

SWORN STATEMENT

For use of this form, see AR 190-45; the proposed program is ODCSOPS

LOCATION Birmingham, AL	DATE 24 Sep 04	TIME 14:17	FILE NUMBER 0078-04-CID103
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [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, ~~ONE~~ 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 AFGHANIS WHO WERE EMPLOYED ~~BY~~ AT THE COMPOUND. THE DAY THE PRISONERS WERE TURNED OVER TO THE LOCAL AUTHORITIES, ~~THE~~ 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 AFGHANIS

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

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STATEMENT OF

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 ALBUANI 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 OPA'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]

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)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 134, UCMJ
(Authority To Administer Oaths) 000157

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

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LAW ENFORCEMENT SENSITIVE

Exhibit 15
DOD DOA 27661

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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:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

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

1. LOCATION Birmingham, AL	2. DATE 24 Sep 04	TIME 1441	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

Criminal Investigation Command as a Special

The investigator whose name appears below told me that he/she is with the United States Army
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:

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print)		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 Redstone Resident Agency, USACIDC, Redstone Arsenal, AL 35898
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-waiver

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

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2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2762, SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED)

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EDITION OF NOV 84 IS OBSOLETE
LAW ENFORCEMENT SENSITIVE

Exhibit 16
DOD DOA 27662

SWORN STATEMENT

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

LOCATION Birmingham, AL	DATE 24 Sep 04	TIME	FILE NUMBER 0078-04-CID103
LAST NAME - FIRST NAME - MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS Detachment 1, B Company, 20th Special Forces Group, Decatur, AL 35601-5595			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I, [REDACTED],

On or around the date [REDACTED] I arrived ~~enit~~ in the [REDACTED] to go on leave. This occurred 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 Valentine's 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. I 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 [REDACTED]	PAGE 1 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
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STATEMENT OF

TAKEN AT

Birmingham, AL

DATED

24 SEP 04

CONTINUED

STATEMENT (Continued)

days made our way back to the Gardner's safehouse.

[REDACTED] This [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 and water on a regular basis. A day or two later [REDACTED] I was alerted to see 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 common due to the fact that a [REDACTED] had been held captive and sodomized by the guards at the [REDACTED] I treated the prisoner with [REDACTED] checked the prisoner out and noted that all systems were unremarkable to the best of my ability. I then treated [REDACTED] him with antibiotics and stayed [REDACTED] that night with the pt. Just as I did with all pts under my care. Around 3:00'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 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 intubated in the IV catheter in his arm. Here we administered cardiac meds for the asystole algorithm. This [REDACTED] since no EKG was present and without a pulse. This was the most logical pathway to take. After approximately 30min 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 [REDACTED] as to what happened.

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INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 5 PAGES

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EXHIBIT 16

DOD DOA 27664

STATEMENT OF [REDACTED]

TAKEN AT Birmingham, Al

DATED 24 SEPO4

CONTINUED

STATEMENT (Continued)

Q: SA [REDACTED]

A: [REDACTED]

Q: What was the condition of the detainees when you returned from leave?

A: Appeared to be in good health to the best of my recollection

Q: Did you perform physical exams of the detainees?

A: No, I arrived much 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 submerge 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?

A: No

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INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 3 OF 5 PAGES [REDACTED]

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EXHIBIT 16

DOD DOA 27665

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STATEMENT OF [REDACTED]

TAKEN AT Birmingham, AI

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 detainees 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 ///

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INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 4 OF 5 PAGES [REDACTED]

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EXHIBIT 16

DOD DOA 27666

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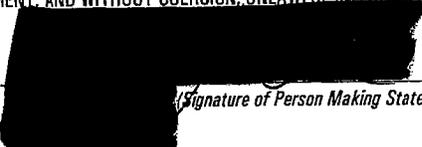
STATEMENT (Continued)



Not Used

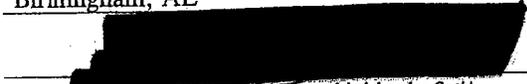
AFFIDAVIT

I, , 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.


 (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


 (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS


 (Typed Name of Person Administering Oath)

Article 134, UCMJ

000133

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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LAW ENFORCEMENT SENSITIVE

Exhibit 112

DOD DOA 27667

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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

Page 1 of 5 Pages

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.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]
SIGNATURE
Draft Copy

ORGANIZATION

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

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DATE

14 Oct 2004

EXHIBIT

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CID FORM 94

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LAW ENFORCEMENT

Exhibit

DOD-DOA-27669

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0815-04-CID023; 0062-04-CID369-69278

Page 2 of 5 Pages

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] [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

SA [REDACTED]

SIGNATURE
Draft Copy

ORGANIZATION

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

DATE

14 Oct 2004

EXHIBIT

18

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LAW ENFORCEMENT
CONFIDENTIAL

DOD DOA 27670
Exhibit

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0815-04-CID023; 0062-04-CID369-69278

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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

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

[REDACTED] DRAFT COPY

ORGANIZATION

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

DATE

14 Oct 2004

EXHIBIT

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CID FORM 94

LAW ENFORCEMENT
SENSITIVE

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EXHIBIT OIA 27671

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0815-04-CID023; 0062-04-CID369-69278

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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.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

ORGANIZATION

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

SA [REDACTED]
SIGNATURE
Draft Copy

DATE

14 Oct 2004

EXHIBIT

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CIS-94

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LAW ENFORCEMENT
CONFIDENTIAL

Exhibit
DOD DOA 27672

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0815-04-CID023; 0062-04-CID369-69278

Page 5 of 5 Pages

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.

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

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

ORGANIZATION

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

SIGNATURE

Draft Copy

DATE

14 Oct 2004

EXHIBIT

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CID FORM 94

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LAW ENFORCEMENT

Exhibit
DOD DOA-27673

RIGHTS WARNING PROCEDURE/WAIVER CERT.

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.

Form with fields: 1. LOCATION, 2. DATE (13 Oct 2004), 3. TIME (1204), 4. FILE NUMBER, 5. Name (Last First MI), 6. SSN, 7. GRADE/STATUS, 8. ORGANIZATION OR ADDRESS

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 THIRTY DAYS?

A: NO

SECTION B. Waiver

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

Form with fields: WITNESSES (if available), SIGNATURE OF INTERVIEWEE, SIGNATURE OF INVESTIGATOR, 1a. NAME (Type or Print), 1b. ORGANIZATION OR ADDRESS AND PHONE, 2a. NAME (Type or Print), 2b. ORGANIZATION OR ADDRESS AND PHONE, 6. ORGANIZATION OF INVESTIGATOR (87th MP Det (ABN) (CID) Fort Bragg, NC 28310)

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

000184

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

0062-04-CID 369-69278

Subject:

[REDACTED]

Co-Subjects:

[REDACTED]

Victims:

[REDACTED]

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]

[REDACTED]. As background, investigation by CID revealed that between 01-18Mar03, eight Afghanists 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] [REDACTED] advised [REDACTED] was the one [REDACTED] the checkpoint when they were picked up. According to [REDACTED] of Patkta 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

LAW ENFORCEMENT
SENSITIVE

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DOD DOA 27675

some of the prisoners were passing blood in their urine. [REDACTED] said the doctor resides in [REDACTED] and holds the rank of [REDACTED]

[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]

[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]. [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

DOD DOA 27676

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8. [REDACTED] advised the correct spelling of his name is [REDACTED]
[REDACTED] had no additional information to add and the
interview was concluded.

PARTICIPANT(S)

[REDACTED] SA NCISRA GUANTANAMO BAY, CUBA
[REDACTED] 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] 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 from 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]. [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]

[redacted]
Special Agent, [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

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

Signature: [redacted] Date: 22 Oct 04 Exhibit: 21

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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 Jamial 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] [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] [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

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Signature: [redacted]

Date: 22 Oct 04

Exhibit: 21

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 forced 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] he 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 cold 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

Signature: [redacted]

Date: 22 Oct 04

Exhibit: 21

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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] that were captured with him and then released that day were currently in [redacted] and that he had no contact with them.

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

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

Signature: [redacted] Date: 22 Oct 04 Exhibit: 21

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[redacted]
[redacted]
[redacted] yo [redacted]
[redacted] AF [redacted]
(americans)
They came to the pass & we gave them CHZ

We were arrested. Handcuff & the
Blind folded when we got here

I was 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

During interrogation they he was told
If he lied we would be killed
we were kicked during interrogations
about 20 days 18 days snow was
mixed with water & poured on us.

I was beaten 18 days.

The body of water looked Beate & [redacted] b6
swollen on feet knees & face
I couldn't see if toe nails removed 000194

A DR from Gardez hospital came to the
[redacted] in [redacted] DOD DOA 27684
Exhibit 22

FFIC

0920 16 Oct 64

170 days

8-9

Rec'd 2701

0062-04-CID 369-69278

9 people kept 17-180 days

[REDACTED]
[REDACTED] yo [REDACTED]
[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 ~~we~~ I
was kicked in the back or punched in the
face. I had ^{swallowing} cold water poured on me
every day. During interrogations I
was punched & kicked in the back of face.
The ~~two~~ ^{three} that beat us were the two us
soldiers called "[REDACTED]" & a man named
[REDACTED] gave the order to have me beat
[REDACTED] body looked like his body was
swollen & black from bruises & maybe frostbite

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OFFICIAL 000195
DOD DOA 27685

End Mar 03

0062-04-CID 369-69278

0700
20 OCT 04

I was called to the Gardez police
Station to treat ~~the~~ [redacted]
He had Swollen in legs & his body
I can't recall if he was bruised
anywhere else.

In the OCS 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.

bb
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000196

OFFICIAL COPY

1350
21 Oct 04

[REDACTED]
[REDACTED] yo [REDACTED]
[REDACTED] Afghanistan

Mar 03

I was Arrested with others from
the Seto Pass Check Point. When
brought back to the Fire Base 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 over 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 gander
police.

Not Electrified
or burnt
No Toe nails removed

b6
cc

000197

EXHIBIT 25

OFFICIAL
LADOD DOA 27687

1430
2120704

[REDACTED]
[REDACTED] 40 [REDACTED]
[REDACTED]

01-010 389-69278

mar 03

I was Arrested with [REDACTED] + others
at the Setu Pass Check point. 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 into view. my
body, legs back chest & face were
very swollen when I was released
to the gardes police

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EXHIBIT 26

DEFICIT
DOD DOA 27688

CID Regulation 195-1

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-

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)

[REDACTED]
Special Agent, [REDACTED] Puerto Rico Branch Office (CID)
Ft Buchanan, PR 00934

Signature: [REDACTED] Exhibit: [REDACTED]
Date: 10 Nov 04 Enclosure: 1 000199

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CID Regulation 195-1

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//////////////////////////////////////

[REDACTED]
Special Agent, [REDACTED]

Puerto Rico Branch Office (CID)
Ft Buchanan, PR 00934

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Signature: [REDACTED]

Exhibit:
Date: 10 Nov 04 Enclosure: 1

CID Form [REDACTED]

000200

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT
SENSITIVE

Exhibit 27
DOD DOA 27690

0070-04-CID369-1

WARNING PROCEDURE/WAIVER CERTIFICATE

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

0062-04-C10365-69278

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.

LOCATION Fort Buchanan, PR 00934	2. DATE 10 Nov 04	3. TIME 1307	4. FILE NO. 0062-04-CID369
NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS HFD 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 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

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

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- If I am 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. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

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

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or to speak privately with a lawyer before answering further, even if I sign the waiver below.

E. COMMENTS (Continue on reverse side)

Have you been advised of your legal rights over? No

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INTERVIEWER [REDACTED]
2a. NAME (Type or Print)		5. TYPED NAME OF INTERVIEWER SA [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		8. ORGANIZATION OF INVESTIGATOR Puerto Rico Branch Office, USACIDC Fort Buchanan, PR 00934

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE
[REDACTED]

000201

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

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, during, and after questioning and to have a lawyer present with you during questioning. This lawyer
 - c.

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

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

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 [redacted]
- SFC [redacted]
- SSG [redacted]
- MAJ [redacted]

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 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)

[redacted]
Special Agent, [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

000203

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b6
7c

Signature: [redacted]

Date: 16 Nov 04

Exhibit: 29

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] [redacted] however upon arriving at [redacted] [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//

102
106
20

[redacted]
Special Agent [redacted]

Afghanistan MP DET CID
Bagram, APO AE 09354

000204

Signature: [redacted]

Date: 16 Nov 04

Exhibit: 29

RIGHTS WAIVER 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 <i>Birmingham AL</i>	2. DATE <i>9 NOV 04</i>	3. TIME <i>0916</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <i>Det 1 Bravo Company 20th SFG</i>		
6. SSN [REDACTED]	7. GRADE/STATUS <i>Birmingham AL</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

5. COMMENTS (Continue on reverse side)
Q: Have you been advised of your legal rights in the past 30 days? A: I was advised of my rights by [REDACTED] on initial questioning.

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 <i>SA [REDACTED]</i>	
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <i>Afghanistan MP Oct CID</i>	
b. ORGANIZATION OR ADDRESS AND PHONE		<i>APO AE 09354</i>	

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.

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 [REDACTED]	DATE 9 NOV 04	TIME 1244	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER. [REDACTED]		GRADE/STATUS [REDACTED]
ORGANIZATION OR ADDRESS Oct 1 Bco 20th SFG			

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

* I do not wish to write another account of the events in Gardeyz due to the fact I have already written one. I am willing to answer questions. [REDACTED]

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

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

DA FORM 2823 JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 66, WHICH WILL BE USED.

000206

For Official Use Only

LAW ENFORCEMENT SENSITIVE

DOD-DOA 27696 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? _{can}

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.

For Official Use Only

Initials [redacted]

LAW ENFORCEMENT SENSITIVE

2 of 6

Exhibit 30
DOD DOA 27697

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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?

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?

A: About 3 days, depending on flights out of Gardez.

Q: Why was [REDACTED] group held 10 days?

A: For further interrogation to obtain information he might have had, *to determine if he met PUC criteria.*

Q: When you turned the remaining detainees over to Police [REDACTED] who actually arranged for the transfer? *or ODA member relayed to [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?

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?

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.*

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?

A: I did not want to draw any unneeded attention to the firebase and the detainees should have been gone days prior *and the ~~whole event~~ and Firebase detainees should not have died in U.S. custody*

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?

A: Yes.

Q: Have you ever heard of a tactic of pouring cold water or a water and snow mix on persons captured?

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?

A: No.

Q: Who was your Air Force weatherman at the firebase?

A: I had *none.*

Q: Who was your EOD support at the firebase?

A: I had had no EOD attached at the firebase.

Q: Who was at the firebase between Jan 03 and Mar 03?

A: We had [REDACTED] who used fake names [REDACTED].

Q: Did you have any other person attached to you?

A: I have two Air Force Tac-P who controlled air strikes, [REDACTED] *was also visiting the Firebase at the time (25th I.D.)*

Q: How did you think Jamal NASSER die?

A: I don't know

Official Use Only

Initials [REDACTED]

LAW ENFORCEMENT SENSITIVE

3 of 6

DOD DO [REDACTED] 6980

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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 data.

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.

For Official Use Only

000209

Initials [redacted]

LAW ENFORCEMENT SENSITIVE

Page 4 of 6

Exhibit 30

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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] he had no jurisdiction over them?

A: The Governor asked them to be arrested *and they did not meet PUC Co. Faria. CW*

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?

A: He had a prisoner holding him ^{near} 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?

A: No I did not hear anything about the incident.

Q: Did you see SSG [redacted] shoot the villager in the Waze village?

A: No.

Q: When did you hear about the incident?

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?

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?

A: Yes, I think two. I believe one was the brother.

Q: Did you see the prisoners?

A: No.

Q: How long were they held?

A: A day or two.

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: //End of Statement//

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LAW ENFORCEMENT SENSITIVE

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Initials [redacted]

STATEMENT OF [REDACTED] TAKEN AT Birmingham AL DATED 9 NOV 04

9. STATEMENT (Continued)

Not used

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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)

ORGANIZATION OR ADDRESS

Article 136 UCMJ
(Authority To Administer Oaths)

000211

INITIALS OF PERSON MAKING STATEMENT

PAGE 6 OF 6 PAGES

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Gardner Fire Base

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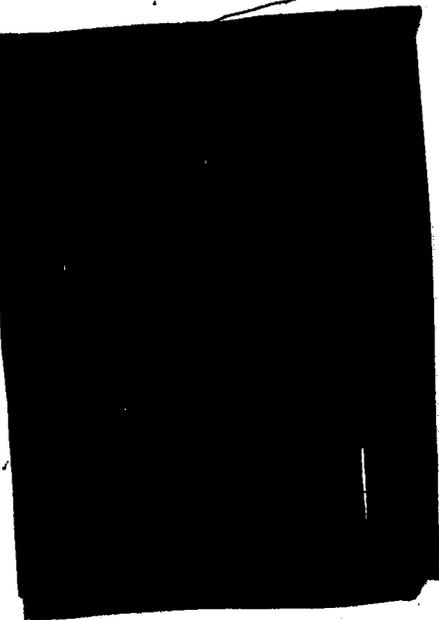
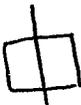
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LAW ENFORCEMENT SENSITIVE

Exhibit 37 DOA 27702



X = Prisoners (possible)

I = Interrogation Area (tent)

Sketched by:



9 Nov 04
1250 PM

Verified by:

SA [Redacted]
9 Nov 04 1255

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 35210
2. DATE 9 Nov 04
3. TIME 1430
4. FILE NO.
5. NAME (Last, First, MI) [Redacted]
6. SSN [Redacted]
7. GRADE/STATUS [Redacted]
8. ORGANIZATION OR ADDRESS Oct 1 Bravo Company 120th SFG Birmingham AL 35210

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)

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)
1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
3. SIGNATURE OF INTERVIEWEE [Redacted]
4. SIGNATURE OF INVESTIGATOR [Redacted]
5. TYPED NAME OF INVESTIGATOR SA [Redacted]
6. ORGANIZATION OF INVESTIGATOR Afghanistan mp Oct CID Bagram Airfield 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.

000213

2. SIGNATURE OF INTERVIEWEE

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

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 9 NOV 04	TIME 1710	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME		SOCIAL SECURITY NUMBER.	GRADE/STATUS
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, then bring Naseer & [redacted].

And to the occurrences at the Wari district. I was with [redacted] after the ambush occurred 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 RPG's 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 men 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
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [redacted] OF [redacted] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823 JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 66, WHICH WILL BE USED.

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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 were 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 they 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 they 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.

For Official Use Only

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Initials [REDACTED]

LAW ENFORCEMENT SENSITIVE

Page 2 OF 4 BOD DOA 27705

Exhibit 32

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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 your 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]?

[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 they 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//

I did have one of the detainees struggle with me and I was strike struck him in the side with my hand [redacted] Detention from [redacted] village [redacted]

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For Official Use Only

Initials [redacted]

LAW ENFORCEMENT SENSITIVE

Page 305 4

DOB DOA 27 EXHIBIT 32

STATEMENT OF [REDACTED] TAKEN AT Birmingham AL DATED 9 Nov 04

9. STATEMENT (Continued)

Not used

AFFIDAVIT

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

SA [REDACTED]
(Typed Name of Person Administering Oath)

Article 136 UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 4 OF 4 PAGES

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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 Birmingham AL	DATE 10 NOV 04	FILE NUMBER 0925
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS [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 subduing and handcuffing the bad guys, we took them back to the safe house. There, the prisoners were separated and interrogated and segregated. A couple were released within a day or two, and the rest were handed over to the Police force in Gordez. 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 [REDACTED]	PAGE 1 OF _____ PAGES
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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 2823 1 JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 66, WHICH WILL BE USED.

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

STATEMENT OF [REDACTED] TAKEN AT Birmingham AL DATED 2001/11/10

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 bandoleers 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

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] hold 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.

For Official Use Only

Initials [REDACTED]

LAW ENFORCEMENT SENSITIVE

Page 3 of 5
DOJ DOJ 10 33
Exhibit

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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]

[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 before 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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For Official Use Only

Initials [REDACTED] ENFORCEMENT SENSITIVE

Page 4 of 8 DOD DOR 277 Exhibit 33

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?

A: No.

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

A: No.//End of Statement//

For Official Use Only

LAW ENFORCEMENT SENSITIVE

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Exhibit 33

Initials

[redacted]

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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]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by me to administer oaths, this 10 day of November, 2004 at Birmingham AL

[Redacted Signature]

(Signature of Person Administering Oath)

SA [Redacted]

(Typed Name of Person Administering Oath)

Article 136 UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[Redacted Initials]

PAGE 6 OF 6 PAGES

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0002

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

1. LOCATION Fort Benning GA 31905	2. DATE (YYYYMMDD) 2004 11 16	3. TIME 1442	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS Det Bco Y20 SFG Birmingham AL			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

SOMETIME DURING THE FIRST WEEK OF MARCH 2003 MY ODA (INCLUDING MYSELF) REMOVED AN ILLEGAL CHECKPOINT LOCATED AT THE SAFO KANDOO PASS. THIS CHECKPOINT CONSISTED OF 7-9 PERSONNEL. WE DETAINED THEM AT OUR COMPOUND FOR APPROXIMATELY 18 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 ONE OR 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]

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

000225

STATEMENT OF

[REDACTED]

TAKEN AT

Fort Benning GA 31905

DATED

16 NOV 04

9. STATEMENT (Continued)

* ON OR AROUND 13 MAR 2003, ODA 2021 (INCLUDING MYSELF) WERE ON PATROL BETWEEN GARDEZ AF AND KHAST AF, WHEN WE WERE AMBUSHED NEAR THE VILLAGE OF WAZE, BY [REDACTED] PERSONAL VIETAG 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 WERE 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 WAS NOT PRESENT FOR THE EVENT AND HENCE DID NOT WITNESS

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Continued next page.

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 6 PAGES

USAPA V1.00

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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Initials [REDACTED]

LAW ENFORCEMENT
SENSITIVE

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 before their release?

A: I would say because we cut their pay and their loyalties are questionable.

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Initials [redacted] For Official Use Only

Page 4 of 6 pages

Exhibit 36

LAW ENFORCEMENT SENSITIVE

DOD DOA 27718

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//

Initials

[REDACTED]

Page 5 of 6 Pages

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LAW ENFORCEMENT
SENSITIVE

Exhibit 36
DOD DOA 27719

STATEMENT OF [REDACTED] TAKEN AT Fort Benning GA 31905 DATED 16 NOV 04

9. STATEMENT (Continued)

Not used

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT 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 16 day of November 2004 at Fort Benning GA 31905

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[REDACTED]
(Signature of Person Administering Oath)

SA [REDACTED]
(Typed Name of Person Administering Oath)
Article 136 UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 6 OF 6 PAGES

SAPA V1 00

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 snow and had water poured over them while outside. The victims stated they were kicked or punched if they moved from their knees. Victims further stated when they were interviewed they were beaten badly. Victims identified "[REDACTED]", "[REDACTED]", "[REDACTED]", and "[REDACTED]", 1/20th Special Forces, as personnel that committed 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]". "[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)	
SIGNATURE [REDACTED]		3d MP Group, Fort Bragg, NC 28310-5000	
[REDACTED]		DATE	EXHIBIT
[REDACTED]		14 Dec 04	37 000231

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LAW ENFORCEMENT
SENSITIVE

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent [redacted] Chief of Staff for Personnel.

LOCATION Fort Bragg, NC 28310	DATE 14 Dec 2003	FILE NUMBER 0996-04-CID023
LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	SOCIAL SECURITY NUMBER [redacted]	GRADE/STATUS [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).
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 3/4 though the fight and we were searching houses of villagers 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 [redacted] TAKEN AT [redacted] DATED [redacted] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [redacted] OF [redacted] PAGES."

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DA Form 2823 (Automated)
OFFICIAL USE ONLY

DOD DOA 27722

LAW ENFORCEMENT

STATEMENT OF [REDACTED] TAKEN AT _____, DATED 14 December 2004 CONTINUED:

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.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Making Statement)

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)

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 [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES."

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DA Form 2823 (Automated)

SENSITIVE

DOD DOA 27723
Fvhit 38

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]

000234

Exhibit 39

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT:

DOD/DOA 27724

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SWORN STATEMENT

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

LOCATION FT POLK RA, 6 TH MP GROUP (CID)	DATE 18 Dec 04	TIME 1332	FILE NUMBER 0390-04-CID054
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		RANK/STATUS [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?

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EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

000235

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]
(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]

[redacted witness name]

ORGANIZATION OR ADDRESS

SA [redacted]

(Typed Name of Person Administering Oath)

ARTICLE 136 UCMJ

000236

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

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LAW ENFORCEMENT

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EXHIBIT 41

PAGE 237

ONE PAGE SKETCH OF GARDEZ DETAINEE FACILITY

WITHHELD

FOIA EXEMPTION 5 USC 552 (b)(2)

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

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0062-04-CID369-69278

CID Regulation 195-1

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

SA [redacted]

ORGANIZATION

Afghanistan MP DET (CID), 3d Military Police Group (USACIDC), Bagram Air Field, APO AE 09354

SIGNATURE

[redacted signature]

DATE

31 Mar 05

EXHIBIT

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COPY 1

District Attorney Armed Forces
Interview of Suspect

Place:	Name	Former Name	Ranks
--------	------	-------------	-------

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]
- 5 Ethnic: [REDACTED]
- 6 Nationality: Albanian
- 7 Language: [REDACTED]
- 8 Current Address including Dist, Village, Province: [REDACTED] lives in [REDACTED]
- 9 Permanent Address: [REDACTED]
- 10 Occupation/Job Description: Profession is [REDACTED] currently Soldier with 1st Airborne AMF
- 11 Education: 5th grade → 8th
- 12 Marital Status: Married
- 13 Occupation of Wife: House Wife
- 14 Children: [REDACTED]
- 15 Have you committed any crime: NO
- 16 Nearest Relative: [REDACTED]

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Continuation of the Matter:

To whom it may concern:

Has been 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 process or situation, I was busy with security matters that I was responsible. From start of my duty I have not gone anywhere from this post. I have never seen any body to fall any one from the Road, (meaning ~~Red~~ Road Robbery) 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 Samel got killed and after that they ~~imprison~~ ^{imprisoned} us at their compound. After that they ~~had~~ ^{sent} us to local authority and were take to Security head quarters. 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

000242

Continuation of the Situation/Matter:

It's been about 4 months that I have joined the
 (B) Number #3) Corp as a Volunteer Soldier. I was
 in a Security outpost in Seti Kandaw. 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 sit down and have some tea. When
 we prepared the tea and when we were pouring the
 tea into the cups that's 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 Gardes City and beat us up. From
 the result of the beating one of the Soldier
 [redacted] and
 got murdered. They pulled [redacted] nails
 from his fingers. After that they turned us over
 to Security forces of Gardes. JTF head quarters
 of Security forces of Gardes we were held there
 until 10, 2, 1382, on 10, 7, 1382 they
 transferred us to Security forces of Kubal.
 These are the things that happen to me and
 I said the above things and it been read back to
 me and I am satisfied.

Yanger Post

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District 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 000244

(13) Wife's Occupation: Housewife

(14) Children: [redacted]

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(1) Real Name: [REDACTED]

(2) Last Name: None

(3) Father's Name: [REDACTED]

(4) Date of birth / Place of birth: [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) W. / s. Occupation: None

(14) Children: None

(15) ~~AB~~ Criminal background: [REDACTED]

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EXHIBIT 44

For Official Use Only - Law Enforcement Sensitive

DOD DOA 27735

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I myself gave 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 worked in hotels like [redacted]. Due to our leader's order I was appointed 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 months 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 transferred us to the Security forces of Gardiz and from there we were turned over to the Security forces of Kabul. These are the facts of that matter that was written down.

Finger Print

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- (1) Real Name: [redacted]
- (2) Family Name: None
- (3) Father's Name: [redacted]
- (4) Date of birth / place of birth: [redacted] / City of [redacted]
- (5) Ethnic 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 back ground: None
- (16) Nearest Relatives: Brothers: [redacted] and [redacted]

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I myself giving this interview saying that what the fact is I will tell you. I was working on my house in Garder, I lost my one of my leg to Landmine. It's been 3 yrs that I have been working for German NGO, but now it's been 3 month that have been working at this check post and the leader was [REDACTED]. It's been 3 1/2 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] [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 Garder Security forces then on to Kabul Security forces. Personally I have not witness anything against the law and we are all innocent.

Franz Perant.

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