the firebase. I continued thru with my vehicle and entered the compound.
Q: Why were they downloaded outside of the firebase?
A: Because no one other than US Soldiers were allowed inside the firebase. All of the detainees were maintained between the Hescoes and the gates of the firebase.
Q: Did you see anyone pouring water on any of the detainees while you were at the firebase?
A: No, Sir. Matter of fact I didn't see the detainees after that until the day they were released.
Q: Did you see any of the detainees who had looked battered and bruised?
A: No.
Q: Do you recall one of the detainees dying while at the firebase?
A: Not from the time we arrived to the firebase to the time the detainees got released, No.
Q: Did you go out on the mission to Waze village where PKZ troops attacked the special forces and AMF gaurds?
A: Yes, I was there.
Q: Can you describe what happened?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 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 SIDE OF ANOTHER COPY OF THIS FORM.

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DA FORM 2823, JUL 72 SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

Exhibit 40

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LAW ENFORCEMENT

0062-04-CID365-69218
0320-04-CID231

STATEMENT *(Continued)*

A: Around 1100 in the morning, about a week after the detainees were apprehended, we were conducting a patrol through the Waze Valley when we got ambushed on the outside of the Waze Village by hostiles who were up on a hill top and in the road. We were in a firefight on and off all day that day and didn't get back to our safe house until midnight that night. I called in close air support and we had two A10's and two Apaches drop live ordinance.

Q: Did you hear of [redacted] shooting and killing a villager in the Waze village?

A: No.

Q: Did you hear of [redacted] cutting the beard off of a dead PKZ troop while fighting in the Waze Valley?

A: No.

Q: Did you ever witness or participate in any interrogations, which were conducted on the detainees?

A: No, Sir.

Q: Did you ever hear any of the detainees being abused by US Forces?

A: No, Sir.

Q: Are you aware it is a violation of the UCMJ to provide this office with a false statement?

A: Yes.

Q: Are you being truthful here today?

A: Yes, Sir.

Q: Do you have anything 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 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 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 18th **day of** Dec, 2004

at The [redacted] Police Department, [redacted]

ORGANIZATION OR ADDRESS

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 UCMJ

(Authority to Administer Oaths)

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ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [redacted]

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LAW ENFORCEMENT

U.S. Government Printing Office: 1993 – 342-027/80494

Exhibit 40

EXHIBIT 41

PAGE 237

ONE PAGE SKETCH OF GARDEZ DETAINEE FACILITY

WITHHELD

FOIA EXEMPTION 5 USC 552 (b)(2)

AGENT'S INVESTIGATION REPORT 0062-04-CID369-69278

CID Regulation 195-1 PAGE 1 OF 1 PAGE

About 1000, 17 Feb 04, SA [redacted] interviewed [redacted] Afghanistan Attorney General, Kabul, Afghanistan, who stated he completed the 155 page investigation involving the death of Jamal NASSER and the abuse of [redacted] and his men. [redacted] further stated he saw injuries on the victims when he interviewed them which consisted of toenails which were removed, possible burns and bruising.

AGENT'S COMMENT: [redacted] related he was not able to give a written statement without the consent of his government.

//LAST ENTRY//

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[redacted]
Special Agent, [redacted]

Afghanistan MP DET (CID)
Bagram, APO AE 09354

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Signature: [redacted]

Date: 17 Feb 05 Exhibit: 42

CID Form 94

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0062-04-CID369-69278

PAGE 1 OF 1 PAGES

DETAILS

About 1400, 21 Mar 05, SA [redacted] coordinated with [redacted] CJTF 76, Staff Judge Advocate, Bagram Air Field, APO AE 09354, who provided this office with a translated copy of [redacted] statement.

Agent's Comment: The translation was translated on lined notebook paper and consisted of three pages, and was prepared by [redacted] unknown date of translation.

About 1530, 28 Mar 05, SA [redacted] coordinated with CITF, Bagram Air Field, APO AE 09354, to obtain a list of ISN's for the detainees mentioned in this investigation. CITF was unable to provide the information requested due to the database being down. Provided CITF with a list of names to obtain ISN's.

About 1800, 29 Mar 05, this office received the name check results pertaining to [redacted] from the Crime Records Center. A review of the name check revealed [redacted] was a subject of Aggravated Assault and Maltreatment of a Person while in U.S. Custody, ROI number 0133-04-CID369-69302, no disposition was noted.

About 1600, 31 Mar 05, SA [redacted] coordinated with [redacted] Titan Corporation, Bagram Air Field, APO AE 09354, who provided numerous translations concerning this investigation.

//LAST ENTRY//

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	Afghanistan MP DET (CID), 3d Military Police Group (USACIDC), Bagram Air Field, APO AE 09354
SIGNATURE [redacted]	DATE 31 Mar 05 / EXHIBIT 43

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[redacted]

0062-04-CID369-69278

COPY I

by [redacted]

and [redacted]

Page 1-40

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EXHIBIT 44

[redacted] 062-04-CID369-6[illegible]78 [redacted]

page 1 of 40

COPY (1)

District Attorney Armed Forces

Interview of Suspect

Place: Name Farther Name Rank

The following is What the Suspect told us.

(1) Real name: [redacted]
(2) Family name: None
(3) Father's name [redacted]
(4) Date of Birth and Place of Birth: [redacted] year old in [redacted], [redacted]
(5) Ethanic [redacted]
(6) Nationality: Afghan
(7) Language: [redacted]
(8) Current Address Including Dist, Village, Province: lives in [redacted]
(9) Permanent Address: [redacted]
(10) Occupation/Job Discription: Profession is [redacted] Currently Soldier with Paktia AMF
(11) Education: 5th grade → 8th
(12) Marital Satutus: Married
(13) Occupation of Wife: House Wife
(14) Children [redacted]
(15) Have you Committed any Crime: ND
(16) Nearest R[illegible]

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EXHIBIT 44

0062-04-C1 B69-69278

Continuation of the Matter:

To whom it may Concern:

This was a wk that I have ~~to~~ come to his outpost Officially I had not been issued a weapon. I don't know any thing about this processor situation, I was busy with Security mathers that I was resposible. From Start of my duty I have not gone any where from this post. I have never seen any body to find any one from the Raad, (meaning: ~~Rad~~ road Rabbery) and nothing ~~else~~ else was happening I was patrolling the area my Self. One day Americans Came in and disarmed us and beat us up very badly. One person by name of Saad got Killed and after that they ~~imprison~~ imporsine us at their compound. After that they ~~had~~ handed us to local Authority and were take to Security head quaters. Once there they treated us good and they treated us medically and we got well. After our health got better they Sent us here. We ~~are~~ Consider our Selves ~~is~~ not guilty. It has been aprox 2 month that we have been in Jail.

Finger Print

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EXHIBIT 14

(3)

Continuation of the Situation/Matter:

It's been about 4 month that I have joined the (Number #3) Corp as a Volenteer Soldier. I was in a Security outpost in Seti Kandow. On 10,12,1381 I was present at a check post. When all of a Sudden about 60 foreign Soldier came down on our check post. We were only 12 people. On that day ~~at~~ about 8 people had newly arrived at the check post. When they came in they asked for some tea and told us to go inside and sitdown and have same tea. When we prepared the tea and when we were pooring the tea into the cups thats when they pulled their guns on us and told us not to move. We stood up and they took all of our weapons and blind folded us and took us to a compound next to Gardez City and beat us up. From the result of the beating one of the Soldier [redacted] got murdered. they pulled [redacted] nails from his fingers. After that they turned us over to Security forces of Gardez. At head quators of Security forces of Gardez we were held there until 10, 2, 1382, On 10, 2, 1382 they transfered us to Security forces of Kabul. These are the thing that happen to me and I said the above thing and it been read back to me and I am satisfied.

Finger Print

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EXHIBIT 44

0062-04-[illegible] 363-69278

(4)

Distrect Attorney Armed Forces
Interview of Suspect

Place: Name [redacted] Father's name [redacted] Rank

(1) Real Name: [redacted]

(2) Last Name: None

(3) Father's Name: [redacted]

(4) Date of birth / Place of birth: [redacted] yo 138

(5) Ethnic: [redacted]

(6) Nationality: Afghan

(7) Language: [redacted]

(8) Current Address: [redacted] Dist: [redacted]
[redacted] Province:

(9) Permanent Address: Same

(10) Occupation: Drive

(11) Education: None

(12) Marital Status: Married

(13) Wife's Occupation: House Wife

(14) Children: [redacted]

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EXHIBIT 44

(5)

(1) Real Name : [redacted]

(2) Last Name: None

(3) Father's Name: [redacted]

(4) Date of birth/Place of birth is [redacted] yrs

(5) Ethnic : [redacted]

(6) Nationality: Afghan.

(7) Language : [redacted]

(8) Current Address: [redacted] Province

(9) Permanent Address: [redacted]

(10) Occupation: Laborer

(11) Education: None

(12) Marital Status: Single

(13) Wife occupation: None

(14) Children: None

(15) ~~A~~ Criminal background: None

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EXHIBIT 44

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(6)

I my self given this interview saying that I am from [redacted] Province and for the last four years I have been living in [redacted] with my family. Occasionally I Work in a Hotels like [redacted] Due to our leaders order I was apointed as Chef about 5 days before our capture. Since I was hired as chef and was not there long enough I did not know the reason of being captured. It's been about 3 1/2 month that I have been captured by Americans. Personally they have beat me up and they are asking questions about my rank. When I told them that I was a cook then after that they stopped beating me. About 20 days later they transfered us to the Security forces of Gardez and from there we were trained over to the Security forces of Kabul there are the facts of that matter that was Written down

Foreign Post

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EXHIBIT 44

Distrect Attorney Armed Forces
Interview of Suspect (7)

(1) Real Nam: [redacted]

(2) Family Name: None

(3) Father's Name: [redacted]

(4) Date of brith / place of brith: [redacted] / City of [redacted]

(5) Ethenic background: [redacted]

(6) Nationality: Afghan

(7) Language: [redacted]

(8) Current Address including Village, Dist. Province: [redacted] Village, [redacted]

(9) Permanent Address: Same

(10) Occupation: German NGO

(11) Education: None

(12) Marital Status: Single

(13) Wife's occupation: none

(14) Children: None

(15) Criminal background: None

(16) Nearest Relatives: Brothers: [redacted] and [redacted]

000247

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EXHIBIT 44

(8)

I my Self giving this interview Saying that What the fact is I will tell you. I was working on my house in Gardez, I lost ~~my~~ one of my leg to Landmine It's been 3 yrs that I have been Working for Beuman NGO, but now it's been 3 month that have been Working at this check post and the Leader ~~of~~ Was [redacted]. It's been 3½ month that I have been taken by American forces. While there they were asking me question about the Check post Soldier how badly they were miss treating the travelers. So because of the that I was beaten. As a result of beating [redacted] Jamal was murdered. I Carry the Scars of the beating with me, I Spent Some times in the Compound After that I was turned over to ~~the Gardez Security forces the on to~~ Kabul Security Forces. Personally I have not Witnessed anything against the law and We are All innocent.

Fringer Print.

000248

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EXHIBIT 44

0062-04-CTD 369-69276

(1) Real name: [redacted]

(2) Family Name: none

(3) Father's Name: [redacted]

(4) Date of birth / place of birth 1381 → 25 years ~~1381~~ 06

(5) Ethenic back ground: Saied Karame

(6) Nationality: [redacted]

(7) language: [redacted]

(8) current address including village, Provience
village → [redacted] ~~provience~~ district [redacted]

(9) Permanent address: " " "

10 ~~occup~~ occupation: solider for Packtia

11 Education: 5th

BEST COPY AVAILABLE

12 Marital status: married

13 wife's occupation: house wife

14 chidren: [redacted]

000243 106 7C

15 criminal back ground: No criminal back gr

16 Nearest Relation Father [redacted]

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EXHIBIT 441

The above Named Person please tell us the Story of of your detention;

I was Captured by Americans our check post is located at Sati Kandow in this check post We had 12 persons, [redacted], Jamal, were present at the check post. [redacted] were at their Houses. This was a Security checkpost. [redacted] was the Commander of the Post and Food Ration was given to us from Corp. Commander of the (CI) of the Corp was [redacted] We had 12 AK47s at the check post, From the heavy weapons We had one Rocket, one Peka, one Mortor, and Dashaka and 75 mm Artilary nothing else. ~~To~~ ~~[illegible]~~ I used to with ((CI)) and then I went to Sati Kandow check post, We were resposible for Gaurding and Patrolling. We never Seached vehicles completly. The truth of the Matter is the ~~the~~ Zadran tribe has Complained that our check post was bothersome to them and that we are ~~[illegible]~~ highway Robbers. Possibly that Americans miss understood that and attacked our check post. One day of Capture the Americans asked for tea and We did not have our weapons on us and detained us. The did not detain us first, they beat us. and pulled our nails. ~~and [illegible]~~ and they killed one of check post members by beating Its been a While We are in Jail and it's been 3 month, For Some times We were at a Compound to to local Security and Now it's been about 6 days that We are in Kabul.

66
71

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EXHIBIT 44

0062-04-CID369-69278

We were brought here by Paktia Security forces. I say we are innocent, if there is any evidence we will accept our guilt otherwise we consider our selves ~~[illegible]~~ innocent.

Franzen Point

000251

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EXHIBIT 44

(11)

Afghanistan Government

District Attorney

To Director of Prisoners / Judicial Ministry

This matter was reviewed by Watch Dog of Prisoners on 2-20-1389 After solving the matter We are sending to you.

Signed by ~~Duty~~ Deputy of

District Attorney

Copy sent to Interior Ministry

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EXHIBIT 44

12

Should be done in writing

Signature

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EXHIBIT 44

(13)

Bail

Name: [redacted]

Father's Name: [redacted]

Occupation: Laborer

Shop No: Date 1381, 4, 23, 31~~8~~/226

Location: [redacted] ~~Ds~~

Village: [redacted]

District: [redacted]

Province: [redacted]

Village: [redacted]

District [redacted]

ID No: [redacted]

~~I~~ I Certify that the above ID

is mine and I have bailed out

[redacted] ~~S/O~~ S/o [redacted]

000254

When ever needed I will Produce him

to the Authorities

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EXHIBIT 44

(13)

ID of the Store Neighbor

Name: [redacted]

Father's Name: [redacted]

Occupation: Director of Something (can't be read)

Store No: [redacted]

Location: District [redacted]

Address: Village: [redacted], Dist: [redacted]
Province: [redacted]

Currently living: [redacted]

ID: [redacted]

I Certify that I am [redacted] S/o [redacted] Store Neighbor of [redacted] S/o [redacted]

Fringer Print and Signature.

003255

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7C

EXHIBIT 44

0062-04-CID 369-69

NAME [redacted]

Father's name [redacted]

occoption [redacted]

Shop NO [redacted]

location [redacted]

village [redacted]

prstroict [redacted]

province [redacted]

village [redacted]

Id NO [redacted]

14

Name [redacted]

father's name [redacted]

occopation [redacted]

shop N' [redacted]

location [redacted]

village [redacted]

Distroict [redacted]

province [redacted]

000256 66 7C

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EXHIBIT 44

(15)

Bail

Name: [redacted]

Father's Name: [redacted]

Occupation: Shop Keeper

Store No: Parts Store

Store ~~Licence~~ License No: [redacted]

Location: [redacted]

Permanent Address: Dist. [redacted]

Current Address: Village: Dist [redacted]
Municipality [redacted]

ID No: [redacted]

I certify that the above named person is mine and that I am bailing out the following persons:

[redacted] S/o [redacted]

[redacted] S/o [redacted]

[redacted] S/o [redacted]

[redacted] S/o [redacted]

[redacted]

Signature

000257 66

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EXHIBIT 44

15

ID of the Store Neighbor

Name: [redacted]

Son of: [redacted]

Occupation: Shop Keeper

Shop No: [redacted]

Shop License: [redacted]

Location: [redacted]

Permanent Address: Village: [redacted]
Dist: [redacted], Province: [redacted]

Current Address: Village: Dist [redacted]

ID No: [redacted]

My name is [redacted] S/o [redacted]

Signature

Stamp

000258 b6 7C

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EXHIBIT 44

(16)

According to the instraction of previous govener of Paktia province Joint investigation about 7 highway robbers ~~were conducted between~~ in Satu Kandaw Past were conducted by The high court attorney office, national Security and Security Command office of Paktia. The investigation presented as a file of 115 Pages.
But they didnt find any evidence to proof them guilty. Therefore the file of those 7 People were presented to the office of high attorney ~~for~~ of arm forces ~~for~~ for more investigation. The 7 accused people were held and detained in the security Command office of Paktia Province Capital City.
By the order of high Court ~~investigation~~ and assistace high attorney for arm forces the 7 accused people were released from detiation on a written bond.
The file is sent to the high court ~~attorney~~ criminand attorne and assistance high atterney ~~for~~ of arm forces for future investigation.
The file contian 115 Pages.

Signature of attorney

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EXHIBIT 44

0062-04-ID 369-69278

17

Difinition (answer)

I understand the questions.

① I Was a ~~Soldier~~ Soldier.

Finger print

② I didn't Search any Car or Person in any time.

Finger print

③ We didn't search and the Post was for road Security.

Finger print

④ I Worke for one month in (unknow Name) Post.

Finger Print

⑤ When ever I Worked in the Post I didn't search any cars or Person. If any document and Wetness are presented I will be responsible.

Finger print

Questions

Accurding to your conversation answer the following questions.

① Please indicate your positon in post? What was your Position in the Post

② Write if you search any car or person? did you or didn't you

③ Scince you didn't search any persons and Cars. Then Why did you have Post overthere?

④ How much time did you spend in the post give us detial information?

⑤ If there are any document or Wetness. ~~eye~~ of People and Cars search found then your ~~the~~ responsible.

⑥ When you didn't conduct any search

(Not readable)

See on The back

000269

EXHIBIT 44

(6) In our Post we didn't Search and I don't from other places.

Finger print

~~(6) When you didn't Search, indecate that if any way that Search of cars or People were conducted there? give us complet information?~~

(7) In one month time duration I Worked in that Post. There Wasn't any highway robbers.

Finge print

(7) Were there any group of Robbers (highWay robbers), give us their ~~Idn~~ Complet identity?

~~Singer~~ Signatures —

000261

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EXHIBIT 44

(19)

[redacted] according to your written statement answer the following questions.

① I am [redacted] son of [redacted] Worked as a driver in the Post.
Finger print

② I didn't search any car or person during my work time.
Finger Print

③ The Post was for the security of the high way. The personal didn't have order to search and I didn't serch.
Finger Print

④ I worked in the post for on month.
Finger Print

⑤ If there was any documents or wetness of search people and Cars to show I seard.

① What was your position in the Post?

② did you search any cars or person, or didn't you

③ When ever you didn't search any car or person, then what is the reason for having Post over there, give us detail information?

④ Tell us by detial how long did you spend in the post?

⑤ If there is any document or wetness on the search of cars or people, then you will be responsible, or you won't be?

Next Page

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EXHIBIT 44

20

I am responsible

Finger prints

(6) I didn't search during work. But there was a group sometimes search cars and ~~that~~ group belongs to [redacted] I don't ~~have~~ know any names of them.

Fingerprints

(6) When you didn't search, ~~There~~ were there any group searching cars and Popple give us detail information?

be a

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EXHIBIT 44

Answers

Dear Sir, I understand the questions and the answers are ~~as follow~~ These.

1) I Worked as a soldier in the post.
Finger Print

2) I ~~Worked~~ Worked in the post. DID NOT Sear Cars and People
Finger Print

3) Scince We Worked as guards I didn't see anybody Searching the cars
Finger print

4) I didn't know about highway robbers, because I worked in the post only for one week.
Finger Print

5) If there any document and Wetness to show me searching the cars and People. I am responsible for it.

Question

[redacted] according to your written statement answer the following questions.

(1) What was your position in the Past?

(2) Whe you Worked as a Soldier DID you search Cars and People give us answer by detial?

(3) And Clear that the Cars were Seared by Who, gives us their complet identity?

(4) Please Clear that. Was there any group of highway robbers arounet the post. If there was then give us the complet identity of them?

(5) If any documents or Wetnees founel presented and Showed that your were Searching the Cars and People. Then you are responsible for that?

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EXHIBIT 44

(22) (Page (4)

under Sevel afair and Army of ~~paktika~~ paktia Province

abut the ~~Capcher~~ Cutering of Sespects that we mintion

also the resens. Some proveand avedinc you can we see in the file.

The No III Army ~~Comen~~ Divison, of paktia provence and the Group of ~~Sespect~~ abut that (They Dont Know) Related to the fact.

any thing. ~~ac~~

The avedince cas- to this arm that post.

We want to Know they are ~~Futer~~ predistenation

The (164) CI police of paktia province, havert. Give us any prove or avedence abut the Sespects.

The Defince Cheif.

The No III National Defince Chef of paktia provence. by Declearing that ~~s~~ the Sespcts are Enecess, and whatever the provenc have Don is agenst the Law, and the will ~~put~~ involve. ~~e~~ the Governer and Discas abut the fact. with Him.

000265

EXHIBIT UU

[redacted]

The Scurty Chife of (Center)

with Shefer grom NO # (75) Date 1382 2-21

by ~~uosing~~ Falowing The Rul # 97 of Low

Recomand The Natnal Scurtty ~~Ther~~.

but becuse of The Govrner Interfair havent Got

plase. and Moor.

Ther is not any Dircte prove on Sespects.

For Now There are 2 fact whech is ~~ot~~ importent.

(1) Find out The ~~Fenter~~ Predestination of 7 Sespects. by Loking over The Files Ther is No ~~prove~~ Proof.

(2) One person ~~p~~ by The Name of Jamal Son of [redacted] with The Strong ~~bleve~~ beleve Got Keld becos of paneshment. This fact shwd be falowd.

by Loking to The above facts and Gaidens of Cheif (we have The copy in The file)

Sespects acourding to The Rul # 97 by Given The bund Got Free

and ~~Scruse~~ Investgation abut The 7 Sespects whech have ben free

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4

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EXHIBIT 44

0062-04-CID369-69278

wel Go back to The pakitia province
No III Chif Group. So after investgation
falow the fact.

---

abut The Jamal Son of [redacted] ~~Sor~~.

The investgation Derivation of arm fourse
will take charges.
and They will let you and other
orgonezation Know The Fact and news.

Sighn
Cheif

The investgation
Cheif

and acseption

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EXHIBIT 44

according to ~~What~~ The Defince Marshal office of paktia provence,

Defince Marshal abut The Fact in paktia provence advised That The Fact Shuld be Gaiven to The Natonal Army Marshal of paktia province.

The paktia Governer by The Marshal apenions didint care That match about The Fact.

and The Spatiel ~~Teim~~ form of Marshal From The Security cheif Mad Te prensepie # (164) (Secret police) in garge.

it came to The file That at The Defend Marsh (The one Gaiven The Governer advise) Didint Cooperate to The fact.

but he Give permation to The Seve Marshal to be at The Mettings.

~~The Scurity~~ The National Securety Rapert,

The Scurety post Personal has ben This arm by The ISAF and American ~~Forces~~ force and for 30 days It was in Gardaiz provenc

000268

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EXHIBIT UU

but now whech almost 3 month pass by
ther is no proofe or avedence admet abut
the this arm. has ben mentioned.

It came to Report that the Criminal Investgation
cheif Cantenue He's Duty and the NO# 3 Arm four
of paktia did'nt Knew the fact.

---

abut this post that the had any contact
with other Government anomy Groups
their is no avedince or prove.
and the (164) Secrt police Report it.
and the paktia Scurety arm did'nt have
any thing abut this fact either.

---

even aftar all panishment whech Gaven to
the Saspects they havent mintion any
thig. and we Dont have any thing on
ower hainds

---

all the investgation orgonesation
paktia provence. gave the [illegible]

000269

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EXHIBIT 44

to the Governer but they havent ~~Don~~ nothing abut it.

The ~~Time at the~~ form also Raported that the fact charges shuld Gaive to the 3th Arm ~~fource~~ Force or Gaiven to the capital So finely after 3 month the Sespect shuld find they are ~~Feuter~~ predistenation

---

~~Along~~ The National Security Marshal of Paktia Province by Telegram # (92) Date (1-31-1382) Report the fact to the cheif of National Security and the ansower was the shefergrom # [redacted] at ([redacted]) the Security chef advice that they shuld falow the Roul # 97 of Panishment Regulation. but this Roul havent toke ~~got~~ place.

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000270

So fare we can find frome this fille Late ~~Hom~~ (Hot) Manth from Armfource # 3 whech ... Arm at — EXHIBIT

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0062-04-CID369-69278

(~~Sena Kandow~~ Stakando) areia ~~and the ISAF~~

Captured (8) person whech are:

1. [redacted] Son of [redacted] post Qumanur.
2. [redacted] Son of [redacted] Soldur,
3. [redacted] Son of [redacted] Soldur,
4. [redacted] Son of [redacted] Soldur.
5. [redacted] Son of [redacted] //
6. [redacted] Son of [redacted] //
7. [redacted] Son of [redacted] //
8. Jamal Son of [redacted] whech got Keild

because of ~~frome the~~ panishment.

but this fact havent accsept from the investgation orgonazation's.

66
TC

000271

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EXHIBIT 44

24

all the orgonesation in paktia provence abut this fact ~~have~~ agree that tha fact was not Ligele. and the Regolation hasent toke plase

---

The ~~Tim~~ Form Raport Mintion that the fact shuld Gaiven to the investgation Divison of Marshall of 3th Arm ~~Foursd~~ forced or Gavin to the Capital Latly after three month finely they send the feuter of Sespects to the Capital.

~~Also~~

Also the Natonal Securty of paktia provence by Telegrom # (92) at 1-31-1382 Raport the fact to the Marshall Securty and the ansowre teleshefergrom (75) at ~~1-11-13~~ 2-21-1382 to the Natonal Securty Marshall. and ~~Sayd~~ Swith that Falow the Raul and Regolation and uose the Raul # 97 but No one ahave taken any Respond.

000272

EXHIBIT 44

Resolve

acording to The File pages Late 12-12-1381
one Group of National Afghan Army #3
Wheeh hase 12 People hase ben Captured
by The ISAF in (DAHAN-E- S#TA KANDOO)
~~Afrin~~ and This armed. On That Date falowing
People ~~Were is~~: are

1. [redacted] Son of [redacted] The Commander ~~Gumander~~.
2. [redacted] Sonf [redacted] Solder.
3. [redacted] Son of [redacted] Solder.
4. [redacted] Son of [redacted] //
5. [redacted] Son of [redacted] //
6. [redacted] Son of [redacted] //
7. [redacted] Son of [redacted] //
8. JAMAL Son of [redacted] becuse of

Jamal is The one ~~g~~at Keild ~~from The~~ panishment.

and all The paktia province Investgation organazation accepting The fact.

000273 b6 7C

also abut The Sespcts Captured There is not any avedince and prove of anything.

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EXHIBIT 44

The paktia province National Army and orgonazation abut the Sespcts Declearing that ther is NO Avednee. and they want to Know the Sespcts ~~feuter~~ predistenation.

The police Securet presnsepole of # 164 and other investegation and Scavety abut Sespects Dos'nt offer ~~[illegible]~~ any prove or avednce.

Defence Marshall. The marshal of National Army of 3th Security of paktia ~~accepting~~ Said. ~~The Enecency of the Sespects~~. The provence Desasun is against the Law and the involve the governer and told him that they are not falowing the Law.

The capital Natenal Security cheif by Shefer grom #75 at 2-21-1382 Gaid them by using the Roul # 97.

but becose of the inter fair of Governer havent ben falow.

---

25) There is NO Direct prove on Sespects as for Now ther are 2 importent. facts

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EXHIBIT 44

① The feature of the Sespects?
Whech ther is NO avedence.

② One person by the Name of Jamal son of [redacted] that has been Kilde becuse of hard panishment. Shuld the fact be falow.

all ~~about~~ above facts are raid X ~~Redx~~ fore inspection

With Respects

Marshal on Duty
[redacted]

Investegater
[redacted]

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EXHIBIT 44

Follow Falow the (24)

Page 26

They ~~Isleaid~~ Icelaid the post. and this arm all parsonel During Doing this arm the 8 person in the Group. after ~~betting~~ beaten haidcaf and move them to the ~~ISAF Campain~~ US Base In (Gardyez.)

according to the Sespects they ~~Wer under~~ has been Gustiond For 17 Day's and from American Forse they been under hard panishment. (from beteng to ~~peti~~ pouling the ~~nails~~ nails) becuse of hard panishment one of the Soldurs by the nam of Jamal son of [redacted] Lost He's Life.

after that fact the USA big ~~Commander~~ Commander in Gardaiz talk with [redacted] [redacted] and opolegise and He Try to help by ofring some ~~mo~~ mony for the Cofen or helping the famely. and [redacted] asked for moving [redacted] body and other Seven Solder to Gardaiz city.

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000276

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EXHIBIT 44

and that night at (11 pm) the Gardaiz ~~Comander~~ comander start working at the fact.

Jamal's body has been move to Gardaiz Hospital and the other 7 ~~Gaiven~~ deleverd to the Gardaiz provence Security comander's office and they stay for aproxmatly 2 month.

acording to the Sespects they been under Helth tretment.

after they Got better they have ben move to ~~Center~~ copital and the Arm force marshal involved.

and the above Report has ben pepaired and Gaive it to you.

and you mintion that you will send a ~~ten~~ Farm wkech is orgoniz So they can falow the roul.

So accourding to your Recomandation a

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EXHIBIT 44

(2) Respond person has been send to paktia provence
The investegation the faet and this is the Resolve
it is in 2 section and 4 pages

(1) Some one by the name of ([redacted]) son of ([redacted]) From (pairbagh of Gardaiz) has a ~~a~~requset from paktia Governer That [redacted]
One of the Sespect Steal Sit of TV from
He's shop and hav'nt ~~Gave~~ give Him any mony
(This is constetutionel)

(2) [redacted] (son of [redacted]) From ([redacted]) Distrect of [redacted] of [redacted]
in [redacted] Location toke the War posation
~~but~~ in the month of December
but this Location ~~D~~ Dos'nt belong to ([redacted])

(3) [redacted] (Son of [redacted]) From [redacted] Tribe
in [redacted] MNDD Distrect of [redacted] provence
S,ye's that the paly ~~Commander~~ commander and He's Freind
in Stokendo Gat 25,000 Rupies and one
~~car~~ car battry and one Flash Light from me
also one

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000278

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EXHIBIT 44

[redacted]

Interview of Suspect

0062-04-CID 369-69278

27

(1) Real Nam: [redacted]

(2) Family Name:

(3) Father's Name: [redacted]

(4) Date of brith / place of brith: [redacted] Village

(5) Ethenic background: [redacted]

(6) Nationality: [redacted] province [redacted] District.

(7) Language: [redacted] · Qushin village

(8) Current Address incalding Village, Dist. Province: X

(9) Permenent Address: [redacted] Divisan [redacted]

(10) Occupation: unemploy

(11) Education: non

(12) Marital Status: Marid

(13) Wife's Occupation: non

(14) Children: [redacted]

(15) Criminal back ground: non

(16) Nearest Relatives: [redacted] and [redacted]

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EXHIBIT 44

000279

(2)

0062-04 ID 369-69278

THE ARMFORSE MARSHAL

Sespect Mast answer.

Paktia provence marshall Natnal Army # 3

Name
Father name posation

Natnal Armfors Marshall
~~investgator~~ intargater

Got information from Saspect.

(1)	What is your Nam	[redacted]	1

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EXHIBIT 44

(28)

TO Mr: [redacted] incharge ~~lagage~~ of STOKANDO POST

Pleas ~~gave~~ give us information abut the Charges They put on you.

Sighn

Dear!

I ~~Ate~~ with other Eght Person Got a Job ~~Ex~~ for (ANA # 3) The Discovery Divasion and the Job Location was in (STOKANDO) between Gardaiz and Khost after ~~few~~ 2 few months The American's arivde and They Got 8 People incloud me and [redacted] We ben Charged That we were geting mony frome the Drivers on Thear Way. and They move us to camp Arora after Few day's They start given us hard Time betting us ~~That is~~ because of that

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EXHIBIT 44

Betting may brother Lost He's Life.

but the people Whom think I am Guilty of any ~~Charges~~ crime

~~brink~~ let me be with that people Face to face ~~with me~~ Let them Say Tha

If I have toke any mony from them?

other then that all the Charges against me are

~~baisd on~~ Laye's and Faig. So thy can gaire me a bad Name. I haveint got Nothing From No body

and thear is No prove of anything.

if theyr is any prove I will pay on Spot and

I will be Loyel to my Government. and I will Serve

my Country. any Job they Give me I will Dott Well.

Page 29 NAME: [redacted]

Son of: [redacted]

Card #				b6
Home #				7C
Street #				
city Section	[redacted]			
City	[redacted]			
province	[redacted]			
Job Location				

000282

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EXHIBIT 44

0062-04-CID369-69278

(Complain Letter)

Governor

~~governor~~

With Respict to the Khost province ~~asestens~~ وال
pice be with you all

Dear!

my Complainer to the stokand ~~Qumandir~~ commander is that....
theyar freinds got (25,000 Rupies) one car battery
~~one pair~~ pair of Cloth one Flash Light by Force
~~frome~~
My hope was to the Gardaiz New Team whech
came to Khost I hop they get the Compleantes

Sighn

We Gaive The Complain Liter to the paktia
province Team. for inspection

Sighn [redacted] b6 7(

To the farghn affair gresedent!

pleas start working about the Complian

sighn (?)

000283

EXHIBIT 44

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Dear The Admenestration presedent.

Do constetutional Right abut The Compliun.

Singhn

[redacted]

---

30) The Security chef

start working ~~abut~~ to The complian.

~~Sighn~~ Sign → [redacted]

---

page 31 (Subpoena paper)

NAME : [redacted]

Father Name : [redacted] Son of → [redacted]

Citizen Ship # ?

Marid Stud - Single

Children — [redacted]

Village [redacted]

Oregenel from : [redacted]

Mair NAME — [redacted]

District chef NAME → ?

PROVINCE - [redacted]

b6
2C

000284

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0062-04-CID 369

urrent - Position

~~soldier~~ soldier

Ocopation NOW? ANA - Solder at pakAia

previous ocopation - an-employ

Education ? Non

Miletery Duty Non

Crime - ?

Ankle [redacted]

Ankle SON - [redacted]

Ankle [redacted]

Ankleson [redacted]

Brother [redacted]

Nefew Non

? ?

Defend Atturny Stamp

The above person Liter

From 2 month I ben working with Qumander [redacted]

or ([redacted]) at (Kotal-E-STOKANDO) as a solder.

Then The Local people Start Complian about That b6 7C

We are working with Al Qaida

000285

but ~~That~~ People ~~Argument~~ was ~~only~~ about

Peoples wanted ocuty

EXHIBIT 44

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The

~~This~~ post ~~[illegible]~~

~~That is why~~ whay They got ~~the~~ Americans ~~involve~~

~~and They~~ Captured all past members ~~of us~~. ~~They take over~~

~~Wepens. and This armed us.~~

and American's ~~to~~ Had betting me with ~~switch and~~ wood steach

Cable's That I pass ~~and~~ out ~~even~~ Now I am not very

Well. American's did'nt find any prove from any one what so ever.

but ~~Commander~~ Comander ([redacted]) Since 5 month ben working in Stakando

becase of betting [redacted] [redacted] Jamal Cost

He's Life. That was The fact.

Finger print

Page 32

Non

b6
2C

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EXHIBIT 44

Subpoena

NAME - [redacted]

Father Name : [redacted] Sonof [redacted]

Age - [redacted]

Memento # ?

Marid stud - Marid.

family - 1

place of birth - [redacted]

Mair - [redacted]

DISTRICT CHEF - [redacted]

PROVINCE - [redacted]

Occopation Now ? Solder at ANA investegation Section in paKTYA

Occopation befor ? General worker

Education - 4th Gread

Miletry Service - Non

Crime Kind

Uncle (patemal) [redacted]

Cousin [redacted]

Uncle Name [redacted]

cousin ?

Brother - [redacted]

Brothers son - Nan

b6
7C

000287

sister's son - [redacted]

Sighn

The indvgeul above Said ↓

Since one month I was working with Discovery Fource of paktia Province as a Solder.

after Commander([redacted]) arivde. I went with him to (Stokndo) Far a month I work with him but people alraidy has complants and they had Serus complants They war thring to take over the post.

They had accusation that we work with (ALQAIDA) That is whay Americanforce Came and Captured ~~All~~ ~~[illegible]~~ evryone ~~to the~~ and ~~to the~~ to this Cump and panish evry one They panish so hard that is whay one of ~~The Solder by The Name of~~ JAMAL Lost He's Life.

b6
7C

even after all panishment They Didnt find any thing agienst ~~over~~ the Group.

000288

EXHIBIT 44

[redacted]

because we havent Don any thing ag[redacted]

Law Far the peopl complanes.

Some one Shuld Listen to ower Complains. Finger print

---

(34) Subpoena

NAME - [redacted]

FATHER NAME [redacted] Son of [redacted].

Ege - [redacted]

Memento # ?

Marid Stud - Single.

Famaly - Non

Oregenol Adrasses. ([redacted])

Mior - ?

DISTRICT CHEFE - [redacted]

Province - [redacted]

Ocopation Now - Solder at paktia Also COCK Far Army.

befor - Waiter at the Resturant.

Education - Non

Miletory Servd. No

Crime ?

Uncle Name - passd.

rosin - [redacted]

b6
7C

000289

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EXHIBIT 44

0062-04-CID

Uncle - [redacted]

Uncle's Son -

Brother's NAME - [redacted].

Brothers Son's Name - [redacted].

Sighn

The indivedual above said:

I worked 6 Day'S with Comander([redacted])

in (STOKANDO) I was cook.

The ZADRAN People Made some propaganda

aginst Team. That (We ben working with AL QAIDA)

They ~~tray~~ try to get ~~this~~ the post.

That is whay American's Came and brink evry

body to the Cump. after the panish evry

One They havint found any prove

al So one Solder by the Name of Jamal ~~Dai~~ got Killde (b6 7C

~~becus~~ because of Punishment. They wer asking about Hamid's

Finger print.

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EXHIBIT 44

(36) NAME – [redacted]

FATHER NAME – [redacted] Son of [redacted]

Ege – [redacted]

Memento # – ?

Marige Stuel – Marit. Married.

FAMALY siz? – 2

Oregenel Adrasses. ([redacted])

Peresen // PAKISTAN

Maior – SA?

DISTRICT chef. [redacted]

Provence [redacted]

present Ocopation Solder at ANA investgation team.

Preveuse Ocopation Tailor

Education non

Miletry Studs, non

Crime Kind.

b6
7C

Uncle Name [redacted]

Uncle's Son's NAME – [redacted]

000291

EXHIBIT 44

0062-04-CID 369-69278

Uncle NAME: [redacted]

Uncles Son's Name — [redacted]

BROTHER'S NAME — [redacted]

BROTHER'S SON'S NAME — .

Sister's Son's [redacted].

Sighn.

The above indvegual Statment.

I ben working one week with Commander([redacted])

Then American's came They Disarme evry one of the solder

took ~~tolk~~ evryone to the comp. They start Intragation investigation

They ASK For Who we are working? We told them

far (ANA) and American's helping ANA.

but They ~~bet~~ start beetting and panishing evry one.

I hope Some one Look aftar and Falou the Case.

b6
7C

Finger print.

000292

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EXHIBIT 44

(37) THE ~~FA~~ NAME and Adrass's of PETITIONER

NAME - [redacted]
Fathers NAME - [redacted]

Husbend Name

NO [redacted] 2000 AF

Card no

HOME 1

Home #
Vilge → [redacted]
district -
province

TO THE Governer OF PAKTIA!

With all Respect.

aprax muthly 9 Day's befor the (ADHA EID) in 1381 I Came back Fro m Dobai (arabic ~~Arbac~~ country) to my Vilege one The way beetwen Gardaiz and Khost close to Sok~~o~~kando Some people Gat (6000) Darhan (Dobai's corency) 10,000 Ru and wer (52000) Ru belongeng

b6
7C

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EXHIBIT 44

One pasport and visa by forcing from me. It was very unfair.
They lock me up for one night and Tie my heands and feets.
Now I Dont have a single (Dinar)
Even I Dont have enagh many Fore TAXI to go home.
I have'nt Go home since I comeback.
That's whay I mintion the fact to you
pleas help me on any WAY you can.

Sign

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EXHIBIT 44

(38) Fame of Petitioner 138

This is From: [redacted] Father Name [redacted]

and [redacted] Father Name: [redacted]

Momen Father Name: [redacted]

[redacted] Father Name - [redacted]

[redacted] Father Name [redacted]

[redacted] Father Name [redacted]

[redacted] Father Name [redacted]

To The Defence Attorney (Barrister at Law)

With honow and Respect!

We The 7 above Names Since The Fact in Stakando — — 4 month Spend time in paktia prison with out Knowing over predestination

Since we Don't have any family member ~~on~~ order befor The Court time Give over Deliverance ~~Order~~ With The guarantee to be protected by Sanctions.

We will be Grateful

b6
7C

Fingerprint [redacted]

Fingerprint [redacted]

Fingerprint [redacted]

Fingerprint [redacted]

Fingerprint [redacted]

000295

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EXHIBIT 44

(39)

0062-04-CID369-69276

Observation by investegation office.

Falow The Law abut The faet.

Sign

1382-3-11

Defence Attorny on Duty shuld falow The Law!

Sign

To The Director ship of Record and writing!

The Request shuld Record and tape Joned and turn it to Mr (Attorny) (COPY) Mr Copyist So He shuld falow The Roul # 97 of Law. and start working for Mey. Freedam take Guarantee From Them So In Case If we need Them Shuldin be any problam.

with Respect

Sign

Defence Attorney on Duty

[redacted]

11-3-1382

b6
7C

000296

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EXHIBIT 44

(40)

0062-04-CID 369-69

THE BEGINNING INVISTEGATION OF The CASE

Date Question's

Mr: [redacted]

Pleas Answer They's Questons.

) Whay ~~to~~ Did you Captured and whear They arrest you?

ANSWER

Dear!

I was at The StoKENDO ~~Fact~~ post far a week.

abut (11 am ~~oc~~) I See Some Forgeners and Som Afghans with Them asked me ~~If~~ ~~I want to Drink~~ to make and tea?

~~We~~ I gat into The Room They start Serching me and They Tie ower heams and feet put us into The Vehecle and moved into The Camp.

They put us between ICE water and start bettenus

b6 7C

000297

Finger print

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EXHIBIT 44

[redacted]

Did you carrey any arm's weapon or what? Wha was your ~~ty~~ at the time?

Dear!
We Didint had any arms
havint got it yet
We wer Drinking tea.

3) The peple whom captured you ~~who were they~~ ~~are they~~?
and How was thexir beharior?
How meny Pepel wer you and Wher? were you
and Now waht you
want and blamenig
whom?

Dear!
The Farmers Got us and
One Local was with them
They Give us hard time
They beat us
beat us with Switch wood stedal?
(?)

Sighn

000298

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EXHIBIT 44

137

~~135~~

Page 43 to page

[redacted]

by

b4
7C

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EXHIBIT 44

0062-04-CID369-69278

page 43

THE BEGINNING INVISTEGATION OF THE CASE

Saspect NAME → [redacted]

Date	Questions	Answer's
	Please Answer the Falow.	
	1) What is the Reson you arrested? and whear? and whow captured you what was the orgonezation Name?	1) Dear! The foregn force arrest us it was around (11 oc) In (Stokendo post) They ask us for Serching We ben accused that We ben Culecting mony from peple During serching. We Respond that ower Job is Securaty We are not Serching and We havnt Doun any thing worng.
	2) At the Tim of Capturing did you had any armes? after Capturing whear did they talk you? how was their behavior when they captured you? and now what you	2) We wer armed but when they asked us to drink tea Far Afghani Cultur we put ower Armes at the floor. but they start puling us closed over heands an feet and the sover ex... in move us to the Comp.

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b6 7(

003300

EXHIBIT 44

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(2) How meny wer you on The ~~fors~~ First day and How meny brat into Kabul?

(2) Dear!

They Torture us they beat us and one of us cost he's life During The panishment.
He's name was Jamal.

Peage 45

THE Beginning invistgation of The Case

NAME → [redacted] - ([redacted])

He's NAME was Jamal

Date Questions ANSWER'S

pleas Answer The Questions and Give us information

(1) When did you find out That The Americans get [redacted] and take him with Them?

(1) I find out This fact from [redacted] aprexmatily 3 month ago

b6
7C

000301

EXHIBIT 44

0062-04-CID 369-
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THE BEGINNING INVISTEGATION of the CASE

NAME [redacted]

Question	Answer
Pleas Give us information abut Falow Qusetion's you arrest Whear? When What abut? With Whome? when you captured did you had any Armes? after you arrested whear did They tolk you what Location? and The incharge people's behavior? How was it? and whom to bleam? on The first day how memy ...ver you? and How memy ...ve you. Came to Kabul? Now what do you ... ?	Dear I had tea pot in may hean arownd (11 oc) When The Americans show up. They shat ower Eyes and Tie ower hean and feet Load us in The Vehecle brod us to The Comp. on The post when They put me in The car I Got hert I Didn't had Armes be cose I am a Cook. 000301 after They tolk me to The compin They panish us and Bet us after They Find out I am only cook I Find out abut Jamal's Got Kild daring panishment. I dont have any Compliain I did'nt Knew any thing I haven't heard any car ben ...

66 TC

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EXHIBIT

(2) after the fact what did you did?

We hav'nt found any thing and we hav'nt go to any orgoni'sation

name : [redacted]

1-3-1382

(3) When did you Get [redacted]?

how meny day's after te ber Captured?

after 21 or 22 day's [redacted]

Finger point. [redacted]

8-3-1382

b6
7C

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EXHIBIT 44

THE BEGINNING Invistegation of The Case

Date NAME: [redacted]

Question	Answer
Pleas Answer The Question	
1) Whear They Arrest it you when? what abut? what orgonization? When you Got Captured what was your posation? how was Theyer behevior? Now you are blaming Whom? are you prischarge any one? The Time You arristed what was You'r Commander name?	1) Dear! I was working at The Security post when American Came I had NO Gult or Sent They arrest me and Carry us lik a baig and Accuse me That I was Steling after Captuering They tolk us to Comp and The panish ment start Some One bet me so hard. They panish every one so hard That one of us Got Kild. They act very wild. Dear! We Got int This trabul becas of ower own People propaganda my Requst is to find The person who mad this wrong propaganda and panish Him and my Commander name at The time was ([redacted]) and He was at home at [redacted] I Got arrested he was

Sighn

b6 7C

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EXHIBIT 44

Page (S1) 0062-04-CID 369-692

NAME - [redacted]

Acurding to The Subpoena paper pleas Answer They's Question's -

① pleas Clear That what was you'r Job at The post? Sighn	① I was working I was a Solder. ~~Sighn~~ Fingrprint
② Let us Know how was Serching The cars? Sighn	Whe I was at Duty No one Sercheany car.
③ If your Job was not serching The vehecl's what was The perpose of your post Theyr make it clear? sighn	Owerpost was only for Securety of The WAY. Fingerprint
④ plese make clear how Long you work at That post?	I work for only one month at That post
⑤ We Let you Know if we find any Wednes or evedence against you you wil be Responsible	If you find any Widnes ~~B~~ That I was Serching cars I wil be ~~no~~ Responsible
⑥ Mak clear Whech person was Serching The vehecles?	no one Serch. I some one did I Dont Know any thing about it.

bb
TC

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EXHIBIT 44

) Clear if They'r is ny One That from by Being Thief	I don't Know any Thing abut any robbery Group.
) Let us Know how meny peple wer in post and whear are They now?	We wer (Eleven)(11) When American's arived. and after They Captuerd us Now we Lost One person daring panishment and 3 Got Free Now we are 7
Sighn	Sighn
Difince Attorny	The national Security Reporsentive

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EXHIBIT 44

0062-04-CID 369-69278

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ISLAMI REPUBLIC OF AFGHANISTAN

ATTORNY GENERAL

Barrister-at-Law - Assistant Directory
Secretary of INVISTEGATION

Question's	ANSWER
To the Security commander of paktia province! To the criminal's Dirctor! Pleas writ us the exact fact's abut the 7 person's arrestment. ~~From~~ when you got them from American Comp	with respect to the examinging. as the 7 peple captured by Americans with ~~out~~ permation of Governor without any proof any ~~R~~ Fixed Firm Dacumets Give them to the Commander office.
and abut the Kiling person by the Name of JAMAL what have you Dean.	but abut Jamal's dath they hav'nt give us any Dacument So we cuid Do Santhing.
also have you involve the paktia province Defence Attorny or?	but abut the 7 people Predestination
please let us know abut Thexár guidance if they had any?	We already Give information to the previce inquiry.
So We can observe it.	

b6 7C

000307

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With respect Sign Sign

Attorny [redacted]

Clonel [redacted]

Sign

attorny [redacted]

invistegation person.

EXHIBIT 44

5

Stamp General Attorny

u The Present person
a eye Wetnes and as a
uslem told us with
etail That during Washing
- Jamal's body
e One brad in from
ompin What Sign's
d you See on the boddy
pleas writ it Down

Sign
attorny at Duty
1-3-1382

I [redacted]

My Father Name: [redacted]

Working as a gaurd at:
Maternity Hospital
on -3-17-2003
1-28-1382

Wash'd the body of JAMAL
They brad Him From comp.
I See Some black and
Green mark's in His
body. ~~He was wounded~~
~~and Sore~~
I did'nt See any Sign That
he was wounded
but around He's Kneecup
was block and Foot Fingers
wer Sore and Right L-Boo
was block mark
Right hean was born

106
7C

W. Th respect

Figr
print [redacted]

000308

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EXHIBIT 44

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57

THE Observation Raport abnt The Location and Dicharge of Barrster at Law.

Control by Kabul province Administration.

by Observance ~~of~~ and Consideration of Rule # 12 and 22 Law Statute act. by competence attorny Genral. and rule # 94 of Legislation far panishment Rule. They visit the unarm'd Location on 2-20-1382 and the result was:

The preson has 127 under watch. One ~~of~~ them was [redacted] son of [redacted] (witch is not miletery) He was injerd. That is why He interd to the (Dosadbester Hospital) by police. and other 10 Solders.

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Also I find out [redacted] son of [redacted] From Discovery Croup of Qumaandr ship office. in paktia province Miletry base.

I find out they pull 2 fingernail's from He's left foot. and they Torture Him. He captuerd with the other 7 betwen GARDIZ and KHOST Provinces. That was they'r J. blocation by using they'r competence serching the Trafic with No Reson take mony from people

000399

b6

EXHIBIT 44

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Consequerthly the Coalition Force fid out abut it so all 8 person Captured. and panished. also one person by the name of (JAMA) (Jamaludin) becose of panishment and betting got Keild. They stay fore ~~8 mo~~ 2 manth in Coustody in Paktia province and in (2-11-1382) Have ben moved to capital for invistegation

Consequethly the Attorny Genral OFFICE Find out with 113/77 Date 2-12-1382 and the Armforce Also Findout.

Th Lunch is good NO Complaint.

Some of them have Complaint abut not Knowing They'r Predestination.

We got in tatch abut this with Criminal Competence office. They start working abut it.

The condation and Cleanliness is under control and Fair and the behavior of Responsble's are very good.

b6 7C

Sign

EXHIBIT 44

000310

examining [illegible]

The control Defence Attorny [redacted]

Sign

Barrister at Law [redacted]

[illegible] ATAE

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000311

About this fact they'r is NO prove or evedince that you can Reilated to the other Grops also they'r was only 7 at the tim of investgation. The List of 7

1. [redacted] Father Name: [redacted]
   The Qommander of the post.
2. [redacted] Father Name [redacted]
3. [redacted] Father Name [redacted]
4. [redacted] Father Name [redacted]
5. [redacted] son of [redacted]
6. [redacted] Father Name [redacted]
7. [redacted] son of [redacted]

003312

I Got all from Compin to the Security office of paktya province.

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3) They'r are 3 executive for examining the fact. The Got all Information they ask meny Questions about the fact. The Suspects hav'nt told any thing wnech be against Law. of any Sign of the Gult (they hav'nt admet they are Saying

b6 C

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EXHIBIT 44

) abut ech inddividuall problem the form
of province asked inddividually Qustion's
but no one Confession's
They'r saying any one said that we talk
the meny or anything tel them bring the
prove - if they provit we accept any
panishment. other than that we are
not Gulty what so ever

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EXHIBIT 44

~~The council mission saying they are opinion~~
this WAY:

That ~~the the~~ at first invistgation we coldin
find any prove or evedince that had any portial
Related to the fact.

and also abut the information which we
got it from inquiry of Arme force Qummander.
had nothing against the law.

Just the Local people Complaits can be
prove ~~with~~ whech indecaid in 3th
office of (164) of National Security Qummander
and 5 defrent pages of Local People.
On the End with respect I write my
opiniance.

BEST COPY AVAILABLE 000314

The fact Refrence to the Attorny General
of Natinal Arme force Qummander of #3
of paktya under # 25 Raul of 000314
Discovery law and investegation and the # 39
of attorny General about the accused [illegible]
Now they [illegible] for the Sespects

EXHIBIT 44

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and 20 person are Thyer.
In This Room The Criminal Sespects
and political Sespects Live together.
and This Can't be ~~r~~ right.
pleas Inform This fact to The Attorny Geural
#3 or to The capital So The 7 Peple
shulf find They'r Predestination's.

Sign
National Security
1-23-1382

Sign
[redacted]
The mission
member

Sign
Criminal Directer

bc
nc

000315

EXHIBIT 44

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Dirctory Chief of Natinal Security,

Income telegrom # 82
Emergency.

to the Attorny Genral
Security of Paktia
province

Orther
observed
n-2-21-1382
Falow the Gaidin
by Law.

telegrom Text
to the Answer of # 57.
Related to the Law of Discovery
and investegation orgonization
of Atterny Genral. falow under
Roul # 97 of Law
with respect.
Dirctory office of
Natinal Security Chef
[redacted]

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1352
13-2-19

Q - office - - - - ?

000316

Resin tim Ceratogramat
V-38

S[illegible] time
of telegram
V-35

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EXHIBIT
44

[illegible] the [illegible]

page 65

The Raport from the Form (council mission) which came from Governer office General Attorny incland representative of litigation Directry. representative from Criminal Directry and from 164 National Security Qommander of paktia province. The footnote:

To the paktia province Governership!

under guidance inquiry form # 31/13 of 11-1382 from Council mission exept the litigation repersentative becaus He excuse Himself from the case.

after investgation the mission Council become to this:

abut the stakando Security post which was from the Qommandership of National army #3 of paktia province.

(1) all personal in Security post of #3 National Army at paktia Disarmd by Coalition in this province and for 30 day's they wer under investgation in Conspain So they can get some information for Statement. if they found any prove or declaration or Wetness. They hav'nt ~~give~~ ~~you~~ give it for forther investgation or they hav'nt send it

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EXHIBIT 44

2) Why the proceeding the statments which already coleet from Crimmenal Directry, from each ~~indicud~~ individual. Why I war Doing my Duty I havint serch any one abut this case I havint got any guidance from Arme # 3. also He indecade ~~so~~ whyd I was Doing investgation all the time that I was in compàn abut the relation of the Group with other bands of Afghanistan Government put me under Invistgation.

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EXHIBIT 44

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180

ATTORNY GENERAL

The Afghanistan Islamic Government

Attorny General assistance office

Crime Invistegation Directorship

Writeng managment.

To The Barrister at Law of paktia province!

We got one file (dossier) whech has 117 pages in Date (2-9-1383) it came to the Directory of Attorny Genral office.

from the file pages observation whech has ben obseved in Invistgation Directry

They send demonstrated Letter abut it whech is in page # 81 and 82 of Fille.

also the Attorny Genral of paktia 000319

by observance Roul # 38 and # 39 of Law

Since they have competence acurding to the Law

so they will falow the Law

That's whay one file with (115) pages wil be send it to you so you Do nesesry work on it.

with Respect

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EXHIBIT

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Attorny Genral Assistance office

Logo

page from inquiry Liter

Date	Question's	Answer
	Dear The Council team. as frome allocated Attorny Genrd office Steply we can See The inquiry # Date 52-3-1 indecade that they all ready Got The inquiry pages and you Recid it I just ~~mee~~ with this Liter make sure. with Respect	I Got all pages of inquiry Liter sign [redacted]

000320

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EXHIBIT 44

page 71

0062-04-CID369-69278

THE PAKTIA PROVENCE
Sobha Mongal Distris
Security Qummander

137
1382-4-31

To the Attorny Genral office of National Army # 3
of paktia provence.

to you'r Answer Letter # 179
1382-4-11 about
The [redacted] Case son of ([redacted])
They instrect this Commendership but the Security
chef of ([redacted]) aourding to you'r requset
[redacted] son of [redacted] has been
asked to be present but He hav'nt show up.
acording to the local villeger He is not thyer
If we wold had find Him in (Sarafi) we wold
had brad Him and gaiv Him to attorny Genral's
office Now I Just gaiv the Raport to you

[redacted]

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~~Rept~~

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EXHIBIT 44

page 73

10062-04-CID 369-69

Department of Justice

Directry of prisoners

Distrect related office

to the Attorny Genral Asisstent office. for the National army.

The Liter # 109 / 1382-2-2 of National Security

Qummander office indicate.

With respect to Answer the Shifer # 495 of 1382-1-2

The Sospects ech:

1. [redacted] Father Name [redacted] He is famus by [redacted]
2. [redacted] Father Name [redacted]
3. [redacted] Father Name [redacted]
4. [redacted] father name [redacted]
5. [redacted] Father Name [redacted]
6. [redacted] father name [redacted]
7. [redacted] Father Name [redacted]

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000322

Safely we Send them to YOU. 66/2

The above nam's whom wer working at the Stakando between Khost and Gardaiz with Army Group # 3

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They always Got Peop's Steph and Dam robbery

and They Serge The Cars Finely They Captured by Coalition Force Disarmed and With The Governor's apenoins from The American Compin They Gaive them hear That all Ready I Give information above.

Also The 7 Sespects That with Guard Movid to Kabul and They Got them -

about The Invistgation They will do fastest work They Can do. and with This Copy we inform The paktia Security Gunnander.

So They Give us Information with Detail about The Start of This Case.

With Respect

[redacted]

Director of al

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EXHIBIT 44

0062-04-CID369-69278

Question's NAME →	Answer [redacted]
Acording to You'r Statement Answer This Questions.	I was a Solder in Stakando post.
① Please Clear What was You'r Job at The post Give us complet information?	
② Please make it Clear That you ben Serching The vehecls with which person or orgnisation's parmation? Give us information.	We hav'nt Serch any vehecle on Duty and No one Give us Permation. and we hav'nt Serch any body.
③ also make it Clear How Long Did You work at This Job Complete information?	③ From 2 month I ben working in This post.
④ If We Find any ascription or proof That You have Serch The vehecle's Then you Think you wilbe responsible	④ If any one prov'd on me That I took any one's mony or thing's in post I wel be responsible
⑤ also make it Clear Whow was Serched	

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7C

00032

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EXHIBIT

Question's	Answer
5)	on my Duty time No One been Serch.
page 75	
2) please make it clear on that Location what Grop of robbery make oprution if they'r is any? Sign Reprsentetive of National Army	During my Duty we hav'nt find any Grop of robbery or Thief's with proof between Khost and Gardayes. Sihn Attorny General

[redacted]

000325

b6
TC

EXHIBIT 44

page 76

0062-04-CID 369-69278

The Afghanistan Transferred Government

Assistan of Defence Attorny office

Directorry of invistegation

Inquiry page ↓

Question	Answer
ate 1-3-1382 To the Directorry of Defence Attorny office National Army in Kaktia with the orther of Defence Attorny of National Army let you know that the copy of the file for the 7 Sespects accused for robbery on Duty we Have it at paktia province Attorny office I Recivit Sighn	Sind it to the National Army Defence Attorny office

000326

b6

[redacted]

[redacted] Enforcement Sensitive

EXHIBIT 44

page 78

0062-04-CID369-69278

Attorny Genral

Assitan of Attorny Genral For National Army

Director of Invistegation

Stamp

Question

To: The invistegation
rctory for Attorny Genral office
ie information We find
ut from ~~SK~~ STAKANDO post
That The stakando post
as been ~~explosi~~ ~~br~~
bursting by Amrican
Freinds Latter We Got
nformation That The Cumenication
System is Down.
I went to The post
nd find out from American
Freinds all The personel
has ben brod it to The
Camp. We Don't have
any information about
The invistegation with respect

Answer

To The Security dirctorship
of National army #3
becose of Security
Since eght (8) People From
Personel Got Cauptured
in Stakando by Coalition
Force if You have any
Information pleas find out
The Predestination for
The people.

Sign
Defence Attorny
on Duty
1-3-1382

000327

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EXHIBIT 44

(Answer to the Question # 3)

between Khost and Gardaiz During ~~may~~ my duty
F we haven't Serch any cars or any body
and we hav'nt eloct any thing from any one

Sign
NASIR AHMAD

Question	Answer
4) What was your Job at that post?	4) I was the Qummander of the post
5) If we find any proof that your personal was serching vehecle wil you be responsible?	We During ower Duty hav'nt Serge anyone If you find proof. That we Got any thing from anyone I will take all Responsibelety.
ANSWER 6	
6) on the way to the city Wher people been Sergeing Their was a Grop by the Name of (badshah Khan (ZADRAN) Do you have any information?	6) Qustion 6 make it Clear around your post Whech person or Group of robbers wer did any opration or what?

Finger print [redacted]

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Repersentetive of National Security [redacted]

EXHIBIT 44

page (81)

Date 1-19-1382

Question	Answer
What is you'r Fame?	[redacted] Pen Name ([redacted]) Son of [redacted] From [redacted] Vellege [redacted] Distrct.
) Please make it Clear. hat is you'r relation ship with AZIM Shah - son of Saleh Mir Haji mirza ALI KARIM Father Name mirwaty Jawaid " " Hazratkhan and TOTA KHAYIL do you have any relation with them or what? Give us information	(1) MY Name is [redacted] Pin Name [redacted] I have no relation with the people you Name'd.
) also make it Clear that you with (11 People) have Don any Deale or what?	(2) The people you name'd I Never made any Deale with them and I dont associate with them. b6
) Please make it Clear who give you orther to serch the people we named and If you Find and get things From them how are they?	(3) Me [redacted] Father Name [redacted] with 15 Personel in Stakando Frome the Discover Grop of Puktia's National Army #3 ben working over Job was ?

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EXHIBIT 44

page 82 and 83 0062-04-CID 369-69278

Question's	Answer's
(4) pleas make Clear if Theyer was any Group of robber's around your post if you have any information introduce.	(4) I been working only for 6 day's I dont have any information abut robberry Group's and I hav'nt
(5) If we find any proof That you have Serch cars you wil be responoble?	Serch any Vehecle or any body If you find any proof I wil be responsble (5)
(6) If you all havent Serch The who did it? pleas to gaive us information	I was Just a ~~cook~~ coock I dont Know nothing abut Cars I dont Know who Serch it.
page 83 (7) Do you thing beside your Group They'r was any other Group That was Serching veneds or People and getting things from people? If you Know any pleas introduce us to them	(7) I have No Knowledge abut any thing becose I bem working only for Six day's, b6 c
Sign	Finger print 000330
	EXHIBIT 44

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Sign [redacted]

page 84

0062-04-CID 369-69278

THE AFGHANISTAN TRANSFERRED GOVERNMENT
ASSISTAN OF DEFENCE ATTORNY OFFICE
Directorry of investegation.
Team at Duty

Question's	Answer
To the Dirctery of ~~Gen~~ Attorny of paktia province! The falowing Name's Case [redacted] Fathername ~~Ga~~ [redacted] // [redacted] // [redacted] // [redacted] // [redacted] // [redacted] // [redacted] // [redacted] // [redacted] Solders for the Stakando of paktia province whech has ben Capt~~ard~~ured accused for robbery by the Coalition force in Late March stay in American Compound. in Gardays has ben torture during torturing and panishment the the solder by name of Jamal Son of Gr 2: Lost He's Life	→ investegation by Dirctery of invistegation and Theyir is a Form Council whech is doing investegation Pleas Help us and about falowing facts Give as information So we Go on.

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EXHIBIT 44

page 84

0062-04-CID 369-69278

Questoin	Answer
1) We Hope any Documents and evidence That you have Give it to The form team and do your part.	The form From The Afghanistan Government. The repersentative From The Attorny Genral of paktia province in He's inquiry paper write:
2) your information is most useful to conclude The case we are hopping you can Help abut it.	(1) abut The Sespect's of The people named That They ben Captured by The Coalition force and after They did Consultation with Governer, [redacted] give a reason to The province Security Gummander also to The Crimined office That They shuld put organization and Attorny offices to observe abut This case According to The Governer's proposed and offered That Thyr Shuld be a [illegible] deferent
3) Did any one brink JAMAL [redacted] body to any Hospital for Autopsy?	
4) The One's has ben enjerd in This Case Did any one talk Them to Hospital? and Thank you For you'r help	

Defence Attorny on Duty

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EXHIBIT

So they can investegad the case
by the Consulatation of directry of litigation
and we shald diside abut the case
abut the sespects being under custety
what ever is nesesery Falow it.

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page 85

I put somach effort to Light up the case
also I did investegation after I complet it
I toke the Form's opinian I perpair evry thing
and give it to the higher Level for mor studying
and consideration. every thing is in the file.
and evry thing the higher Level did is also on the
File.

(2) The Form abut Lighterig of the case asked for
inquiry from discovery orgonesation's.

000333

we Kept that also in the file.

(3) abut the person who dead I find out During
investgation and Led the office know abut it.

(4) abut the Guestion tell you the reality
that abut this case not only attorny General have
responsiblety also all office attorny's on duty

EXHIBIT 44

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→ Have responsiblity That The patient's has compleant. and Thex shuld ~~e~~ go to Local Hospital. and Shuld be treadet.

NOTE: becos The form Requst~~ed~~.
The oregenel file we have it. total 23 Peages and ~~P~~ (2) Pege of Shifer paper. Whech is ~~From~~ General Attorny security office wil get it.

and The orgonization's and province Shuld work together and Falaving The law we will work together.

with respect.

Sign

Interrogater of invistegation Directery.

EXHIBIT 44

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0062-04-CID 369-69278

86

Defence Attarnex OFFICE

To The Secretary

Directory of Invistegetion

inquiry paper

ate	Question	Answer.
2/2/31	To the Directory of Helth about the Spetied Case that we are invistgating in this Adminestration Acording to the Dakoment and proof's give us information about. Jamal [redacted] That in whech date and with whech Athorety's interdase to Hospital?	To the Emergency office! give us information. Sign Date 17-3-2003 In book of Record Say's, Jamal father name: [redacted] Tribe: [redacted] He's cousin [redacted] father Name [redacted] Recived He's boddy. Sign The signature eccepted Sighn.

66 2C

000335

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EXHIBIT 44

0062-04-CID369-69278

also give us information what is the cause of death. So we can Farther invistegat

Sigh
Barrister at Law

Sigh.
Defence Attarny at Putty.

64
TC

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EXHIBIT 44

page 88

0062-04-CID369-69

ATTORNY GENERAL

Secretary of Attarny general.

Directory of invistegation

Date-82-3-1

Question	Answer
To the security commander to the Crimined Directory! With observation of decunt and ~~pro~~ statements abut the Stokendo post ~~members. that 8 people~~ got arrested. and one person in American Compin got Keld. all petition's frome province had sind it wheeh was fw of complaints. pleac make it clear. whoo was the people? Hav you Question'd them abut the items or? So we can Apeal for them Defince Attarny on duty	Dear the form members! Sine while we sind the paperwork abut the ~~acci~~ petitioners they wer not Heair so we ~~g~~ could have Dun Somthing abut it we sind the petitioners Paper alown with letter # 16 of national Security attarny general. So I give you information above Sign [redacted] the invistegation Director.

000337

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EXHIBIT 44

Read page 91
befor 90

page 90 0062-04-CIP 369-69372

In Gardayiz province carry one person becose of belting and tortureing got Keild an the rest of the members deliverd to the Security commendr. offce.

The Governer of paktia province personely was Trax to make the case and to give a bad name to the commender (Atiqullah) and the all members.

Sign
National security of paktia province.

000338

EXHIBIT 44

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page 91 0062-04-CID369-69278

ATTORNY GENERAL 1.1.1
Secretary office
Directory of invistegation.
The mission form

Date 82-3-31

Question
to the National Security
Directory of paktia province
by the litter # 113 / 1382-2-12
of the all Related directory
of Justice Depatment.
of Afghanistan.
According to the litter
109 / 1382-2-12 of National
Security directory of paktia
province has ben Figure.
The falow name's
[redacted] Father name [redacted]
[redacted] // // [redacted]
[redacted] // // [redacted]
[redacted] // [redacted]
[redacted] // [redacted]
[redacted] [redacted]

Answer
to the Attarny General -
Secretary at National Army!
Answer to the Inquiry
Date - 2-31-82 to the
Directry of invistegation.
The peple mintiond they are
Fuimes by (pacha Khan)
Group wheeh is doing
robbery betwen Khost
and Garday's provinces
Leter becuse of personal
wishis gat away from
pasha Khan Grop and become
Solder in Army # 3
and while they had Job
in Stakandi post

000333
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EXHIBIT 44

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7) [redacted] Father Name [redacted]

in Stakando Location accused that they toke people's Items and serch people ~~a~~ down robbery. That's whay they ~~br~~ delevered for invistgation to this Admenestration. case is under infestgation. I hoop for mer information and opening this case you wil give us fulowing information. So we can ~~apeal~~ appeal the case.

1) What kind of information you have abut the sespects and what kind of ruports? and what have you Don ~~abt~~ abut it?

2) The Sespects are Sayeing that they Spent 17 day's in American comp and they ben tortured. and becuse of that one

~~15th~~

They Stop a Grop of people whom hase wedding party and they wer going to Khost.

They stope'd in Stakando Location they have ben pulled with NO reverence and Later they got Captuerd by ~~re~~ requst of governer of paktia by American force. and delevered to American compine.

000340

66

Go to page 90

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EXHIBIT 44

is this throw?
give us information.

3) The Accused people statement say's that they ben injerd and for 55 day's the kept ~~at a~~ while concealment was going on. and they wear under treadment.
is this throw?

4) what kind of dacuant or prove and evedince you fond in this case and what the sespects have sayed in the statements?

please help us and give us information.

Sign
Defence Attorny.

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EXHIBIT 44

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ATTorny General office 1.1.1

Secretary office Directory of invistgation.

form on Duty.

Date

Question	Answer
To the Commender of National Army # 3 abut the case by Letter # 113 / 2-12-1382 from Directory of relation from Directory of all forpreseners of Justice deportment, imitating litter # 109 / 2-20-82 of National Securety office of paktia province and incloud the case of eght (8) people whech has ben Captuerd the responsoble Athorety and member of Stakando past toke place by the American Compain finely the person by name of Jumal got Kerd	Dear form member for Defence Atturny office of Nationnl Army of Afghanistan with respect this is the Answer. becuse the Coalition force are fiting aginst (Alqaida) and Turor and bad people probably freinds Have good information abut the capturing. The Army Grop # 3 don't have mach information an ether The Gorernment haven't give any information to Army # 3

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000342

EXHIBIT [illegible]

and the other member has ben torturd and got betting.

So you as a responsble person gaive us ~~m~~ accurad information and give us based information.

That what was the mine cause of arrestment?

When and how did you find out? That American's captured the Stakando post and what have you done abut it?

write it.

Sign

only thex find out by telegrom that The American freinds captured the post.

Sign
Defence Attarny on duty.

page 93

and the Suspects are in American compin under arrest and the ~~E~~ reason is not the Army because the Afghn army was not involved in this case

Sign

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EXHIBIT 44

[redacted]

Interview of Suspect 0062-04-[redacted] 369-6927

page 94

(1) Real Nam: [redacted]

(2) Family Name:

(3) Father's Name: [redacted]

(4) Date of brith / place of brith: ?

(5) Ethenic background:

(6) Nationality:

(7) Language:

(8) Current Address incalding Village, Dist. Province:

(9) Permenent Address: [redacted]

(10) Occupation: Distret - [redacted] province [redacted]

(11) Education:

(12) Marital Status:

(13) Wife's occupation:

(14) Children:

(15) Criminal back ground:

(16) Nearest Relatives:

000344

EXHIBIT 44

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Interview of Suspect

page 94

Left side

(1) Real Nam: [redacted]

(2) Family Name:

(3) Father's Name:

(4) Date of brith / place of brith:

(5) Ethenic background:

(6) Nationality:

(7) Language:

(8) Current Address incalding Village, Dist. Province:
Army Coloniese.

(9) Permenent Address: [redacted] [redacted] [redacted]

(10) Occupation:

(11) Education:

(12) Marital Status:

(13) Wife's Occupation:

(14) Children:

(15) Criminal back ground:

(16) Nearest Relatives.

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EXHIBIT 44

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94

To the paktia province office of Gourner!

whit all Respect this is my statement!

Some tiime ago som one by the name of [redacted] whech is a Close relative of commander ([redacted]) came to my shop whech is located in Gardar'3 city and toke a sharp TV.

The price of the TV is (12 Thousend pukistani Rupis) and carry it to the stakando when I asic [redacted] to give me back the TV ite never did. and He never give me the mony.

now He is serving in National Security office in presen. please Help me so I can get my mony back. and I want to thanic You.

Sign [redacted]

000346

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EXHIBIT 44

page 95

Date 12-~~13~~ 26-81

TO the National Security office of province

We did observation on the statment.

Sign

[redacted] (?)

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EXHIBIT 44

page (96) 0062-04-CID 369-69278

380/216

Transferred Government of Afghanistan

ATTARNY GENERAL

Secretary ATTARNY GENRAL

Directory of invistegation and Crime

To The Defence Attorny office of Natenal Army # 3 at paktia province

I am sending alon This Litter a file abut:

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[redacted] Father NAME [redacted]

[redacted] " " [redacted]

[redacted] " " [redacted]

[redacted] " " [redacted]

[redacted] " " [redacted]

[redacted] " " [redacted]

[redacted] " " [redacted]

They are under investegation in This office

000347

after we get The conclude we send it to you, So You do what is necesary. also ~~with~~ Saper Coppy's will be send to Defence Attarny office and to The Governer office of paktia in the Security office of paktia

With respect Secretary Attarny General

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EXHIBIT

page 96

0062-04-CID 369-69278

Sign

Brigade General

[redacted]

observation by Date - 4-9-1382

Clerk on Duty

Sign

copy to paktia province

copy to National Security office

copy to Attorney General office

000349

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EXHIBIT 44

0062-04-CID[redacted]-69278

Interview of Suspect

98

(1) Real Name: [redacted]

(2) Family Name:

(3) Father's Name: [redacted]

(4) Date of birth / place of birth: [redacted] yrs old

(5) Ethnic background: [redacted]

(6) Nationality: [redacted]

(7) Language: [redacted]

(8) Current Address including Village, Dist. Province: [redacted]

(9) Permanent Address: [redacted]
Family Subdivision in Gardez

(10) Occupation: Grup Leader

(11) Education: Non

(12) Marital Status: (M)

(13) Wife's occupation:

(14) Children: [redacted]

(15) Criminal back ground:

(16) Nearest Relatives: [redacted]

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EXHIBIT 44

I That my Renown is mentioned
in (JIHAD) time I was a childe and with
my famaly whom was the Mojahidin members
went to pashawar pakistan after the Islamic
Government got the control in Afghanistan in (1371)
I came back to my country.
and continue my education.
after Taliban fall since 4 month I been working
in National Army in paktia provine us a Grop leder
and bet wen Khost and Gardarz post 12 People
have duty now 6 of them undo arrest in heart
becuse of some contrariety between (National Army)
of paktia and (padshah Khan) from ZADRAN
They did'nt like Natonal Army post in this
Location aproxmathly 3½ month ago by the
American force the Captured 8 member of the post
we ben in American Compayin we be Questioned
that (we stopt the vehecl and we did robbery) 000351
They Tortured us That [redacted]
JAMAL) lost His Life

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EXHIBIT 44

We are not ~~€~~ guilty What so ever.
you Can see Some markes because of Betting in my body even now.
We Served Som time in American compine and They transfer us to National Securaty of paktia province we spent tow month in paktia province now we been Hear in Kabul presen for 5 day's
personely me and the other member in post we are not guilty at all. if you find any proof I will be responsible for it.

Finger print.

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EXHIBIT 4/4

69-69278

Interview of Suspect

Soldier in National Army

100

(1) Real Nam: [redacted]

(2) Family Name: [redacted]

(3) Father's Name: [redacted]

(4) Date of brith / place of brith: [redacted] (in [redacted] - [redacted] versoll)

(5) Ethenic background: [redacted]

(6) Nationality: [redacted] Afghan

(7) Language: [redacted]

(8) Current Address incalding Village, Dist. Province:

(9) Permenent Address: [redacted] [redacted]

(10) Occupation: Labor

(11) Education: 3th Grade

(12) Marital Status: Married

(13) Wife's occupation: House wife

(14) Children: [redacted]

(15) Criminal background: non

(16) Nearest Relatives: [illegible] Mohammad Karim and [illegible] (Kharwar)

000353

EXHIBIT 44
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(~~actual~~ incident)

4 month ago in #3 National Army Voluntarily [b]ecome Soldeir after aproxtmathly 2 month I got [o]ne month pay and one month GFT.

[I]n (~~[illegible]~~ 10-12- 1381) Some ISAF force [c]ame to Stakando post whear I was worcing They told to the commander we wil go to Room and have some tea we prepared some tea one's we start pouring it to the cups they got they'ar arms and shout rise your hand's and don't move They Cleet all the armes and teke us to the American base in Gardiz and after that to the Comander of Security of Gardaiz province. and then the Discovery commander Came and told us the They well Free us at (10 ~~[illegible]~~ ock) 003354

They move us to the Gardaiz national Security office [a]nd to (1-2-1382) we were under [illegible] in [illegible] [illegible] that [illegible] 2-[illegible]-1382

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EXHIBIT 44

page 1.1

We don't Know ower Gult we have ben told That people told The American's That we ben Clecting things from people and we ben Serching The cars or clocting mony. This was The troue incident That I Sayted and after They Write it They read it to me and I am Satisfied

It is nesesery to ad That They tortured us whay They wer Doing interrogation. That is whay [redacted] Jamal die ([redacted]).

Finger print

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EXHIBIT 44

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The Begenig interrogation of The Case

Question	Answer
NAME: [redacted]	① Dear! American's arrest us around 11 AM They accused us That we ben serched cars an got mony from people we told Them That ower post is for Security not for serching and we hav'nt dann any thing wrang.
please Answer The falwong Question.) When whear and by Whom did you Captuerd?	
② ~~after arrestment~~ Answer ←	② ~~Wh~~ we had Arme Qus
Whe The proceeding arrestment did you had armour? The ~~sa~~ shut ower eye	but when They came to drink tea we falw The Afghan Calture when evry
and tie ower haind and put us in Vehecle →	one got bizzy They
toke us to American base	
Dear They tortud as one person by name of Jamal die ←→	

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Question

After Arrest ment

whear you ben under investigation?

000356

b6 b7c

EXHIBIT 44

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(4) how was the behavior of the American's.	(4) that was injustice to us they did oppression.
(5) Do you have any law suit on anyone?	
(6) How meny ~~be~~ have you been on the first day How meny are you now?	

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EXHIBIT 44

[redacted]

0062-04-CID 369-69278

page 1P4 beginnig Interrogation of the case

Question	Answer
NAME: [redacted]	Dear!
please answer the questions	post was Located in
When wheer and	gardaz province in (Stakando)
whome arrest you?	
what wase the reason?	around 11 AM whe we
	had tea with american's
when they captuerd	the start arresting us,
you what you been	they clos'd our eye's
Doing and wheir wer you?	feet and haind's and
	deleverd us to base
How was the interrogaters	they start torturing
behavior?	us why the did
	interrogation ~~one~~ they
To whom you have to	ask us if we stop'd
Claim to pretend?	Vehecls toke thing's
	or take people's food?
and what is that you	
ar claimming?	First time in wase
	they put cold water on
at the arresting	me
time who was your	
commander?	For 17 day's I was

000358

EXHIBIT 44 66

pag 104 0062-04-CID369-69278

My exe's closed I was injerd.
even now do you can see some signis
on my skine and bodx in gardais the
doctur came and did some treadment.
Dear!
The people in (ZADRAN) did'nt want any
post or National Army
That is whx the to give woring information
and they put us under panishment
The punishment wes so hevy that one
of the member by the name of Jamal
Got Kelld by (American force) since they
panish us we did'nt see How they Keld
Jamal The Complaintis is From (ZADRAN)
people in arrestment time the
Commander ([redacted]) was not their He
was in ([redacted]) ([redacted]) in He's House,
Finger point.

000359

b6
7C

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EXHIBIT 44

[redacted]

page 106 0062-04-CID 369-69278

Fame Adrasses of petitioner

Name [redacted] father name: [redacted]

Date

Adreses	Ebrahim Khayel village
District →	[redacted]
province	[redacted]
Job	?

Honourable Governer of Paktia Province

respectfully inform you that:

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me and the district chefe of ([redacted]) and Some villege elders had to go from Showak to gardaiz town center and I was tring to Deposet (70,00000 AF) (Seventy Thousend) Afghani TO (GARDIZBANK) on the WAY between gardaiz and showak in (JADI) month of this Year Some people from the post stop us and Some one by the Name of Commander [redacted]) orther He's Soldeirs to take everyone out of the car and by force they —

b6 7C

EXHIBIT 44

page 106 0062-04-CID369-69278

got The Seventy Thousend (old Afghani)
and for (5Hr) I was under arrest
after (5 Hor) They Let us go We Complaint
to the National Army and no one
take any respond.

000331

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EXHIBIT 44

page 107 0062-04 ID 369-69278

I The petitioner give you The information
and I hope Help me on any way's

Finger print
[redacted]

The Directory of outsider observance.
pleas do nesesry things abut The petitioners
statement.

Sign

12-17-81

to The Directory of clerck
pleas observe The Law

Sign
[redacted]

to National Security commander
observe The Law

Sighn [redacted]

paktia province
Governor

000362

66

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EXHIBIT 44

page 108 0062-04-CID369-69278

begining interrogation of the case

Question	Answer
NAME: [redacted] Please answer they's Qustion's.	Dear! I was with freinds at the Stakando post abut (11 AM) some foreigners came and aske abut drinking some tea. during drinking tea they start arresting us they shut ouer hand and ouer eye's. finger print
1- Whe wheir and by whome you been cuptend?	
2- What was the cause of arrestment?	
3 at the arrestment time what was your posation?	
4 How was the ~~ex~~ examiners behavior?	Dear! They'r was a interpter they just exgainge one or ton words they told us that we ben serching cars and you ben stop the cage vehecks and got many from people put we haven't Dom any of they's.
5 Do you have any case against any one? and at the time of ~~caupt~~ arrestment who was you's commander?	

000333

b6 7C

EXHIBIT 44

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after arrestment they take us to American Base. They start tortureing us they bet us

page 109

They tortured us somatch That is why one of us He's Name was Jamal ~~dear~~ gat Kelld. we still have the marks from the betting and torturring in body's. even they give us some treadment in gardaz Hospital.

Figer print.

Dear! we have a case against (ZADRAN) because they give woring information. and the cause was they didn't whant any post.

Dear. During arrestment the commander was [redacted] and He was at He's house in (2A21)

Finger print

b6 7C

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EXHIBIT 44

0062-04-CID 369-69278

page → 110

ATTARNY GENERAL
Secretary of Attarny General
Directorship of investegation

Question	Answer
Dear Doctor on duty! please after introduce you'r Self give us information: Witom and when brought Jamal son of [redacted] to the Hospital. Please make it descriptive and give us you'r Observation That you have See in body - pleas write the truth and reality	Answer to you'r Question I was not on duty on That Night I came to get Som madication That was my need at The Same time Criminal directry was uosing ambilance to brink The body but The Driver For ambilance was not Their so They toke us with Their aone car to The base They wrap The body and with commanders car gat it to The Hospital and give it to The

Sign
Kechi 3-13-82

000365

b6
7C

EXHIBIT 44

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(110)

and since I was not feiling wel I want home next day by permotion of commander we delcied the body to He's famaly.

This was what I have seen and told You.

with respict

Sign [redacted]

Nurce at Gardaiz Hospital

000366

b6
7C

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EXHIBIT 44

0062-04-CID 369-69278

page → 112

ATTORNY GENERAL

Secretary of Attorny General

Dirictory of Criminal Invistegation

Date - 1-3-82

Question	Answer
Respictiful [redacted] please interoduce youer Self and give us information. - Who you'r Son's wor working For? 2- You'r Son Jamal when daed? Whe did They brink The body home? and what was He's condation?	[redacted] daghter of per [redacted] mother of Jamal is Saying He's story: [redacted] Jamal Father name [redacted] got Job in Stakando post for The National Army Commander Ship. Leter during Job They got Captwd by American's For 10 day's The been under arrest during interegation by American. They tortured Them They beat [redacted]

000367

66 7C

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EXHIBIT 44

page 112 + 113

Have you Seein He's body with You'r owne eye?
have you See any markes or Sign in He's body?
and what do you want now?
do you have any case against any one?

Sign

Sign
1-3-82

Defence attorny onduty

and Jamal got Keld during interegation
I See They are body's
They'r chast was full of markes
Theyr fet had sign's and ijery markes.
They give Jamal's body to The hospital
American's brat The body home.
and They toke
[redacted]
to Kabul
This was what
[redacted]
have Seein

000368

106
JC

EXHIBIT 44

page 114

ATTARNY GENERAL 101
Secratery Attarny Genral
Directory of Crime investegation

Question	Answer
to The Magistrate OFFICE of National Afghan Army of paktia province!	to The Secratery of Attarny General in National Army.
as you Know Late 1381	This is The Answer to your inquiry.
The Coliation force arrest 3 people from Stakando.	① No one informed us abut arrestment or accuseation but Letter They deleverd to The paktia province Security commander office.
The been accused for Stoping e veheels and Colecting Mony rom people They deleverd to American base in gardays and for 17 day's They been under Interogation acording what They are aying They been tortured some of Them got injo and one of Them by The	No one give any Raport if Some one Wuld give any raport to This office we would use The Law #36 and observation Wuld

000369

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EXHIBIT 44

page 114 + 115

got Kedd. any way the accusation in this post is under Right # 36 of Attarny Genral shuld be taking place.

but that hav'nt hapined. even after 3 month pass the ~~spent~~ serve time in Amarecan base in paktia province finely they deleverd to Kabul by the directory of Prison's and Jaillers of Justice Department.

That is whay this file by observing the law interduced to the national Army Magistrate So pleas ~~gain~~ give us information about falowing:

1) do you have information

2) About this case they'r was a comission (form gathering) or examining in this gathering the paktia province litigation was incloud

That is WHAY this directory did'nt interfair.

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3) about the Delevery of presenars this office don't have any information

Sign

Secratery of Magistrate in National Army in 3th Division of paktia

000378

EXHIBIT

0062-04-CID369-69278

114 + 115

2)

What ~~have~~ you did about it?

3) What is the reason of moving the preshers to Kabul?

please give as information

Sign
Magistrate on
Duty

000371

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EXHIBIT 44

page (116) 0062-04-CID369-69278

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ATTARNY GENERA

Transferred Government of Afghanistan

Secretary of National Army Magistrate!

(Directory of Criminal investegation)

inquiry

to the paktia province

National Securety Commander.

and Criminal Directory!

by Letter # 113 / 1382-2-12

of prisners directory ~~of~~

We point falowing the

Falowing People

[redacted] Father Name [redacted]

[redacted] " " [redacted]

[redacted] " " [redacted]

[redacted] " " [redacted]

[redacted] " " [redacted]

[redacted] " " [redacted]

[redacted] " " [redacted]

Dear the executive

Committee!

I informed from You'r

inquiry I will give you

falowing information.

abut arrestment of 7

[redacted] son of [redacted]

[redacted] " " [redacted]

3- [redacted] " " [redacted]

4- [redacted] " " [redacted]

5 [redacted] " " [redacted]

6- [redacted] " " [redacted]

7- [redacted] " " [redacted]

They are the One's been arrest it by American's and deleverd by Governer to this Commander's office

The arrestment of

b6 7C

000372

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EXHIBIT 44

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0062-04-CID 369-69

They stop cars and did robbery between Khost and Gardaiez in Stakando post The 3th divasion National Army They toke peopl's things That is whay They got arrested and deleverd to American base and finly to this commander office abut the confisaction of accused people the Examiner is sayeing:

after arrestment They serve 17 day's in American Base First They been 8 one of them got Keld becose of torturing and we deleverd the others.

to make the case more clear please give us all backround and statements with explanation in this case

Compeletting the investegation and predestination by Letter # 12/9 guidance and Conduction to the Governer office because of complet the case

Their is a farm Magistrate of National Army - The Criminal Directory of National Security and the repersenative of attarny Genral office (litigation) and the orther # 164 has been send and all page 000373 deleverd by Letter # 16

3-11-1382

EXHIBIT 44

0062-04-CID369-69278

page → 116 + 117

also why they been for ~~to~~ 2 month under arrest and what will be theyare predestination?

Sign
Magistrate
on duty

~~Sign~~
Sign

That the farm abat this case can get Attribution Since the exiom toke place by national Security magistrate.

I give the information above so case shuld be falow

Sign

[redacted]

Note: I send the copy of all motion's and proposal's to the farm.

Sign

[redacted]

000374

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7C

EXHIBIT 44

page 118 0062-04-CID369-69278

ATTARNY GENERAL

Transferred ISLAMIC Government of Afghanstan

Secretary Attarny Genral

Drictory of Criminel Invistegation

TO The Attarny general!

Honourable!

The Letter 113 2-12-1382 Directory of all Related ~~of~~ for Prisoners Justice Depatrtment.

Letter # 109 — 2-1-1382 Directory of — National Security of paktia province

with respect on youre Shefer #(490) 1-31-1382

Answer is: The accused People;

1. [redacted] Son of [redacted] neck NAME [redacted]
2. [redacted] " " [redacted]
3. [redacted] " " [redacted]
4. [redacted] " " [redacted]
5. [redacted] " " [redacted]
6. [redacted] Son of [redacted]

b6 c

000375

EXHIBIT 44

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118

Has been Send:

The people above Mentioned on the Road between Khost and Gardyez in stakando post of Security for the 3th Divisuon of National Army Has been working:

They alway's did robbery and toke people's things - They Serch all pasengers and cloet Peoples things by Force So the th coalition force Captured all of them unarmed all of them and with Governer's Consultation the above espects deleverd from American base to this Commendery.

So above was the information.

The steps for tranfering the 7 accused that has been deleverd by gaurds in Kabul province Governer office abot the interrogation and predestination of the ~~[illegible]~~ individual's shald start working and let us Know abut it and with a copy of this we let the paktia province inform

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EXHIBIT 44

118

So They provide as moor information.
becase of demanding of above Letter The Case
has been mentioned by observing all interrogation's
plan's and expedient has been under invistegation

The involve people in this Case which have
Similar proposal's. This willbe The Consideration.
The 12 individual's Whom was working in
Stakando past between Khost and Gardaiz to
Keep Security 3 month ago erly march
(1381) a Group of American Arm'd force
captured Them why They been bizzy with
Drinking tea at That day only 8 people
wor working Later on They been dleverd to
In American base in Gardaiz and after
That They been tortured because of That
One person by name of Jamal got Kelad,
all to gether They been 17 day's under
invistegation after Jamal daid He's body
deleverd to pakt ia province Security commander

000377

EXHIBIT44

0062-0--CID 369-69278

118 - 119

— and the others been their for 2 month far tredment after the got bater by Consaltation of Governer of Gardaiz They been deleverd to Kabul us ben study you can see some sign and Marke's of injery's in they ar body's you can see some Nail's puled off. So we toke them to Hospital us we see this case can be resolve because:

① observation from Crime Location, the oregenal Raport and moor tolus and the invistegation shuld take place in Gardaiz

② abut the arme wheh was on the port, what kind are they and How they been ~~ye~~ uose

3 abut the Jamal's dath shuld get in tatch with American base in gardaiz

000373

④ abut the Local police (what have they did) why they treed the presoners secretely and why the keep them for to month their and some proof and evedince will be pervoid

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EXHIBIT 44

0062-04-CID369-69278

ATTORNY GENERAL for Transferred Government of Afghanistan Attorny General Secretary

For National Army - Directory of Criminal invistegation

To The Attorny General!

Dear The Letter # 113 → 2-12-1382

of all presoners related directory for Deportment of Justice

Not: page 120 and page 118 are The same

but The sign on The back is defrent

The sign on 120 is, is by The form of executive committee on page 121

Says: observation and considering and investegation by executive committe

000379

Date: 8-21-81

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EXHIBIT 44.

[redacted]

page 122 0062-04-CID369-69278

Interrogation page for [redacted] page (1)

The Beginning Interrogation of the CASE

Question	Answer
1- plans give us information about fallow Since when you are member of [redacted] # befor the new Government did you work for Tabiban? what was you'r Job? when did you start working for National Arm of paktia?	(1) Wet you'r respect! my brothers work with ([redacted]) I was Just a child and I wasn't a member of [redacted] at taleban's time I was a driver my home was in pakistan after ([redacted]) ([redacted]) become presedent we move to gardaiz province 000380 all to gether I work for 7½ month with paktia National Army and that was all my work but 3 month of it passed
2) besid You'r Grop post) was they'r any other post?	
3) acording to the information some time's You'r Group members stop the car's what wen you think?	

b6

EXHIBIT 44

Question

④ ascription showing that you ortherd you'r members to serch the cars and take peopl's things what well you say abut it?

⑤ if you think you hav'nt ~~did~~ o don ~~and~~ any thing wrang why they put you in peresent whay they arrest you?

Answer

in stakando I work 4 month.

② befor us they'r was a post by ([redacted]) their was moor post's in stakando all belong to ([redacted]) [redacted] son got keld an other post was thar belong to (3adran) all together thiar was 3 post in stakando the commander for (2ADRAN) was [redacted] [redacted] in showuk location

Finger print ([redacted])

000381

b6
2C

EXHIBIT 44

Answer to Queston (3) ↓

weth respect!

That is not ~~the~~ truth we never stop the cars and we never serch the cars we falow the Law. and I never stop or serch any car. (Finger print)

Answer to Question (4)

With respect!

I am a miletery man That Sabject is all Lies.

Answer to Question (5)

This is a diversity of opinion between tribe's

The zadran tribe's tryed to put theyar owne post on that location but they are not the Government people Th wer not with Government and they wer not Uniformed that was so hard.

↓

page 123

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EXHIBIT 44

Question

(5) at the arrestment time what you ben doing?

(6)

Answer to Question (5)

Latly the intrigue abat us and they pass ~~wor~~ wrong information to American freinds that is whay we got arrested.

~~wheth~~ weth respect!

We bem seting and haveng tea American's came and goint us ~~why we~~ while we start poring tea into caps they star close ower eye and betting and tortureing start the bet us with cable or something and continue for 17 days

Answer

finely [redacted] got Kild it was around (1½ oclo)

when [redacted] got Kild they did'nt ~~ga~~ give my parmation to see him.

~~abat 5~~ around (5 oc)

Dari ~~Lang~~ linguist came He said He ~~w~~ is going to bring coffin and move [redacted] body.

after that I interd to the room I see thir was a plactic pip in my brothers mouth and injection in he's hand.

at this moment 3 person (American big bosses)

000383

b6

EXHIBIT 44

interd and They aske me who did This
to [redacted] I replyed my eye's ~~wer~~ shot
I did'nt see who did it at This moment he
toke one foreners to seize one by collar. and told
Him! It was better if you Would have shut Him.
stead of doing This match tortureing.
after That They Left and I tie He's chin
He's ~~fat~~ and Hands which is oure tradition.
They told me we respect your religion.
please forgive us ower behavior was ~~wor~~ wrong
becuse Theyr was a misunderstainding.
and Then They aske what we can do for You
what Kind of Help? my heart was broken
I told Them I am not going to misup my
brothers (Shahadat) to suffer martyrdom.
if you give me any Thing I well burn That
I was setting on ~~way~~ [redacted] dath body
3 cars arived from paktia province National Army
National Security They put my brother into umilance
and I was with Him later my reletive got

b6
000384

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EXHIBIT 44

got informed by Security Commander and they arived and move the bodx I styd there latter they move us to Kabul they told us we will be free. The time I served there I had some injures because of torturing. they give us some tredment.

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EXHIBIT 44

0062-04-CID369-69278

The beganing Interrogation of the case

Question	Answer
[redacted]	With respect!
1- during they toke you from the room the commender was informed or He was thier? or what?	at the arrestment time my comander [redacted] was in He's house in (ZAZAI) He find out very late.
2) what do you want now and dou think you are gulty or what?	finger print [redacted]
	With respect. We want as son is posible get out of presens. They had tyranically behavior with as. We have faith to ower Government. we have fidelity. I am not gulty of any thing my claim and pretension is EXPLAIN

b6 TC

000386

finger print [redacted]

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EXHIBIT 44

page 126 0062-04-CIN369-69278

Security Commandership of paktia
Directory of Criminal Invistegation

Proposel	Orders
TO: paktia Governer office!	observed
us you know 7 people:	1-3-1382
[redacted] Father Name [redacted]	Attorny General
Funest by ([redacted])	for Justice Department.
[redacted] father Name: [redacted]	
[redacted] Father Name [redacted]	This proposel is presented
[redacted] father Name [redacted]	to you so you can
[redacted] father name [redacted]	uss it and ~~fla~~ falow
[redacted] Father name [redacted]	the Law
[redacted] Father name [redacted]	Governer of
Hom been arrested by American's and by	paktia
Governer's guidance they dileverd to this	Sign.
Commander ship so after observe all	
paper work and arrestment's file because	
the Crime hav'nt prove yet the invistegation	
Shult Contenue,	
because the 7 people shulden leve with out	
knowing they'ar predestination my —	
proposel is to governer's office so they	
give this proposel to the Attorny General's	
office son in 15 day's find out the	
case with Respect [redacted] sign, and sign	

000388
b6
7C

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EXHIBIT 44

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EXHIBIT 44

page → (128) 0062-04-CID369-69278

Security Commander office of Kabul province

Secretary of Security

Directory ~~off~~ versify

Secretary of Prison

Date 2-17-1382

Inquiry

to ~~Helth~~ c Helth Clinice of Secrty of Kabul province according to the directry of criminal investegation of Attorny General office of Kabul

The falowing

[redacted] Father name [redacted]

[redacted] " " [redacted]

The individual ~~he~~ accused for Thiefed an robbery during Interrogation has been beaten and torture'd they been delivered to that Clinic for tredment pleas [illegible] and give us the report with respect!

The Sospect has been exam'd all together diagnosis post Traumatic Case.

That means becuse of beating 3 month ago they Stel have some marke's in Kuneed Joint's - abdomen, belly's Spinal Column (uper) very bad damedge.

but the majarety of injer's got better. Just in [redacted] foot finger

The damage cause is diagnosis Hematome

He need tredment that should be watch and attention should be given. uper Left has anesthesia

b6 7C

000390

EXHIBIT 44

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and that is also because of beatting and torturing also ([redacted]) has some dameges on he's abdomen area's NOW moust of injury's ben recover This was the raport

Sign
Directory of Helth
DR [redacted]
02-17-1382

Stamp
Department of Helth
Kabul province

b6
7C

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EXHIBIT 44

Page 130

0062-[illegible]-CID 369-69278

Paktia province Security commander office, directory of crime fightin.

~~Answer~~ proposal	~~Proposal~~ answer.
to the Governer's office the 7 sespect's [redacted] father name [redacted] Kneek name - [redacted] son of - [redacted] - [redacted] [redacted] father Name - [redacted] [redacted] father name [redacted] - [redacted] father name - [redacted] [redacted] father Name: [redacted] Wich has been arrested by American's in this province and under Governer's control	Sign observ'd Date: 1-11-1382 Sir! The Security commander pleas prepared all the arrestant papers and any eye wetness and any thing from 3 form include Attorny General of National Security Directory of Criminel and defence Attorny for appeal orther # 164 has been aply so investigation should falow and finelise b6 1C sign [redacted] [redacted] paktia Governer

[redacted]392

EXHIBIT 44

Sign → Attorny General investegation directory Falow Governer's Conduction Attorny [illegible]

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page 13,000 -04-CID 369-69

They been send to this Commander's office we will not know they'r predestination an lese they send the Subpoena papers and arrestment papers ~~so~~ the one interrogation toke place with.

This was the proposal so you respectufl make diese'sun abut they'r predestination Let us know you'r decision we need you'r guidance.

Sign

[redacted]

Intergation's ~~f~~ directory for paktia province National Security.

Sign.

b6
7C

000393

EXHIBIT 44

page 132 National Security Command office of paktia province

Directory of Criminel fighters

0062-04-CID 369-69278

Investegation directory

INQUIRY	ANSWER
To The National Army division #3 commander's office!	to The National Security Commander!
The falowing 7 Sespects	The commander and Soldeurs whom mentioned to the inquiry paper at #3 divesion of National Army total of 8 of them are under arrest at national security office commanders office and one person lost he's life
1) [redacted] father name [redacted] Kneek Name [redacted]	
[redacted] father Name [redacted] Ismayel. Momen father Name - [redacted] - [redacted] father name [redacted] father name [redacted] - [redacted] father name [redacted] [redacted] father Name [redacted]	We confirm that they belong to the 3th divsion of National Army
Has been arrest it by American's In this province by Guidince of Governer they delevered	Theyr is not any prove of any crime
to this Commander office the mentioned Solders belong to Divsion #3 of National Army plese give us information	If ther is any pleas give it to the National Security commander office
if they are from 3th division National Army or what?	Sign
also we want to know for what ~~re~~ reson they ben arrested. plese give us information	3th division National Army Commander
So we can appeal	
Sign [redacted]	[redacted]

b6 1C

000394

[redacted]

[redacted] r Official Use Only-Law Enforcement Sensitive

EXHIBIT 44

006 04-CID 369-69278

ATTORNY GENERAL

Transferred Government of Afghanistan

Secretary of Attorny General for National Army

DIRICTORY OF CRIME INVISTEGATION

e 2-31-82

Question	Answer
to The Attorny General Appeal office of province!	With respect I will answer your question's.
y Letter 113 / 2-12-1382 from Directory of Jailler's and presoners of Justice Department.	becuse The sespect worked for National Army ower office did'nt had any Competents That is whay
The falowing Name's:	we dont know The exact date of arrestment. according to what The sespects are syeng Americans arrest them and Later on They been deleverd to National security Commander's office.
[redacted] Father name [redacted]	The raport is in paktia province Attorny General office for appeal.
[redacted] stakando Location has been accused That They did robbery and take people's things.	(2) The observation by Athoretei's of discovering are in National Security office you can ask for it.
Interduced to The National army attorny General.	
The Name's we mintioned during interrogation give us This statement:	also Theyr was a Council team frome The province
Late Feb. 1381 American arrest them in stakando Aria after arrestment They been deleverd to American base in Gardaiz They spend 17 day's during interrogation They ben torfurd They have been beatten —	has been working on The case in claim Attorny General for appeal and wor defe organization's
	which organization has The Competent?

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000395

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EXHIBIT 44

-badly also one of them get kiled because of torturing.

This case has been observed and it is under investigation of this office.

pleas give us this information so the case become mor bried.

2) do you have any information

but they'r captreing if they'r was any raport How was it?

1) what was the observation of atherety's about this case?

did they inform you?
and with you'r competence what have you done?

3) have you work for they'r freedom if you did so what is your work about they'r predestination ~~How~~ how was the intrrogaters behavior about the 7 sespects?

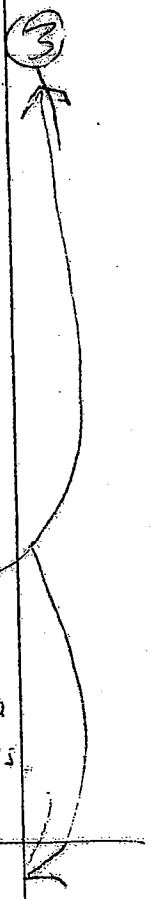
from the Location of arrestment has been exam'd about the freedom or predestination of sespects has been tatch with defeant organization

according to the discovery Rels and investigation

Attorny General clearly have complet competence.

So by the form and Governer has not been accep it.

3



000396

EXHIBIT 44

page 135

006 04-CID369-69278

) as we know one person

by name of JAMAL father
Name [redacted] among the arrested
people Lost he's Life becuse
of torturing and the raport
has ben deleterd to the
attorny general office or not?
If you ben informed abut
the case and Autopsy raport
what was you'r observation?

(5) abut the other 7 injerd
people whom are in security
office have you recive any
extend time?
and moor observation and
information if you have any
and thank you for your
help

Sign

At Defence Attorny
on duty

(4) Wech acused person
got Keild NO one give us
any Report. so we dont
have any information.

if their is any recuqust that
shuld have been from National
army not from us.

NOT: The attorny general
and the appeal defence attorny
work together they work
on problams together
and with ech others opinon's

Sign

[redacted]

~~Sec~~ Scratary
For Attorny Genral
For appeal

b6
7C

000397

EXHIBIT 44

Consideration of The File by observation of Law # 19 Law framing and competent defence Attorny

Location: Directory of Defince attorny for paktia province

Over office got a file refrence to:

[redacted] - [redacted] - [redacted], [redacted] and [redacted] by Letter # $\frac{9}{1-12-1383}$

Directory of defince Attorny's for Appeal in paktia province befor This file has been observe and ivestegate by Letter # $\frac{380}{1-4-82}$ by Secratory of invistegation Directory for National Army for investegation They send it to This office The paktia Attorny's Directory abut completing The file worked Hard you can see some proof in This file abut The finelization of This file from The begening of The fact Date (1-11-1382)

The paktia Governor office, Attorny General representitive of appeal - Defence attorny for National Security.

Crimenel Directory for paktia province for Coming to dis~~s~~soin and make The sespects predistenation has united duty so The case should Look from defrent s.d.s frome The attorny general of paktia

b6 7C

000398

EXHIBIT 44

Provine National Security office by Directory of investegation of Crimes. Secratery of Attorny General for National Army has been send. This office did'nt Knew any thing befor. and non of the orginezation had Raport it to this office

but this file hasben Send the 3 way council a but the 7 sespects investegation from Secretery of Attorny general in National Army by Letter # $\frac{380}{1-4-1382}$ They sent it for mor observation and investegation. The attorny general secratory for National Army send the file to appeal defence attorny by Letter # $\frac{2804}{2235}$ 7 12-20-1382 and the conduction on the Letter was

(115) pages are incloud in this file has been send to you to falow the case by falowing the law and observing the paktia Arme falow the case.

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but the paktia Attorny general hain't falow any thing in this case but they send the file with Letter # $12\frac{9}{9}$ 1-12-1383 attorny General office of paktia province

EXHIBIT 44

and guidance Letter $\frac{2805}{12-20-1382}$
clerck for attorny General of National Army
return the file —
page → 137
by Letter $\frac{30}{1-18-1382}$ to the Defence Attorny
for appeal in this province but they hav'nt
deleverd the File. That is why the file
for 7 sespects has ben send once again
to the Attorny General Security office for
National Security Army
National Army by observing Rul # 19 of
Attorny General freame.

Sign
Colnel
[redacted]
Interrogater of
This case

b6

Note: That is whay this is a proposel
to the Attorny General Security of National Army
That by your conection with Directory 000400
appeal in paktia province about the finelization
and predistenation of this case the conduction of
secratory of Attorny general of paktia came's first.
with respect

EXHIBIT 44

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0 -04-CID 369-69271

High Court of the Transitional Islamic Government of AFG

The Administration for Armed Last Forces

Department of Criminal investigation

138

Date 1382/2/31 — 05/10/2003

Question:-

To the security Camand of state of Paktia

Att. Health Department

The ~~following~~ people who were previously arrested for the crime of robery and the area of sata kendu as follows.

	Name	Father name	nick name
1	[redacted]	[redacted]	
2	[redacted]	[redacted]	
3	[redacted]	[redacted]	
4	[redacted]	[redacted]	
5	[redacted]	[redacted]	
6	[redacted]	[redacted]	
7	[redacted]	[redacted]	

BEST COPY AVAILABLE

66

People mentioned above were captured and arrested by the Coalition forces and were detained in the American compound in this region. According to the detainees' statement that, they were tortured and beaten with heavy objects. One of the detaing had died under torture, named Jamal Ghazi. His body along with the prisoners were surrendered to the security ~~cam~~ Cammand of Paktia. The prisoners spend about 2 months inside cells in the security cammand. In order to process this case, please give us your feedback to verify the situation?

000401

The following information is needed:

1. [illegible] the body of Jamal Ghazi ever sent for [illegible] was performed please give [illegible]

EXHIBIT 44

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[illegible] for checkup and

... your question

2. Were the wounded ones cared for, checking and medical attention? If they were, what is your opinion [illegible] their well being?

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EXHIBIT 44

Dear Sir -

Here are the answers to the questions above

1. There was no autopsy performed on Jamal [illegible]'s body and we dont know anything about it.

000402

2. Nasir son of [illegible] who suffered multiple wounds and the others likewise; they were beaten with hard fist like objects and suffered wounds because

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[redacted]

BEST COPY AVAILABLE

continues.

of that. They were treated many times for their wounds in the health Department of the security command of Paktia, and medications were prescribed for them, and also they were sent to the civilian health Department for treatment and diagnosis. They wer sent on many different occasion for treatment.

Their wounds could not be identified because of lack of equipment necessary.

Sincerely

Signed [redacted]

Head of the Police Department

000403

b6
7C

EXHIBIT 44

0062-04-CID369-69278

39

High Court of Transitional Islamic Government
Administration for Armed Task forces
and Administration for Criminal search

Date 05/10/2003 1382/2/21

Proposal —

To the security Cammand of Paktia -

The folder for [redacted] and other six who were arrested for robery is being searched in this office and being investigated. During the investigation of those charged with crime, mentioned that they were eight people in the begining, after they were arrested, only seven of them were in the Jail cell in the American compound, and one of them had died under torture while interogated, and the body of deceased Jamal - Ghazi was surrendered to the security Cammand of Paktia regeon

I respectfully request proper attention towards investigation of this case and request proper action for clerifying the situation

signed

signed

000404 bb 1C

Orders -
Criminal Office - pay serious attention to this case

signed [redacted] 1382/2/21
05/10/2003

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EXHIBIT 44

Dear officials -

Since 7 people were arrested by the Americans staying in their regeon and later on surrendered to the security Cammand of Paktia, there were no official records and paper works, and the body of [redacted] found in this office

official records and papers [illegible], and the body of Jamal Ghazi was not surrendered to this office. All procedures were related to the above.

Signed

[redacted]

Director of investigation

000405

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7C

EXHIBIT 44

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[redacted]

0062-04-CIC 69-69278 (140)

National General Security office 9/1/82

Administration for Police National security office 11/21/2003

To the Security Command of Paktia regeon.

To the attention of administration of crime Prevention.

In respond to the proposal 3 05/21/2003 or 3 3/1/82

that seven people who were surrendered by the Amiricans to this office, still no documents relating these people submitted to security command of this regeon.

The information above is given to your office.

Signed
General National Security
office of Police.

000406

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EXHIBIT 44

0062-04-C 369-69278

Totia Khel request page to Paktia Province

To The Government of Paktia

With respect we request!

This request is about seven people from Totia Khel prisoners who are - [redacted] known as [redacted], [redacted], [redacted], [redacted], [redacted], [redacted] and [redacted].

It is several month that they are presoner in the state penitentiary. The people of Totia Khel wisher do know if they are charged with any crime and held prisoner for their crime and if they are not charged with any crime, and their are no charges against them so please process our request for their release and we appreciate order of release of our people

sincerely

Signed

[redacted], and the rest of Totia Khel.

Signed.

000407

bb
7C

EXHIBIT 44

0062-04-CI-69-69278 (142)

Chief Security office of Paktia
Administration of prevention of Criminal activities
Director of Investigation

With direct order of the Governor of Paktia for surrendering seven prisoners that as follows

[redacted] son of [redacted] known as ([redacted], [redacted]
[redacted] son of [redacted], [redacted] son of [redacted]
[redacted] son of [redacted], [redacted]
son of [redacted] [redacted] son of [redacted]
to the security office of Paktia for the purpose of completing investigation up on this case, was given to the chief security office of Paktia, the original order is included with this letter.

Signed
[redacted]
Governor of Paktia

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EXHIBIT 44

(143)

Deputy General of Paktia
Director of Crime prevention

Suggestions

To the Director of crime prevention !
The following seven each - [redacted], that were captured by the Americans of this regeon, and by the order of the Governor they were surrendered to this office of Deputy General, but no documents were submitted relating this case, therefore the case could not be processed and could not be investigated.

~~it has been suggested in order to~~ resolve the case for the people mentioned above, your order is needed.

Orders

Sir chief commander of security !
The captured whom were surrendered by the compound therefore representatives of three different Agency whom are, Criminal prevention office, Security office, and representative from Police have been nominated to investigate around this case and the final result to be givin to the state.

Signed [redacted] 00040

b6

The Governor of Paktia

Signed three rep. form three Agencies involved in the investigation

EXHIBIT

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0062-04-CID3 69278

144

Statements Page

The command post of the 3rd ~~base~~ military base in Province of Paktia (Sato Kandu)

Name	[redacted]	Previous job	Driver
Fathers Name	[redacted]	Education	none
Age	[redacted] — 1381 (2003)	Type of crime	
ID # (Taskera)	none	Uncle (fatherside)	[redacted]
Marital status	single	Cousin (fatherside)	[redacted]
people in residance	16	uncle (motherside)	[redacted]
place of residance	[redacted]	cousin (motherside)	[redacted]
Deligate of the Vilage	[redacted]	~~Mayor~~ Brother	[redacted]
Township	—	Nephew	[redacted]
Province	[redacted]		

The person above (can not be redd)

Dear Sir

000410

About 5 month I was working in the post of Sato Kandy of commandpost. We were 20 people working, our job was the safety of the Highways. Because the people from Jadran had opositions with us and they were spreading rumors that the Sato Kandy post was working with Alqaida. b6 1C people of Jadran were trying to take the area of Sato Kandu. We were captured by Americans on 1381/12/10 and ~~we~~ they took us to their compound weapons and the car we had were also taken to the American Compound. The Americans tortured us and they were beating us with cables, wood and Electricity, because of the tortures and beatings [redacted] Jamal had passed away, and myself ~~is~~ right now living in a very bad physical condition.

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EXHIBIT 44

0062-04-CID 29-69278

145

Security Command of Paktia

Administration for crime prevention

Department of investigation

Suggestion

To the third force command of Paktia

The following seven people each [redacted], [redacted], [redacted], [redacted], [redacted], [redacted] and [redacted] who were captured by Americans, By the order of Governor of Paktia they were surrendered to security command of the third forces. The people above claim that they belong to the third force and they are solders please give us information about these people if they are solders of this force. If they belong to this military force, why wer they captured by the Americans? The information will be provided would help us to process this case.

answer

To chief commander of the security of 3rd forces.

The soldiers were mentioned above to belong to this command, and they were 8 people seven of those are in the Jail cells of this Establishment. ~~one of them is dead.~~ 000411 bb

One of those mentioned had died, please confirm if he was part of this establishment and confirm that his crime was not related to the third military force and possibility of being a political case. ~~eighty~~ Either criminal or political. They were surrendered to this forces

Signed

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EXHIBIT 44

[illegible] is mentioned above is confirmed

The Security Command of the
3rd Military force of Paktia
Administration for crime prevention office
and office of Investigation.

Following ~~the~~ letter mentioned the names of
seven people ([redacted] and the other six)
dated 1382/1/11 / 04/02/2003, and their case were describ
in that letter.

In order to process this case, the Governo
office of this province nominated a group of
Executives from 3 different agencies.

Signed.

000412

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EXHIBIT 44

147

Transitional Islamic Government of Afghanistan

Attorney General

Dep. of Attorney General in tasks of Armed forces

Dep. of Investigation of crime

Request

To Attorney General of Trananisitional Islamic Government of Afg

The Leter of General relations of courts for prisinors of justice Secretary, about the pleadings of seven people of Military base of paktia

1. [redacted] son of [redacted] (post Comander
2. [redacted] son of — [redacted]
3. [redacted] " " [redacted]
4. [redacted] " " [redacted]
5. [redacted] " " [redacted]
6. [redacted] " " [redacted]
7. [redacted] " " [redacted]
8. [redacted] " " [redacted]

000413 b6

Jamal Dead as A Result of torturing However it is not been proved by any ~~manner~~ form other source.

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EXHIBIT 44

0062-04-CID309-69278

148

which

Post: Chirmanship of crime investigation
General Attorney in tasks of Armed forces
Date 1382-3-13

Subject inserted Letter (112) 1382-2-12
General directorship connection trial general chairmanship prisoner of justice ministry, according to seven military personal from Provence of Pakika, reported befor Dear Sir, as order, isue in provence of Paktika in contact with discovery and investigation from office of general atterny studied, as the result of investigation, the file is 5 pages present.
The issue is as follows.
Document and the file are showing, that in 1381-12 this company was belong to Army (3), with was made from 12 persons, it was in Dehna sta kendov, United army disarm them and arested them
On the date of arest, 12 persons were available
The 8 persons are as folows.

1- [redacted] S/O [redacted]
2- [redacted] S/O [redacted], Company Commander
3- [redacted] S/O [redacted] SERBAZ
4- [redacted] S/O [redacted] SERBAZ
5- [redacted] S/O [redacted] SERBAZ
6- [redacted] S/O [redacted] SERBAZ
7- [redacted] S/O [redacted] SERBAZ
8- [redacted] S/O [redacted] SERBAZ

000414

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EXHIBIT 44

becouse of torture, [redacted] died in Pektika, confored by investigators, doctor and army from Peklika. Reason about arrest of this guys, and anykind of crime prove, cannot be seen in the file.

The Paktia court command and related Squad did not ~~a~~ have related document ~~of th~~ on the Suspect, To show the disanment of the above Squad, asked to the court either charge them with a crime or ~~rd~~ release them.

The Paktia 164 police intelligence Directorat and other related offices did not come with any documentations to the matter.

District Attorny, Millitary DA 131 and Paktia Provincial DA and the Governor of Paktia all agreed that those people ~~were~~ are innocent and order to set them free.

000415

On the other hand the Totakhil tribe request for the release of those people. b6 TC if the future any document or prove found the Totakhil tribe will be responsible.

The matter was also report ~~the~~ to the ~~for~~ Attorny General of Afghan Transial Government.

Also the Attorney arrest order according to section 97 of the criminal law the Suspects to not to hold any longer.

EXHIBIT 44

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149

Attorny General of Islamic
Transinial Goverment of Afghanistan
and ~~[illegible]~~ Assistant of Attorny of
arm forces and 3rd Court ~~[illegible]~~ Commander
of Paktia provice

13/1/18

The office of Paktia Attorny Gurnal
in reponse to the letter # 9/9 1383
as follows:
The following files for [redacted]
[redacted], revied those files
were also reviewed by the assistant of Attorny
Gurnal and sent the ~~[illegible]~~ ~~proper~~ paper to
~~the~~ Dept of interagation ~~[illegible]~~
according to the Section 93 of criminal law.
copy is sent to the ~~[illegible]~~ ~~Arm~~ Arm forces.
Asstant of the Paktia Attorny Gurnal also recived
the files of the above people # 2804/2235 1382/12/2[illegible]

000417

The letter was discribe as follows:
The files were ~~[illegible]~~ consust of 115 pages
~~as~~ and ~~a~~ requested in order to do further
investagation of those files.

EXHIBIT 44

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Therefore ~~[illegible]~~ the above people files were
send to your according to The Military Attorney Ge

ord.

Assistant of Attorney General of Pakistan.

[redacted]

000418

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EXHIBIT 44

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[redacted]

0062-04 ID 369-69278

150

The file of ① [redacted] S/o [redacted] ([redacted]
② [redacted] S/o [redacted] ③ [redacted] S/o [redacted]
④ [redacted] S/o [redacted] ⑤ [redacted]
S/o [redacted] ⑥ [redacted] S/o [redacted]
⑦ [redacted] S/o [redacted]. The letter # 280/216
dated 1382/4/1 from department of crime file #9
was investigated.
The suprem Court of Paktia province has issue
the order that the above names [redacted]
~~[illegible]~~ ANA soldier was investigated by the
Court and found guilty of crime.
On 1382/6/24 seven other people were found
guilty of crime by department of crime discovery
of Paktia province. The Paktia province
Court issue an order to captured these criminal
from Khost. The people who filed claims
against seven individual their files # are

181	230-231	274-275	327-179-178	180-
1382/4/18	1382/5/11	1382/6/5	1382/7/16	1382/4/18

The other seven criminals including [redacted]
[redacted] (village of [redacted]) did not come forward
to hand over them self to authority.

000419

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EXHIBIT 44

[redacted]/11

(Supreme Court of Paktia Province)

File # 181/1382/4/18 to the Chief Security of Paktia

The ANA soldiers working at the Shakardo ~~Post~~ check point were investigated. One of the person [redacted] s/o [redacted] from village of [redacted] district of [redacted] province of [redacted] also filed a complent against these seven induviduals

Signature of Army Court

000420

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EXHIBIT 44

Same as page 151

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EXHIBIT 44

Same page as 150

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EXHIBIT 44

Suprem court of Paktia
Betatian #3 ANA

To department of security of Khost Province.

In continuation of case # 1381/1382/4/18 and 231/1382/5/11 we inform you that [redacted] ([redacted]) incharge of Stokando check point and members of the post are investigated. One other person Filed complent ~~letter~~ against them. The name of the person is [redacted] village of [redacted] district of [redacted] [redacted] province. He claim that the Stokando check point ANA solders have taken 2500Rs From him. Due to complian the department issue a warnt for their capture.

(Signature)
ANA Court Batalian #3 Paktia

000423

106/C

EXHIBIT 44

Suprem Court of Paktia
Betalian #3 ANA.

To,
The department of crime, Paktia.

The case of [redacted] ([redacted]) and other individuals as [redacted] as ~~were~~ submited by tetter # NO.1380/1382/4/1 to your office. If the department of crime has any information regarding the theft of these individuals, please informe us as soon as possible that we follow up the case.

(Signature)
Suprem Court of Paktia betalian #3 ANA

000424

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7C

EXHIBIT 44

Suprem Court of Paktia
Betation # 3 - ANA.

To,

The ~~cut~~ department of Media Paktia

Please inform these induiduals, [redacted] s/o [redacted]
Name - F.N - Village - district - Province,
[redacted]

Please inform these induiduals that if they donot come to court ~~into~~ for their claim had submited in one week, The Court will make decision on their behalf.

000425

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7C

EXHIBIT 44

From, three investagators of Stokando check poin case / ANA of paktia.

Sugestion	Respons
To, prouience of paktia To the coverner, We are submiting three pages of investigation was made gainst the ANA Solders at Stokando check point. We are sugesting that the presion in goverment building is very small the room capacity is only For Five person but there are twenty people are staying in one room persion which is over crouded. if it is possible please transfer 7 individual to ANA compond as send them ta the capital	To, The minister of Interior, Dear Sir, I am writing you about seven individuals staying in paktia. The three ~~persons~~ investigator board sugested that these individual has to be tranfer to ANA compond in paktia or send these individual to kabul for farther incestegation. please let us know what we should do about these individuals.

000426

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EXHIBIT 44

'Ministry of Security'

elegram # 5783-01/31

The seven indiuduals were taken by compond and send to jail. The investigaters says that they interviewed the induiduals one by one but they claim that they did not do any thing wrong but ~~do serve their cou~~ the investigaters says that there is no dacoments on hand that prove their guilt. These seven induiduals are staying in police compound for no reson. when they were captured one induidual was beaten. I am looking forward to receive deision on these induals.

Signature
~~Mayor~~ of paktia
Supreme court judge

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EXHIBIT 44

~~Sugesti~~ Question.	Answer.
To, The Betalion #3 ANA-Paktia-discovery departmat	The discovery department. Answer.
Please send us complet report about seven indvidual and [redacted] the head of group stokando check	
Point in Paktia	
The porpase of checkpoint?	① For secusity of highway and also to prevent further attack of Taliban and group of Patsha Khan Zatran.
Is the check point was ~~effective in the area?~~ controled ~~by the~~ or not.	② Yes the check point was under control by betalion #3.
Is any organization or indvidual had complian?	③ No complion had recived by organisition, but some indvidual had complian in the past without any prove.
Who notify you of their captured, do you have any documents in your hand if you have more information regarding the case please send us the information.	④ The driver who passed the checkpoint had inform us about their captured communication [illegible]

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EXHIBIT 44

[redacted]

In order to fill the gap we already send the replacement to the checkpoint because the checkpoint is very important check point and we also inform the compound our friends about the new replacement.

Signature
[redacted]
department of discovery
Betalian three Paktia

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EXHIBIT 49

0062-04-CID 369-

(~~page 160-161 are miss~~)

Transitional Islamic Government of Afghanistan
Attorney General - Attorney General of Betalian
Three Paktia -

	Subject of letter
10.7.82 To, The attorney general of Betalian No. 3 Paktia. The department of national security of Paktia the case has political side therefore ~~this people~~ this office has no responsiblity against these individuals, ~~because they did not interfere in~~ in order to provide you the correct information I will be in contact with the chief of police about the case with respect President of national security of Paktia	To, The department of National Security Paktia province. The case of theft and robery of [redacted] s/o [redacted] neck name ([redacted] incharge of stokando checkpoint and other members of checkpoint [redacted] by letter No. 380/1382/4/1 recived by the office of attorney General. If you have any information regarding this case please forward it to our office for further investigation. signature [illegible] attorney of Paktia

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EXHIBIT 44

0062-04-CID369-69278

To,

The camand post district of Said Karam Paktia

In continuation of letters 178/1382/4/18 and 230/1382/5/11

The theft and robery case of [redacted] and

other members of check point is under investigation

[redacted] s/o [redacted] filed a complian in our residence of district Said Karam Village of Karseen office against [redacted] and others that they took money and goods from him. The department is going to request that Jawed s/o Asrat has to come forward to our office for his case

~~[illegible]~~
Attorney general of
Batalian #3 Paktia
Lutanant. Sawako Gul Gany

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EXHIBIT 44

Suprem Court of 19062 04-CID 369-00278
government of Afghanistan
Attorney general of betalian
#3 of Paktia

Answer	Subject
To, the department of crime and discovery. To, the department of attorney betalian #3 Paktia. The department has no document regarding the case of [redacted] s/o [redacted] in their department signature department of crime and discovery.	To, the department of crime security office Paktia provence. The attorney general office department of investigation had received the file concerning [redacted] and other member of Stakando Checkpoint for their act for theft and robery. Therefore I forward the case to the department if the department has information regarding this case please send us the information to work on the case. with respect Lutinant [redacted]

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EXHIBIT 44

The Supreme Court of Islamic Republic of Afghanistan
Attorney general of Detachment #3 Paktia. 163

0062-04-CIN369-69278

The case of [redacted] Incharge of Stakanda check point and others [redacted] and [redacted] is under investigation. There are four people name

1. [redacted] S/o [redacted] Village of [redacted] district [redacted] province.
2. [redacted] S/o [redacted] Village of [redacted] district of [redacted] province.
3. [redacted] S/o [redacted] village of [redacted] district of [redacted] province.
4. [redacted] S/o [redacted] Village of [redacted] district of [redacted] province.

These four persons claim that they were rob by Stakanda check point personals, Therefore the above four people has to come to our office for their claim.

Signature
Attorney general
Detachment #3
Paktia

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EXHIBIT 44

0062-04-CID 369-69278

[redacted]

164

~~169~~
~~70~~

Charmanship of Crime investagation
Vice Genral Attorney
Transitional Government of Afghanistan
Director of Secretary
To comanding affairs of security and investagation
of Governer of and public Director
mangul paktia province.

In an investagation of Crimanal activity persons names
are as asteted as [redacted] ~~Sone~~ Knone as [redacted]
[redacted] - [redacted] - [redacted] - [redacted] [redacted]
and [redacted] has been under investagation in order
when theore files Reviewed Regarde to this subjec one
page of Appeal in the name of [redacted] sons of [redacted]
Residing in province [redacted] of [redacted] oregen af ([redacted]
which ~~Ele~~ had claimed Cashe and good up on [redacted]
known ([redacted]) appendage to the file For mor fllowpd and

investagation been send to Millitary Attorney Genral
Govern of paktia.

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EXHIBIT 44

0062-04-CID369-69278

~~178~~ 165
~~49~~

Attorny Genral Transitional
Government of Afghanistan
Director Attorny Genral Armed force
Attorny Gaural of Armed force
of paktia
Director of Secretary
To the comanding security affairs Side Karam paktia province!

file of Crimanal activity [redacted] Sons of [redacted] known as
([redacted]) Home was working at (Satkando) post
in colud other names mantioned in this file [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted] which
gone hunder reneewe and investagation appendage to that
an appeal in the name of [redacted] Son of [redacted]
residing in [redacted] province of [redacted]
which accuesed stealing a sete of Sharp Telvision
Regards To renewe and investagation the files has
Send to Military Attorny Ganral Governaf
paktia

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EXHIBIT 44

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Government Transitional Islamic
of Afghanistan
Attorney genral
Director of Attroney affairs Millitary
Chife Director of investagation
Director of secretary

To: comending security affarirs Govern of Kabul

To Attention of public security Govern of Kabul

Regarding to this subject of caresponding

in the Name [redacted] son of [redacted]
which whom Regues for this freedom in exchange
for bond we assure the person send
a Secored Safegard For Forder action

[redacted] 290 03/13/82 1

[redacted] 291 03/14/82 2

[redacted] 312 3/10/12 3

[redacted] 313 3/15/82 4

[redacted] 314 3/15/82 5

[redacted] 310 3/15/12 6

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EXHIBIT 44

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0062 04-CID 369-69278

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Attroney Genral Transitional Government of Afghaniston

Director of Attorney ganral Millitary-affairs.

Director of Millitary # 2nd in paktia province

Director of Secretary

To comanding security affairs of public of Teshwab, paktia province

a file of Crimanal activity [redacted] son of [redacted] known as ([redacted]) which he was workin in Sata Kandow and ~~Haine~~ His helpers [redacted] - [redacted] - [redacted] [redacted] [redacted] [redacted]. which were under investagation appendag to the file an appeal in the Name of [redacted] sanof [redacted] Residing in [redacted] of [redacted] province of [redacted] which he claimed cash up on [redacted] ([redacted]) Regard to this subjec the file been

Send for Forder investagation and Reviewe To Millitary Attorney genral of paktia Govern.

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EXHIBIT 44

0062-C CID 369-69278

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Attorney genral Transitional
Government of Afghanistan
Director of Military Attorney genral
Chair Attorney ganral Milliary #2 in paktia

Director of Secratary)

To Comanding Security affairs govern khoste!

A file (hard copy) crimanal activity of [redacted] son of [redacted] ([redacted]) which whors responsele for work at post Stakando and his Flower [redacted] It (hard copy) file been under investagation and reveal appendage to the file an a appeal of [redacted] haile son of [redacted] Residing [redacted] govern of [redacted]

which claime ~~up on~~ (1600) (pakistani Kaldan) up on [redacted] officer and his Followers Regard to this Subject file (hard copy) been send For more Reviewe and investagation to 'Chif' Attorned Military of govern of paktia.

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EXHEIT 44

169/170

AS a Result Seven outlaws Which Whom Terrorised pepole in Gardize, were arasted in help of American Jonit Force and Gardize Local Security Force.
After Treatmen whom were in Jered in the Hospetal.
American Joint Force Turned them in to Local gerdiz Security Force. The were Jailed for two month Regard to their Crime and than turned them Latter on to Milliatry general affires in Gardiz which a copy the invastagation appendag to the faile been sent for you in Formation.
as a Result the summary and result has Cham upon seven persons as Fllow!

1: - [redacted] son of [redacted] ([redacted]) and owe him Money and a Tilvasion (price) [redacted]

2: - [redacted] sone of [redacted] ([redacted]) owe 5000 Kaldor Money Pakistani and Clothing.

3: - ([redacted]) owe [redacted] son of [redacted] 5000 Pakistani Kaldar.

4: - [redacted] Son of [redacted] Cham the solders of Setakandow Re Voke 3000 Doubi Money and 2000 pakistani Kaldor + goods Totale 50,000 Pakistani Kaldar

AS a Result All personel whom belongs to Local Milliatry Force #3 in paktia Arassted By Joint Force Milliatry (America) Force

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EXHIBIT 44

UP TO NOW, has been under investagation For 3, Month.
Local gardiz security chife do not have any information about the event.

It is not Clear the officers been Arrested wether or not have any Links to governmen apposed group & party
Moreover there is No evedance of IL Legal investagation Techinc by Joint Force.

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EXHIBIT 44

[redacted]re were eleven of us at the watch Post when we were arrested. We were part of the 3rd ~~co~~ division.
The Americans visited us frequently, wherever they wanted to go we would accompany them. If they needed any information about a certain area we would gladly provide that to them.
The name of this area is ZADRAN. The people of this area did not want the government to their area, because these people belonged to SALALUDDIN'' tribe. Once the people of that are attacked us. One person from our group was injured. We ~~transfered~~ took the injured to the Base and later on he was transfered to the hospital in Gardez. We reported this incidence to the 3rd division, we were ordered to arrest the people suspected of the attack. We arrested six people and turned them to the 3rd division. Their leader was a guy named [redacted], he was also the District Chief of Showak? He warned us ~~the~~ to get out of the area and that they did not want us there. Then these people blamed us for taking bribes from the local people. All those arrested were released in a week after they pledged their cooperation with the government and promised that they won do anything against the government. They pledged their cooperation to [redacted], Governor [redacted]. ~~There~~ They were having meetings with the Government every week and they continued to say bad things about us. none of us were allowed to participate in these meetings. They also complained to the Americans & about us.
One day the Americans called us and said they want to meet with us. I came to the the ~~post~~ Post at 9:00 AM, I was sitting that ~~two~~ two Americ Vehicles came. The Americans came and told me that they wanted to have tea with me. When I entered the room the ASF soldiers were everywhere. They told me that not to worry, it was for security purposes. They told me not to allow my soldiers to come in. They want to talk to me alone. I asked my soldiers to leave their weapons in the other room. and one of my brothers [illegible]

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EXHIBIT

(2)

[illegible] brought in some tea. As I reached for the tea and candy The American [illegible] me and put their guns to my head and told me not to talk or move They put a bag over my head. They arrested me in the room and my soldier outside. They put us all in the vehicles like bags, They took our weapons. They also took our vehicles. Then they took us about 200 meters away from the building and then they blew up all ~~our~~ our amunitions. They brought the rest of our weapons in a pick up truck to the base.

There were Eleven of us, they released three because two of them were guests. ([redacted], [redacted]). They made us kneel down, would not let us bend. if we moved, they would kick us and punch us. They accused us of placing road blocks and taking money from ~~Ved~~ drivers. For six or seven days they did ~~not~~ not feed us or or let us sleep. Three or Four soldiers would beat me up, sometimes I would lose consciousness and would pray that I might die. After six days they transfered me to a different room. I did not see my brother for five days. After five days they threw ~~in~~ my brother into the room like a rag. He could hardly talk, he could not walk. We were sleeping ~~#~~ that they came and started beating us They fired bullets at us. My brother's situation got progressively worse We asked the interpreter to call a doctor. It was on the 17th day that the doctor came. The doctor said that he should be put in a warm room. The put my brother in another room then the released him and said that they had made a mistake! they said they would take ~~the~~ him to Bagram for ~~the tre~~ treatment. I heard my brother's voice, he wanted to see me. But they would not let me talk with him 000442

Pb/C I asked them where my brother was, nobody could tell me where They told me; they had to give him a shot. I was very worried. Vehicles were leaving the base in a hurry towards the Bazzar. An American came in with a translator and said that they came from the Bazzar. And they had gone to [redacted] house

EXHIBIT [illegible]

3

[illegible] his mother and father were here this morning. I told them that I wanted to see my brother dead or alive. The interpreter told me not to worry, everybody dies. I looked outside and saw my brother dead body there. The Americans told me very respectfully that my brother was dead and that he felt my pain. He told me that my brother had some health problems. I told them my brother lived with me in the same house and had no health problems. I cried till one AM and insisted that I wanted to take my brother's body home. Then the Government and Police Vehicles carried my brother to the hospital and took me to the police station.

Signed [redacted]

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EXHIBIT 44

0062-04-CID 369-69278

A

Information Page

Name	[redacted]	Present job	Soldier
Father Name	[redacted]	Previous job	Laborer
Grand father	[redacted]	Education	4 gra
Age	[redacted] 1382	Manditory Meditary period	—
ID #	none		
Marital status	Married	Crime	—
Number of person (in the family)	[redacted] 2	uncl	[redacted]
		Cousin	[redacted]
Permanant residance	Pange Pien	uncle	[redacted]
Temporary residance	—	Cousin	—
Deligate of the area	[redacted]	Brother	[redacted]
Township	[redacted]	Nephew	~~dead~~
province	[redacted]	Father in law	dead sec
beginning Investigation area		Brother in law	[redacted]

The person who has been described above says — It ~~has been~~ is a month since I have been working with the Command of Pehri in the area of Satakand it was the time when Americans came and captu us and brought us to their compound and they torthred us and The could not find anything on us that people claimed. They asked us who we were and and why are ~~we~~ you collecting money from people and American killed one of us under torture.

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EXHIBIT 44

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0062-04 CID 369-69278

B

Name	[redacted]	Present job	Driver Third force
Father	[redacted]	previous job	Driver (private)
Grand Father	[redacted]	Education	none
Age	[redacted] / 1383	Manditory Military responsibility	—
ID#	1 x	Crime	—
Marita status	Married	Uncle	[redacted]
# of people in the family	—	Cosin	[redacted]
Permanent address	Sabs Teka [redacted]	Uncle	[redacted]
		Cousin	[redacted]
Temporay Address		Brother	[redacted]
Village Elder	[redacted]	Nephew	[redacted]
Village		Father in law	—
Provinc	[redacted]	Brother in law	—

The person described above —
It is a month since I have been working in the Pehri Cammand of Sata kandu, we were captured by Americans and we were taken to their compound. We were tortured and beaten with heavy objects, they could not find anything on us. One of us by the nam Jamd son of [redacted] died under Americans torture. Later we wer send + the Security Cammand of Paktias third military force. I hope that you pay attention to our case. this is the End of my statement.

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Finger print.

[redacted]

EXHIBIT 44

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	ROI NUMBER 0062-04-CID369-69278 PAGE 1 OF 3 PAGES

DETAILS

About 0900, 6 Apr 05, SA [redacted] reviewed the translations pertaining to this investigation.

REVIEW OF TRANSLATIONS:

VICTIMS

1. NASEER, JAMAL: DECEASED

2. [redacted] CORRECT NAME [redacted] VILLAGE OF [redacted] DISTRICT NAME [redacted], PROVINCE NAME [redacted] STATED THAT HE HAD BEEN WORKING IN THE PAKTIA PROVINCE NATIONAL ARMY FOR ABOUT FOUR MONTHS. [redacted] STATED AMERICAN FORCES CAPTURED EIGHT MEMBERS OF HIS POST AND WERE QUESTIONED. [redacted] STATED THE AMERICANS QUESTIONED HIM ABOUT STOPPING AND ROBBING VEHICLES AT THE OUTPOST. [redacted] STATED THEY TORTURED US AND THAT IS WHY [redacted] JAMAL LOST HIS LIFE. [redacted] FURTHER STATED MARKS ARE STILL VISIBLE ON HIS BODY WHERE HE WAS BEAT.

3. [redacted] CORRECT NAME [redacted] DISTRICT, [redacted] PROVINCE, ISAF FORCE CAME TO STAKANDO POST WHERE HE WAS WORKING ARRESTED HIM AND TOOK HIM TO THE AMERICANS IN GARDEZ. [redacted] STATED THE AMERICANS WERE TOLD HE HAD BEEN COLLECTING THINGS FROM PEOPLE AND SEARCHING CARS AND COLLECTING MONEY. [redacted] STATED "THEY TORTURED US WHY THEY WERE DOING THEIR INTERROGATION AND THAT IS WHY [redacted] JAMAL DIED."

4. [redacted] SON OF [redacted] STATED THE AMERICANS SHOWED UP AT THE SECURITY POST, ARRESTED HIM AND ACCUSED HIM OF STEALING. [redacted] STATED HIS WAS TAKEN TO A CAMP AND WAS PUNISHED. [redacted] STATED THEY PUNISHED EVERYONE VERY HARD AND ONE OF THEM GOT KILLED.

5. [redacted] STATED HE WAS TEA AROUND 1100 AND THE AMERICANS SHOWED UP. [redacted] STATED THE AMERICANS COVERED HIS EYES AND TIED HIS HANDS AND FEET, PUT HIM IN A VEHICLE, AND DROVE HIM TO A COMPOUND. [redacted] STATED HE DID NOT HAVE ANY WEAPONS BECAUSE HE WAS A COOK. [redacted] STATED HE FOUND OUT THAT JAMAL WAS KILLED DURING PUNISHMENT. [redacted] STATED HE HAS NO KNOWLEDGE OF ANY CARS BEING STOPPED OR ANY MONEY BEING TAKEN.

6. [redacted] VILLAGE NAME [redacted] DISTRICT NAME [redacted] PROVINCE NAME [redacted] STATED SOME FOREIGNERS STOPPED BY THE STANKANDO POST AND ASKED ABOUT DRINKING SOME TEA. [redacted] STATED THAT WHILE THEY WERE DRINKING TEA THEY STARTED ARRESTING EVERYONE. [redacted] STATED THEY SHUT HIS EYES AND TOOK HIM TO THE AMERICAN BASE WHERE HE WAS TORTURED AND BEATEN. [redacted] STATED THEY HAD BEEN TORTURED SO MUCH THAT IS WHY JAMAL DIED. [redacted] STATED HE STILL HAS MARKS ON HIS BODY FROM THE TORTURING AND RECEIVED TREATMENT AT THE GARDEZ HOSPITAL.

7. [redacted] CORRECT NAME [redacted] THE FOREIGN FORCE ARRESTED US AND ACCUSSED HIM OF COLLECTING MONEY DURING THE SEARCHING. [redacted] STATED HE WAS ARMED AND WHEN THEY ASKED THE GUARDS TO DRINK TEA WITH THEM, HE ALONG WITH THE OTHER GUARDS PLACED THEIR

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	Afghanistan MP DET (CID), 3d Military Police Group (USACIDC), Bagram Air Field, APO AE 09354
SIGNATURE [redacted]	DATE: 6 Apr 05 / EXHIBIT: 45 000446

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	ROI NUMBER 0062-04-CID369-69278 PAGE 2 OF 3 PAGES

DETAILS

WEAPONS ON THE FLOOR AND THEY STARTED TIEING HIS HANDS AND FEET. [redacted] STATED THEY STARTED BEATING HIM AND DURING THE PUNISHMENT, JAMAL LOST HIS LIFE.

8. [redacted] SON OF [redacted]: [redacted] STATED HE STARTED WORKING AT THE OUTPOST FOR ABOUT A WEEK AND HE HAD NOT BEEN ISSUED ANY WEAPONS AT THIS TIME. [redacted] STATED HE WAS BUSY DOING SECURITY MATTERS AND ONE DAY THE AMERICANS CAME IN AND DISARMED EVERYONE AND STARTED BEATING THEM. [redacted] STATED JAMAL WAS KILLED AND AFTER THAT THEY WERE IMPRISONED AT A COMPOUND. [redacted] STATED THEY WERE TURNED OVER TO THE LOCAL AUTHORITY WHERE THEY RECEIVED MEDICAL TREATMENT.

9. [redacted] SON OF [redacted] CORRECT NAME [redacted] (SON OF [redacted]. [redacted] STATED HE HAD BEEN WORKING AT THE OUTPOST FOR ABOUT THREE MONTHS. [redacted] STATED HE WAS ARRESTED BY AMERICAN FORCES AND QUESTIONED ABOUT MIS-TREATING TRAVELERS. [redacted] STATED HE WAS BEAT AND JAMAL WAS MURDERED. [redacted] FURTHER STATED HE STILL CARRIES THE SCARS OF THE BEATING.

OTHER INTERVIEWS:

10. [redacted] STATED HE FOUND OUT ABOUT [redacted] DEATH APPROXIMATELY 3 MONTHS AGO AND HE HAS NOT WENT TO ANY ORGANIZATION AFTER HE FOUND OUT ABOUT [redacted] DEATH. [redacted] STATED HE RECEIVED [redacted] BODY AFTER 21 OR 22 DAYS AFTER HIS DEATH.

11. [redacted] SON OF [redacted] STATED HE WAS WORKING [redacted] AT A [redacted] HOSPITAL ON 3-17-2003 WAS THERE WHEN THE BODY OF JAMAL WAS WASHED. [redacted] STATED HE OBSERVED SOME BLACK AND GREEN MARKS ON JAMAL'S BODY. [redacted] STATED HE DID NOT SEE ANY SIGN THAT HE WAS WOUNDED; HOWEVER, THE AREA AROUND JAMAL'S KNEECAPS WAS BLACK AND HIS FOOT FINGERS WERE SORE AND THE RIGHT ELBOW WAS A BLACK MARK. (AGENT'S COMMENT: FOOTFINGERS MAY BE A REFERENCE TO TOES).

12. ATTORNEY [redacted] INVESTIGATION PERSON: [redacted] STATED THE SEVEN (7) CAPTURED PERSONNEL BY THE AMERICANS HAD PERMISSION FROM THE GOVERNOR; WHO HAD NO PROOF IN REGARDS TO THE CAPTURED PERSONNEL. [redacted] FURTHER STATED THEY WOULD NOT PROVIDE ANY DOCUMENTS CONCERNING JAMALS DEATH.

13. [redacted], BARRISTER OF LAW: [redacted] STATED HE VISTED THE UN-ARMED LOCATION AND [redacted] (SON OF [redacted] WAS INJURIED. [redacted] FURTHER STATED HE FOUND OUT THAT [redacted] (SON OF [redacted] HAD TWO FINGERNAILS FROM HIS LEFT FOOR PULLED OUT AND THEY HAD TORTURED HIM. [redacted] STATED HE ALSO FOUND OUT THAT ONE OF THE PERSON'S CAPTURED (JAMAL) HAD RECEIVED PUNISHMENT AND WAS KILLED.

14. [redacted] AT GARDEZ HOSPITAL: [redacted] STATED [redacted] ON DUTY THE NIGHT JAMAL WAS BROUGHT IN. [redacted] STATED HE WAS THERE T OGET [redacted] [redacted] STATED THEY WRAPPED THE BODY AND THE BODY WAS TAKEN TO THE DEAD WASHER. [redacted] STATED HE WENT HOME AND THE NEXT DAY [redacted]

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TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted]	Afghanistan MP DET (CID), 3d Military Police Group (USACIDC), Bagram Air Field, APO AE 09354
SIGNATURE [redacted]	DATE 6 Apr 05 / EXHIBIT 45 000447

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	ROI NUMBER 0062-04-CID369-69278 PAGE 3 OF 3 PAGES

DETAILS

15. [redacted] (DAUGHTER OF [redacted] OF JAMAL), STATED [redacted] JAMAL WORKED FOR THE NATIONAL ARMY COMMANDER AT THE STAKANDO POST AND WERE CAPTURED BY THE AMERICANS AND ARRESTED FOR 10 DAYS. [redacted] STATED DURING THE INTERROGATION THEY WERE TORTURED AND JAMAL WAS KILLED. [redacted] STATED THERE WERE MARKS ALL OVER THEIR CHESTS AND THEIR FEET HAD SIGNS AND INJURIES OF MARKS.

16. [redacted] DOCTOR OF DIRECTORY OF HEALTH, KABUL: DR [redacted] STATED THE SEVEN INDIVIDUALS CAPTURED WERE BEATEN AND TORTURED. DR [redacted] STATED THE CAPTURED PERSONNEL STILL HAVE MARKS ON THEIR KNEES, JOINTS, ABDOMEN, BELLY, UPPER SPINAL COLUMN. [redacted] HAS FOOTFINGER DAMAGE AND THE DAMAGE CAUSED IS DIAGONSIS HEMATOMA AND UPPER LEFT HAS ARASTHESIA CAUSED BY THE BEATING AND THE TORTURING. DR [redacted] STATED [redacted] HAS SOME DAMAGE TO HIS ABDOMEN AREA AND MOST OF HIS INJURIES HAVE RECOVERED.

17. [redacted] HEAD OF POLICE DEPARTMENT REPLY TO THE HIGH COURT OF THE TRANSITIONAL ISLAMIC GOVERNMENT OF AFGHANISTAN: [redacted] STATED NO AUTOPSY WAS CODUCTED ON JAMAL. [redacted] FURTHER STATED [redacted] SON OF [redacted] SUFFERED MULTIPLE WOUNDS, AND THE OTHERS LIKEWISE, WERE BEATEN WITH HARD FIST LIKE OBJECTS AND SUFFERED WOUNDS BECAUSE OF THE BEATING. [redacted] FURTHER ADDED THE CAPTIVES WERE TREATED MANY TIMES FOR THEIR WOUNDS IN THE HEALTH DEPARTMENT FOR SECURITY COMMAND OF PAKTIA AND MEDICATION WAS PRESCRIBED FOR THEM AS WELL.

DURING THE REVIEW OF THE TRANSLATIONS THERE WERE NUMEROUS DOCUMENTS REFERRING TO THE ABOVE LISTED VICTIMS STOPPING VEHICLES AND STEALING MONEY; HOWEVER, THE CASE FILE SHOWS THERE WAS NO EVIDENCE (DOCUMENTS0 PROVING THIS. SEVERAL PERSONS REPORTED THE ACTIONS OF THE PERSONNEL AT THE OUTPOST AND ONE PERSON REPORTED THE THEFT OF A TELEVISION.

//LAST ENTRY//

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Afghanistan MP DET (CID), 3d Military Police Group (USACIDC), Bagram Air Field, APO AE 09354	
SIGNATURE [redacted]	DATE 6 Apr 05	EXHIBIT 45 000448

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AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	ROI NUMBER 0062-04-CID369-69278 PAGE 1 OF 1 PAGES

DETAILS

About 0930, 11 Apr 05, SA [redacted] coordinated with [redacted] Commander, 690th Military Police (MP) Company (Co), Bagram Holding Facility, Bagram Air Field, APO AE 09354, to obtain a list of ISN's for the detainees listed in this investigation. [redacted] asked [redacted] same unit, since she maintains the database with the requested information. A review of the search results and the case file, failed to locate any ISN's for the detainees.

//LAST ENTRY//

000449

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted]	Afghanistan MP DET (CID), 3d Military Police Group (USACIDC), Bagram Air Field, APO AE 09354	
SIGNATURE [redacted]	DATE 11 Apr 05	EXHIBIT 46

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Afghanistan Military Police Detachment (CID), Building 591, Bagram Airfield, Afghanistan, APO AE 09354

Agent's Investigative Report
0062-2004-CID369-69278
7 May 05

Details:
About 1340, 7 May 05, SA [redacted] coordinated with [redacted] Chief, Criminal Law, Office of the Staff Judge Advocate, Coalition Joint Task Force – 76, Bagram Airfield, Afghanistan, APO AE 09354, who related their was probable cause to believe that [redacted], [redacted] and [redacted] committed the offense of Aggravated Assault, Assault and Maltreatment of a Person Under Control; however there was no probable cause to believe that [redacted] [redacted] or [redacted] committed the offense of Voluntary Manslaughter. Further, [redacted] related their was probable cause to believe that [redacted] committed the offenses of Assault, Maltreatment of a Person Under Control, and Misprision of a Serious Offense; however, there was no probable cause to believe [redacted] committed the offense of Voluntary Manslaughter or Aggravated Assault. [redacted] was of the opinion that sufficient admissible evidence is available to prosecute the subject for the offense(s), that additional investigation would produce only cumulative and unneeded evidence, and that the identification of additional subjects or offenses is unlikely.
//LAST ENTRY//

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[redacted]

Special Agent, [redacted]

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Exhibit 47
Page 1 of 1 Page

Exhibit 48-49

Page(s) 451 - 617 withheld

Exemption(s) High b2

Pertains to Foreign Language Documents

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: 0062-04-CID369

CRD REPORT/CID ROI NUMBER: 69278

RECEIVING ACTIVITY: 86th mp Det CID

LOCATION: Bagram Afghanistan

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED
[X] OWNER [redacted]
[ ] OTHER

ADDRESS (Include Zip Code): unknown hut border afghanistan 09355

LOCATION FROM WHERE OBTAINED: From the Right Hand of [redacted] while in Commander [redacted] hut border Afghanistan 09355

REASON OBTAINED: Evidence

TIME/DATE OBTAINED: 1345, 29 Sep 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Top, Blue in color, Material Construction, taken from the body of Jamal Nasser after his death, Suspected to contain blood of Jamal, Placed in a Brown paper bag Sealed & Seals marked for ID with 1345, 29 Sep 04 [redacted]
2	21	Pants, Blue in color material in Construction, taken from the body of Jamal Nasser Placed in a paper bag Sealed & Marked for ID with 1345, 29 Sep 04 [redacted]
		Last Item

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 & 2	29 Sep 04	SIGNATURE [redacted] NAME, GRADE OR TITLE [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE SA [redacted]	Released to Evidence Custodian
1 & 2	26 Oct 04	SIGNATURE [redacted] NAME, GRADE OR TITLE SA [redacted]	SIGNATURE RR043 293 244 NAME, GRADE OR TITLE Reg Mail	~~Mailed to USACIL~~
1 & 2	30 Nov 04	SIGNATURE NA NAME, GRADE OR TITLE CUSTODIAN UNABLE TO SIGN	SIGNATURE [redacted] NAME, GRADE OR TITLE SA [redacted]	EXTENSION OF ABSENCE BEYOND 30 DAYS
1 & 2	11 MAR 05	SIGNATURE [redacted] NAME, GRADE OR TITLE SA [redacted]	SIGNATURE [redacted] NAME, GRADE OR TITLE SA [redacted]	Change of EVIDENCE Custodian 000618
		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.

LOCATION B-12

DOCUMENT NUMBER 0069-04

Exh 50

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AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	ROI NUMBER 0133-04-CID369/0062-04-CID369 PAGE 1 OF 11 PAGE

DETAILS

About 1300, 17 Jul 06, SA [redacted] and SA [redacted] Detainee Assessment Task Force, HQ USACIDC made coordination with [redacted] Staff Judge Advocate (SJA), US Army Special Forces Command (Airborne) Fort Bragg, North Carolina 28310, [redacted] stated the US Army Special Forces Command requested [redacted] conduct an investigation into the facts and circumstances with regards to CID Reports of Investigations 0062-04-CID369 and 0133-04-CID369. This inquiry was being conducted for the purposes of preparing these cases for prosecution.

On 24 February 2006 SJA prosecution representatives' were appointed to conduct a prepreferral investigation into allegations of detainee abuse and the death of a detainee in the area of Gardez, Afghanistan on or about March 2003. Simultaneously CID was continuing with its investigation. A summary of these investigative findings are set out below:

The investigation was consolidated into three areas; first, does the available evidence support the allegations of detainee abuse, specifically for the offenses of Voluntary Manslaughter, Aggravated Assault, Maltreatment of a PUC, and Assault; second, if the evidence supports the allegations of detainee abuse did this abuse lead to the death of one detainee; and third, was there any misconduct that warrants further action? Investigation found the available evidence did not support the allegations of detainee abuse; the second finding was that detainee abuse did not lead to the death of the detainee; and the third finding was that there was misconduct that warrants further action. These findings were based on the following; a comprehensive review of the previous investigations into this matter by both United States Army Criminal Investigation Command and the Afghanistan Military Attorney General's office investigation; and personal interviews conducted in Gardez, Afghanistan with the five eyewitnesses to the events in question, all of whom had previously been interviewed. These interviews were conducted in person through an interpreter. Two other Afghan Nationals could not be interviewed because their current whereabouts were either unknown or in an area that was unsafe for travel.

On or about March 2003 ODA 2021 members operating out of Gardez firebase, supported by local ANA soldiers under the command of [redacted] detained 11 Afghanistan individuals under the command of [redacted], also known as Commander [redacted]. These individuals were members of the Paktia province National army and were suspected of operating an illegal checkpoint at Seda Konal pass, east of Gardez, Afghanistan consisting of firearms trafficking and extorting money from persons traveling through the pass. This suspicion was based primarily on complaints to local authorities from local national personnel passing through the area. The ODA's action was authorized by the local area Governor. The ODA was comprised of members of 1/20th SFG(A) and one member of 7th SFG(A). Upon arrival at the pass, the ODA [redacted]

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[redacted] flex cuffing both their hands and feet for transport back to the firebase. During a search of the area, a cache of both heavy and light weapons was found in a nearby mosque. These weapons were subsequently removed from the mosque and destroyed. Upon their return to the firebase, the detainees were offloaded and made to kneel on their knees in front of a hesco barrier wall until they could be screened and processed. There was snow on the ground at the time. The detainees were taken one at a time into the inner portion of the firebase, where the ODA members lived, where they subsequently processed the PUC's. During the screening processing, 2 of the detainees were released. It was also noted that one of the remaining detainees had what appeared to be a possible urinary tract infection or other stomach ailment, which was treated by the ODA medics. Arrangements were made for the feeding and sheltering of the detainees outside of the Special Forces portion of the compound. During that time they were guarded by ANA soldiers. On the second day ODA members began questioning the detainees for further information. The questioning was conducted primarily by the team leader, [redacted] and the ODA's 18F, [redacted] One method used by [redacted] during the initial questioning of the checkpoint commander was open handed slaps to the face. This method was authorized for use by [redacted]. After approximately one week it was determined that the detainees did not meet PUC criteria and arrangements were made for them to be turned over to the local Gardez police for further investigation into their suspected criminal activity at the checkpoint. This turnover did not occur for an additional period of between 3 to 8 days, and during that time the detainee with the stomach ailment died. Attempts to revive him by team medical personnel were unsuccessful. His body was subsequently released to the local hospital facility in Gardez and the other detainees were then turned over to the local Gardez police chief, [redacted]. No mention of the detainee's death was made by [redacted] in subsequent reports to higher headquarters. The detainees were kept by the local Gardez police for approximately two months and then turned over to the Interior Ministry in Kabul, Afghanistan for further investigation into their suspected criminal activities at the checkpoint. While there they made statements for the first time that they had been severely beaten and abused by ODA members and that this mistreatment caused the death of the one detainee. An investigation by the Afghanistan Attorney General's office was initiated and concluded that ODA members may have abused the detainees. Following notification that detainee abuse may have occurred United States Army CID began an investigation into the matter in September 2004 and subsequently concluded that there was enough evidence to title four of the ODA members for offenses under the Uniform Code of Military Justice. [redacted], [redacted], [redacted] and [redacted] were all titled for Voluntary Manslaughter, Aggravated Assault, Maltreatment of a PTJC, and Assault. [redacted] was further titled for Accessory after the Fact, Misprision of a Serious Offense, Dereliction of Duty and Conduct Unbecoming.

Investigation found the available evidence does not support the allegations of detainee

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abuse. There is no evidence that any abuse occured at the time of the initial detention and transport back to the firebase. Once they arrived at the firebase it is alleged that the detainees were continually kicked, beaten, punched, and had cold water poured over them. There are also allegations that some of them were burned by a hot stove and made to stay out in the snow in wet clothes for several days without food. The evidence does not support these allegations. CDR [redacted] CDR [redacted] and CDR [redacted] were all present at the firebase throughout the period of detention. All three of them stated they never witnessed any abuse nor saw any signs of abuse, such as bruising and swelling, on the detainees. Further, they never heard any screams or gunshots that may have indicated that abuse was occurring inside the American sector of the compound during questioning sessions with the detainees. They all stated that the detainees, with the exception of the one complaining of stomach pain, were in good physical health upon their arrival at the firebase and in good physical health upon their release from the firebase to the local Gardez police. CDR [redacted] also stated that [redacted] approached him upon the detainee's arrival at the firebase inquiring as to blankets and food for them. When told there were not sufficient food stooks to provide them with local Afghanistan food in lieu of MRE's, [redacted] provided money to CDR [redacted] to procure food locally so that the detainees could be fed with food that they were used to. One of the ANA cooks, [redacted] (Son of [redacted] stated that he prepared food for detainees regularly and washed their prayer clothes. He further stated that he never saw any abuse or signs of abuse on the detainees. The above are eyewitness accounts by local ANA personnel who were present at the time of this incident and corroborate the statements made by ODA personnel. They all state that the detainees were in good physical health at the time they were turned over to local Gardez police and had in fact been well treated during their detention at the firebase. The only other eyewitness account of this incident was made by the local police chief, [redacted] to whom the detainees were released. He told CID investigators that the detainees were bruised and swollen when he received them, and required constant medical attention while they were in his custody. Investigation has discredited his account for two reasons. First, CDR [redacted] stated that he simply did not trust [redacted] although he never stated why, and wanted the ODA to turn them over to Kabul rather than [redacted] Second, [redacted] since October of 2004, which severely undermines his credibility. [redacted] accused of ties to al Qaeda and attacks on US forces. He is accused of being responsible for an attack near Gardez which caused the death of one American and injury of two others. He is also accused of being a former commander of the Lashkar-e-Tayyiba terrorist group. This is an armed wing of the Pakistan-based religious organization, Markaz-ud-Dawa-irshad, a Sunni based anti-US missionary organization formed in 1989. The Pakistani terrorist group Lashkar-e-Tayyiba has been transporting and hiding al Qaeda members who escaped from Afghanistan. [redacted] was identified as working in Quetta, Pakistan, assisting al Qaeda members escape from Afghanistan. All other statements are by persons that only saw the detainees after they had been released into the custody of the local Gardez police. There were no allegations by anyone of abuse until at least two months after the detainees had been released by the ODA to [redacted] These

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allegations were first made by the detainees after they had been turned over by the Gardez police chief [redacted] to the Interior Ministry in Kabul. At the time of the allegations, the detainees were being investigated for criminal misconduct at the checkpoint. The investigation into this incident by Afghanistan officials appears to rely primarily on statements by the detainees themselves. The only independent corroboration consists of a statement by Dr. [redacted] of the Kabul Department of Health, a statement by [redacted] head doctor of the Police Department, and a statement by [redacted] a nurse at the Gardez Hospital. Dr. [redacted] states he treated some of the detainees three months after their release by the ODA, and they appear to bear injuries as a result of beating and torturing. It is impossible to determine whether these injuries occurred prior to or after their release by the ODA. [redacted] states that the detainees were provided medical attention and medication by police and civilian health department officials in Paktia province for wounds and injuries, but their wounds could not be diagnosed because of the lack of necessary equipment. He states that these wounds were the result of beating by fists and other objects. [redacted] was not present at the time of their release by the ODA, however, and in fact worked at the Gardez Hospital as the Police doctor. He only saw the detainees after they had been turned over to the Gardez police chief. Additionally, in a recent attempt to locate witnesses during a preliminary investigation by CJTF personnel, [redacted] stated that although he remembered the incident, he was not the treating doctor for these persons. Finally, [redacted] simply states that the body of the deceased detainee had been brought to Gardez hospital and delivered to the family. There are no eyewitness statements that substantiate any abuse prior to the detainees being released by the ODA. During the course of their investigation, CID interviewed persons who claimed that abuse occurred while the detainees were at the firebase. Among those persons were CDR [redacted] CDR [redacted] CDR [redacted], and [redacted] (Son of [redacted]. During interviews with these same personnel, they all stated that they never told investigators that any abuse had occurred at the firebase, and the detainees had been well treated. Both CDR [redacted] and CDR [redacted] said that they had heard water was poured on the detainees, but they may have heard this from CID investigators and they never personally witnessed any such action by the ODA. Reliance by CID investigators is also placed on statements by medical personnel who purportedly treated the detainees and said that they appeared bruised and swollen. As previously noted, they never saw the individuals until well after they had been released by the ODA, and it is impossible to determine when any such injuries may have been incurred. To summarize this finding, it appears from the available evidence the detainees were well treated while detained at the firebase. This is fully supported by several eyewitness accounts. What may have occurred once they left the firebase can not be determined. Additionally, no allegations of abuse were made to United States officials until a year and a half later, well after the incident in question. During the time the individuals in question had been detained by at least two other Afghanistan governmental agencies. There is no indication that the detainees raised any allegation of abuse until at least two months after their release by the ODA. There is no concrete evidence available that suggests that any injuries that the detainees may have suffered occurred while they were detained at

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the firebase. Second, continued investigation found that there is no evidence to support the allegation that detainee abuse led to the death of one of the detainees. In addition to the above finding, eyewitness accounts indicate that the detainee who died was suffering from an internal stomach ailment at the time he was detained. He was treated by medical personnel for this while at the firebase. CDR [redacted] stated that he prepared the body for delivery to the Gardez Hospital and during that time he noted no indications of abuse such as bruising or swelling, as had been alleged. CDR [redacted] stated that, although he was not there when he died, he was later told by [redacted] that he had died as a result of the stomach ailment. In further support of this, no allegation that he had died as a result of abuse was ever raised by his family or the other detained persons until well after the incident in question. His body had been released by the Gardez Hospital to his family, but no complaint was raised at that time. No autopsy was performed at the hospital to determine the cause of death and no records are available to document his condition when received by the hospital. The body washer who claimed that the body was bruised and discolored is no longer employed by the hospital. Also, the [redacted] of the deceased claimed that it appeared that he had possibly been beaten with cables, a claim that is not supported by statements of the other detainees. Investigation found that, based on the available evidence, his death is consistent with an internal ailment and was not as a result of any abuse. Third, there is evidence of misconduct that warrants further action. [redacted] as the team leader at the time, failed to report to higher that a death had occurred. Had the death been promptly reported through proper channels this matter would have been resolved immediately. Additionally, he authorized the use of open handed slaps to the face of one of the detainees during questioning. In doing so, he stated that he based this on interrogation or questioning techniques he had learned during SERE training. Although this technique is demonstrated during SERE training, according to current SERE instructors it is used to show what U.S. forces may undergo in captivity and is not taught as a questioning technique for use by American forces.

On 10 April 2006 the prosecution team interviewed Commander (CDR) [redacted] CRD [redacted] has since left the Afghan military [redacted] At the time of this incident he was an Afghan Security Forces (ASF) commander. His duty station was [redacted]. CDR [redacted] had previously provided a verbal statement to CID investigators through an interpreter. In this statement he stated that he had seen the detainees in question placed on their knees facing a wall. If they moved he said they were kicked, punched and had water poured on them. He further stated he heard a gunshot and screams during interrogations, and the detainees were bruised and very badly beaten when they were turned over to local officials. He stated he saw [redacted] drag a detainee through the rocks and hold him over a cliff during the initial checkpoint detention, and saw him threaten to drop him to his death unless he told where their weapons were located. He stated the Americans held [redacted], the checkpoint commander, under a water pump and put water on him.

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During the re-interview of CDR [redacted] he stated that the Americans had been very good for Afghanistan. He initially seemed confused as to the event he was questioned about, mixing it up with another action that had occurred about a year earlier. When the name [redacted] was mentioned, however, a broad smile broke out and he immediately remembered the event and began telling his version of what happened. He stated that the detainees had been initially detained because of complaints about their activities at the checkpoint; specifically that they were extorting money from persons and being disrespectful to females persons (i.e., touching them in an inappropriate manner) passing through there. He stated that the detention action had been authorized by the local Governor of the province at that time, and he thought that maybe President Kazi had also approved the operation. He described the situation as a peaceful detention, with no abuse or threats being made by any persons present. He was there with a squad of his soldiers to provide security for the Americans, and it was during their security sweep of the area that the weapons cache was discovered in the nearby mosque. He stated that at first the Americans were planning to blow it in place, but then one of them said to move it outside so the mosque would not be harmed, After that, the detainees were loaded up onto the vehicles and moved back to the firebase. At the firebase, they were made to sit on heir knees in front of the hesco wall until they could be processed. At no time during their detention did he witness any abuse or see any misbehavior of any sort by the Americans. He also stated that when the detainees were turned over to the local police chief, [redacted] he argued that they should instead by turned directly over to the authorities in Bagram. He stated that this was because he did not trust [redacted] but would not elaborate on this. At the time [redacted] received them, all of the detainees were in good physical shape. CDR [redacted] was asked if he recalled talking with other Americans about this incident, specifically the CID investigators. He stated that he had spoken with other Americans about this, and told them the same thing. He was told in the initial CID report, he had stated that the detainees had been beaten and had water poured on them, He said that they must have misunderstood him, that the Americans had been very good to the detainees and there had been no abuse or mistreatment. All of the detainees had been in good physical shape when received by the local police chief. He was asked asked about any mistreatment at the detention site, specifically about someone being dragged over rocks and dangled over a cliff. He stated that he had never said this, and this did not occur, He said that [redacted] the checkpoint commander, was a very bad man and many people were afraid of him. He said the Americans asked for tea, and then peacefully detained the persons at the checkpoint. They flex cuffed them, placed hoods on them and loaded them for movement back to the firebase, but the Americans never hit them or dragged them or threatened to kill them. He stated that his squad had found the weapons in the mosque, and the Americans had been very respectful of their culture by moving them outside before destroying them, so that the mosque would remain unharmed. He was asked if he recalled the death of one of the detainees during this time. He stated that this man, [redacted] had been complaining of stomach problems during the initial detention. The medical personnel at the firebase provided medical treatment for the detainee throughout the period of detention, but at no

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time did he witness nor did any of his soldiers tell him of any mistreatment of this or the other detainees by the Americans. He was asked once more if he recalled seeing or hearing about any mistreatment of the detainees by the Americans, and if he would be wiling to testify to his statements. He stated that the detainees had been well treated by the Americans, and he had neither witnessed nor heard of any abuse. Further, he stated that after the return to the firebase, the American medic, [redacted] had approached him in reference to their food situation. CDR [redacted] stated that [redacted] had asked him whether he had enough food to serve the detainees as well as his men. He was concerned that the detainees might prefer their own local food over MRE's. When CDR [redacted] told him that he did not have enough food to feed the detainees also, [redacted] gave him money to go purchase additional food for the detainees. He stated that [redacted] also provided blankets for the detainees to use. He would be willing to testify to this in any proceeding. He stated that the local citizens of the city liked having the Americans there, and that there had not been any beating of any detainees that he knew of. He further stated they must have misunderstood him during the initial interview, that he never stated that there had been abuse. CDR. [redacted] was found to be very credible in his answers. He was extremely nervous talking about this in front of other local Afghanistan citizens, but appeared well at ease and relaxed when away from them. He did not appear to like or trust the local police chief at that time, [redacted] but would not say anything other than he did not trust him.

On 9 April 2006 CDR. [redacted] was located at the ASF camp located outside of the firebase. He was now the commander of the ASF there, but at the t h e time of the event he was an assistant commander to CDR [redacted]. He had previously made statements where he stated he saw "[redacted] throw water on detainees and that they were punched and kicked. A re-interview of CDR [redacted] in his quarters which were just outside of the ASF camp was conducted. CDR [redacted] was asked if he recalled the event in question, which he stated that he did. He was asked if he could relate what he had observed at that time. He stated that the Americans had detained some persons at a checkpoint that were accused of taking things from the local citizens passing through. He was present at the firebase when they returned and the detainees were made to sit on their knees in the snow facing the hesco wall. They were then taken into the American portion of the firebase one at the time and questioned. After they were questioned they were returned to the ANA portion of the compound and guarded by ANA personnel. At no time did he see or hear of any abuse by the Americans. He was asked if he had been at the checkpoint where they were initially detained, to which he said no, that he first saw them when they arrived at the firebase. He was asked if he saw any mistreatment when they were unloaded from the trucks, to which he replied no. He stated they got off of the trucks and were lined up facing the hesco wall, and then made to kneel down in the snow facing the wall. He further stated that this was standard procedure for all detainees that were brought into the compound. After that, they were taken one at a time into the American portion of the compound, and questioned. After that they were returned to the wall. He was asked if he either saw water being poured on the detainees or

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heard any screams while they were being questioned, or saw anyone being struck in any way, to which he replied no. He stated that the detainees were in good health when they first arrived, and were in good health when they left a couple of weeks later. He did state that one of them, [redacted] was sick when he arrived and later died. He was not present at the firebase when he died, but was later told by [redacted] that he had apparently died of some type of stomach infection, possibly as a result of having sex with a young boy who had been detained at the checkpoint but was subsequently released. He was asked where the detainees were kept while at the firebase. He stated that they were kept in a bunker outside of the American portion of the firebase, and were guarded by his ANA soldiers. The only interaction the Americans had with the detainees was when the detainees were taken inside the American portion for questioning, or were being medically treated (specifically the sick detainee). CDR [redacted] stated that the detainees never appeared to be bruised or hurt at anytime they were at the firebase. He was asked if he recalled his previous statements to CID personnel, in which he said that water had been poured on them and they had been beaten. He stated that he never said that, that they must have misunderstood him if that was what they thought he had said. He stated that he had heard from the CID investigators that water was poured on them, but he had never seen this. CDR [redacted] said that the Americans were well liked by everyone in the area, and they were very respectful of their local culture. They treated everyone with respect, and respected the local customs. He also stated that the ODA was well liked by the local population, especially [redacted] and the medics. He said that [redacted] was very skilled in his interpersonal relationship with the Afghan people and that the medics handled every problem on the firebase quickly and efficiently. He added that [redacted] was a very bad man, and everyone in the local area was very afraid of him. He again stated the detainees were not beaten or tortured by the Americans, and he was willing to testify to this. He was asked if he had an opinion as to why people were saying the Americans had beaten and tortured these individuals if it hadn't really occurred, to which he stated that it was probably [redacted] or his people trying to do this to the Americans. He stated that the bad people had mostly left the city now because of the Americans, and this might be something to try and get the Americans out of Gardez. CDR [redacted] was found to be very credible. He was forthright in all of his answers and never hesitated or appeared to be trying to evade any questions.

On 9 April 2006 CDR [redacted] was interviewed. At the time of the incident, he was an assistant commander to Cdr. [redacted] He is now an assistant commander to CDR [redacted] He had previously made statements in which he stated that the detainees had been very badly beaten the first day and then moved behind the compound where no one could see what happened. He stated that he had wrapped the body of the deceased detainee in white cloth and transported him to the house of the father of the deceased. He also said that he saw [redacted] throw water on the detainees and kick them. CDR [redacted] was asked if he recalled this particular incident, he said that he did, and then proceeded to give his version of what happened. He told me that when they arrived at the firebase the detainees were offloaded and made to sit on their knees in front of the hesco wall. They were

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DETAILS

taken one at the time into the American side of the firebase and questioned. They were then returned to the ANA side and guarded by ANA soldiers. He did not see any abuse at anytime during their detention at the firebase. The detainees were guarded by ANA soldiers during the entire time they were at the firebase, The detainees were provided blankets and local Afghanistan food while they were there. When the detainee died, he recalled wrapping the body in white cloth which was the custom, and then the body was taken to the local hospital. There were no marks or any signs of beating on the body. The American medics at the firebase kept trying to resuscitate the deceased, but were not successful. He also stated that [redacted] was a very bad man and not to be trusted. CDR [redacted] was asked if he recalled making a statement to CID investigators and if so, what he told them. He replied that he told them the same thing during his re-interview, that the detainees had been well treated by the ODA members. He was asked if he recalled saying that the detainees had been badly beaten the first day and then moved behind the compound where they could not be seen. He replied that he had never said that, that in fact the detainees were guarded by ANA soldiers the entire time other than when they were questioned. I asked him if he recalled saying that he witnessed cold water being poured on them, to which he replied that he had never said that. He stated he had heard that cold water may have been poured on them but he personally never witnessed this. CDR [redacted] was found to be very credible in his answers. He was very relaxed in manner and said that the Americans had been doing a very good job and were well liked by the Afghanistan people.

On 9 April 2006 a re-interview of [redacted] a cook at the firebase at the time the incident is alleged to have occurred was conducted. He had previously made a statement to CID in which he said that he saw water poured on the prisoners, and that one night after [redacted] group was taken prisoner an American called [redacted] came to his hut and told him to bring cold water which he constantly put on [redacted] He also stated that he saw [redacted] who was alive and badly bruised and swollen. He did not see any other abuse. He was asked if he remembered this incident, to which he replied that he did. He was asked what he recalled about it, and he stated that he prepared food for the detainees and washed their prayer clothes. He was asked if he remembered any abuse, to which he replied that he did not. He was asked if he recalled making an earlier statement reference this, and he replied that he did. He was asked if he recalled telling investigators that he had witnessed cold water being poured on the deceased, and that he had seen a detainee very bruised and swollen prior to his death. He stated that he did not say this, He said he stated he told them that he had prepared food for them and washed their prayer clothes, but he never witnessed anyone pouring water on them. He was asked if he recalled the condition of the detainees, to include the deceased, while they were at the firebase. He stating that they were in good health, but the one who died appeared to have some type of stomach problem. He never saw any bruises or swelling on them, and never saw anyone strike them or mistreat them. He was asked if he ever saw any of the American soldiers pour cold water on the detainees, to which he stated that he never saw any of the

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] / SA [redacted]	Detainee Assessment Task Force, HQ USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 20 Jul 06	EXHIBIT 54 54

DETAILS

Americans pour water on the detainees. [redacted] was found to be credible as a witness in that he appeared honest in his answers and did not evade the questions presented to him.

On 9 April 2006 the interpreter [redacted] was interviewed. He had been employed as an interpreter at the firebase [redacted] and had previously made statements to CID investigators in which he stated that [redacted] and another American soldier repeatedly beat PUCs and burn them with a hot stove. He said that these soldiers repeatedly doused the PUCs with cold water and then left them exposed outside in the snow and cold. He further stated that [redacted] told everyone not to talk about the death of the detainee, and that he had heard a gunshot during one of [redacted] interviews of the detainees.

[redacted] stated he could not remember the incident. [redacted] was told he was not in any kind of trouble and his knowledge of and his recollections of the incident were important to determining the truth. He calmed down but still could not remember the event or making any previous statements. He was given a day or so to see if he could recall anything. [redacted] was contacted two days later and he couldn't recall the incident, He was asked him if he remembered talking to a CID investigator, which he replied he didn't. He was asked if something like this had happened, did he think he would recall it. He stated that he should, but he didn't remember any abuse happening while he was at the firebase. [redacted] was found not to be very credible. He appeared to be evading the questions, and was continually looking around while he was interviewed.

The result of the ongoing CID investigation as well as the findings of the prosecution team who conducted follow up preparation in Afghanistan was forwarded to the Staff Judge Advocate, US Army Special Forces Command (Airborne), Fort Bragg, North Carolina. Based on these findings the SJA made the following findings:

a. Probable cause does not exist to support the allegation that [redacted] showed disrespect to human remains. [redacted] statement in which he denies showing disrespect to human remains is credible. In contrast, his accuser, the sole eyewitness to this allegation, has made contradictory and unreliable statements on this and other matters.

b. Probable cause exist to believe [redacted] committed the the offense of dereliction of duty for failure to report to his chain of command a detainee died of natural causes while in his care and custody.

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA [redacted] / SA [redacted]	Detainee Assessment Task Force, HQ USACIDC Fort Belvoir, VA 22060	
SIGNATURE [redacted]	DATE 20 Jul 06	EXHIBIT 51 & 52

DETAILS

c. Probable cause exists to believe [redacted] committed the offense of assault by authorizing [redacted] to inflict, and by inflicting open-handed slaps against detainees during interrogations.

d. Probable cause exists to believe [redacted] committed the offense of assault by inflicting open-handed slaps against detainees during interrogations.

e. Probable cause does not exist to support allegations that [redacted], [redacted], [redacted], and [redacted] committed involuntary manslaughter, aggravated assault, maltreatment of persons under US control, misprision of a serious offense, conduct unbecoming an officer, and assault. Several key, corroborating witnesses have denied their original allegations. There is also a lack of physical, scientific, or medical evidence to corroborate these allegations

b6
2

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA [redacted] / SA [redacted]	Detainee Assessment Task Force, HQ USACIDC Fort Belvoir, VA 22060
SIGNATURE [redacted]	DATE: 20 Jul 06 / EXHIBIT: 54

EXHIBIT 57

PAGES 630 - 632

REFERRED TO

U.S. ARMY SPECIAL FORCES COMMAND
OFFICE OF THE STAFF JUDGE ADVOCATE
FORT BRAGG, NC 28310-9110

0078-04-CID103

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FORT DIX
FORT DIX, NEW JERSEY 08640-5089

ORDERS 178-0139 27 June 2003

[redacted] US ARMY SP OPN COMMAND (WTPCA0) APO AE 09311

You are released from active duty, not by reason of physical disability, and assigned as indicated on the date immediately following release from active duty. Any temporary appointments held are terminated on your effective date of release from active duty.

Effective date of release from active duty: 10 September 2003
Assigned to: COMPANY A 1/20TH SPECIAL FORCES GROUP AUBURN AL 35210
Terminal date of Reserve obligation: Not applicable
Additional instructions: a. Government Transportation is authorized from Fort Dix, NJ, to Home of Record or Place of Entry on Active Duty. b. Soldier has completed period for which called to Active Duty. c. Excess baggage authorized not to exceed five pieces of 70lbs each. d. File Travel claims against Fund cite: 2132020.0000 01-1100 P135198 21**/22**/25** VFRE F3203 5570 S99999 831229. e. Soldier is eligible for Transitional Health Care under 10USC, Section 1145 until 06 January 2004.

FOR ARMY USE
HOR: WHITE BEAR LAKE MN US
Place EAD or OAD: AUBURN AL
MDC: PME4
Comp: ARNG
PEBD: Not applicable
Format: 523

FOR THE COMMANDER:

****
* OFFICIAL *
HQS, U.S. ARMY FORT DIX
* *
****

[redacted]
Director, Military Personnel

DISTRIBUTION:
[redacted]
Cdr CO A 1ST BN 20TH SFG (3)
Transition Activity (1)
Control Desk (1)
Finance (1)
DOIM (1)
DOL (1)
EOC (1)

000177

Exhibit 17

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

0062-04-CID369-69278
0078-04-C10103

Alabama Army National Guard
STATE MILITARY DEPARTMENT
PERSONNEL SERVICE BRANCH
Post Office Box 3711
Montgomery, Alabama 36109-0711

ORDERS 280-097 October 07, 2002

Following orders are amended as indicated:

So much of: Orders 356-055, TAG-AL-PSB, dated December 22, 2001
Pertaining to: Ordered to Active Duty of
CO B (-DET 1) 1SF BN 20TH SF GP, (WTPCBO-332), MOBILE, AL 36605-5098

As Reads: NOT TO EXCEED 365 DAYS unless extended
How Changed: Is amended to read: NOT TO EXCEED 730 DAYS unless extended

Authority: HQDA AMENDMENT 102-02 OPNS NOBLE EAGLE/ENDURING FREEDOM
Format: 700

FOR THE ADJUTANT GENERAL:

\\\\\\\\\\/////////
\\ HQ ALARNG //
\\ OFFICIAL //
\\\\\\\\\\/////////
[redacted]
COL, GS, AL ARNG
MILPO

DISTRIBUTION:
HQDA (DAMH-HSO), WASHINGTON, DC 20314-0200 (1)
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HQDA (DAAR-ODF-FD), WASHINGTON, DC 20310 (1)
HQDA (NGB-ARO-RM), WASHINGTON, DC 20310 (1)
HQ 1USA, FORT GILLEM, GA 30050-7000 (1)
HQ US ARMY INFANTRY CENTER, ATTN: ATSH-OTP-M, FORT BENNING, GA 31905 (1)
ARNG, DFAS, ATTN: NGB-ARC-F, COLUMN 224AA, 8899 E 56TH ST, INDIANAPOLIS, IN 46249-0028 (1)
TAG-AL (AL-MPMO), MONTGOMERY, AL 36109-0711 (1)
USP&FO-AL (AL-US-CM), MONTGOMERY, AL 36109-0715 (1)
HHD 1ST BN 20TH SF GP (ABN) 1ST SF, HUNSTVILLE, AL 35801 (1)
CO B 1ST BN 20TH SF GP (ABN) 1ST SF, MOBILE, AL 36605 (1)
DET 1, CO B 1ST BN 20TH SF GP (ABN), DECATUR, AL 35601 (1)
[redacted] (5)
FILE (1)

000178

Exhibit 17

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LAW ENFORCEMENT SENSIT...

0078-04-C1013

Alabama
STATE MILITARY DEPARTMENT
PERSONNEL SERVICE BRANCH
Post Office Box 3711
Montgomery, Alabama 36109-0711

ORDERS 217-038

5 AUGUST 2002

[redacted] CO A, 1/20 [redacted], (WTPCA0-333) [redacted],
AL 36832-3546

You are ordered to active duty as a member of your Reserve Component Unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: NATIONAL GUARD ARMORY, CO A, 1/20 SFG, (WTPCAO-333) 1455 SHUG JORDAN PARKWAY, AUBURN, AL 36832-3546 on 05 AUGUST 2002.

Report to: Fort Dix, NJ, on 18 AUGUST 2002
Period of Active Duty: NOT TO EXCEED 365 DAYS unless extended
Purpose: OPERATION NOBLE EAGLE AND ENDURING FREEDOM
Mobilization category code: G
Additional Instructions:

a. You are ordered to active duty with the consent of the Governor of the State of Alabama.
b. Sure Pay is mandatory. Soldier must bring the appropriate documentation to support the requirement to authorize sure pay to the bank.
c. Early reporting is not authorized.
d. Unaccompanied baggage shipment is not authorized.
e. Movement of household goods and dependents is not authorized.
f. Movement by privately owned vehicle is not authorized.
g. Travel by rental car is not authorized.
h. Nontemporary storage of household goods is authorized.
i. Excess accompanied baggage is not to exceed 120 pounds.
j. Bring with you complete military clothing bag and as classified on packing list.
k. Soldier will handcarry (if available) complete MPRJ, health and dental, training, and clothing records, if moving as an individual. (Records will not be moved in the same conveyance as soldiers when they move as a group per AR 600-8-101, Chapter 5)
l. Bring copies of rental or mortgage agreement, marriage certificate, birth certificate, birth certificate(s) of natural children, or documentation of dependency or child support.
m. Bring copies of family care plan, wills, powers of attorney, and any other documentation affecting the soldier's pay or status.
n. Personnel requiring eye correction will bring two pairs of eyeglasses and eye inserts for a protective mask.
o. Government quarters and mess will be used.
p. Soldier is authorized storage of private owned vehicle at government expense IAW JTR U5800.
q. Individual assigned to Para 203 Line 02, 180A, ASST DETACHMENT CDR, upon reaching MOB designation.
r. "Call 1-800-336-4590 (National Committee for Employer Support of the Guard and Reserve) or check on line at www.esgr.org if you have questions regarding your employment/reemployment rights."

000164

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Enc 4

0078-04-CID103

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY FORT DIX
FORT DIX, NEW JERSEY 08640-5089

ORDERS 178-0144 27 June 2003

[redacted] US ARMY SP OPN COMMAND (WTPCA0)
APO AE 09311

You are released from active duty, not by reason of physical disability, and assigned as indicated on the date immediately following release from active duty. Any temporary appointments held are terminated on your effective date of release from active duty.

Effective date of release from active duty: 19 July 2003
Assigned to: COMPANY A 1/20 SPECIAL FORCES GROUP AUBURN, AL 36832
Terminal date of Reserve obligation: Not applicable
Additional instructions: a. Government Transportation is authorized from Fort Dix, NJ, to Home of Record or Place of Entry on Active Duty. b. Soldier has completed period for which called to Active Duty. c. Excess baggage authorized not to exceed five pieces of 70lbs each. d. File Travel claims against Fund cite: 2132020.0000 01-1100 P135198 21**/22**/25** VFRE F3203 5570 S99999 831229.

FOR ARMY USE
HOR: CHELSEA AL US
Place EAD or OAD: AUBURN AL US
MDC: PMO3
Comp: ARNG
PEBD: Not applicable
Format: 523

FOR THE COMMANDER:

****
* OFFICIAL *
HQS, U.S. ARMY FORT DIX
* *
****
[redacted]
Director, Military Personnel

DISTRIBUTION:
[redacted] (15)
Cdr CO A 1/20TH SFG (3)
Transition Activity (1)
Control Desk (1)
Finance (1)
DOIM (1)
DOL (1)
EOC (1)

000165
Exhibit 17

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LAW ENFORCEMENT SENSITIVE

Exh. 14

0062-04-CIP369-69278
0078-04-C10103

CORRECTED
Alabama
STATE MILITARY DEPARTMENT
PERSONNEL SERVICE BRANCH
Post Office Box 3711
Montgomery, Alabama 36109-0711

ORDERS 356-020

DECEMBER 22, 2001

CO B (-DET 1) 1SF BN 20TH SF GP, (WTPCB0/332)

MOBILE, AL 36605-5098

You are ordered to active duty as a member of your Reserve Component Unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: NATIONAL GUARD ARMORY, CO B (-DET 1) 1SF BN 20TH SF GP, (WTPCB0/332), 1620 SOUTH BROAD STREET, MOBILE, AL 36605-5098 on 3 JANUARY 2002.

Report to: Fort Bragg, NC, on 10 JANUARY 2002
Period of Active Duty: NOT TO EXCEED 365 DAYS unless extended
Purpose: Operation NOBLE EAGLE AND ENDURING FREEDOM
Mobilization category code: M
Additional Instructions:

a. You are ordered to active duty with the consent of the Governor of the State of Alabama.
b. Sure Pay is mandatory. Soldier must bring the appropriate documentation to support the requirement to authorize sure pay to the bank.
c. Early reporting is not authorized.
d. Unaccompanied baggage shipment is not authorized.
e. Movement of household goods and dependents is not authorized.
f. Movement by privately owned vehicle is not authorized.
g. Travel by rental car is not authorized.
h. Nontemporary storage of household goods is authorized.
i. Excess accompanied baggage is not to exceed 120 pounds.
j. Bring with you complete military clothing bag and as classified on packing list.
k. Soldier will handcarry (if available) complete MPRJ, health and dental, training, and clothing records, if moving as an individual. (Records will not be moved in the same conveyance as soldiers when they move as a group per AR 600-8-101, Chapter 5)
l. Bring copies of rental or mortgage agreement, marriage certificate, birth certificate, birth certificate(s) of natural children, or documentation of dependency or child support.
m. Bring copies of family care plan, wills, powers of attorney, and any other documentation affecting the soldier's pay or status.
n. Personnel requiring eye correction will bring two pairs of eyeglasses and eye inserts for a protective mask.
o. Government quarters and mess will be used.
p. Soldier is authorized storage of private owned vehicle at government expense IAW JTR U5800.
q. Individual assigned to Para 302 Line 11, 18C3, ENGINEER NCO, upon reaching MOB designation.
r. "Call 1-800-336-4590 (National Committee for Employer Support of the Guard and Reserve) or check on line at www.esgr.org if you have questions regarding your employment/reemployment rights."

000166
Exhibit 17

FOR OFFICIAL USE
LAW ENFORCEMENT SE

0662-04-CID541-01-0
078-04-CID103

Alabama Army National Guard
STATE MILITARY DEPARTMENT
PERSONNEL SERVICE BRANCH
Post Office Box 1711
Montgomery, Alabama 36109-0711

ORDERS 280-066 October 07, 2002

Following orders are amended as indicated:

So much of: Orders 356-020, TAG-AL-PSB, dated December 22, 2001
Pertaining to: Ordered to Active Duty of
CO B (-DET 1) 1SF BN 20TH SF GP, (WTPCBO-332), MOBILE, AL 36605-5098

As Reads: NOT TO EXCEED 365 DAYS unless extended.
How Changed: Is amended to read: NOT TO EXCEED 730 DAYS unless extended

Authority: HQDA AMENDMENT 102-02 OPNS NOBLE EAGLE/ENDURING FREEDOM
Format: 700

FOR THE ADJUTANT GENERAL:

\\\\\\\\\\//////////
\\ HQ ALARNG //
\\ OFFICIAL //
[redacted]

COL, GS, AL ARNG
MILPO

DISTRIBUTION:
HQDA (DAMH-HSO), WASHINGTON, DC 20314-0200 (1)
HQDA (DAMH-HSO-U), WASHINGTON, DC 20314-0200 (2)
HQDA (DAAR-ODF-FD), WASHINGTON, DC 20310 (1)
HQDA (NGB-ARO-RM), WASHINGTON, DC 20310 (1)
HQ 1USA, FORT GILLEM, GA 30050-7000 (1)
HQ US ARMY INFANTRY CENTER, ATTN: ATSH-OTP-M, FORT BENNING, GA 31905 (1)
ARNG, DFAS, ATTN: NGB-ARC-F, COLUMN 224AA, 8899 E 56TH ST, INDIANAPOLIS, IN 46249-0028 (1)
TAG-AL (AL-MPMO), MONTGOMERY, AL 36109-0711 (1)
USP&FO-AL (AL-US-CM), MONTGOMERY, AL 36109-0715 (1)
HHD 1ST BN 20TH SF GP (ABN) 1ST SF, HUNSTVILLE, AL 35801 (1)
CO B 1ST BN 20TH SF GP (ABN) 1ST SF, MOBILE, AL 36605 (1)
DET 1, CO B 1ST BN 20TH SF GP (ABN), DECATUR, AL 35601 (1)
[redacted] (5)
FILE (1)

000167

Exhibit 17

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LAW ENFORCEMENT SENSITIVE

0062-04-CID369-69278
0078-04-C10103

CORRECTED COPY
Alabama
STATE MILITARY DEPARTMENT
PERSONNEL SERVICE BRANCH
Post Office Box 3711
Montgomery, Alabama 36109-0711

ORDERS 356-018

DECEMBER 22, 2001

CO B (-DET 1) 1SF BN 20TH SF GP,
(WTPCB0/332) MOBILE, AL 36605-5098

You are ordered to active duty as a member of your Reserve Component Unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: NATIONAL GUARD ARMORY, CO B (-DET 1) 1SF BN 20TH SF GP, (WTPCB0/332), 1620 SOUTH BROAD STREET, MOBILE, AL 36605-5098 on 3 JANUARY 2002.

Report to: Fort Bragg, NC, on 10 JANUARY 2002
Period of Active Duty: NOT TO EXCEED 365 DAYS unless extended
Purpose: Operation NOBLE EAGLE AND ENDURING FREEDOM
Mobilization category code: M
Additional Instructions:

a. You are ordered to active duty with the consent of the Governor of the State of Alabama.
b. Sure Pay is mandatory. Soldier must bring the appropriate documentation to support the requirement to authorize sure pay to the bank.
c. Early reporting is not authorized.
d. Unaccompanied baggage shipment is not authorized.
e. Movement of household goods and dependents is not authorized.
f. Movement by privately owned vehicle is not authorized.
g. Travel by rental car is not authorized.
h. Nontemporary storage of household goods is authorized.
i. Excess accompanied baggage is not to exceed 120 pounds.
j. Bring with you complete military clothing bag and as classified on packing list.
k. Soldier will handcarry (if available) complete MPRJ, health and dental, training, and clothing records, if moving as an individual. (Records will not be moved in the same conveyance as soldiers when they move as a group per AR 600-8-101, Chapter 5)
l. Bring copies of rental or mortgage agreement, marriage certificate, birth certificate, birth certificate(s) of natural children, or documentation of dependency or child support.
m. Bring copies of family care plan, wills, powers of attorney, and any other documentation affecting the soldier's pay or status.
n. Personnel requiring eye correction will bring two pairs of eyeglasses and eye inserts for a protective mask.
o. Government quarters and mess will be used.
p. Soldier is authorized storage of private owned vehicle at government expense IAW JTR U5800.
q. Individual assigned to Para 302 Line 06, 18C4, SR ENGINEER NCO, upon reaching MOB designation.
r. "Call 1-800-336-4590 (National Committee for Employer Support of the Guard and Reserve) or check on line at www.esgr.org if you have questions regarding your employment/reemployment rights."

000168

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LAW ENFORCEMENT SENS

Exhibit 17

0062-04-CID247-VICM
0078-04-CID103

Alabama Army National Guard
STATE MILITARY DEPARTMENT
PERSONNEL SERVICE BRANCH
P.O. BOX 3711
Montgomery, Alabama 36109-0711

ORDERS 302-044 29 OCT 2003

[redacted] CO B (-DET1) 1SF BN
20 SF GP (WTPCB0-332) MOBILE, AL 366055098

You are transferred as indicated below.

Relieved from: CO B (-DET1) 1SF BN 20 SF GP (WTPCB0-332)
MOBILE, AL 366055098
Transferred to: DET 1 CO B 1SF BN 20SFG (ABN) (WTPCB1-336)
DECATUR, AL 356015595
Effective Date: 31 OCT 2003
Additional instructions: PARA/LINE: 302/06, EXCESS (NA)
DMOS: 18C4000, POSN Q; (Q), Promotion Authority Number: NA

FOR ARNG/ARMY USE
Authority: Para 5-28, NGR 600-200
PEBD: 19881004
ETS: 20050626
Format: 465

FOR THE ADJUTANT GENERAL:

\\\\\\\\/////////
\\ HQ AL ARNG //
\\ OFFICIAL //
\\\\\\\\/////////
[redacted]
COL, GS, AL ARNG
MILPO

DISTRIBUTION:
AL-MPMO-SIB (2)
MPRJ (1)
[redacted] (1)
CDR, CO B (-DET1) 1SF BN 20 SF GP (1)
CDR, DET 1 CO B 1SF BN 20SFG (ABN) (1)

000169

Exhibit 17

TOP FED DOCUMENT
FOR OFFICIAL USE O.
DO NOT SUBMIT TO AL SEN
LAW ENFORCEMENT SEN

0078-04-CID309-69178
0078-04-CID103

CORRECTED COPY
Alabama
STATE MILITARY DEPARTMENT
PERSONNEL SERVICE BRANCH
Post Office Box 3711
Montgomery, Alabama 36109-0711

ORDERS 356-028 DECEMBER 22, 2001

CO B (-DET 1) 1SF BN 20TH SF GP, (WTPCB0/332)
MOBILE, AL 36605-5098

You are ordered to active duty as a member of your Reserve Component Unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: NATIONAL GUARD ARMORY, CO B (-DET 1) 1SF BN 20TH SF GP, (WTPCB0/332), 1620 SOUTH BROAD STREET, MOBILE, AL 36605-5098 on 3 JANUARY 2002.

Report to: Fort Bragg, NC, on 10 JANUARY 2002
Period of Active Duty: NOT TO EXCEED 365 DAYS unless extended
Purpose: Operation NOBLE EAGLE AND ENDURING FREEDOM
Mobilization category code: M
Additional Instructions:

a. You are ordered to active duty with the consent of the Governor of the State of Alabama.
b. Sure Pay is mandatory. Soldier must bring the appropriate documentation to support the requirement to authorize sure pay to the bank.
c. Early reporting is not authorized.
d. Unaccompanied baggage shipment is not authorized.
e. Movement of household goods and dependents is not authorized.
f. Movement by privately owned vehicle is not authorized.
g. Travel by rental car is not authorized.
h. Nontemporary storage of household goods is authorized.
i. Excess accompanied baggage is not to exceed 120 pounds.
j. Bring with you complete military clothing bag and as classified on packing list.
k. Soldier will handcarry (if available) complete MPRJ, health and dental, training, and clothing records, if moving as an individual. (Records will not be moved in the same conveyance as soldiers when they move as a group per AR 600-8-101, Chapter 5)
l. Bring copies of rental or mortgage agreement, marriage certificate, birth certificate, birth certificate(s) of natural children, or documentation of dependency or child support.
m. Bring copies of family care plan, wills, powers of attorney, and any other documentation affecting the soldier's pay or status.
n. Personnel requiring eye correction will bring two pairs of eyeglasses and eye inserts for a protective mask.
o. Government quarters and mess will be used.
p. Soldier is authorized storage of private owned vehicle at government expense IAW JTR U5800.
q. Individual assigned to Para 302 Line 12, 18D3, MEDICAL NCO, upon reaching MOB designation.
r. "Call 1-800-336-4590 (National Committee for Employer Support of the Guard and Reserve) or check on line at www.esgr.org if you have questions regarding your employment/reemployment rights."

000170

Exhibit 17

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

0062-04-C10349-G9L2B
0078-04-C10103

Alabama Army National Guard
STATE MILITARY DEPARTMENT
PERSONNEL SERVICE BRANCH
Post Office Box 3711
Montgomery, Alabama 36109-0711

ORDERS 280-074 October 07, 2002

Following orders are amended as indicated:

So much of: Orders 356-028, TAG-AL-PSB, dated December 22, 2001
Pertaining to: Ordered to Active Duty of
CO B (-DET 1) 1SF BN 20TH SF GP, (WTPCBO-332), MOBILE, AL 36605-5098

As Reads: NOT TO EXCEED 365 DAYS unless extended
How Changed: Is amended to read: NOT TO EXCEED 730 DAYS unless extended

Authority: HQDA AMENDMENT 102-02 OPNS NOBLE EAGLE/ENDURING FREEDOM
Format: 700

FOR THE ADJUTANT GENERAL:

\\\\\\\\\\//////////
\\ HQ ALARNG //
\\ OFFICIAL //
[redacted]

COL, GS, AL ARNG
MILPO

DISTRIBUTION:
HQDA (DAMH-HSO), WASHINGTON, DC 20314-0200 (1)
HQDA (DAMH-HSO-U), WASHINGTON, DC 20314-0200 (2)
HQDA (DAAR-ODF-FD), WASHINGTON, DC 20310 (1)
HQDA (NGB-ARO-RM), WASHINGTON, DC 20310 (1)
HQ 1USA, FORT GILLEM, GA 30050-7000 (1)
HQ US ARMY INFANTRY CENTER, ATTN: ATSH-OTP-M, FORT BENNING, GA 31905 (1)
ARNG, DFAS, ATTN: NGB-ARC-F, COLUMN 224AA, 8899 E 56TH ST, INDIANAPOLIS, IN 46249-0028 (1)
TAG-AL (AL-MPMO), MONTGOMERY, AL 36109-0711 (1)
USP&FO-AL (AL-US-CM), MONTGOMERY, AL 36109-0715 (1)
HHD 1ST BN 20TH SF GP (ABN) 1ST SF, HUNSTVILLE, AL 35801 (1)
CO B 1ST BN 20TH SF GP (ABN) 1ST SF, MOBILE, AL 36605 (1)
DET 1, CO B 1ST BN 20TH SF GP (ABN), DECATUR, AL 35601 (1)
[redacted] (5)
FILE (1)

000171

Exhibit 17

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

0062-04-CID365-69278
0078-04-C1D103

CORRECTED COPY
Alabama
STATE MILITARY DEPARTMENT
PERSONNEL SERVICE BRANCH
Post Office Box 3711
Montgomery, Alabama 36109-0711

ORDERS 356-025 DECEMBER 22, 2001

CO B (-DET 1) 1SF BN 20TH SF GP,
(WTPCB0/332) MOBILE, AL 36605-5098

You are ordered to active duty as a member of your Reserve Component Unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: NATIONAL GUARD ARMORY, CO B (-DET 1) 1SF BN 20TH SF GP, (WTPCB0/332) 1620 SOUTH BROAD STREET, MOBILE, AL 36605-5098 on 3 JANUARY 2002.

Report to: Fort Bragg, NC, on 10 JANUARY 2002
Period of Active Duty: NOT TO EXCEED 365 DAYS unless extended
Purpose: **Operation NOBLE EAGLE AND ENDURING FREEDOM**
Mobilization category code: M
Additional Instructions:

a. You are ordered to active duty with the consent of the Governor of the State of Alabama.
b. Sure Pay is mandatory. Soldier must bring the appropriate documentation to support the requirement to authorize sure pay to the bank.
c. Early reporting is not authorized.
d. Unaccompanied baggage shipment is not authorized.
e. Movement of household goods and dependents is not authorized.
f. Movement by privately owned vehicle is authorized.
g. Travel by rental car is not authorized.
h. Nontemporary storage of household goods is authorized.
i. Excess accompanied baggage is not to exceed 120 pounds.
j. Bring with you complete military clothing bag and as classified on packing list.
k. Soldier will handcarry (if available) complete MPRJ, health and dental, training, and clothing records, if moving as an individual. (Records will not be moved in the same conveyance as soldiers when they move as a group per AR 600-8-101, Chapter 5)
l. Bring copies of rental or mortgage agreement, marriage certificate, birth certificate, birth certificate(s) of natural children, or documentation of dependency or child support.
m. Bring copies of family care plan, wills, powers of attorney, and any other documentation affecting the soldier's pay or status.
n. Personnel requiring eye correction will bring two pairs of eyeglasses and eye inserts for a protective mask.
o. Government quarters and mess will be used.
p. Soldier is authorized storage of private owned vehicle at government expense IAW JTR U5800.
q. Individual assigned to Para 152Y Line 12, 18E3, COMMO NCO, upon reaching MOB designation.
r. "Call 1-800-336-4590 (National Committee for Employer Support of the Guard and Reserve) or check on line at www.esgr.org if you have questions regarding your employment/reemployment rights."

000172

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LAW ENFORCEMENT SENSITIVE

0063-04-CV369-69178
0078-04-CV0103

DEPARTMENT OF THE ARMY
XVIII AIRBORNE CORPS AND FORT BRAGG
FT BRAGG, NORTH CAROLINA 28310

ORDERS 061-0294 01 March 2004

[redacted] 010020SFCO B (WTPCBO) FT BRAGG NC 28310

You are released from active duty, not by reason of physical disability, and assigned as indicated on the date immediately following release from active duty. Any temporary appointments held are terminated on your effective date of release from active duty.

Effective date of release from active duty: 22 April 2004
Assigned to: CO B 1SF BN 20TH SF GP MOBILE AL 36605
Terminal date of Reserve obligation: Not applicable
Additional instructions: a. On the Final day of processing at the Transition Center you must be in Duty Uniform. b. Units/individuals will require approximately 8 days to support separation processing (5 days at the installation and 3 days for movement and Home Station activities). Soldiers will be in an Intransit status until closing on Home Station. c. Under the provisions of Title 10 USC, Section 1145 soldier is eligible for Transition Health Care until 21 October 2004

FOR ARMY USE
HOR: LUCEDALE MS US
Place EAD or OAD: MOBILE AL
MDC: NA
Comp: ARNG
PEBD: 830418
Format: 523

FOR THE COMMANDER:

[redacted]
CPT, AG
INSTALLATION AG

DISTRIBUTION:
[redacted] (15)
CDR 010020SFCO B (3)
Record Set (1)
Personnel Service Center (1)
USA Res Control Gp, USACC St Louis MO 63132 (1)
2125th GSU (3)

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Exhibit 17

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LAW ENFORCEMENT SENSITIVE

0078-04-C10103

CORRECTED COPY
Alabama
STATE MILITARY DEPARTMENT
PERSONNEL SERVICE BRANCH
Post Office Box 3711
Montgomery, Alabama 36109-0711

ORDERS 356-060

DECEMBER 22, 2001

CO B (-DET 1) 1SF BN 20TH SF GP, (WTPCB0/332)

MOBILE, AL 36605-5098

You are ordered to active duty as a member of your Reserve Component Unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: NATIONAL GUARD ARMORY, CO B (-DET 1) 1SF BN 20TH SF GP, (WTPCB0/332), 1620 SOUTH BROAD STREET, MOBILE, AL 36605-5098 on 3 JANUARY 2002.

Report to: Fort Bragg, NC, on 10 JANUARY 2002
Period of Active Duty: NOT TO EXCEED 365 DAYS unless extended
Purpose: Operation NOBLE EAGLE AND ENDURING FREEDOM
Mobilization category code: M
Additional Instructions:

a. You are ordered to active duty with the consent of the Governor of the State of Alabama.
b. Sure Pay is mandatory. Soldier must bring the appropriate documentation to support the requirement to authorize sure pay to the bank.
c. Early reporting is not authorized.
d. Unaccompanied baggage shipment is not authorized.
e. Movement of household goods and dependents is not authorized.
f. Movement by privately owned vehicle is not authorized.
g. Travel by rental car is not authorized.
h. Nontemporary storage of household goods is authorized.
i. Excess accompanied baggage is not to exceed 120 pounds.
j. Bring with you complete military clothing bag and as classified on packing list.
k. Soldier will handcarry (if available) complete MPRJ, health and dental, training, and clothing records, if moving as an individual. (Records will not be moved in the same conveyance as soldiers when they move as a group per AR 600-8-101, Chapter 5)
l. Bring copies of rental or mortgage agreement, marriage certificate, birth certificate, birth certificate(s) of natural children, or documentation of dependency or child support.
m. Bring copies of family care plan, wills, powers of attorney, and any other documentation affecting the soldier's pay or status.
n. Personnel requiring eye correction will bring two pairs of eyeglasses and eye inserts for a protective mask.
o. Government quarters and mess will be used.
p. Soldier is authorized storage of private owned vehicle at government expense IAW JTR U5800.
q. Individual assigned to Para 302 Line 13, 18E3V, COMMO NCO, upon reaching MOB designation.
r. "Call 1-800-336-4590 (National Committee for Employer Support of the Guard and Reserve) or check on line at www.esgr.org if you have questions regarding your employment/reemployment rights."

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Exhibit 17

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LAW ENFORCEMENT SE

0062-04-C1D103
0028-04-C1D103

Alabama Army National Guard
STATE MILITARY DEPARTMENT
PERSONNEL SERVICE BRANCH
Post Office Box 3711
Montgomery, Alabama 36109-0711

ORDERS 280-100 October 07, 2002

Following orders are amended as indicated:

So much of: Orders 356-060, TAG-AL-PSB, dated December 22, 2001
Pertaining to: Ordered to Active Duty of
CO B (-DET 1) 1SF BN 20TH SF GP, (WTPCBO-332), MOBILE, AL 36605-5098

As Reads: NOT TO EXCEED 365 DAYS unless extended
How Changed: Is amended to read: NOT TO EXCEED 730 DAYS unless extended

Authority: HQDA AMENDMENT 102-02 OPNS NOBLE EAGLE/ENDURING FREEDOM
Format: 700

FOR THE ADJUTANT GENERAL:

\\\\\\\\\\//////////
\\ HQ ALARNG //
\\ OFFICIAL //
\\\\\\\\\\//////////

[redacted]
COL, GS, AL ARNG
MILPO

DISTRIBUTION:
HQDA (DAMH-HSO), WASHINGTON, DC 20314-0200 (1)
HQDA (DAMH-HSO-U), WASHINGTON, DC 20314-0200 (2)
HQDA (DAAR-ODF-FD), WASHINGTON, DC 20310 (1)
HQDA (NGB-ARO-RM), WASHINGTON, DC 20310 (1)
HQ IUSA, FORT GILLEM, GA 30050-7000 (1)
HQ US ARMY INFANTRY CENTER, ATTN: ATSH-OTP-N, FORT BENNING, GA 31905 (1)
ARNG, DFAS, ATTN: NGB-ARC-F, COLUMN 224AR, 8899 E 56TH ST, INDIANAPOLIS, IN 46249-0028 (1)
TAG-AL (AL-MPMO), MONTGOMERY, AL 36109-0711 (1)
USP&FO-AL (AL-US-CM), MONTGOMERY, AL 36109-0715 (1)
HHD 1ST BN 20TH SF GP (ABN) 1ST SF, HUNSTVILLE, AL 35801 (1)
CO B 1ST BN 20TH SF GP (ABN) 1ST SF, MOBILE, AL 36605 (1)
DET 1, CO B 1ST BN 20TH SF GP (ABN), DECATUR, AL 35601 (1)
[redacted] (5)
FILE (1)

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Exhibit 17

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LAW ENFORCEMENT SENSITIVE

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0062-04-010369-69278
0028-04-010103

Alabama
STATE MILITARY DEPARTMENT
PERSONNEL SERVICE BRANCH
Post Office Box 3711
Montgomery, Alabama 36109-0711

ORDERS 217-082

5 August,2002

CO A 1 SF BN 20 SF GP 1 SF, (WTPCAO/333)
AUBURN, AL 36832-3546

You are ordered to active duty as a member of your Reserve Component Unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: NATIONAL GUARD ARMORY, CO A 1 SF BN 20 SF GP 1 SF, (WTPCAO/333), 1455 SHUG JORDON PARKWAY, AUBURN, AL 36832-3546 on 5 AUGUST 2002.

Report to: Fort Dix, NJ on 10 SEPTEMBER 2002
Period of Active Duty: NOT TO EXCEED 365 DAYS unless extended
Purpose: Contingency Operation NOBLE EAGLE and ENDURING FREEDOM
Mobilization category code: G
Additional Instructions:

a. You are ordered to active duty with the consent of the Governor of the State of Alabama.
b. Sure Pay is mandatory. Soldier must bring the appropriate documentation to support the requirement to authorize sure pay to the bank.
c. Early reporting is not authorized.
d. Unaccompanied baggage shipment is not authorized.
e. Movement of household goods and dependents is not authorized.
f. Movement by privately owned vehicle is not authorized.
g. Travel by rental car is not authorized.
h. Nontemporary storage of household goods is authorized.
i. Excess accompanied baggage is not to exceed 120 pounds.
j. Bring with you complete military clothing bag and as classified on packing list.
k. Soldier will handcarry (if available) complete MPRJ, health and dental, training, and clothing records, if moving as an individual. (Records will not be moved in the same conveyance as soldiers when they move as a group per AR 600-8-101, Chapter 5)
l. Bring copies of rental or mortgage agreement, marriage certificate, birth certificate, birth certificate(s) of natural children, or documentation of dependency or child support.
m. Bring copies of family care plan, wills, powers of attorney, and any other documentation affecting the soldier's pay or status.
n. Personnel requiring eye correction will bring two pairs of eyeglasses and eye inserts for a protective mask.
o. Government quarters and mess will be used.
p. Soldier is authorized storage of private owned vehicle at government expense IAW JTR U5800.
q. Individual assigned to Para 202 LINE 12, 18D3, MEDICAL NCO, upon reaching MOB designation.
r. "Call 1-800-336-4590 (National Committee for Employer Support of the Guard and Reserve) or check on line at www.esgr.org if you have questions regarding your employment/reemployment rights."

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Exhibit 17

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