

**FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE**

SWORN STATEMENT

LOCATION: [REDACTED] DATE: 2 Aug 04 TIME: 1730p FILE NUMBER: 0079-04-111722-67C-5,66-5

NAME: 67C-5,66-5 SSN: [REDACTED] GRADE/STATUS: PFC/E-3

ORGANIZATION/ADDRESS:
3/321 Field Artillery, Fort Bragg, NC 28310
67C-5,66-5

[REDACTED] want to make the following statement under oath:
I was stationed on Fire base, Tycz, Afghanistan from 2 Nov 03 through 30 Jun 04. My job was to support special operations for Special Forces, Civil Affairs all special operations. I went on mission with them. I never had any mission involving the prisoner under control detainees. The only times that I was around the detainees was when I brought a fellow soldier something like a CD Player or something like that.

Q: Did you ever witness a soldier place a weapon to a detainee head while the detainee was in custody?

A: No.

Q: Did you ever hit, kick or place a weapon to the head of a detainee while in your custody?

A: I never had a detainee in my custody and I never struck a detainee otherwise.

Q: Do you know PFC [REDACTED] 67C-5,66-5

A: No I do not. I may know him by face, but not by name.

Q: What were your locations in Afghanistan?

A: Kandar Airfield, Bath and Deh/Rah Wod.

Q: Were you ever assigned or directed to perform duty in the PUC area?

A: Not as a PUC guard, but as a stand by.

Q: Why do you believe PFC [REDACTED] 67C-5,66-5 stated that you were the one to strike a bound detainee?

A: Because I am the only one from Field Artillery that he probably could remember.

Q: Did you ever ask anyone to take a photograph of yourself and a detainee?

A: Never, no one ever took a photograph of me and a detainee.

Q: Did you witness any soldier committing abuse of a detainee or what you believe may be abuse?

A: I never witnessed any abuse or anything that I thought was over the line.

Q: What were you rules of engagement during deployment?

A: Only shoot back if I am shot at.

Q: Were you updated periodically on changing rules of engagement?

A: The rules never change.

Q: What was the grid coordinates of your camp in Afghanistan?

A: I am not sure.

Q: Did the unit initiate an AR 15-6 investigation regarding all deaths if detainees?

A: That was up to the lieutenant assigned to my squad.

Initials of Person Making Statement: [REDACTED] 67C-5,66-5

Page 1 of 3 Pages

EXHIBIT 34

0133

Q: What Special Forces representatives were you with?
A: They were from Fort Bragg, NC, the 3rd Special Forces Group.
Q: Did anyone to your knowledge ever take a photograph of an abused detainee?
A: Not to my knowledge.
Q: Did you strike a bound detainee in the head with your weapon?
A: Never.
Q: What type of weapon did you carry?
A: An M-16. I never carried anything else.
Q: Do you have a computer, digital camera or any other media device?
A: I do not have any of those things; I could not even send a picture to my father.
Q: Do you have anything further to add to this statement at this time?
A: The only time that I had to touch a detainee was to take to the bathroom, but there were always other people around. I only touch them if I had too.///END OF STATEMENT///

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3 Pages
~~EXHIBIT~~ 34

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Statement of 67C-5, 66-5 LAW ENFORCEMENT SENSITIVE
Taken at Philadelphia, Dated 2 AUG 04, Continued -CID342-

0133-04-CID452-63629

AFFIDAVIT

I, 67C-5, 66-5 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.

67C-5, 66-5
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to Administer oaths, this 2nd day of August 2004 at Philadelphia, PA

67C-1, 66-1
(Signature of Person Administering Oath)

SA 67C-1, 66-1

(Typed Name of Person Administering Oath)

ARTICLE 136 (b) (4) UCMJ

(Authority To Administering Oath)

WITNESSES:

(Signature of Witness)

(Signature of Witness)

(Typed Name of Witness)

(Typed Name of Witness)

(Address of Witness)

(Address of Witness)

Initials of Person Making Statement 67C-5, 66-5

Page 3 of 3 Pages 0000133

EXHIBIT 34

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Law Enforcement Sensitive

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

DETAILS

About 1012, 20 Jul 04, SA [REDACTED] b7C-4,66-1 advised SSG [REDACTED] b7C-5,66-5 of his rights, which he waived, and rendered a sworn statement admitting to pointing weapons at detainees in a joking manner, but denied he intentionally posed for the image depicted in P-8. (See Waiver Certificate and Sworn Statement for details).

About 1215, 20 Jul 04, SA [REDACTED] b7C-4,66-1 obtained consent to search SSG [REDACTED] b7C-5,66-5 residence, vehicle, and computer hard drive (See Consent to Search of SSG [REDACTED] b7C-5,66-5, for details).

Between 1230 and 1315, 20 Jul 04, SA [REDACTED] b7C-4,66-1 searched SSG [REDACTED] b7C-5,66-5 residence, vehicle, and computer, pursuant to his written consent. The search did not identify anything of evidentiary value. (See consent to search)

About 1340, 20 Jul 04, SA [REDACTED] b7C-4,66-1 advised SPC [REDACTED] b7C-5,66-5 of his rights, which he waived and recanted his previous statement by admitting he did, on several occasions, point weapons at detainees in a joking manner. SPC [REDACTED] b7C-5,66-5 could not state with any degree of certain whether he was the individual depicted in P-9. (See Waiver Certificate and Sworn Statement of SPC [REDACTED] b7C-5,66-5, for details).

Between 1500 and 1630, 20 Jul 04 SA [REDACTED] b7C-4,66-1 attempted to conduct examination of the government computers using the passwords and usernames provided by the S-6, 2/22nd Infantry Bn. The usernames and passwords were incorrect and would not allow access to the computers.

About 1048, 22 Jul 04, SA [REDACTED] b7C-4,66-1 advised SSG [REDACTED] b7C-4,66-4, Alpha Co, 41st Engineer Bn, FDNY, of his rights, which he waived. SSG [REDACTED] b7C-4,66-4 rendered a sworn statement wherein he admitted to directing SPC [REDACTED] b7C-5,66-5 to delete the pictures from his camera. SSG [REDACTED] b7C-5,66-5 stated the he initially saw the images in Afghanistan, shortly after SPC [REDACTED] b7C-5,66-5 returned from FB Tycze. SPC [REDACTED] b7C-5,66-5 told him the pictures were of a soldier dressed in detainee garb, and he was joking around. SSG [REDACTED] b7C-5,66-5 told SPC [REDACTED] b7C-5,66-5 to get rid of the pictures because he believed someone might misinterpret them, and not because he thought they were criminal in nature (See Waiver Certificate and Sworn Statement of SSG [REDACTED] b7C-4,66-4, for details).

About 1330, 22 Jul 04, SA [REDACTED] b7C-4,66-1 coordinated with CPT [REDACTED] b7C-3,66-3, Chief Trial Counsel, SJA, FDNY, who opined there was no credible information to believe SSG [REDACTED] b7C-4,66-4 committed any offense in respect to him directing SPC [REDACTED] b7C-5,66-5 to delete the photographs.

On 03 Aug 04, SA [REDACTED] b7C-4,66-1 the computers that could not be accessed for field examination were forwarded to the US Army Criminal Investigations Laboratory for forensic examination.

About 1000, 04 Aug 04, SA [REDACTED] b7C-4,66-1 interviewed SPC [REDACTED] b7C-4,66-4, HHC, 2/22nd Inf Bn, FDNY, who stated he was a communications specialist attached to 2nd platoon at FB Tycze

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7C-4,66-1,62	ORGANIZATION 62 nd Military Police Detachment (CID) Fort Drum, NY 13602	
SIGNATURE [REDACTED] b7C-4,66-1	DATE 11 Aug 04	EXHIBIT 35 0000140

CD FORM 94
1 FEB 77

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DODDOACID 006315

AGENT'S INVESTIGATIVE REPORT

ROI NUMBER

0133-04-CID452-63629

CID Regulation 195-1

PAGE 2 OF 2 PAGES

DETAILS

information to believe SSG [REDACTED] committed a crime and advised this office not to list SSG [REDACTED] as a subject in this investigation.

On 03 Aug 04, SA [REDACTED] submitted a Crime Lab Request to the evidence custodian to have the computers that could not be accessed by this office examined by Imaging and Technical Services (See Crime Lab Examination Request, for details).

At 1000, 04 Aug 04, SA [REDACTED] interviewed SPC [REDACTED] HHC, 2/22nd Infantry Bn, 10th MTN DIV, FDNY, who stated he was a communications specialist attached to 2nd platoon at FB Tycze. SPC [REDACTED] stated he only entered into the PUC cage once, when he was consensually PUC'd for his birthday. SPC [REDACTED] stated he was aware some of the Soldiers took pictures of the detainees, but he did not know they were of this nature. SPC [REDACTED] stated his duties were to maintain communications in the tactical operations center (TOC) and was never assigned to tower guard or PUC guard.

At 1400, 10 Aug 04, SA [REDACTED] coordinated with CPT [REDACTED] who opined the offense of Aggravated Assault did not occur as it pertains to SSG [REDACTED], SPC [REDACTED], SGT [REDACTED], SPDC [REDACTED], SPC [REDACTED], and PFC [REDACTED] all of Bravo Co, 2/22nd Infantry Bn, FDNY. CPT [REDACTED] opined there was probable cause to believe the above-mentioned soldiers committed the offense Dereliction of Duty when the jokingly pointed weapons at bound detainees and were derelict in their duties as guards. CPT [REDACTED] further opined there was probable cause to believe SPC [REDACTED] committed the additional offenses of Accessory Before the Fact and False Official Statement when he assisted in the commission of a crime by taking photographs of soldiers posing in pictures and later rendered a statement he knew to be false by denying he pointed a weapon at a bound detainee. CPT [REDACTED] also opined there was probable cause to believe SPC [REDACTED] HSB, 3/321st Field Artillery Bn, 82nd Airborne Division, Ft Bragg, NC 28307, committed the offense of Assault Consummated by a Battery based upon the statement of PFC [REDACTED] witnessing SPC [REDACTED] struck a bound detainee.

///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

ORGANIZATION

62nd Military Police Detachment (CID)
Fort Drum, NY 13602

SIGNATURE

[REDACTED] 67C-1, 66-1

DATE

10 Aug 2004

EXHIBIT

CID FORM 94
1 FEB 77

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LAW ENFORCEMENT SENSITIVE

DODDOACID 006316

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RIGHTS WAIVING PROCEDURE WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODC60P's

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>CID office, Ft Drum, NY 13602</i>	2. DATE <i>20 Jul 00</i>	3. TIME <i>1012 hrs</i>	4. FILE NO. <i>6153-04-C1D452</i>
5. NAME (Last, First, MI) <i>[Redacted] 67C-5,665</i>	8. ORGANIZATION OR ADDRESS <i>Bco 2/22nd Infantry Bn. Ft Drum, NY 13602</i>		
6. SSN <i>[Redacted] 67C-5,665</i>	7. GRADE/STATUS <i>E-6 / AD</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

- I do not have to answer any question or say anything. *67C-5,665*
- Anything I say or do can be used as evidence against me in a criminal trial. *67C-5,665*
- (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. *67C-5,665*
- (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. *67C-5,665*

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. *67C-5,665*

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWER <i>[Redacted]</i>
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <i>67C-1,664</i>
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR <i>JA [Redacted]</i>
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <i>Ft Drum Resident Agency (CID) Ft Drum, NY 13602</i>
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
- SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE
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 LAW ENFORCEMENT SENSITIVE

EXHIBIT 36

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LAW ENFORCEMENT SENSITIVE
SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION CID Office Ft Drum, NY 13602	2. DATE (YYYYMMDD) 2004/07/20	3. TIME 1206	4. FILE NUMBER 0133-04-CID-1052
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED] b6c5 b6c5	6. SSN [REDACTED] b6c5 b6c5	7. GRADE/STATUS E-6/AD	

8. ORGANIZATION OR ADDRESS
Bco 2/22nd Infantry Bn, Ft Drum, NY 13602

9. [REDACTED] b6c5 b6c5, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: I arrived at Ft. Drum NY in July 2000. My deployments include Bosnia, Afghanistan and several trips to JRTC. I was assigned to Bco in March of 2001. My duties have included Rifle Squad leader, Platoon Sergeant, and Weapon Squad leader. I was deployed to Afghanistan in August of 2003 and assigned to Kandahar Airfield. We conducted operations Mountain Viper and Resolve. After Mountain Resolve we were assigned as Airbase security at FOB TYCZ at Peh Lawwood. At Deh Lawwood I was the TOC NOC. As TOC NOC I maintained TOC operations at all times. I also relieved guys for chow when patrols were out etc, or guys were on detail, duties etc. The day the photo was taken of me in the PIC cage. I had relieved a soldier for chow. I had a 9mm pistol. I had 2 pic's in front of me. One in the concrete booth and one at my feet. The one in the booth refused to sit down when instructed.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6c5 b6c5	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 INDICATED.

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

STATEMENT OF ██████████

TAKEN AT

CID office

DATED

2004/07/20

9. STATEMENT (Continued)

I had asked on numerous occasions for him to sit down. So I motioned with my arm. It was the arm that I was holding the 9mm pistol in. As you can see from the photo, I didn't have a tight grip on the pistol and my finger was outside the trigger well. I feel if I was posing I would have had a good grip on it. I don't remember posing for any picture in the PVC cage. This is also the first time I have actually seen this picture. I don't remember who else was in the cage that day, as it was 7 or 8 months ago. I was wearing a neck gaiter to cover up my face so the detainees wouldn't know who I was when they were released back into town. The M.I. and Physops guys played music, and we were told to make noise to disorient them. I can't in good conscience admit to something I remember doing.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 6 PAGES

USAPA V1.00

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

STATEMENT OF

TAKEN AT

CID Office

DATED

2004/07/20

9. STATEMENT (Continued)

I never laid a single finger on a detainee even escorting. I ONLY guarded one time, and this WAS the time. I forgot to add also, the pistol looks like it is slipping out of my hand. It is not aimed straight down with my arm, and again I don't remember posing. The SF guys told us to ensure we maintained security at all times. And to ensure we had weapons with us at all times. We were to have security every time we moved a PUC etc.

Q: SA

A: SS6

Q: Did you voluntarily waive your rights and agree to speak with SA on 20 Jul 04?

A: Yes

Q: In the picture referenced, and numbered 8, is this a picture of you?

A: Yes

Q: Did you intentionally pose for this picture?

A: No

0000145

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 6 PAGES

USAPA V1.00

EXHIBIT 36

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

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

Q: Did you ever point a pistol at a detainee in a joking manner?

A: Yes

Q: Since you did not intentionally pose for this picture, is it possible that someone took a picture of you jokingly pointing a pistol at a detainee?

A: Yes

Q: In the picture numbered 9, do you know who is holding the handgun?

A: No

Q: In the picture numbered 10, do you know who is holding the handgun?

A: No

Q: In the picture numbered 22, who is the soldier holding the rifle?

A:

Q: Who is the soldier next to him?

A:

Q: Who is the soldier in picture number 23?

A:

Q: Who is the soldier in picture number 24?

A:

Q: Who is the soldier in picture number 25?

A: I can't say with 100% certainty, but it looks like

Q: Who is the soldier in picture number 26?

A:

Q: Did you ever see anyone hit, kick, punch, or otherwise inhumanely treat a detainee while in US custody?

A: No

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 6 PAGES

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

TAKEN AT

DATED

2004/07/20

9. STATEMENT (Continued)

Q: Do you know who took the picture of you with a detainee?

LA: No

Q: Have you seen any of the photos depicting soldiers painting weapons at detainees, prior to today?

4: No.

Q: Were you aware of soldiers doing this?

7: 10

Q: Do you consider this to be abuse?

H: No [redacted] Abuse would be placing undue harm on PUC's. NO physical abuse took place. [redacted]

Q: Do you feel that soldiers should paint weapons or
disturbances for other than official reasons?

Q. No, I guess not

Q: Did you receive training on weapon safety prior to deploying?

Deploying?
 A: Yes, I am in the infantry, weapons are our livelihood.
 Were you instructed to to

Q! In that training were you instructed ~~to~~ to point weapons at individuals in a joking manner?

Mr. No.

Q! What was the weapon status for guards in the pvc cage?

Pvc cage -
 A: Locked and loaded, on safe, finger outside trigger well.

Q: What were the names of the St leadership at the first base?

19. I don't know

Q: Was a 15-6 done for the death of the local national?

Q: I don't know. SF handles all the paper work.

Q: How do you feel you were treated today?

19: Fine, and with respect.

Q: Were you offered the chance to get something to drink or take a break?

1/1 1/2

67C-5, 66-5

0000147

INITIALS OF PERSON MAKING STATEMENT

PAGE 5

OF 6

PAGES

STATEMENT OF [REDACTED] TAKEN AT CID Office DATED 2004/07/20

9. STATEMENT (Continued)

Q: Is there anything you would like to add?

A: I will start out by saying now soldiers will find it hard to do other jobs in combat. They will worry everything they make or joke, or take a picture they will be investigated for something which is being made out to be much worse than it is. Soldiers can not even blow off the stress of combat anymore, for fear of being investigated. I don't feel any of the photos show physical abuse, nor do they imply physical abuse. The soldiers took a picture, or had a picture taken of them during a stressful time, where they were joking around. I don't feel it warrants this kind of attention.

End of Statement

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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of July, 2004 at CID Office, Ft Drum, NY 13602

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 6 OF 6 PAGES

LAW ENFORCEMENT SENSITIVE
RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

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

PRINCIPAL PURPOSE:

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

ROUTINE USES:

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

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

1. LOCATION CID Office, Fort Drum, NY	2. DATE 07/20/2004	3. TIME 1340	4. FILE NO. 0133-2004-CID452-
5. NAME (Last, First, MI) [REDACTED] 67C-5, 66-5	6. ORGANIZATION OR ADDRESS Bravo Company, 2/22nd Infantry Bn, Fort Drum, NY 13602		
6. SSN [REDACTED] 67C-5, 66-5	7. GRADE/STATUS SPC/APSC [REDACTED]		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation
Command as a Special Agent and wanted to question me about the following offense(s) of which I am
 suspected/accused Aggravated Assault, Accessory, Dereliction of Duty

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

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

Nothing I say or do can be used as evidence against me in a criminal trial.

I am not a personnel subject of 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.

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

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

Section C. Non-waiver

1. I do not want to give up my rights

☐ I want a lawyer☐ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

0000149

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE
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LAW ENFORCEMENT SENSITIVE

USAPA 2.01

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DODDOACID 006324

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

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.

AUTHORITY:

PRINCIPAL PURPOSE:

ROUTINE USES:

DISCLOSURE:

1. LOCATION

CID Office Ft Drum, NY 13602

2. DATE

11/14/11

3. TIME

14:11

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

[REDACTED] b7c-5, b6-5

6. SSN

b7c-5, b6-5

7. GRADE/STATUS

SPC/E-4

8. ORGANIZATION OR ADDRESS

Box 2/22 inf

9.

[REDACTED] b7c-5, b6-5

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Now that I have had time to look back, on the days in FB TYC2, in some of the photos it could very well be me, not knowing that the picture was being taking. It is my shirt that is in the photo, and I did jokingly point a weapon at a punk, one or two times.

Q: SA

[REDACTED] b7c-5, b6-5

A: SPC

[REDACTED] b7c-5, b6-5

Q: Did you voluntarily waive your rights and agree to speak with SA [REDACTED] on 20 Jul 04?

A: yes

[REDACTED] b7c-5, b6-5

Q: Why did you say in your previous statement that you did not point a weapon at a detainee in a joking manner, or in the manner in which the photos were taken?

A: I had forgotten, it had slipped my mind at the time, but now that I have had more time to think about it, things are coming back.

Q: SA [REDACTED] showed you two pictures depicting an individual with a brown jacket on. Is this you depicted in the picture?

A: It is my brown fleece in the picture, and it very well could be me not knowing the picture was taken.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b7c-5, b6-5

PAGE 1 OF

2

PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT

DATED

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

0000150

STATEMENT OF [REDACTED]

TAKEN AT

CID Office

DATED

2004/07/20

9. STATEMENT (Continued)

Q: Do you have anything further to add to the investigation?
A: No [REDACTED] b7C-5, b6-5

End of Statement [REDACTED] b7C-5, b6-5

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [REDACTED] b7C-5, b6-5

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of July, 2004, at CID Office Ft. Drum NY 12062 [REDACTED] b7C-5, b6-5

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath) [REDACTED] b7C-5, b6-5

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7C-5, b6-5

PAGE 2 OF 2 PAGES

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
FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

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. **0133-04-CTD452-63629**

1. LOCATION CID Office, Ft Drum, NY 13602	2. DATE 22 Jul 04	3. TIME 1048	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED] b7C-4, b6-4	6. ORGANIZATION OR ADDRESS Aco 41st Engineer Bn Ft Drum, NY 13602		
7. GRADE/STATUS E-6/A1			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army **Criminal Investigation Command as a special agent** and wanted to question me about the following offense(s) of which I am suspected: **Obstruction of Justice, Failure to report a crime**

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

- I do not have to answer any question or say anything. **[REDACTED] b7C-4, b6-4**
- Anything I say or do can be used as evidence against me in a criminal trial. **[REDACTED] b7C-4, b6-4**
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. **[REDACTED] b7C-4, b6-4**

- or -

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

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. **[REDACTED] b7C-4, b6-4**

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. **[REDACTED] b7C-4, b6-4**

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

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

0000152

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

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE
EDITION OF NOV 84 IS OBSOLETE

DA FORM 3881, NOV 89

EXHIBIT 31

DODDOACID 006327

File Number : 0103 - N. A. T. A. R. N. - 40509
 Location : CID Office, Ft Drum, NY 13602
 Date : 22 Jul 04
 Statement Of :
 SSN :
 Org/Address : A Co, 41st Engineer Bn, Ft Drum, NY 13602
 Time: 1130
 Grade/Status: E-6/AD

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

ON OR ABOUT 08JAN04, I observed pictures through A digital camera onto A T.V. on SPE. [REDACTED] CAMERA. ON IT WAS A picture OF a person holding a gun someone with a bag over their head. SPE [REDACTED] told me that it was a soldier under the bag. I verbally counseled him about doing things like that and that he would get into trouble. I told him if he had any pictures that he was not supposed to have to include bodies of the Enemy, that he should not have them and get rid of them. While he was attached to Bn 2nd APT 2-22 INF. I told him and the rest of the team that they should not do anything that they were not supposed to. AT the time of my verbal counseling to SPE [REDACTED], I did not feel there was a crime going on except for poor judgement. Once again after the S-2 briefing for redeployment, we were instructed not to have anything we were supposed to and I reiterated to my soldiers about having stuff there not supposed to have.

3. SA [REDACTED]
 4. SSG [REDACTED]

5. Did you voluntarily waive your rights and agree to speak with SA [REDACTED] on 22 Jul 04?

6. YES [REDACTED]

Exhibit:

INITIALS [REDACTED]

PAGE 1 OF 3 0000153

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 Law Enforcement Sensitive

EXHIBIT 38

Q: If you were told that he was pointing a weapon at a soldier, then why did you not report this?

A: I did not report this because I verbally counseled him on what other people would think about these pictures. I thought the soldiers were just messing around to try to act cool when they get home and tell their friends they have been to combat. And at the same time I did not realize that this was a crime but a couple of guys messing around acting like soldiers do.

Q: Why did you tell [redacted] to destroy the pictures?

A: I told [redacted] to get rid of the pictures because I thought it was a soldier and the wrong person seeing it would think it was a detainee or someone else.

Q: Did you tell him to get rid of the pictures to conceal a crime?

A: I did not tell him to get rid of the pictures to conceal a crime because I didn't realize it was a crime, I thought it was just a joke between soldiers.

Q: If a soldier points a weapon at another soldier, is that a crime?

A: Under normal situations, unloaded weapons yes, but a joke with an unloaded weapon or in training, no.

Q: How do you feel you were treated today? I was treated

A: Good by the investigators.

Q: Is there anything you would like to add?

A: NOT AT THIS TIME. - End of statement

Exhibit:

INITIALS

PAGE

OF

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Law Enforcement Sensitive

EXHIBIT 38

STATEMENT OF
CONTINUED:

TAKEN AT CID OFFICE; DATE 2004/07/20
FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

0133-04-CID452-68629

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] b7c-4, b6-4

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22nd day of July, 2004 at CID OFFICE, FDNY.

[REDACTED]
(Signature of Person Administering Oath)

SA [REDACTED]

(Typed Name of Person Administering Oath)

ARTICLE 136 UCMJ

(Authority To Administer Oaths)

WITNESS:

INT [REDACTED]

Ft. Drum Resident Agency
Ft Drum, NY 13602

[REDACTED] b7c-4, b6-4

Exhibit:

INITIALS [REDACTED]

PAGE 3 OF 3

0000155

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FYHIBIT 38

AGENT'S INVESTIGATIVE REPORT

CID Regulation 195-1

ROI NUMBER

0133-04-CID452-63629

PAGE 1 OF 1 PAGES

DETAILS

At 1440, 21 Jul 04, the undersigned interviewed SPC [REDACTED] ^{b7c-5, b6-5} A Co, 41st Engineer Bn, Fort Drum, NY (FDNY) 13602. SPC [REDACTED] was advised of his rights, which he waived rendering a sworn statement admitting to posing in pictures with detainees while holding a weapon (See Waiver Certificate and Sworn Statement for details).

At 1550, 21 Jul 04, the undersigned conducted a consent to search of SPC [REDACTED] ^{b7c-5, b6-5} barracks [REDACTED] FDNY. The search met with negative results in identifying any property pertinent to this investigation (see Consent to Search Form for details).
///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

^{b7c-5, b6-1, b2}

ORGANIZATION

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

DATE

21 Jul 04

EXHIBIT

39

CID FORM 94 1
1 Oct 95

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

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

0000155

DODDOACID 006331

RI

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WARNING PROCEDURE WAIVER CERTIFICATE

For use of this form, see AF 100-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION CID OFFICE, FT DRUM, NY 13602	2. DATE 21 Jan 84	3. TIME 1440	4. FILE NO. 2133-04-452-63629
5. NAME (Last, First, MI) [REDACTED] b7C-5, b6-5	6. ORGANIZATION OR ADDRESS ACo, 41st ENB, BN FORT DRUM, NY 13602		
7. GRADE/STATUS E-4/IRA			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command
AS A SPECIAL AGENT and wanted to question me about the following offense(s) of which I am
 suspected/accused, AGGRAVATED ASSAULT/ASSAULT b7C-5, b6-5

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

- I do not have to answer any questions or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- If I am a 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.

6. 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. b7C-5, b6-5

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] b7C-5, b6-5
7a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED] b7C-1, b6-1
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR b7C-1, b6-1 SA
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR 62nd MP DET (CID) FORT DRUM, NY 13602-5613
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.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

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EXHIBIT 40

DODDOACID 006332

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

LOCATION CID OFFICE, FT DRUM, NY 13602	DATE 21 JUL 04	TIME 1542	FILE NUMBER #133-04-C10452-63629
LAST NAME, FIRST NAME, MI [REDACTED] 67C-5,66-5	SOCIAL SECURITY NUMBER [REDACTED] 66-5		GRADE/STATUS E-4/RA
ORGANIZATION OR ADDRESS ACo, 41st ENG, 10th MTN Dn. (LT) Fort Drum, NY 13602			

[REDACTED] 67C-5,66-5 want to make the following statement under oath:

On august my unit 41st En Bn was deployed to Afghanistan during our deployment we participated in different operation one of which was Fire base TYZC, at the town of Deb-ra-wod while at this fire base some pictures were taken of myself with some of the prisoners. At no time were the prisoners abuse by our unit or in my presence. Our unit returned to Ft. Drum may of 2004. [REDACTED] 67C-5,66-5

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

A: SPE [REDACTED]

Q: Do You Know When You WERE AT FIRE BASE TYZC?

A: IT WAS FROM DECEMBER THROUGH FEBRUARY 2003-2004.

Q: WHAT WAS YOUR DUTIES THERE?

A: AS ENGINEERS WE WERE IN CHARGE OF BASE CAMP IMPROVEMENT AND ASSISTED WITH PRISONERS WHO WERE GUARDED BY BCo, 2/22 INF, FT DRUM, NY. [REDACTED] 67C-5,66-5

Q: YOU INDICATED ABOVE SOME PICTURES WERE TAKEN, WAS THIS AT FIRE BASE TYZC ONLY?

A: YES. [REDACTED] 67C-5,66-5

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 67C-5,66-5	PAGE 1 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

0000158

Q: How many PHOTOGRAPHS WERE TAKEN? b7C-5, b6-5

A: TO MY KNOWLEDGE ONLY THE TWO THAT I HAD.

Q: DID YOU TAKE THE PHOTOGRAPHS?

A: NO. b7C-5, b6-5

Q: WHO TOOK THE PHOTOGRAPHS?

A: I DON'T KNOW EXACTLY WHO, SOMEONE FROM TRIAD DICE.

Q: DESCRIBE THE CAMERA.

A: IT WAS MY PERSONAL DIGITAL CAMERA, A CANON
POWER SHOT A-60. b7C-5, b6-5

Q: DID YOU EVER PHOTOGRAPH THE PRISONERS OR DETAINEES?

A: NO. b7C-5, b6-5

Q: DESCRIBE THE TWO PHOTOGRAPHS THAT WERE TAKEN OF YOU

A: ONE OF THE PHOTOGRAPHS WAS ^{WHEN} I WAS HOLDING MY
M-4 RIFLE AT THE READY POSITION WITH A DETAINEE
SITTING OFF TO THE SIDE OF ME. THE SECOND PHOTOGRAPH
WAS OF ME HOLDING A 9MM PISTOL AIMED AT ONE
OF THE DETAINEES. b7C-5, b6-5

Q: REGARDING YOUR M-4 RIFLE, WAS IT LOADED AT
THE TIME YOU WERE AT THE READY POSITION?

A: NO IT WASN'T, ALTHOUGH THERE WAS A MAGAZINE
IN THE WALL IT WAS EMPTY. b7C-5, b6-5

Q: WAS THE M-4 RIFLE POINTED AT THE DETAINEES HEAD

A: UH, I DON'T THINK SO, HE WAS OFF TO THE SIDE OF ME

Q: REGARDING THE 9MM PISTOL, WAS IT LOADED?

b7C-5, b6-5

b7c-5, b6-5

TAKEN AT ONAG, FIDRIN,

14 DATED 24 July 04

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

A: NO, I CLEARED THE WEAPON MYSELF BEFORE I HAD THE PICTURE TAKEN. b7c-5, b6-5

Q: WAS THE 9MM PISTOL POINTED AT THE DETAINEES HEAD?

A: YES IT WAS. b7c-5, b6-5

Q: DID EITHER WEAPON TOUCH THE DETAINEES HEAD OR OTHER BODY PARTS?

A: NO. b7c-5, b6-5

Q: WERE THESE WEAPONS ASSIGNED TO YOU?

A: THE M4 WAS ASSIGNED TO ME, THE 9MM WASN'T.

Q: WHOSE WEAPON WAS IT?

A: I DON'T REMEMBER THE NAME, WE WORKED OCCASIONALLY WITH MEMBERS OF TRIPLE DICE, KNEW THEM BY THEIR FACES, NOT NAMES. b7c-5, b6-5

Q: DID YOU EVER PHYSICALLY OR MENTALLY ABUSE PRISONERS OR DETAINEES?

A: NO. b7c-5, b6-5

Q: DID YOU EVER WITNESS ANOTHER SOLDIER(S) ABUSE PRISONERS?

A: NO. b7c-5, b6-5

Q: WHAT WAS YOUR RULES OF ENGAGEMENT?

A: TO TREAT THE PRISONERS WITH DIGNITY AND DON'T FIRE UPON OR FIRED UPON FIRST AND WITH THE PRISONERS OR DETAINEES NOT TO TOUCH THEM

Q: DID YOU HAVE A WRITTEN STANDARD OPERATING

b7c-5, b6-5

PAGE 3 OF 5 PAGES

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0000160
EXHIBIT 40

STATEMENT OF
CONTINUED.

b7c-5,66-5

TAKEN AT CIDMC, ITORR

14 DATED 21 JUL 04

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

PROCEDURES (SOP)

A: NO, ALL WE EVER RECEIVED WAS INFORMATION PASSED DOWN FROM THE CHAIN OF COMMAND AND SPECIAL FORCES UNIT IN CHARGE OF THE FIRE BASE. b7c-5,66-5

Q: WERE YOU AWARE OF THE GENEVA CONVENTION REGARDING PRISONERS AND DETAINEES?

A: AWARE, AS IN, NO REAL FORMAL BRIEFINGS, WE CARRY GTA CARDS. b7c-5,66-5

Q: GETTING BACK TO YOUR PERSONAL DIGITAL CAMERA, WHERE ARE THE PHOTO'S OF YOU NOW?

A: I DELETED THEM AROUND MARCH OR APRIL 2004. BECAUSE I WAS ADVISED BY SQUAD LEADER TO DO SO. b7c-5,66-5

Q: WHO IS YOUR SQUAD LEADER?

A: SSG [REDACTED] b7c-5,66-5 OF MY UNIT LOOKED AT MY PICTURES ON THE DIGITAL CAMERA (MY CAMERA) AND TOLD ME TO DELETE THOSE PHOTOGRAPHS, WHICH I DID. [REDACTED]

Q: DO YOU HAVE ANY OTHER PHOTOGRAPHS IN YOUR POSSESSION

A: NO I DON'T. b7c-5,66-5

Q: I AM NOW SHOWING YOU PHOTOGRAPH 5-10 DEPICTING A DETAINEE BLINDFOLDED AND A PARTIAL PHOTO OF AN INDIVIDUAL HOLDING A PISTOL AT OR NEAR THEIR HEAD, WHAT CAN YOU TELL ME ABOUT THIS?

A: THIS IS ME HOLDING THE PISTOL AND I KNOW THIS

PAGE 4 OF 5 PAGES

b7c-5,66-5

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0000161
EXHIBIT

DODDOACID 006336

BECAUSE THAT IS THE BLACK SWEATSHIRT MY GIRLFRIEND SENT ME.

Q: WHO TOOK THE PHOTOGRAPH?

A: I DON'T KNOW, IT HAD TO BE SOMEONE IN THE ROOM USING THEIR CAMERA.

Q: IS THERE ANY OTHER PHOTOGRAPHS OF YOU TAKEN BY SOMEONE ELSE?

A: NO, NOT TO MY KNOWLEDGE. LACS, 665

Q: WAS THIS WEAPON LOADED?

A: NO IT WAS NOT, I CLEARED IT BEFORE HAND.

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

A: Umh, I'm very sorry and regret ~~WHAT~~ I DID, THAT'S WHY I DELETED THE PHOTOGRAPHS I REALIZE IT MAKES ME AND MY UNIT LOOK BAD AND IN NO WAY MEANT FOR THIS TO HAPPEN. LACS, 665

AFFIDAVIT

I, [REDACTED] LACS, 665 HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. LACS, 665

[REDACTED]
(SIGNATURE OF PERSON MAKING STATEMENT)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 21ST DAY OF July, 2004, AT CIO OFFICE, FID 244, NY 13602-5013

[REDACTED] LACS-1, 661
(Signature of Person Administering Oath)

SA [REDACTED]
(Name of Person Administering Oath)

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT LACS, 665

PAGES 5 OF 5 PAGES

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AGENT'S INVESTIGATIVE REPORT

0073-04-CID342-

CID Regulation 195-1

PAGE 1 OF 1 PAGES

BASIS FOR INVESTIGATION: At 1810, 07 Jul 04, this office received a Request For Assistance from the 62nd MP DET (CID), Fort Drum, NY 13602 (FDNY), to conduct a subject interview of SPC [REDACTED] B Co, 2/22 INF BN, 10th MTN DIV (LI), FDNY, pertaining to the abuse Afghanistan detainees.

b7c-5
b6-5

At 1342, 08 Jul 04, SA [REDACTED] advised SPC [REDACTED] of his rights. SPC [REDACTED] waived his rights and rendered a sworn statement wherein he admitted pointing a weapon at the head of an Afghanistan detainee. SPC [REDACTED] related the pictures were taken as mementos for his deployment to Afghanistan. SPC [REDACTED] stated he did not participate in or witness any physical abuse of Afghanistan detainees. SPC [REDACTED] also provided a hand drawn sketch of the Fire Base Deh Rah Wod, the location where the photographs were taken (See Rights Wavier Certificate, Sworn Statement and hand drawn sketch for details).

STATUS: This RFA is closed in the files of this office as no further investigative activity is anticipated. ///LAST ENTRY///

SA [REDACTED]

Carlisle Barracks Resident Agency (CID)
3d Military Police Group, USACIDC
Carlisle, PA 17013

Signature: [REDACTED]

Date: 08 Jul 04

Exhibit: 001 0163

CID FORM 94

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

EXHIBIT 4

FOR OFFICIAL USE ONLY

150-04-CID452-63

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 180-30; the proponent agency is ODCSOPS

0073-04-CID342-

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION Coatesville Police Department, Coatesville, PA	2. DATE 08 Jul 04	3. TIME 1342	4. FILE NO. 0073-04-CID34
5. NAME (Last, First, MI) b7C-5, b6-5	6. ORGANIZATION OR ADDRESS 2/22nd INF BN, 10th MTN DIV (LI) Fort Drum, NY 13602		
7. SSN b7C-5, b6-5	8. GRADE/STATUS E-4/RA		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a
Special Agent and wanted to question me about the following offense(s) of which I am

suspected/accused: Aggravated Assault.///

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. b7C-5, b6-5
- Anything I say or do can be used as evidence against me in a criminal trial. b7C-5, b6-5
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. b7C-5, b6-5

- or -

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

Now if I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. b7C-5, b6-5

5. COMMENTS (Continue on reverse side)

Have you ever requested a lawyer after being advised of your right within the last 30 days? Y N b7C-5, b6-5

Section B. Waiver

I understand my rights as stated above, I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. b7C-5, b6-5

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE b7C-5, b6-5
1a. NAME (Type or Print) b7C-2, b6-2		
b. ORGANIZATION OR ADDRESS AND PHONE 62nd MP Det (CID) Fort Drum, NY 13602	4. SIGNATURE OF INVESTIGATOR b7C-1, b6-1	
2a. NAME (Type or Print) b7C-2, b6-2	5. TYPED NAME OF INVESTIGATOR SA b7C-1, b6-1	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR Carlisle Barracks Resident Agency, Carlisle PA	

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 2

DODDOACID 006339

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE
SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Coatesville Police Department, Coatesville, PA	2. DATE (YYYYMMDD) 2004/07/08	3. TIME 1650	4. FILE NUMBER 0073-04-CID342
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4/RA	
8. ORGANIZATION OR ADDRESS 2/22nd INF BN, 10th MTN DIV (LI), Fort Drum, NY 13602			

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

I was deployed to Afghanistan in July of 2003. We were originally stationed to Kandahar AB. We were tasked to help Special Forces with security of Fire Base Deh Rah Wod in December of 2003 we were there until the end of January 2004. During the course of our time there pictures were taken of PUC's and of soldiers posing in pictures with PUC's. While on PUC guard duty there were pictures taken of me posing with prisoners with a weapon in my hands. The weapon appears to be pointed at the back of the prisoner's head but in actuality the weapon is just off to the side of his head. The other soldier in the picture is SPC [REDACTED]. There was no intent to harm this prisoner only to take a picture that was cool. There was more than one picture taken of me while I was there, I do not honestly remember who took the picture or how many were taken. We pointed our weapons at the prisoners in other circumstances also such as when we had to take off their cuffs for feeding or bathroom breaks and when we had to move them around. The pictures only depict those movements of security we would have had to perform under those circumstances. I guess that's why it didn't seem like such a big deal. It is possible that there were pictures taken of me pointing a weapon at prisoners. It wasn't something that we thought was wrong only something cool to have as a memory of our time there. At no time did I ever physically abuse any of the prisoners. There were times that we were instructed to keep them awake by playing loud music and not letting them nod off to sleep. We were never instructed as to what was and was not proper protocol. Looking back it was foolish and stupid to conduct myself in this manner, but before the incidents in Iraq nobody thought that way.

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

A: SPC [REDACTED] 67C-5, 66-5

Q: What is a "PUC"?

A: Persons under control

Q: Were the Afghani detainee's called PUC'S?

A: Yes

Q: Did you ever see any detainee's being physically abused while in U.S custody?

A: No

Q: Have you ever participated in, or have knowledge of, the physical abuse of a detainee?

A: No

Q: What was your unit's SOP with regard to handling prisoners?

A: We were instructed prisoners were to have sandbags over their heads and were to be flexi cuffed. We were also instructed not to allow certain prisoners to sleep.

Q: Who instructed you do these things?

A: It was passed on by the person you relieved. I believe these instructions came from Special Forces soldiers and the interrogators.

Q: How long were detainee's kept at your location?

A: It depended. Some were there for three days; some were kept there for three weeks.

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

A: Good, they had a roof over their head, fed and allowed to use the restroom.

Q: In the photograph of the soldier in DCU pants, brown long sleeve shirt, laying face down, flexi cuffed and bagged; who is the soldier?

A: The soldier is me. It was my birthday and some other soldier's in my platoon were playing a joke on me. The same thing was done to other soldiers on their birthday.

Q: In the photographs of the soldier in DCU'S, who is taped up, bagged and who's DCU top bears the nametape, who is the soldier?

A: I do not know who that soldier is. We did not have a soldier by that name in our platoon. He might have been assigned to another unit?

Q: In the photograph of the soldier wearing DCU pants, field jacket liner, neck gator and baseball hat, holding a pistol to the back of a detainee's head; who is the soldier?

A: I believe the soldier is SSG [REDACTED] 67C-5, 66-5

10. EXHIBIT	11. 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]"

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

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 1

DODDOACID 006340

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LAW ENFORCEMENT SENSITIVE

0073 - 04 - CID312

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

STATEMENT OF b7c-5, b6-5 TAKEN AT b7c-5, b6-5 DATED 2004/07/08b7c-5, b6-5

9. STATEMENT (Continued)

Q: Were you present at the time this photograph was taken?

A: No.

Q: Who took this photograph?

A: I don't know.

Q: Have you ever witnessed another soldier intentionally point a weapon at a detainee for the purpose of posing for a photograph?

A: I knew it was going on, and remember seeing soldiers posing for photographs with a weapon pointed at a detainee, but I do not remember the names of who did this.

Q: In the photograph depicting the right leg and right arm of a soldier in DCU'S, and thigh holster, pointing a weapon at a detainee, who is the soldier?

A: I don't know.

Q: Who took this photograph?

A: I don't know?

Q: Is there any way the soldier in the picture is you?

A: I don't think so. If it is, I have no recollection of it.

Q: In the photograph depicting the right leg and left and right arms of a soldier in DCU bottoms, black long sleeve top, pointing a pistol at a detainee, who is the soldier?

A: I don't know.

Q: Who took the picture?

A: I don't know.

Q: Is there any way the soldier in the picture is you?

A: I don't think so. If it is, I have no recollection of it.

Q: In the pictures depicting the bloodstains on the ladder and ground around the tower, where did the blood come from?

A: The blood came from the three U.S. soldiers who were wounded by an RPG attack around Jan 8, 2004, while pulling security in the tower.

Q: In the pictures of the dead local national, what is your knowledge of this individual?

A: He is the individual who fired the RPG at the three soldiers. He was shot while trying to breach the inner perimeter on foot.

Q: What was your involvement in this incident?

A: After the local national fired the RPG, he held up in a guard shack and was firing on U.S. forces. Myself and half my platoon were firing at the shack where the local national was believed to be. About five minutes before he was shot, I was reassigned to tower four at the rear of the firebase. I did not witness the death of the local national.

Q: Referring to the photograph in which you are facing the camera and posing with a rifle pointed at a detainee who is bagged; what are the circumstances surrounding this photograph?

A: I wanted a picture of me pulling security on a detainee and I thought it would be a cool picture.

Q: Who took this photograph?

A: I don't know.

Q: When was this photograph taken?

A: I don't know.

Q: Where was this photograph taken?

A: It was taken inside the cage used to house the PUC'S.

Q: Referring to the photograph in which you are posing with a rifle pointed at a detainee who is flexi cuffed and bagged; what are the circumstances surrounding this photograph?

A: I was on PUC guard and I wanted a picture of me and a detainee. I thought this photograph would be a cool memento of the time I spent in Afghanistan.

Q: Who took this photograph?

A: I don't know.

Q: When was this photograph taken?

A: I don't know.

Q: Where was this photograph taken?

A: It was taken inside the cage used to house the PUC'S.

Q: Referring to the photograph depicting yourself posing with a rifle pointed at a detainee, and another soldier wearing DCU bottoms and baseball cap, standing in the foreground, what are the circumstances of this photo?

A: The circumstances are the same as the other photo.

Q: Who took this photograph?

A: I don't know.

Q: When was this photograph taken?

A: I don't know.

INITIALS OF PERSON MAKING STATEMENT b7c-5, b6-5

PAGE 2 OF 3 PAGES

0000166

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LAW ENFORCEMENT SENSITIVE

STATEMENT OF 67C-5, 66-5 TAKEN AT 67C-5, 66-5 DATED 2004/07/08

9. STATEMENT (Continued)

Q: Where was this photograph taken?
A: It was taken inside the cage used to house the PUC'S.
Q: Were these three photographs taken at the same time?
A: Yes.
Q: Whose camera was used to take these photographs?
A: I don't know.
Q: Who was the other soldier?
A: SPC 67C-5, 66-5
Q: Referring to these three photographs, did you intentionally point the weapon at the detainee?
A: Yes.
Q: Was the weapon you are pointing at the detainee in either of these photographs loaded?
A: The weapon I was holding contained a full magazine, but a round was not chambered.
Q: What was your unit's SOP pertaining to weapons while guarding detainees?
A: The SOP was to have a weapon with you at all times, magazine in the weapon, and no round chambered.
Q: Was your chain of command aware of the photographs being taken with the detainees?
A: I don't know to what extent. I believe the squad leaders were aware of it to some extent.
Q: Do you know if anyone videotaped the detainees?
A: The only video camera I knew was there belonged to PFC 67C-3, 66-3. I am not sure exactly what he videotaped.
Q: Did you take photographs of any detainees?
A: Yes, I did not have my own camera at that time.
Q: Did you have your own camera while in Afghanistan?
A: Not at first, but in February 04, I traded my GPS for a Sony digital camera with SPC 67C-5, 66-5.
Q: Do you have anything you wish to add to this statement?
A: No. ///END OF STATEMENT/// 67C-5, 66-5

AFFIDAVIT

I, 67C-5, 66-5, 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.

67C-5, 66-5
(Signature of Person Making Statement)

WITNESSES:

SA 67C-2, 66-2
62nd MP DET (CID)
Fort Drum, NY 13602
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of July, 2004
at Coatesville Police Department, Coatesville, PA

67C-1, 66-7
(Signature of Person Administering Oath)

SA 67C-1, 66-7
(Typed Name of Person Administering Oath)

Article 136 (b) (4)

(Authority To Administer Oaths)

006342

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

This is the area where the photos of myself with detainees were taken

Burn
Rt

Barbed wire

FB Den Rah Wod 1975-1985

8 July 2004



0000168

EXHIBIT

43

Encl 2

Tower 4

Tower 3

Tower 1

Guard Shack
vs
Shack

AMF

AMF Compound

PVC Cage

Barracks
2-22 FMC
CP

SF Area

Pluse Area

Barracks

Chow Hall

Tower 2

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0338-04-CID108

PAGE 1 OF 1 PAGE

DETAILS

About 1055, 7 Jul 04, this office received a Request For Assistance (RFA) from the 62D MP DET (CID), Fort Drum, NY (FDNY), to conduct a witness interview of 1LT [REDACTED] B CO, 2/22 INF BN, FDNY, and also to obtain Consent To Search and Major Case Prints.

About 1645, 7 Jul 04, the undersigned and INV [REDACTED], this office, interviewed 1LT [REDACTED], who provided a sworn statement denying any involvement pertaining to allegations of abuse or mistreatment of detainees. (See Statement)

About 1645, 7 Jul 04, the undersigned collected two digital camera memory cards from 1LT [REDACTED] as evidence.

About 1647, 7 Jul 04, 1LT [REDACTED] provided consent to search his hotel room, his quarters, his vehicles and his computer. (See Consent)

About 1650, 7 Jul 04, the undersigned conducted a search of 1LT [REDACTED] person, luggage, hotel room and rental car, which met with negative results.

About 1100, 8 Jul 04, SA [REDACTED] this office, conducted a forensic analysis of 1LT [REDACTED] digital camera memory cards, which revealed nothing of evidentiary value. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

b7c-1, b6-1, b2

ORGANIZATION

Hawaii Field Office (CID)
Schofield Barracks, HI 96857

SA

SIGNATURE

DATE

9 July 2004

EXHIBIT

44

CID FORM 94

1 FEB 77

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0000169

ENCL 1

DODDOACID 006344

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is Office of the Deputy Chief of Staff for Personnel 0336-04-CID 108-63629

LOCATION Room 1207, HAIG KAY HOTEL	DATE 7 Jul 04	TIME 1645	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b7c-4, b6-4	SOCIAL SECURITY NUMBER [REDACTED] b7c-4, b6-4		GRADE/STATUS 02 / AD

ORGANIZATION OR ADDRESS

Bco 2/22 INF BN Ft. Drum, NY b7c-4, b6-4

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

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

A: 1LT [REDACTED] b7c-4, b6-4

Q: What type of camera did you use during your deployment? [REDACTED] b7c-4, b6-4

A: Nikon 2500 Digital Camera

Q: What were your duties while deployed in Afghanistan?

A: First 2 months BN Chemical remaining 7 months he was a PLT LDR

Q: What was your duties as a PLT LDR?

A: QRF, mount-dismount patrols, BCBs VCPs Search and attack, Force Protection Operations Platoon leader.

Q: What locations where you at?

A: Kandahar, Bagram, Zabol, Uruzgan, Nuristan.

Q: Did you ever see US detainees get hit kicked or treated unhumanly while in US custody?

A: NO

Q: Do you know any information about the photographs shown to you today pertaining to this investigation? [REDACTED] b7c-5, b6-5

A: Yes, Photograph 1 is SSG [REDACTED] and SFC [REDACTED]

[REDACTED] this is at Deh Rawad New Years Eve night during a card game. Photograph 2 has PVT [REDACTED]

[REDACTED] but do not know anything else. Photograph 4 was PVT [REDACTED] birthday. PVT [REDACTED] was tied with [REDACTED] b7c-5, b6-5

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 5 PAGES

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

DA FORM 2823
1 JUL 72SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.
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LAW ENFORCEMENT SENSITIVEEXHIBIT 4
Encl 2

b7c-4, b6-4

STATEMENT OF [REDACTED] TAKEN AT 7/1/04 DATED [REDACTED] CONTINUED 1

his hands behind his back and head and face covered; this is how we kept up Platoon moral. He had no objection to this. Photograph 5 PFC [REDACTED] b7c-4 b6-4 birthday and we were celebrating his birthday the same way we celebrate everyone's. Photograph 6 is PFC [REDACTED] AGAIN during his birthday celebration. Photograph 4, 5, 6 & 7 were taken at Deh Rawod. Photograph 8 was taken at Deh Rawod. It looks like SSGT [REDACTED]. I did not witness this. Photograph 11 & 12 is photographs of a guard tower that was hit by a RPG at Deh Rawod. Photograph 13-19 shows trail of blood left by US soldiers wounded in action who were manning the tower hit by RPG. Photograph 20 & 21 shows the individual who was determined to be a local national and was responsible for attacking the tower with the RPG. In these photographs he is deceased he was shot and killed by US forces with a M4. Local national was shot four times by US soldiers as he continued to fire upon soldiers with an AK47.

Q: In photographs 8-10 what type of weapon is used?

A: M9

Q: Can you identify anything in pictures 3, 9 & 10?

A: No

Q: Who took these pictures?

A: I don't know

Q: Who's camera is used?

A: I don't know

Q: Who was in the photographs using a video camera?

A: I don't know

Q: Were any other unit personnel in the area of Deh Rawod?

A: There was 2 2nd BN SF teams consisting of

b7c-4, b6-4

EXHIBIT 45

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 5 PAGES
0000171

FILE NUMBER:

b7c-4, b6-4

STATEMENT OF

TAKEN AT

7 JUL 04 DATED

CONTINUED 1

12 Personnel per team, 10 guys from BN motor section, 3 cooks, and a detachment of 9 FA guys from Bragg. Also there were also 7 personnel assigned for CVOBS and Civil affairs.

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

A: Yes

Q: What did the SOP dictate regarding handling of detainee's?

A: Search them, identify their needs, separate and secure them.

Q: How many detainee's did you all have at Deh Rawee at one time, and what was the purpose of the detainee's being there?

A: No more than 4 or 5 detainee's at a time they were there for battle field intelligence obtained through interrogations conducted by SF units.

Q: How would you describe their living conditions at that Fire base?

A: They had shelter, food, water and medical care. They were not complaining regarding their detainment.

Q: Did you participate in any abuse involving detainee's?

A: No

Q: Do you know if any Government Cameras or cameras used for producing the pictures in question?

A: Unaware of any government cameras used to take the photos. However the Platoon Laptop Computer was used to download the images on the computer. The laptop that has the images on it is at 2nd Platoon Bravo Company 2/22 INF at Ft Drum, NY.

b7c-4, b6-4

INITIALS OF PERSON MAKING STATEMENT:

b7c-4,66-4

STATEMENT OF

TAKEN AT

7/1/04 DATED

CONTINUED 1

Q: Did anyone have any objections to the way
your platoon celebrated Birthdays?

A: NO

b7c-5,66-5

Q: Why ~~was~~ ^{would} SSG [REDACTED] point a weapon at
a detainee's head?

A: I don't know, he was not trained to do
this, this was not in the SOP.

Q: Who was the Commander at that time Base?

A: It was CPT [REDACTED], I think it was [REDACTED], he
was replaced by CPT [REDACTED] both
CPT's are SF.

b7c-3,66-3

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

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

b7c-4,66-4

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

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PAGE 4 OF 5 PAGES 0000173

Encl 2

67C-4,66-4
STATEMENT OF [REDACTED]
STATEMENT (Continued)

TAKEN AT

0133-04-CID 452-63629

NOT USED

67C-4,66-4
AFFIDAVIT

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

67C-4,66-4
[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7th day of July, 2004 at [REDACTED]

67C-4,66-1
[REDACTED]
(Signature of Person Administering Oath)

67C-4,66-1
[REDACTED]
(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oaths)

PAGE 5 OF 5 PAGES

AGENT'S INVESTIGATION REPORT

0175-04-CID054-

CID Regulation 195-1

Page 1 of 1 Page

675-4
66-4

BASIS FOR INVESTIGATION: About 1551, 7 Jul 04, this office received a Category I, Request for Assistance (RFA)(0078-04-CID369-69288) from the 62d Military Police Detachment, Fort Drum, NY 13602 (FDNY) to locate and interview PFC [REDACTED] B Company, 2/22 Infantry, FDNY regarding detainee abuse while he was deployed to Afghanistan.

675-1,66-1

About 1000, 8 Jul 04, SA [REDACTED] interviewed PFC [REDACTED] who provided a sworn statement wherein he related he did not see, hear, nor participate in any detainee abuse while he was deployed to Afghanistan. (See Sworn Statement for details)

675-4,66-4

STATUS: All requirements of the cited request have been completed. No additional investigative activity by this office is anticipated.///Last Entry///

675-1,66-1,62

SA [REDACTED]

Fort Polk Resident Agency
6th Military Police Group (CID),
Fort Polk, Louisiana 71459

675-1,66-1

Signature: [REDACTED]

Date:

8 Jul 04

CID Form 94

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT: 46 0000175
Encl: 1

LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

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

0175-01 C10034

LOCATION Fort Polk Resident Agency, Fort Polk, LA 71459	DATE 8 Jul 04	TIME 1135 AM	FILE NUMBER 0006-01-0004
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b7C-4, b6-4	SOCIAL SECURITY NUMBER [REDACTED] b7C-4, b6-4		RANK/STATUS E-3/AD
ADDRESS/ORGANIZATION B Company, 2/22 Infantry, Fort Drum, NY 13602			

[REDACTED] b7C-4, b6-4 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
We deployed around Aug 03, and went to Kandahar, Afghanistan. We did a couple of missions there. Then we got sent to FOB Derawud, where we did patrols with Special Forces; conducted raids/searches, and apprehensions. After we left Derawud, we went to Bagram for about 21 days. We lead some kind of Battalion size mission. We returned to Kandahar, where we ran checkpoints. Then, we were sent to a Firebase in Kolot. From then we were sent on Quick Reaction Force (QRF) until we redeployed around 4 May 04. We started handling Prisoner Under Control (PUC) when we were at Derawud. We wouldn't know when they came in. When we were working there, we worked in squads. We wouldn't know that day or immediately when they came in that we would have PUC's. They were brought in by SF and sometimes, we would have a squad go out on a mission and we would bring them in. It would vary. We would pull tower guard around the Firebase in 12hour shifts. Each squad would have a 12hour shift. PUC guard would consist of strip search, when they first came in. There were always two guards for however many PUC's were there. The most we ever had at one time would be 10 PUC's. One guard would always escort the PUC's wherever they needed to go as far as latrines use. That would really be it for PUC guard. We would sit in there and watch them so they wouldn't talk to each other or try to escape. The PUC's when they arrived would be bound by flexicuffs around the hands, and have a sandbag over their head. They would then go to the PUC cage and be strip searched. Once they were strip searched, they were handed back their clothes and then rebound with flexicuffs and the sandbag. If the PUC's were calm and under control, we could take off the sandbags. There were a couple of times, we would remove the flexicuffs, if they were going to eat and/or be there for an extended period of time due to questioning. After a couple of days, we would turn them loose. Sometimes the police in town would come and pick them up. If it was someone serious, then we would fly them out.

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

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

Q: What were your duties while deployed to Afghanistan?

A: Duties were checkpoints, tower guard, patrols in town, searches while on patrol, and PUC guard.

Q: What locations were you at in Afghanistan?

A: Kandahar, Derawud, Bagram, Kolot.

Q: Did you ever see any Detainee's get hit, kicked, or inhumanely treated while in US custody?

A: No.

Q: Did you ever hear of Detainee's getting hit, kicked, or inhumanely treated while in US custody?

A: No.

Q: When the PUC's came in to the PUC Cage, did you keep any records of who was present in your custody?

A: The SF guys would come in and take pictures and take names.

Q: Did your squad have any cameras that were used to take pictures of PUC's?

A: Our squad didn't have any cameras that were work related. Now, some people had their own cameras that they used to take pictures of the PUC's.

Q: Who had their own camera?

A: No one on my squad had their own camera or took any pictures of PUC's while on PUC guard.

Q: Do you recognize anyone in the photographs?

(Continued on next page)

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b7C-4, b6-4

PAGE 1 OF 3 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.

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EXHIBIT 47
0006-01-0004

A: Yes.

Q: Who is the soldier brandishing the weapon?

A: I don't know who that is. No one in my squad has a 9mm.

Q: Who was the soldier acting like a detainee?

A: PFC [REDACTED], RTO, worked in an office in Headquarters. It was his Birthday. If you had a Birthday over there, they would PUC you and pour water all over you and sing Happy Birthday to you.

Q: Do you know who the dead local national was?

A: Yes, I think he was the guy that shot the RPG. I heard there was maybe more than one, or it was just this guy by himself. He was the one who was supposed to have shot the tower.

Q: How did the dead local national die?

A: He was shot in the chest and the head while running towards the perimeter firing his AK. I didn't actually see it happen, but we got alerted after the RPG. He got stuck in the Afghan perimeter, and was shot, I think, by an M-4, because there were no 240's going off. The guy in my squad said he shot his SAW, but didn't get him, because he had a mound of dirt in front of him. There may have been some 203's. Where he was at, they couldn't get a FRAG in there, so they shot him with a Hydrothermic round. The only two things going off were M-4's fired by a SF guy and my Platoon SGT, I think.

Q: Who took the picture from the disc?

A: I don't know. I don't know who had the camer.

Q: Who is in the photo using the video camera?

A: No.

Q: Where were the photos taken in Afghanistan?

A: Derawud.

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

A: Special Forces, Afghan Militia Forces/Army (AMF), and Civilian Affairs.

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

A: No, we were just shown what to do by A Company.

Q: How long were Detainee's kept at your location?

A: It varied, usually 2 to 3 days.

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

A: Fairly decent.

Q: Did you participate in the abuse?

A: No.

Q: What were the Rules of Engagement (ROE) during your mission? Were you updated periodically on changing ROE's?

A: Usually, fired upon return fire. Yes.

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

A: I don't remember. I don't even I was even told that.

Q: Did the unit initiate a 15-6 investigation documenting all soldiers deaths or attacks on units/bases/convoys, etc? Who was the 15-6 Officer?

Q: I don't know.

Q: What Special Forces Representatives were you with? Where were they from? What specific guidance did they provide concerning Detainees?

A: I couldn't really tell you, maybe 3/66. There was one unit with us the whole time we were there, then a new SF unit came in. The same thing A Company told us: don't touch them, just watch them, take them to bathroom if they need it, etc.

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

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

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4,66-4

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0000177

EXHIBIT 47

PAGE 2 OF 3 PAGES.

Enclosure: 2 (2 of 3)

DODDOACID 006352

NOT USED
b7C-4, b6-4

AFFIDAVIT

b7C-4, b6-4

I, [REDACTED] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INEULENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

[REDACTED] b7C-4
b6-4
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 8 day of Jul, 2004, at Lufkin, TX.

ORGANIZATION OR ADDRESS

[REDACTED] b7C-4, b6-4
(Signature of person Administering Oath)

Special Agent [REDACTED]
Fort Polk Resident Agency, 6th MP Group (CID)
Fort Polk, LA 71459

(Typed Name of Person Administering Oath)

UCMJ Art 136

0000179

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

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EXHIBIT 47

Encls: 2 (3 of 3)

DODDOACID 006353

AGENTS INVESTIGATION REPORT

CID REGULATION 195-1

CASE NUMBER

0041-2004-CID352

DETAILS

7 July 2004, 1800hrs, this office received a RFA CAT I (0122-04-CID452) from Fort Drum, New York requesting this office locate and obtain a statement from SSG [REDACTED] B Co, 2/22nd Infantry Bn, Ft. Drum, New York who was on leave at [REDACTED] b7C-4, b6-4

7 July 2004, 1630hrs, this office made contact with SSG [REDACTED] and agreed that SSG [REDACTED] would report to the CID office at 1000hrs, July 8, 2004 and give a statement. b7C-4, b6-4

8 July 2004 1000hrs, this office obtained a signed statement from SSG [REDACTED] who related that he had never seen the pictures before and had no knowledge of who took them stating that everyone had a camera. SSG [REDACTED] could not identify anyone who possessed a Fuji camera. SSG [REDACTED] related that the photographs of blood were scenes from an RPG attack on the compound resulting in serious injuries to three soldiers who lived. The attacker charged the compound and approximately twelve soldiers opened fire, killing him instantly. It was not determined who fired the fatal shots. SSG [REDACTED] identified two individuals in the pictures by name but could not identify anyone else. b7C-4 b6-4

As to the picture of the soldier pointing a handgun at an alleged detainee, SSG [REDACTED] could not identify the soldier or the prisoner.

SSG [REDACTED] further stated that the attack occurred at DehRawood, Afganistan. SSG [REDACTED] could not produce any further leads to this investigation. Contact was made with the RFA office and it was determined that the RFA investigation be terminated. In the event that additional investigation is warranted, this investigation may be reopened at a later date.

XXXXXXXXXXXXXXXXXXXXX NOTHING FOLLOWS XXXXXXXXXXXXXXXXXXXXX b7C-4, b6-1

[REDACTED]
b7C-4, b6-1
[REDACTED]
CW4, MPC
Special Agent in Charge

CID Form 94-E
1 OCT 95

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AUTOMATIC TERMINATION (Para 13, AR 340-16)
(When Data is Entered)

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0070179
EXHIBIT 48

DODDOACID 006354

SWORN STATEMENT

LOCATION: Fort Hamilton Branch Office, Bldg 408, Ft. Hamilton, New York
DATE: 8 July 2004 b7c-4, b6-4
NAME: [REDACTED]
SSAN: [REDACTED] GRADE/STATUS: SSG/AD
ORG/ADDRESS: B Company, 2/22nd Infantry Bn, Ft. Drum, New York
[REDACTED] b7c-4, b6-4

b7c-4, b6-4
I, [REDACTED] want to make the following statement under oath. I was assigned as Rifle Platoon Squad Leader of B Company, 2/22 Inf. Bn stationed at Kandahar Air Field with temporary assignment to DehRawood, Afghanistan. I have been shown a series of photographs numbered from one (1) thru twenty-one (21). Photograph # 2 - I can identify the black afro-American male in the t-shirt smiling as Pvt. [REDACTED] b7c-5, b6-5
Photograph(s) 11 thru 19 depict an RPG attack on tower number one (1) manned by SPCs [REDACTED] and [REDACTED] who were all injured from the RPG attack. The pictures reflect their blood as they came down on the ladder from the tower. Photograph 20-21 depicts the Afghan national who fired the RPG and attacked the compound. The Afghan National was shot and killed as he charged the compound with an automatic rifle. There were approximately twelve (12) US soldiers on the line returning his fire. I have no idea who took the pictures that I have been shown for the first time. Everyone there had a camera. I myself had a Sony digital. I have no idea who had a Fuji camera. I do not own a laptop computer.

b7c-4, b6-4
I have never observed any detainee abuses while I was in Afghanistan nor did I participate in any abuse. Detainees would stay about one (1) to four (4) days in our custody. Their living conditions while in custody were in my opinion "good".

b7c-4, b6-4
Our ROE's during my mission was based upon the threat, defend, and protect our equipment. These rules changed frequently and they came from high headquarters. I cannot say who conducted 15-6 investigations or who the officers were who conducted them. I do not recall the grid location of our camp in Afghanistan.

b7c-4, b6-4
As to Special Forces Representatives, they just showed up. I was not aware what unit they came from. They provided to my squad and me no guidance. I received my instructions from higher headquarters. [REDACTED] b7c-4, b6-4

AFFIDAVIT

b7c-4, b6-4
I, [REDACTED] have had read to me this statement which begins on page 1 and ends on page 1. I fully understand the contents of the entire statement made by me. The statement is true and I have initialed all corrections and additions at the bottom of each page. I have made this statement freely without hope of benefit or reward, without threat of punishment, without coercion, unlawful influence and/or unlawful inducement

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b7c-4,66-4

Signature:

[Redacted Signature]

Date: 8 July 2004 Time: 11:00hrs.

b7c-4,66-1

Signature:

[Redacted Signature]

Witness:

Title:

Special Agent

Organ:

USACIDC, Ft. Hamilton Branch Office

0000181

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EXHIBIT 49

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0143-04-CID146

PAGE 1 OF 1 PAGES

DETAILS

BASIS FOR INVESTIGATION: About 1616, 7 Jul 04, [REDACTED] this office, received a Request For Assistance (RFA) 0078-04-CID369-69288, from the Fort Drum Resident Agency (CID), Fort Drum, NY 13602 (FDNY), requesting this office locate, fully identify and conduct an interview of SGT [REDACTED] B Company (Co), 2/22nd Infantry Division (ID), FDNY, regarding his knowledge of photographs taken while he was in Afghanistan.

AGENT'S COMMENT: The RFA documented the discovery an unmarked compact disc (CD), which depicted questionable images of soldiers assigned to B Co, 2/22nd ID. The CD was discovered during an office clean up in Afghanistan. SGT [REDACTED] is currently on military leave in Hollywood, CA.

At 1607, 8 Jul 04, SA [REDACTED] obtain Consent to Search from SGT [REDACTED] to search his personal property. A subsequent search of his personal property did not reveal any significant items. (See Consent to Search CID Form 87-R-E pertaining to SGT [REDACTED] for details)

At 1755, 8 Jul 04, SA [REDACTED] and Investigator (INV) [REDACTED] this office, interviewed SGT [REDACTED] who provided a sworn statement detailing his knowledge of the images on the CD. SGT [REDACTED] stated he had no knowledge of who exposed the questioned photographs and he had never viewed the photographs on the CD. (See Sworn Statement of SGT [REDACTED] for details)

AGENT'S COMMENT: SGT [REDACTED] provided a detailed description of the 21 photographs discovered on the unmarked CD. (See Photographic Cover sheet for details)///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] 67C-1,66-1,62

ORGANIZATION

FORT IRWIN RESIDENT AGENCY (CID)
FORT IRWIN, CA 92310

SIGNATURE

DATE

8 Jul 04

EXHIBIT

50 0000132

CID FORM 94
1 FEB 77

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Enc 2

Case# 0143-04-CID146

SWORN STATEMENT

LOCATION: [REDACTED]

DATE: 8 Jul 04

TIME: 1755

NAME: [REDACTED]

SSAN: [REDACTED]

RANK: E-5/SGT

ORGANIZATION/ADDRESS: B Company, 2nd Battalion, 22nd Infantry, Fort Drum, NY 13602

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

I arrived in Afghanistan on 4 Oct 03. While in Afghanistan I was based at many different locations. The first 4 months we did operations in the field that consisted of us marching in the mountains, conducting searches and blocking positions. In November, we were deployed to Fire Base Tycz. There we conducted base protection, presence patrols and various security details to include searching residences in the area. One of the duties we had there was guarding prisoners. I saw an estimated 15 prisoners in a period of 3 months. We left on 4 Feb 04 and redeployed back to Khandahar. There we did recovery for 2 weeks and redeployed to Qulat. There we conducted base security, present patrols and we also did large cache security and various escort details into the city of Qulat. I think we saw at total of maybe 5 prisoners in Qulat also. We stayed in Qulat for 6 weeks and then returned to Khandahar. Then we redeployed on the 2nd of May 04 to Fort Drum.

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

A: I carried a hard film camera for about 2 months then I got tired of carrying it. I only took pictures of the terrain and the mountain. I carried a silver Kodak camera that I had purchased at the P.X.

Q: What were your duties while deployed to Afghanistan?

A: For the first 4 months I was a M240 gunner where I basically provided support by fire. Then I became a rifleman team member. My daily duties included various things to include making sure people were in the towers, awake on duty and making sure food and water was taken care of and making sure that prisoners were being guarded while in the perimeter.

Q: What locations were you at in Afghanistan?

A: I was at Fire Base Tycz, also at Khandahar and at Qulat.

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

A: Never.

Q: In the photos on the compact disc, who are the people in the photos (use photos of brandish weapons; soldiers acting like detainees; and the dead local national?

A: SGT [REDACTED], PVT [REDACTED], SPC [REDACTED], SGT [REDACTED], PFC [REDACTED], SSG [REDACTED] and SFC [REDACTED]

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
Pages

Page 1 of 3

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EXHIBIT 51

ENC 2

DODDOACID 006358

b7c-1, b6-4
"Statement of SGT [REDACTED] taken on 08 Jul 04, at [REDACTED] Continued:"

Q: How did the dead local national die?

A: He was killed trying to do a direct assault on Fire Base Tycz. 2 grenades hit him and then he did a kamikaze charge on the gate.

Q: Who took the picture from the disc?

A: I do not know.

Q: Whose camera was used?

A: I don't know who took any of the pictures.

Q: Who is in the photo using the video camera?

A: I don't know of anyone who used a video camera.

Q: Where were the photo's taken at in Afghanistan?

A: They were taken at Fire Base Tycz.

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

A: There were many units in the area, ODA, 3-22 and 3-23. There were also Cavalry and Mortar guys there. As well as AMF guys around the compound.

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

A: Yeah we were not to hurt them, they had to have a bottle of water and 3 blankets. They were given portions of MRE's. The Special Forces guys were basically in charge of how the detainees were treated.

Q: How long were detainees kept at your location?

A: It just depended on each individual situation, some were sent to Khandahar, some were release at the front gate. No detainees were kept at our compound for more than 7 days.

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

A: The living conditions were great, they lived better than us soldiers did. All of our detainees had signs that they would hold up which would tell us what they wanted. They were able to get whatever they wanted simply by holding up the signs. They were given food, water and blankets.

Q: What were the ROE's during your mission?

A: If we were fired upon we were able to fire back. Other than that, we had to treat detainees well and provide them with whatever they needed.

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

A: Yes we were updated with any changes regarding the ROE's.

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

A: I don't remember.

Q: Did the unit initiate a 15-6 investigation documenting all soldiers' deaths or attacks on unit's bases/convoys etc?

A: Any 15-6 investigations would have been handled by Special Forces, I have no idea if they conducted any.

Q: What Special Forces Representatives were you with?

A: I only know the units were 3-22 and 3-23. I don't know any names.

Q: Where were they from (installation/unit)?

A: I believe they were from Fort Bragg.

Q: What specific guidance did they provide concerning detainees?

A: We basically just provided them the necessities. Food, water and blankets, trips to the use the restroom etc.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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Page 2 of 3 Pages

EXHIBIT 51

ENCL 6

DODDOACID 006359

67C-4, 66-4
"Statement of SGT [REDACTED], taken on 08 Jul 04, at [REDACTED] Continued:"
Q: Do you have anything you wish to add to this statement?
A: No. ///END OF STATEMENT/// 67C-4, 66-4

AFFIDAVIT

67C-4, 66-4
I, SGT [REDACTED] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH
BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE
STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND
HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE
THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF
PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

INV [REDACTED]

Ft. Erwin Resident Agency
ORGANIZATION AND ADDRESS

67C-4, 66-4
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law
to administer oaths, this 8th Day of July, 2004,
at Hollywood, CA 67C-4, 66-1

(Signature of Person Administering Oath)

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

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

67C-4, 66-4
INITIALS OF PERSON MAKING STATEMENT [REDACTED]

0000185
Page 3 of 3 Pages

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EXHIBIT 51

ENCL 2

PHOTO:

PHOTOGRAPH DETAILS

- 1 Photograph depicting SSG [REDACTED] b7C-5, b6-5 and SFC [REDACTED] b7C-4, b6-4
on New Year 04 at Fire Base Tycz.
- 2 Photograph depicting SGT [REDACTED] b7C-4, b6-4, PVT [REDACTED] b7C-4, b6-4 and
SPC [REDACTED] wrestling in the barracks or celebrating
someone's birthday.
- 3 Photograph depicting SGT [REDACTED] b7C-4, b6-4, PVT [REDACTED] b7C-4, b6-4 and
SPC [REDACTED] wrestling in the barracks or celebrating
someone's birthday.
- 4 Photograph depicting SPC [REDACTED] b7C-5, b6-5 tied up lying on the
ground on his birthday. Every promotion and every
birthday is celebrated that way.
- 5 Photograph depicting PFC [REDACTED] b7C-4, b6-4 tied up lying on
the ground on his birthday.
- 6 Photograph depicting PFC [REDACTED] b7C-4, b6-4 tied up lying on
the ground on his birthday.
- 7 Photograph depicting PFC [REDACTED] b7C-4, b6-4 tied up lying on
the ground on his birthday.
- 8 Photograph depicting unidentified soldier holding an M9 to
the back of an unidentified persons head.
- 9 Photograph depicting unidentified soldier holding an M9 to
the back of an unidentified persons head.
- 10 Photograph depicting unidentified soldier holding an M9 to
the back of an unidentified persons head.
- 11 Photograph depicting tower 1, in Dae Ra Wod,
Afghanistan, taken on the morning of 18 Jan 04.
- 12 Photograph depicting rubble inside of tower 1, Dae Ra
Wod, Afghanistan.

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0143-04-CID146/0078-04-CID369-69288

- 13 Photograph depicting ladder leading down from the tower.
The photograph also depicts the blood belonging to PFC
[REDACTED] who was wounded while being inside the tower.
- 14 Photograph depicting ladder leading down from the tower.
The photograph also depicts the blood belonging to PFC
[REDACTED] who was wounded while being inside the tower.
- 15 Photograph depicting ladder leading down from the tower.
The photograph also depicts the blood belonging to PFC
[REDACTED] who was wounded while being inside the tower.
- 16 Photograph depicting inside of plastic bags, contaminated
by blood.
- 17 Photograph depicting inside of plastic bags, contaminated
by blood.
- 18 Photograph depicting inside of plastic bags, contaminated
by blood.
- 19 Photograph depicting a puddle of blood belonging to an
unknown soldier wounded in the attack on tower 1.
- 20 Photograph depicting the inside of the Aid Station /
Morgue depicting the Afghanistan male who had been
killed after the attack on tower 1.
- 21 Photograph depicting the inside of the Aid Station /
Morgue depicting the Afghanistan male who had been
killed after the attack on tower 1.

EXHIBIT 52

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0078-04-CID369-69288

0505-04-CID023

PAGE 1 OF 1 PAGE

BASIS FOR INVESTIGATION: About 1400, 8 Jul 04, this office received a Category 1 Request For Assistance from Bagram, Afghanistan to locate and interview SSG [REDACTED] B Company, 2 Battalion, 22nd Infantry Regiment (B Co, 2/22nd INF BN), Fort Drum, NY, in reference to alleged prisoner abuse. b7C-4, b6-4

Details:

About 1500, 8 Jul 04, SA [REDACTED] b7C-1, b6-1 and SA [REDACTED] b7C-1, b6-1 this office, made contact with SSG [REDACTED] NC and conducted a consented search of the quarters and SSG [REDACTED] b7C-4, b6-4 vehicle for any computer equipment, disks, or digital cameras possibly containing pictures taken in Afghanistan. No pictures, digital cameras or computers were located. SSG [REDACTED] was escorted to the CID office for an interview. b7C-4, b6-4

About 1615, 8 Jul 04, SA [REDACTED] b7C-1, b6-1 advised SSG [REDACTED] b7C-4, b6-4 of his rights, which he waived, and provided a sworn statement detailing his knowledge of the pictures and incidents which occurred during his deployment in Afghanistan. (See Sworn Statement of SSG [REDACTED] for details) b7C-4, b6-4
/////////////////////////////////Last Entry/////////////////////////////////

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

87th MP DET (CID) (ABN), DSE
3rd Military Police Group (CID)
Fort Bragg, North Carolina 28310-5000

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

Date:
8 Jul 04

Exhibit:

53 0000188

CID FORM 94

DODDOACID 006363

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

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0133-04-CTD45263629

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 87 th MP Det (CID), Ft Bragg, NC	2. DATE 8 July 04	3. TIME 1615	4. FILE NO.
5. NAME (Last, First MI) [REDACTED]	6. ORGANIZATION OR ADDRESS B Company 2/22 Infantry Bn Ft Drum, NY 13602		
7. BSN [REDACTED]	7. GRADE/STATUS E6 Active		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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. [REDACTED]
- Anything I say or do can be used as evidence against me in a criminal trial. [REDACTED]
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. [REDACTED]

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. PRINTED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR 87 th MP Det (CID), Ft Bragg, NC
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. 0000189
- SIGNATURE OF INTERVIEWEE

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

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

DODDOACID 006364

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

0188-04-CID45263629

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

LOCATION 87th MP Det, FT Bragg, NC	DATE 8 Jul 04	TIME 1720 1225	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b7C-4, b6-4	SOCIAL SECURITY NUMBER [REDACTED] b7C-4, b6-4		GRADE/STATUS E6/Active
ORGANIZATION OR ADDRESS B Company, 2/22 Infantry Battalion, Fort Drum, NY 13602			

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

During the month July 03 until March 04. We were never told not to take any pictures. The pictures I was shown were of soldiers I knew. The pic was of soldiers doing the job which we were told to wear mask with no names showing. The fire base we were working at was Dae Rae Woo. None of the Pow's were hurt or injured during our time there. I myself did not take any pics of them.

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

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

Q: Were you deployed to Afghanistan from July 03 to March 04?

A: Yes.

Q: Are the pictures you refer to in your statement the pictures I showed you?

A: Yes.

Q: Who were the soldiers depicted in the pictures? b7C-5, b6-5

A: SPC [REDACTED], SGT [REDACTED], SSG [REDACTED] and the fourth guy is in my platoon but I can't remember his name right now.

Q: Why were you told to wear masks and no name tapes around detainees?

A: That was what we were briefed by SF to do.

Q: Did you take any photographs or video tapes of detainees?

A: No.

Q: Are you in any photographs or videos with detainees?

A: No.

Q: Do you own a digital camera?

A: No.

Q: Did you receive any photographs or compact Discs with images of detainees?

A: No.

Q: What were your duties while deployed in Afghanistan?

A: Patrols, tower guard, Personnel Under Control (PUC) guard.

Q: What is PUC Guard?

A: Just guarding prisoners.

Q: How did the dead local national die?

A: He got shot in the chest and in the head because he tried to get into our perimeter?

Q: Do you know who took pictures the pictures?

A: No.

Q: Do you know who had a digital camera?

A: I don't know who owned them but there was about two that got passed around?

Q: Where were the photographs taken?

A: At Dae Rae Woo.

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

A: Yeah, there were engineers, pl (dealt with aircraft fuel), and commo guys that were attached but I did not know who they were.

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

A: Yes, they were oral SOP's that came from SF.

Q: How long were detainees kept at your location?

A: Three to five days.

Q: How would you describe there living conditions?

A: Suitable.

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

A: No. // End of Statement // [REDACTED] b7C-4, b6-4

0000190

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _ TAKEN AT _ DATED _ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _ OF _ PAGES."

DA Form 2823 (Automated)

EXHIBIT 54

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

DODDOACID 006365

STATEMENT OF b7c-4, b6-4 TAKEN AT FBNC, GE, DATED 24 FEB 04, CONTINUED: 85u/04 00-04-CID167

0138-04-CID45263629

b7c-4, b6-4

AFFIDAVIT

I, b7c-4, b6-4 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. b7c-4 b6-4

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 8 DAY OF July, 2004 AT Fort Bragg, NC 28310 b7c-4, b6-4

(Signature of Person Making Statement)

(Signature of Person Administering Oath)

(Name of Person Administering Oath)

Article 136, UCMJ
(Authority to Administer Oath)

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT b7c-4, b6-4

PAGE 2 OF 2 PAGES

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

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DA Form 2823 (Automated)

EXHIBIT

54

0133-04-CID45263629

AGENT'S INVESTIGATION REPORT

0180-04-CID032/0078-04-CID369-69288

CID Regulation 195-1

PAGE 1 OF 1 PAGE(s)

DETAILS

On 7 Jul 04, the Fort Knox CID office received a Request for Assistance (RFA) from the 62nd Military Police (MP) Detachment (Det), 3rd MP Group (CID), 4871 Netherly Street, Fort Drum, NY 13602 (FDNY), who were notified by the Office of the Staff Judge Advocate (SJA), Bag ram Airfield, that while doing office clean up discovered an unmarked compact disc which was suspected to contain detainee abuse images. The images depicted the apparent detainee abuse by soldiers of the 2nd Platoon, B Company, 2/22nd Infantry Battalion, FDNY, while operating at an unknown Firebase, Afghanistan.

About 1000, 8 Jul 04, SA ^{b7C-1, b6-1} interviewed SPC ^{b7C-4, b6-4} [REDACTED], 2nd Platoon, B Company, 2/22nd Infantry Battalion, FDNY, concerning the alleged detainee abuse while he was deployed to Afghanistan. SPC [REDACTED] was attached to four different firebase camps while deployed to Afghanistan. SPC [REDACTED] provided a Sworn Statement detailing his knowledge of the incidents depicted in the photographs this agent viewed with SPC [REDACTED] which he maintained he had never seen before. SPC [REDACTED] explained what the members of his platoon classified as PUCing (Prisoner Under Confinement) among his fellow soldiers as a way to boost moral on a special occasion, such as a birthday or promotion. SPC [REDACTED] viewed the photographs depicting what appears to be a local national bound and blindfolded with a U.S. soldier holding a 9mm pistol to his head. SPC [REDACTED] identified one of the individuals as SSG [REDACTED] (NFI), depicted in photograph labeled Photo 8. SPC [REDACTED] was unable to identify the other two individuals. SPC [REDACTED] did confirm verbally to this agent the act of hazing the detainee as viewed in the photographs was prohibited. SPC [REDACTED] maintained he was not present during the hazing of the detainees or during the firefight with the local national. SPC [REDACTED] did state he was present during most of the PUCing of other soldiers. However, SPC [REDACTED] was not depicted in any of the photographs. SPC [REDACTED] provided a rough sketch depicting the firebase at Dah Rah Wod, Afghanistan, as the base where the local national was killed. SPC [REDACTED] related he took photographs of his own with a disposable camera while in country. SPC [REDACTED] provided those photos to the aforementioned agent to view. None of the photographs SPC [REDACTED] took with his own camera depicted any type of U.S. soldier PUCing, detainee abuse or death scenes. (See Sworn Statement for details) ///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA ^{b7C-1, b6-1, b2} [REDACTED]
SIGNATURE [REDACTED]

ORGANIZATION

280th MP Det (CID)
Fort Knox, KY 40121

DATE

8 Jul 04

Exhibit:

55 0000132

CID FORM 94

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

DODDOACID 006367

SWORN STATEMENT 0133-04-CT0452-686

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
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION [REDACTED]	2. DATE (YYYYMMDD), TIME 2004/07/08 12:26	3. FILE NUMBER 0180-04-C10032
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E4/AD
8. ORGANIZATION OR ADDRESS [REDACTED]		

9. [REDACTED] 0704/06-4 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was deployed to Afghanistan in AUG 03. Once in country we were put on QRF (Quick Reaction Force). For the first month month and 1/2. Our first mission was out in AO Bear. It was a 10 day field problem where no detainees were obtained. After that we went back to base and pulled more QRF. Our second mission was ran out of Bagram. Another 10 day field problem. Some big wig Taliban guy (I don't know his name) lived there and they were getting a lot of cell phone activity up there so the army dropped a couple of J-dams on the house. Our job was to clean the valley all the way up to the house then clear it. When we got there, the locals had already taken the bodies for burial. We stayed 2 nights in Winchester where the big wigs son and his cousin came home - over - (cont on pg 2)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] 0704/06-4	PAGE 1 OF 10 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

0000193

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

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

STATEMENT OF [REDACTED] b7c-4, b6-4 TAKEN AT [REDACTED] b7c-4, b6-4 DATED 8 Jul 04

9. STATEMENT (Continued)

where we puced them for interrogation.
 Our next mission was to go to Dah Rah WOD
 fire base to poll security for SF. we were
 there for 2 months. our jobs were to
 man the guard towers, guard the POC's, go
 on daily patrols for different checkpoints.
 while we were there, there wasn't much
 to do so we got bored easily. One way to
 entertain ourselves was to POC each other
 for certain occasions - ie. birthdays, promotion.
 nobody was ever hurt in the process, we
 would flexicuff both hands and feet, sand bag
 their head and pour water on them and roll
 them around in the dirt. at no time did anyone
 ever complain about being puced - like I said
 it was all in fun. After the Dah Rah WOD
 adventure we went back to Kandahar for
 approximately 3 weeks then were sent to
 Calot for 6 weeks to do basically the same
 thing we did at Calot. we didn't puc anyone

b7c-4, b6-4

(cont on pg 3)

INITIALS [REDACTED] MAKING STATEMENT

PAGE 2 OF 10 PAGES 0060194

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

STATEMENT OF

TAKEN AT

DATED 2 Jul 04/11

0188-04-CID452-63629

9. STATEMENT (Continued)

In calot b/c of the lack of showers and hygiene wasn't all that great out there. after calot we went back to Kandahar. Did a couple of patrols - vehicle checkpoints and waited out our time to get relieved and come home. Never while I was over there did I see any kind of prisoner abuse. we were told time & time again not to do anything to the POCs unless they tried to escape or take your weapon - but that did not happen.

Jan 18, 2004 at approximately 0145Z, a local came to our base with on mission, death. he came to the front gate where our ANF post was. they [redacted] (local and one ANF guy) got into a small fire fight. The ANF guard was shot in the hand and fled, leaving our gate wide open. PFC [redacted] and PFC [redacted] were in tower 1. PFC [redacted] started to fire the M240B at the local. The local retaliated with an RPG that hit the tower. shrapnel flew at [redacted] and [redacted] they took a lot of shrapnel to the face and arms. PFC [redacted] ended up losing an eye and a lung. [redacted] and [redacted] both have skin grafts on their arms and various scars on their bodies.

(cont on pg 4)

0002195

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 10 PAGES

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

STATEMENT OF

TAKEN AT

DATED 23/04/11

9. STATEMENT (Continued)

0133-04-C1D452-63629

by this time almost everyone was up and at their position. the local shotland himself in our front shack and started firing at the fighting positions. he tried to advance to our gate where he met around 6 SF soldiers and SFC [REDACTED] and SSG [REDACTED] where they got 3 good shots on him, killing him instantly. the local was taken to the med station, and I'm not sure what happen to the body after that.

Q: SA [REDACTED]

A: SFC [REDACTED]

Q: Why was the Taliban guy a concern for your platoon to be concerned with?

A: From what I understand he was on the top 10 most wanted Taliban list, and we wanted him, well I'm not sure, I'm assuming interrogation, or annihilation.

Q: What is a J-dam?

A: A small bomb dropped from an aircraft.

Q: Whose idea was it to "Puc" each other for special occasions?

A: everyone's really, but SFC [REDACTED] was always excited to do it.

Q: Was SFC [REDACTED] ever Puc? and why?

A: Yes he was. we puced him just because we love him and he was usually the one to tell us to get the other guys since he had the sheet w/ all our B-days on it.

(cont on pg 5)

0000196

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 10 PAGES

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

STATEMENT OF

67C-4,66-4

TAKEN AT

67C-4,66-4

DATED 04/04/11

0180-04-CID452-63629

9. STATEMENT (Continued)

Q: So everyone involved knew the soldier Pucing was for moral? or was it ever done as a punishment?

A: It was never for punishment, it was indeed for moral purposes only.

Q: Approximately how many Pucing incidents were there?

A: Dah Rah Wad - approximately 8. Kandahar 2 or 3.

Q: In the pictures numbered 8, 9, and 10 - what are the soldiers doing to the detainees?

A: they are holding a gun at the puc's head for picture purposes. none of the pucs were shot.

Q: Where you ever involved in any activities or pictures like the aforementioned photographs?

A: no, I was never involved.

Q: Did you ever possess a personal or unit camera while deployed?

A: I had a couple disposable cameras (not at DRW).

Q: Where are the Puc's kept where those pictures were supposedly taken?

A: That is the "puc cage" where we detained them until interrogation. at the Fire base of Dah Rah Wad (DRW)

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

A: NO.

Q: Do you know who took any of the pictures we viewed together?

A: NO.

0000197

(Cont on pg 6)

INITIALS OF PERSON MAKING STATEMENT

67C-4,66-4

PAGE 5 OF 10 PAGES

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

STATEMENT OF 67C-4, 66-4 TAKEN AT 67C-4, 66-4 DATED 8 Dec 04 11
0133-04-CTD452-63629

9. STATEMENT (Continued)

Q: Do you know whose or what camera was used?

A: No.

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

A: Yes - 67C-4, 66-4, 67C-3, 66-3 and PFC 67C-3, 66-3. I believe they are all with 10th FSB.

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

A: Don't touch them, don't hit them, don't feed them (SF fed them) and you could take them to the bathroom. cover your face and name tape while in the cage.

Q: How long were detainees kept at your location?

A: usually a week at a time (5-7 days), sometimes only a couple (1-2) days

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

A: For being a prisoner of war - very good. we gave them pads to sleep on, blankets, and sometimes even the troops would bring them their cultures food from the AMF.

Q: Did you ever participate in any abuse of detainees or pose for pictures depicting abuse like pictures 8, 9, or 10?

A: NO.

Q: were you aware pictures like those were being taken?

A: No.

Q: What were the Rules of Engagement (ROE) during your mission? Were
 (cont on pg 7) 0000198

INITIALS OF PERSON MAKING STATEMENT

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PAGE 6 OF 10 PAGES

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

STATEMENT OF

TAKEN AT

DATED 8 Jul 04 11

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

0188-04-C1D452-6362

9. STATEMENT (Continued)

periodically updated on the ROE's?

A: Our ROE was to fire back when fired upon. Sometimes they would change quite frequently due to situations. like in Calot our ROE would change 3 times a week from getting fired upon - to shooting at a vehicle that stopped in the middle of nowhere at night and shut off their lights. I was always updated on the ROE changes

Q: Do you recall your grid coordinates at each camp?

A: No.

Q: Did your unit initiate a 15-6 investigation documenting all soldiers deaths or atrocities on units (buses/convoy)?

A: I don't know.

Q: What Special Forces Representatives were with you? Where were they from (unit/location)? What specific guidance did SF provide concerning detainees

A: I'm not sure who the SF Representatives were. I know the leaders First name was [redacted] b7C-3, b6-3. They really didn't give us much guidance and if they did it was given to SFC [redacted] b7C-4, b6-4. They gave us extra ammo and would let us go out and shoot it, use the mps, and showed us a few things about the AK47, how to load, scapkeys

Q: What Squad were you in and who was your Plt SGT / Plt LDR?

A: WPNS SQD - Plt SGT - SFC [redacted] b7C-4, b6-4 Plt LDR - 1LT [redacted] b7C-4, b6-4

Q: What was your assigned weapon?

A: M240B, M9

Q: Were you ever used as a detainee for training purposes?

0000199

INITIALS OF PERSON MAKING STATEMENT

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PAGE 7 OF 10 PAGES

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

STATEMENT OF

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

DATED 8 Jul 04 11

9. STATEMENT (Continued)

A: NO.

Q: Were you ever told by anyone not to discuss detainee abuse?

A: NO.

Q: Did anyone ever approach you to take pictures, videotape or participate in any activities involving detainee abuse?

A: NO.

Q: Would you have any objection to me viewing the pictures you took on your disposable camera?

A: NO.

Q: The pictures we viewed are numbered - I need you to tell me who each individual is in the pictures and what the picture is of?

1. SSG [REDACTED] & SFC [REDACTED] b7C-4,664
2. SGT [REDACTED] b7C-4,664
3. SPC [REDACTED], SPC [REDACTED], DFC [REDACTED] - Posing a soldier for b-day. b7C-5,665
4. UNKNOWN soldier posed for b-day. b7C-6,665
5. DFC [REDACTED] getting posed for b-day. b7C-4,664
6. PFC [REDACTED] getting water dumped on him. b7C-4,664
7. PFC [REDACTED] posed
8. SSG [REDACTED] posing for a picture
9. UNKNOWN posing for picture
10. UNKNOWN posing for picture.
11. tower one after the RPG attack b7C-4,664
12. remains of tower one. b7C-5,665
13. blood stained ladder to tower one - person [REDACTED] SSG [REDACTED]
14. ladder to tower one
15. ladder to tower one
16. bags of MREs under tower one
17. bags of MREs under tower one (cont on p2?)

0000200

INITIALS OF PERSON MAKING STATEMENT

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

PAGE 8 OF 10 PAGES

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

STATEMENT OF

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT

DATED 8 Jul 84

0188-04-C10452-63629

9. STATEMENT (Continued)

- 18. Ground under tower one
- 19. ground under tower one
- 20. local who shot RPG in med station.
- 21. local in med station.

Q: IS the individual shown dead in pictures 20 and 21 the same individual that fired the RPG at Tower 1?

A: YES.

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

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

NOT USED

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

0000201

INITIALS OF PERSON MAKING STATEMENT

PAGE 9 OF 10 PAGES

STATEMENT OF

TAKEN AT

DATED 8/10/11

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

0188-04-C10452-63629

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 10. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.
[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of July, 2004 at [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

Special Agent

[REDACTED] (Typed Name of Person Administering Oath)

Article 136 b (4) / 5 USC 303
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

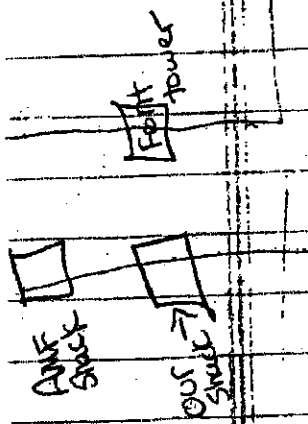
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PAGE 10 OF 10 PAGES

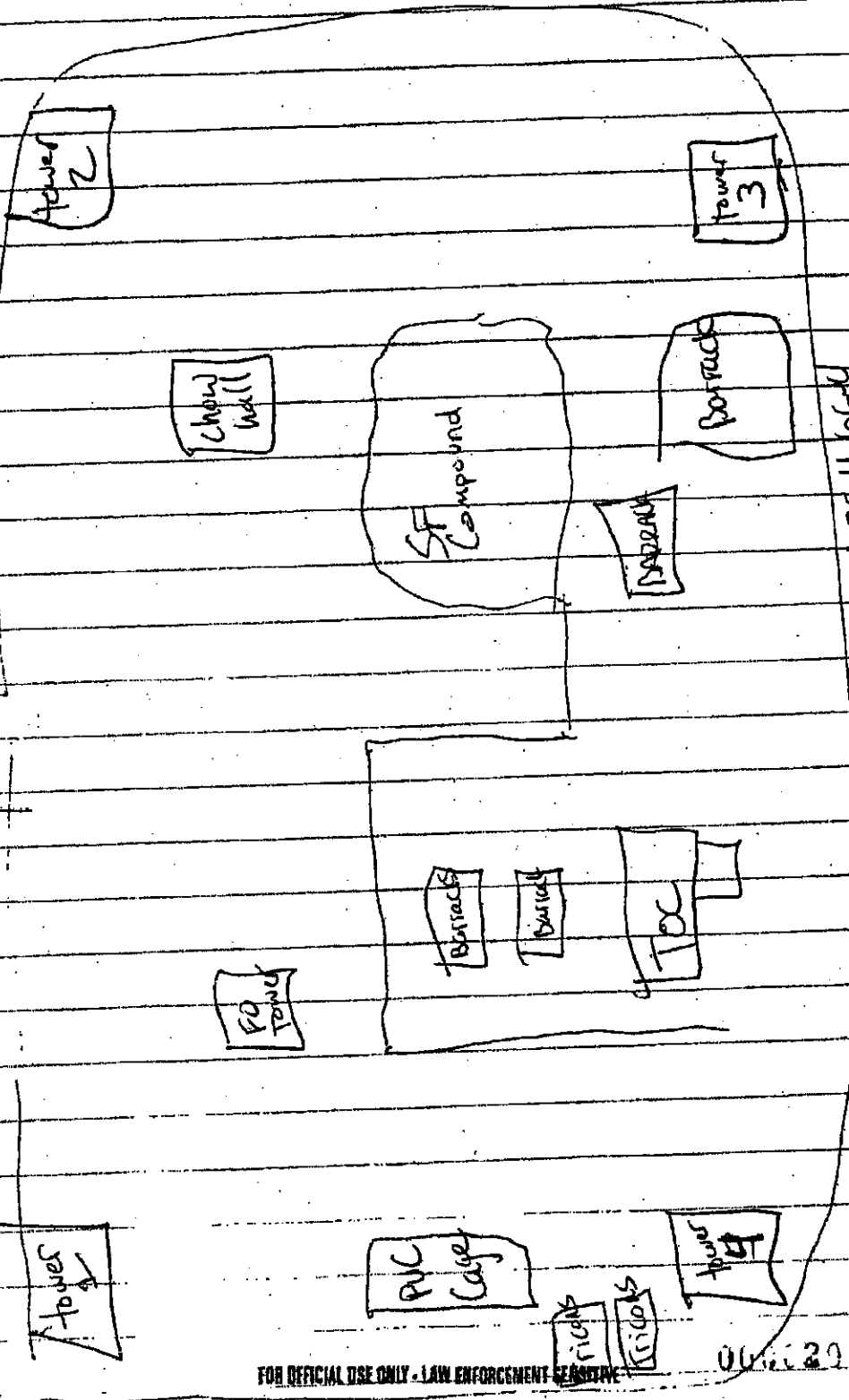
FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

0188-04-CID452-6362

Tough sketch depicting
Dinh Rahn WOD



Front tower



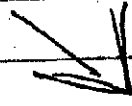
0850

12:30



Sketch by 07C-41064

N



07C-41064

0850

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FOR OFFICIAL USE ONLY

07C-41064

AGENTS' S INVESTIGATIVE REPORT

CID Regulation 195-1

ROD NUMBER 0836-04-CID195
0133-04-CID452-63629

PAGE 1 OF 2 PAGES

DETAILS:

About 1600, 7 Jul 04, CAT I Request for Assistance (RFA) 0122-04-CID452 was received from 62nd MP Det (CID), Ft. Drum, NY. It was requested that SPC [REDACTED], Co B, 2nd Platoon, 2/22nd Infantry Battalion, Ft Drum, NY, on leave at [REDACTED], be interviewed regarding images on a compact disk (CD) which depict suspected detainee abuse in Afghanistan. *b7c-4, b6-4*

About 0930, 8 Jul 04, SA [REDACTED] *b7c-4, b6-4* called the phone number provided in the RFA, [REDACTED], however there was no answer. A subsequent call about 1130 was answered by [REDACTED] mother who advised that he was not at home at the moment. She then stated "you're not going to make him come back to Ft Drum today are you? We have family festivities for [REDACTED] this weekend before he returns to Ft Drum. He's due to go back Monday or Tuesday anyway." She then stated that I was the fourth or fifth CID agent to call in the past couple days. She advised that [REDACTED] was expected back later in the afternoon and arrangements were made to contact him about 1530.

About 1530, 8 Jul 04, SA [REDACTED] *b7c-4, b6-4* spoke telephonically with SPC [REDACTED]. [REDACTED] related that I was the fourth or fifth person to call him during the past few days and that he was somewhat aware of why I wanted to speak to him. He had talked with some of his buddies and found that some had been contacted about the matter and others had not and wondered if there was a reason why some appeared to be singled out for interview. He related that he was in Afghanistan between about 7 Aug 03 and 5 May 04. He was an 11B Rifleman, but had also served as the unit RTO (radio operator). He had also performed guard duty and "PUC guard." The 2/22nd Inf Bn had been headquartered in Kandahar, however his unit had been in Bagram for about 3 months, Dahrawod for about 3 months and Qalot for about 3 months. While in Afghanistan he had used disposable/one time use cameras. He did not have a digital camera. SFC [REDACTED] was his platoon sergeant; SSG [REDACTED] was in his platoon and was acting platoon sergeant on occasion. He [REDACTED] was in the same squad as PVT [REDACTED] until about Feb 04, when he [REDACTED] *b7c-4, b6-4* became the RTO. [REDACTED] *b7c-4, b6-4* was also in his platoon, but he did not know a PFC [REDACTED] *b7c-4, b6-4*. He related that during his tour in Afghanistan his unit had taken and guarded enemy combatants and suspects. They did not receive formal training regarding prisoner treatment other than short briefings regarding use of plastic handcuffs and hoods. Detainees usually were not in their custody for long. He was not aware of abuse. He related that the photo of the dead man was of an enemy that had

TYPED AGENT'S NAME AND SEQUENCE NUMBER

ORGANIZATION

Detroit Fraud Resident Agency, MPFU

SIGNATURE

DATE

8 Jul 04

EXHIBIT

58

CID FORM 94

(Automated)

FOR OFFICIAL USE ONLY

Protective Marking is Excluded From
Automatic Termination (Para 13, AR 34-16)
FOR OFFICIAL USE ONLY

0000204

DONNOACID 006370

AGENTS'S INVESTIGATIVE REPORT

ROI NUMBER 0036-04-CID195

CID Regulation 195-1

PAGE 2 OF 2 PAGES

DETAILS:

breached an outer perimeter of the Afghan Militia Force and had fired an APG at a guard tower, wounding 3 US personnel. The enemy had then continued his attack and had been killed by US forces. He thought SSG [REDACTED] had taken the photos on the CD. [REDACTED] had a digital camera and thought that [REDACTED] was going to make CD's for platoon members. He doesn't know if [REDACTED] ever made copies of the CD's as he never received one. He suspected that the CD that was found was a copy that [REDACTED] had made. [REDACTED] advised that he would be returning to FT Drum on Monday or Tuesday (12 or 13 Jul) and that due to family plans, it would be difficult to meet regarding this matter. He related that he wanted to cooperate and that he would be available to meet with CID upon return to Ft. Drum. He related that he was aware of the recent publicity about detainee abuse and that this was not the case in this matter.

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

TYPED AGENT'S NAME AND SEQUENCE NUMBER

ORGANIZATION

Detroit Fraud Resident Agency, MPFU

SIGNATURE

DATE

8 Jul 04

EXHIBIT

5B

CID FORM 94
(Automated)FOR OFFICIAL USE ONLY
Protective Marking is Excluded From
Automatic Termination (Para 13, AR 34-16)

0000205

DDDDOACID 006380

AGENTS' S INVESTIGATIVE REPORT

ROI NUMBER 0036-2004-CID195

CID Regulation 195-1

PAGE 1 OF 1 PAGES

0133-04-CID452-63629

67C-4, 66-4

DETAILS:

NARRATIVE:

1. Witness Interview. On 08 JULY 04, SPC (E4) [REDACTED] by [REDACTED], was interviewed at [REDACTED] by the reporting agent. SPC [REDACTED] provided the following pertinent information. He was born [REDACTED] He is presently on active duty and home on authorized leave (June 16-July 16, 2004), residing with a friend [REDACTED] He is attached to "B" Company, 2nd Battalion, 22nd Infantry, United States Army, Fort Drum, NY. He is not married and when at home station resides in a military barracks. He enlisted in the Army in January 2002 and arrived in Afghanistan in August 2003 and remained in country till May 2004. His MOS is 71L infantry. He was assigned to Kandahar, Bagram Airfield and a fire-base believed to be "Qalat", but he is not sure. His duties consisted primarily of infantry related assignments including guard tower and guard duty of detainees on two or three occasions. When he was assigned to guarding of detainees, it was during the night, or a midnight shift and he was not provided any written instruction with the exception being shown how to use flex cuffs. He described his experience as sitting with an interpreter and watching detainees in make shift cells. His guard tower assignments were usually in a converted shipping container (conex) lined with sand bags. He does not recall a guard tower constructed similar to those depicted in photographs that he was shown. He also participated in the search of several villages, however he does not recall their names or locations. He recalls meeting a Special Forces soldier and a U.S. Navy Seal on one detail but does not recall their names. He believes that his NCO was SGT [REDACTED] and Squad Leader was SPC [REDACTED] He does not own any photographic equipment with the exception of an old video camera that he had in Korea, took it with him to Afghanistan and took video of friends which was less than one cartridge in length. He believes that the video camera may be at his barracks room at Fort Drum but is not sure. The only other photographic equipment or media storage device he has ever owned was a disposable camera he had in Afghanistan and later had it processed into 35mm photographs which were shown to this writer and they were mostly photographs of his assigned tent, local scenery and fellow soldiers. In conjunction with the interview, SPC [REDACTED] provided a written statement under oath and also reviewed twenty-one (21) photographs that were provided as part of the associated RFA. After reviewing each photograph he verbally described the photograph and wrote the same on each photograph, and then signed and dated each photograph. DA Form 3881 Rights Warning, DA form 2823 Sworn Statement, and the aforementioned photographs are contained herein as attachments. ///////////////////////////////////NOTHING FOLLOWS////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER

67C-1, 66-1, 62

ORGANIZATION

Detroit Resident Agency, NCFPO MPFU

SIGNATURE

DATE

09 JULY 04

EXHIBIT

59

CID FORM 94

(Automated)

FOR OFFICIAL USE ONLY

Protective Marking is Excluded From
Automatic Termination (Para 13, AR 34-16)

0000206

DONDDOACIN 006381

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

0133-04-CID 452-6362

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

Title 10, United States Code, Section 3012(s).
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.

0122-04-CID 452

LOCATION	DATE	TIME	FILE NO.
[REDACTED]	8 JULY 04	12:30 HRS	003604-CID 195
NAME (Last, First, Middle)	ORGANIZATION OR ADDRESS		
[REDACTED] b7C-4, b6-4	B Company, 2nd Battalion, 22nd Infantry, Fort Drum, NY.		
SOCIAL SECURITY NO.	GRADE/STATUS		
[REDACTED] b7C-4, b6-4	E4		

SECTION A - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

RIGHTS

The investigator whose name appears below told me that he/she is with the United States Army CID, DETROIT, MI

RESIDENCE Agency.

and wanted to question me about the following offense(s) of
POSSESSION, DISTRIBUTION, AND/OR PRODUCTION OF MATERIAL CONTAINING
OR CONTAINING DETAINEE ABUSE OR OTHER SOLIDARITY MATTERS RETAINED BY U.S. FORCES.

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

- I do not have to answer any questions or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. However, I understand that I must make my own arrangements to obtain a lawyer and this will be at no expense to the Government. I further understand that if I cannot afford to pay for a lawyer, one may be appointed to represent me.
- 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.

COMMENT (Continue on reverse side)

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)	SIGNATURE OF INTERVIEWEE
1. NAME (Type or Print)	[REDACTED] b7C-4, b6-4
ORGANIZATION OR ADDRESS AND PHONE	July 08 2004
2. NAME (Type or Print)	SIGNATURE OF INVESTIGATOR
ORGANIZATION OR ADDRESS AND PHONE	[REDACTED] b7C-4, b6-4
	TYPED NAME OF INVESTIGATOR
	[REDACTED] b7C-4, b6-4
	ORGANIZATION OF INVESTIGATOR
	45ACIDC, MPFH
	DETROIT RA

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.

SIGNATURE OF INTERVIEWEE

0060207

ATTACH THIS WAIVER CERTIFICATE TO ANY FORM SUBSEQUENTLY EXECUTED BY
FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

DODDOACID 006382

0133-01 CID 452-6862

SWORN STATEMENT

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

0122-04-CID 452

LOCATION b7C-4, b6-4	DATE 2004 July 07	TIME 1620 hrs	FILE NUMBER 003604 CID 195
LAST NAME, FIRST NAME, MIDDLE NAME b7C-4, b6-4	SOCIAL SECURITY NUMBER b7C-4, b6-4		GRADE/STATUS E-4
ORGANIZATION OR ADDRESS B. Co. 2-22 inf. FT. Drum. NY			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was stationed in Afghanistan from Aug. 2003 until May 2004. I ~~main~~ mainly pulled guard duty and searched villages. My base camp was Kandahar air field. I went to several firebases, the only one I recall is "Qalat". I am not aware of any abuse toward any U.S. serviceman, coalition forces or any prisoner detainee. I am not aware of any U.S. military person having taking photos relating to prisoner abuse or having them in their possession. I've never owned a computer. The only photographs I've brought back from Afghanistan were tourist related and I have shown them to Special Agent b7C-4, b6-4. I have not seen any pitchers or home movies of prisoner abuse. Many soldiers had photographic equipment but I don't recall the brand name of any specific ones. I do not know the grid location of any locations in Afghanistan. I don't recall having been provided with any written SOP regarding treatment of prisoners. Special Agent b7C-4, b6-4 has shown me 21 photos which I haven't seen previously. I have annotated each photograph with any knowledge that I may have about its contents. b7C-4, b6-4

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

0000208

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b7c-4, b6-4

STATEMENT (Continue)

I have no further information to offer regarding this investigation. [REDACTED] b7c-4, b6-4

b7c-4, b6-4

AFFIDAVIT

b7c-4, b6-4

I, [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. b7c-4, b6-4

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

b7c-3, b6-3

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 8th day of JULY 1954 at [REDACTED]

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

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

5 USC 303
(Authority to Administer Oaths)

0000203

INITIALS OF PERSON MAKING STATEMENT

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b7c-4, b6-4

PAGE 2 OF 2 PAGES

Page(s)

210 - 219

Withheld due to:

____ Foreign Language

X Photos depicting Americans

X Photos depicting foreign nationals

____ Civilian Agency Records

Do not recognize this photo or a place that
has cinder block guard towers.

0122-04-CID452

b7c.4,66-4

2004 July 08

0133-04-CID452-63629

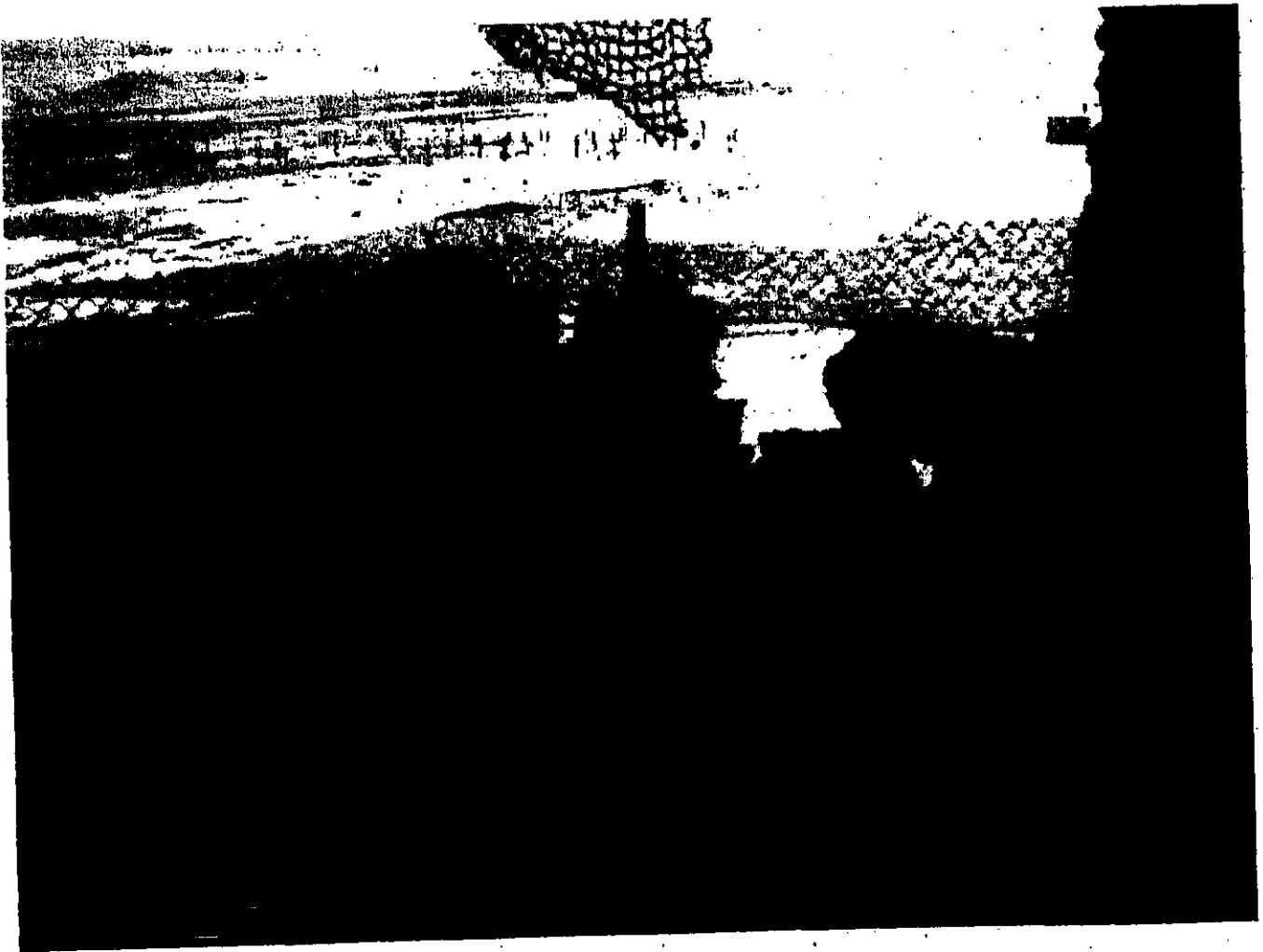


Photo 11

FOR OFFICIAL USE ONLY Exhibit 61
LAW ENFORCEMENT SENSITIVE

0000220

DODDOACID 006386

Do not recognize photo.

b7c-4, b6-4 0122-04-CID452

2004 July 08.

0133-04-CID452-60609

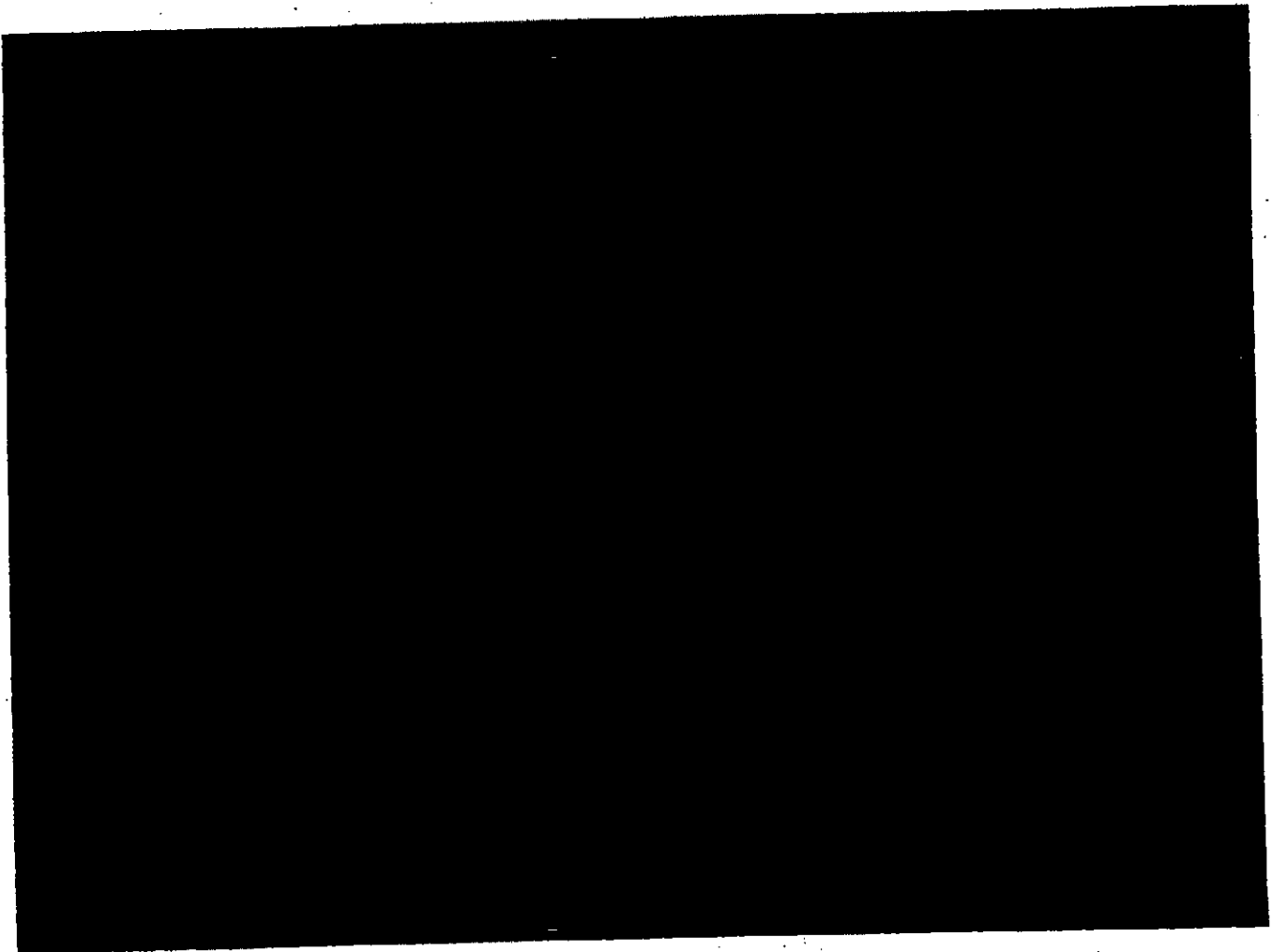


Photo 12

FOR OFFICIAL USE ONLY Exhibit 61
LAW ENFORCEMENT SENSITIVE

0000221

Do not recognize photo or person.

b7c-4, b6-4 0122-04-CID452

2004 July 08

0133-04-CID452-63629



Photo 13

FOR OFFICIAL USE ONLY Exhibit 61
LAW ENFORCEMENT SENSITIVE

0000222

Do not recognize anything in photo.

0122-04-CID452

b7c, b6, b4

0004 July 08

0133-04-CID452-63629

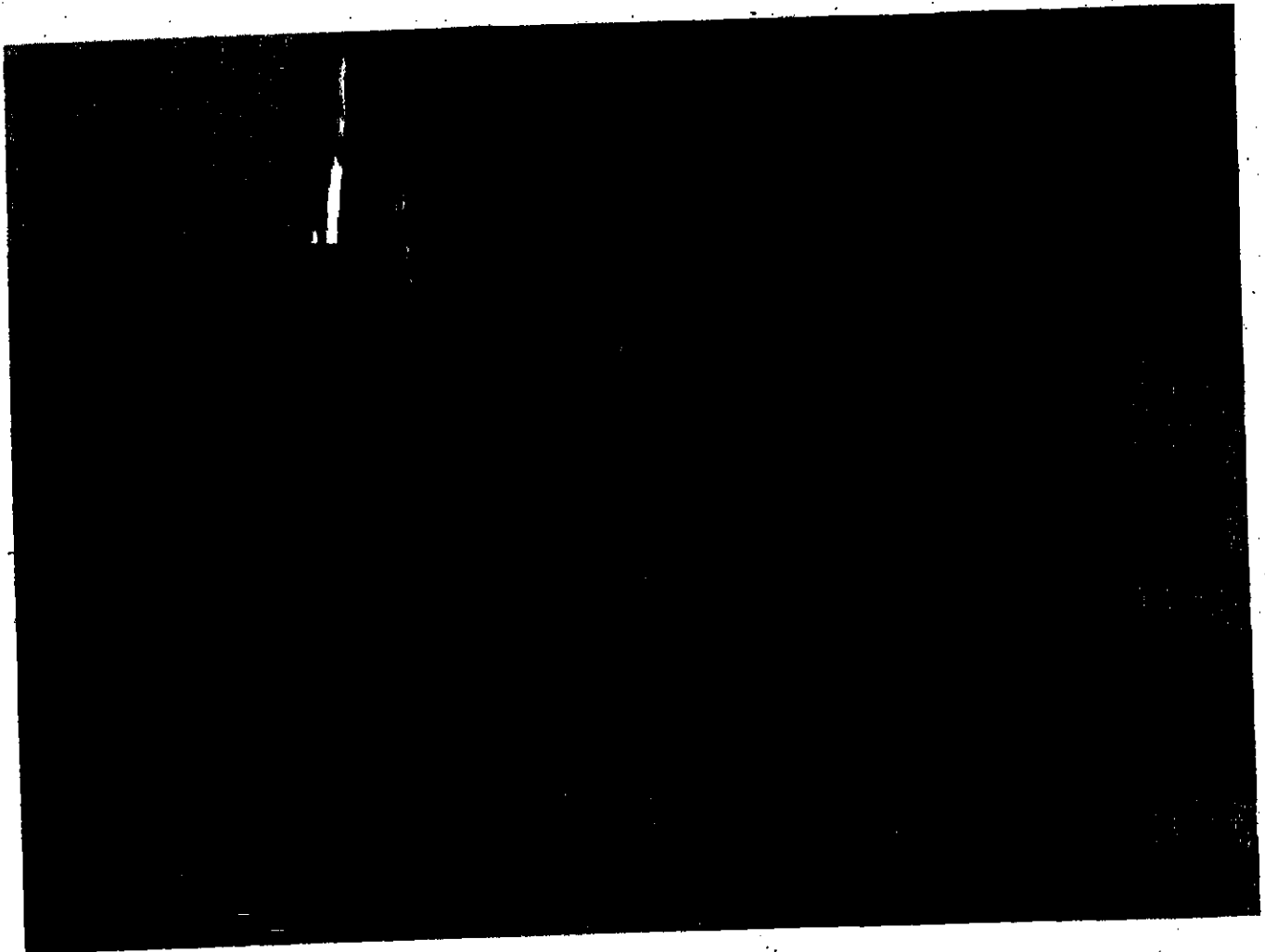


Photo 14

FOR OFFICIAL USE ONLY Exhibit 61

LAW ENFORCEMENT SENSITIVE

0000223

•ots like Qalat •re base because
of location of MRE's. Other than that I
don't recognize anything. 0122-04-CID452

about 6 miles hours north of
Kandahar by Hum-V. [REDACTED]

b7c-4,66-4

2004 July 08

0133-04-CID452-63629



Photo 15

FOR OFFICIAL USE ONLY Exhibit 61
LAW ENFORCEMENT SENSITIVE

0000224

Don't recognize this photo.

b7c-4, b6-4

0122-04-CID452

2004 July 08

0133-04-CID452-63629



Photo 16

FOR OFFICIAL USE ONLY Exhibit 61
LAW ENFORCEMENT SENSITIVE

0000225

Do not recognize photo

0122-04-CID452

b7c-4, b6-4

2004 July 08

0133-04-CID452-63629



Photo 17

FOR OFFICIAL USE ONLY Exhibit 61
LAW ENFORCEMENT SENSITIVE

0000226

Do not recognize this photo.

b7c-4, b6-4

0122-04-CID452

2004 July 08

0133-04-CID452-63629



Photo 18

FOR OFFICIAL USE ONLY Exhibit 61
LAW ENFORCEMENT SENSITIVE

0000227

Do not recognize photo.

0122-04-CID452

b7c-4, b6-4

2004 July 08

0133-04-CID452-63629



Photo 19

FOR OFFICIAL USE ONLY Exhibit 61
LAW ENFORCEMENT SENSITIVE

0000228

Page(s)

229-230

Withheld due to:

____ Foreign Language

____ Photos depicting Americans

☒ Photos depicting foreign nationals

____ Civilian Agency Records

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0170-04-CID024

PAGE 1 OF 1 PAGES

DETAILS

About 1228, 7 Jul 04, SA ^{b7c-1, b6-1} spoke with SA ^{b7c-1, b6-1} Fort Drum Resident Agency, who related she would be sending this office a CAT 1 RFA they received from Afghanistan. The RFA was for Fort Drum to interview the members of 2nd Platoon, B Company, 2/22 Infantry Battalion, Fort Drum, NY 13602 (FDNY), in ref to a Compact Disk (CD) that was found in Afghanistan. The CD contained images of possible detainee abuse, committed by soldiers. This office received an "RFA" from Fort Drum to interview SPC ^{b7c-4, b6-4} 2nd Platoon, B Company, 2/22nd Infantry Battalion, FDNY, to determine his knowledge of the images depicted on the CD.

Agent's Comment: This office did not receive an RFA from Fort Drum, but instead received the RFA sent by Afghanistan.

^{b7c-4, b6-4} About 0910, 9 Jul 04, SA ^{b7c-1, b6-1} interviewed SPC ^{b7c-4, b6-4} B Company, 2/22 Infantry, Fort Drum, NY 13602 (FDNY), who stated he was in Afghanistan from Jul 03- Jan 04, when he became seriously injured after a Rocket Propelled Grenade (RPG) hit the guard tower he was working in. SPC ^{b7c-4, b6-4} could identify photographs 11-18, which depict the guard tower after the RPG incident. He further stated he could not identify any of the individuals in the photographs, and he did not know who took the photographs or what camera(s) had been used to take them (See Sworn Statement and Case Notes for details)///LAST ITEM///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA ^{b7c-1, b6-1, b2}

SIGNATURE

ORGANIZATION

90th Military Police Detachment (CASE) (CID), 6th
Military Police Group (USACIDC), Fort Sill, OK

DATE

9 Jul 04

EXHIBIT

62 0000231

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

ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

Fort Sill Resident Agency

2. DATE (YYYYMMDD)
2004/07/09

3. TIME

1145 AM

4. FILE NUMBER
0170-04-CID024

5. LAST NAME, FIRST NAME, MIDDLE NAME

b7c-4,66-4

6. SSN

b7c-4,66-4

7. GRADE/STATUS
SPC/AD

8. ORGANIZATION OR ADDRESS

B Company, 2/22nd Infantry, Fort Drum, NY 13602

9.

I, SPC b7c-4,66-4

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I arrived in Afghanistan around 1 Jul 03. My company was stationed in Khandahar, but all the platoons would rotate to a place called "DRW". I do not know what it stands for, but that was where the Special Forces were. My platoon, 2nd platoon, rotated there in Dec 03 and in Jan 04 is when I got hurt. An RPG hit the guard tower I was working in and I got hurt pretty bad. I have looked at and reviewed the pictures that were found. I can only identify pictures 11-18. They were taken the night the RPG hit the tower. That was my tower in those pictures, the tower I was working in at the time of the explosion. That is my blood in those pictures, without a doubt. There is no, if, and, or but about it- that is my blood. And the trash is there because they were cleaning up around the tower area. But the others, I cannot identify anything or anyone in those photos. I do not know what camera was used, who was taking the pictures, or who is in the pictures, including the dead national.

Q: SA b7c-4,66-4

A: SPC b7c-4,66-4

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

A: No. ///END OF STATEMENT/// b7c-4,66-4

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

0000232

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

STATEMENT OF SPC [REDACTED] b7c-4, b6-4 TAKEN AT Fort Sill RA DATED 2004/07/09

9. STATEMENT (Continued)

AFFIDAVIT

I, SPC [REDACTED] b7c-4, b6-4, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. b7c-4, b6-4

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of July, 2004 at Fort Sill, Oklahoma 73503

ORGANIZATION OR ADDRESS

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

SA [REDACTED] b7c-1, b6-1

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority To Administer Oaths)

0000233

ORGANIZATION OR ADDRESS

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

PAGE 2 OF 2 PAGES

AGENTS INVESTIGATION REPORT
CID REGULATION 195-1

0078-04-CID369-69288
(0053-04-CID193)

0133-04-CID452-636

BASIS FOR INVESTIGATION: On 8 Jul 04, this office received a Request for Assistance (RFA) (0078-04-CID369-5013) from the 62D Military Police Detachment (CID), 3D Military Police Group (CID), USACIDC, 4871 Netherly Street, Fort Drum, NY 13602-5013, to locate, fully identify and conduct witness interviews of SGT [REDACTED] and PFC [REDACTED] regarding their knowledge of detainee abuse. b7c-4, b6-4

Between 0900 - 1009, 9 Jul 04, SA [REDACTED] interviewed SGT [REDACTED], who provided a sworn statement wherein he related he did not know of any members of his unit abusing the Afghanistan detainees and he never saw anyone abuse the detainees. SGT [REDACTED] related there was an Afghanistan national local killed, when he launched an offensive attack, against a U.S. military compound in Afghanistan, which left several U.S. soldiers wounded. SGT [REDACTED] related he did not know who took the photographs and did not know who the camera belonged to. SGT [REDACTED] further provided a sketch of the compound where the detainees were held. (See Sworn Statement and Sketch for details) b7c-1, b6-1 b7c-4, b6-4

Between 1100 - 1240, 9 Jul 04, SA [REDACTED] interviewed PFC [REDACTED] who provided a sworn statement wherein he related he did not know of any members of his unit abusing the Afghanistan detainees and he never saw anyone abuse the detainees. PFC [REDACTED] related there was an Afghanistan national local killed, when he launched an offensive attack, against a U.S. military compound in Afghanistan, which left several U.S. soldiers wounded. PFC [REDACTED] further provided a sketch of the compound where the detainees were held. (See Sworn Statement and Sketch for details) b7c-1, b6-1 b7c-4, b6-4

On 9 Jul 04 SA [REDACTED] coordinated with SA [REDACTED] Special Agent In Charge (SAC), 62D Military Police Detachment (CID), 3D Military Police Group, USACIDC, 4871 Netherly Street, Fort Drum, NY 13602-5013, and briefed on all aspects of this investigation. SA [REDACTED] further related there was no additional investigative activity required from Tampa Branch Office. b7c-1, b6-1

/// LAST ENTRY ///

SA [REDACTED]
TAMPA BRANCH OFFICE (CID)
7707 HILLSBOROUGH LP DR
MACDILL AFB, FL 33621

SIGNATURE

[REDACTED]
b7c-1, b6-1

DATE

9 Jul 04 00234

PAGE 1 OF 1 PAGES

EXHIBIT

164

DODDOACID 006399

SWORN STATEMENT 01-83-04-CID 452-63629

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION [REDACTED]	2. DATE (YYYYMMDD) 2004/1/9	3. TIME 10:09 AM	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5/SGT	
8. ORGANIZATION OR ADDRESS B Company, 2nd Battalion, 22nd Infantry, Fort Drum, NY 13602			

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

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

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

Q: WHEN WERE YOU DEPLOYED TO AFGHANISTAN?

A: Aug 1, 2003 - May 8, 2004

Q: WHAT MILITARY UNIT DID YOU DEPLOY TO AFGHANISTAN WITH?

A: Bco. 2nd plt 2-22 Ft Drum

Q: WHAT WERE YOUR DUTIES WHILE DEPLOYED IN AFGHANISTAN?

A: 3rd Sgd. Alpha Team leader (patrols, security, checkpoints)

Q: WHAT LOCATIONS WERE YOU AT IN AFGHANISTAN?

A: Khandahar, Bagram, Deh Rah Wood, Quakht

Q: DO YOU RECALL THE LOCATION SITE FOR THE SECURITY DUTY?

A: Deh Rah Wood

Q: DO YOU RECALL IF THE LOCATION CALLED "DEH RAH WOOD" WAS WHERE AFGHANISTAN DETAINEES WERE HELD?

A: YES

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

A: No

Q: WERE YOU SHOWN PHOTOGRAPHIC IMAGES OF SOLDIERS? [REDACTED]

A: YES

10. EXHIBIT	11. 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 0000235

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

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

STATEMENT OF

TAKEN AT

DATED 2004/7/9

0133-04-CID452-68629

9. STATEMENT (Continued)

Q: IN THE photo's on the compact disc, who are the people in the photo's?

A: In photograph 1 is SSG [REDACTED] SFC [REDACTED]. In photograph 2 SSG [REDACTED] PVT [REDACTED] SGT [REDACTED] PUC US soldier on his birthday. In photograph 3 I don't know. In photograph 4 US soldier is being pucced on his birthday. In photograph 5 I don't know who the person is. In photograph 6 I don't know who the person is. In photo 7 that is SFC [REDACTED]. In photo 8 is SSG [REDACTED] standing with 9mm pointed in the back of someone head. In photo 9 I don't know. In photo 10 I don't know cant see a face. In photo 11 tower 1 in Deh Rah wood. In photo 12 I don't recall. In photo 13 ladder to tower. In photo 14 ladder to tower with blood stains from US soldier when tower was attacked. In photo 15 is the same as 14. In photo 16 I don't know. In photo 17 MRE in trash bag. In photo 18 blood stains on rocks from attack. In photo 19 blood stain in dirt from attack. In photo 20 killed in special forces operation from fire fight. In photo 21 Afghan killed in fire fight.

Q: How Did The Local AFGHANISTAN / National Die?

A: Killed in fire fight when he attacked tower 1 with RPG.

Q: Do You Know who took The photographic Images from the disc?

A: No.

Q: Do You Know who's camera was used to take the pictures?

A: No

0000236

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

USAPA V1.00

STATEMENT OF

TAKEN AT

DATED 2004/7/9

0133-04-CID452-63629

9. STATEMENT (Continued)

Q: Where were the photos taken?

A: DeW Rakh Wood, Afghanistan

Q: Were any other units in the area with your unit?

A: Special Forces

Q: Do you recall if there were any SOPs of handling detainees by your unit or chain of command?

A: Yes

Q: How long were the detainees kept at your location?

A: Max 3 days

Q: Describe the living conditions at the detainee facility at your location?

A: Afghan detainees 1 big room with cushions, blankets, food

Q: Did you participate in any abuse?

A: No

Q: Would there be any reason why your photograph would be on any images abusing Afghanistan detainees?

A: No

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

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

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. b7C-4, b6-4

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of July, 2004 at [REDACTED]

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority To Administer Oaths)

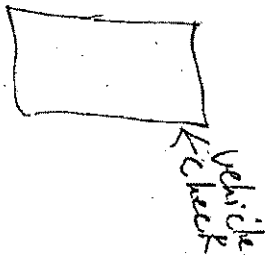
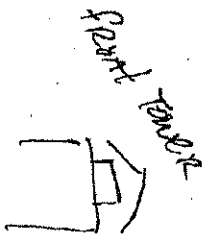
INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

END ORIGINAL FILE ONLY

EXHIBIT

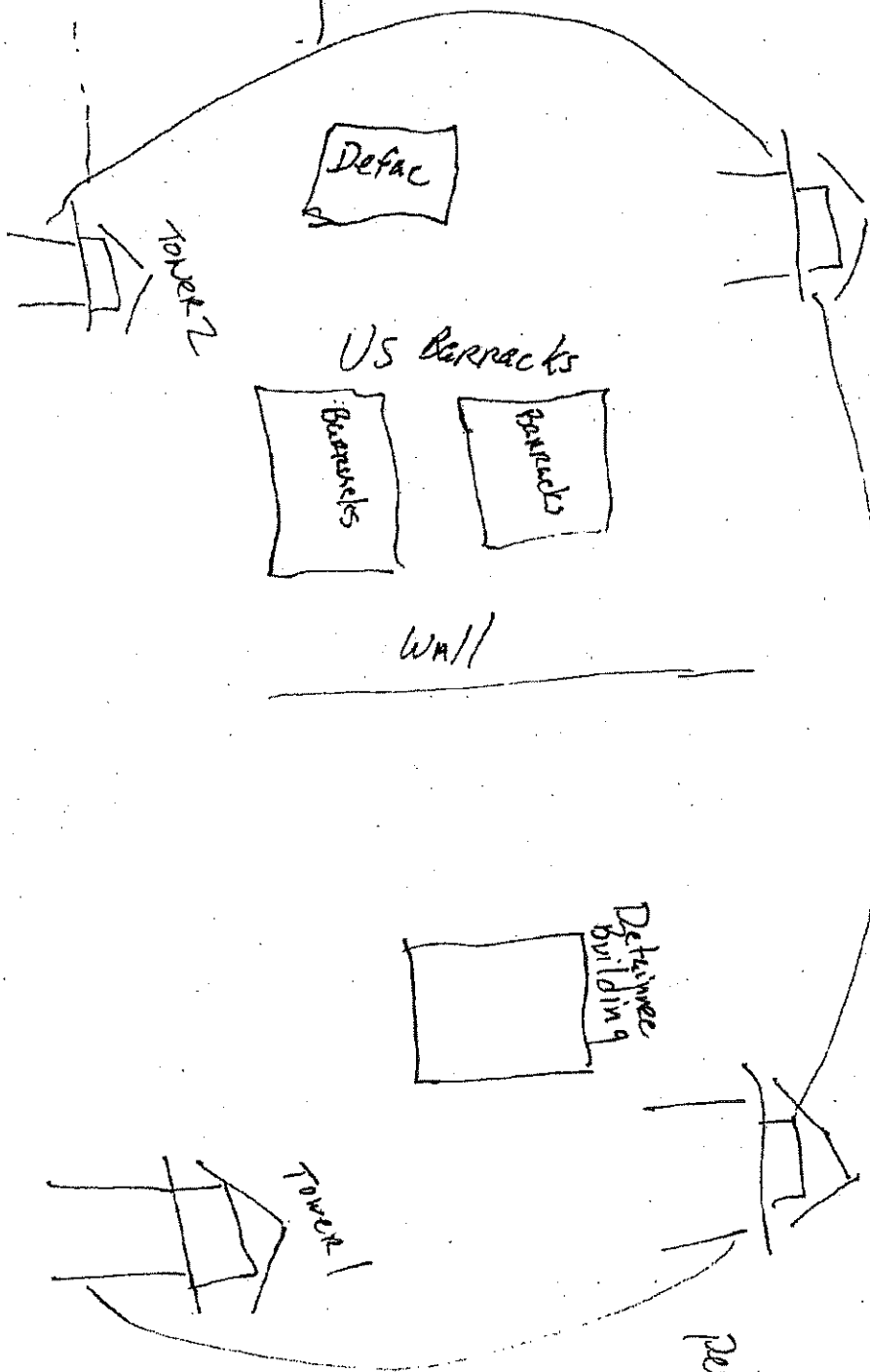
14c (1)



Sgt

July 9 2004 10:17

AFGHAN ARMY
BARRACKS



Tower 3

Tower 4

Tower 1

Tower 2

Defac

US Barracks

Barracks

Barracks

Wall

Detainee
building

Perimeter Round

0013-04-010191
0133-04-010191
452-63629

0000238

SWORN STATEMENT **01683-04-CID 452-63629**

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

53-04-CID 193-

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1993 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION [REDACTED] b7C-4, b6-4	2. DATE (YYYYMMDD) 2004/7/9	3. TIME 1240	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b7C-4, b6-4	6. SSN [REDACTED] b7C-4, b6-4	7. GRADE/STATUS E-3/PFC	

8. ORGANIZATION OR ADDRESS
B Company, 2nd Infantry, 1st Div, NY

9. [REDACTED] b7C-4, b6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA [REDACTED] b7C-4, b6-4
 A: PFC [REDACTED] b7C-4, b6-4
 Q: WHEN WERE you deployed to AFGHANISTAN?
 A: 04 Aug 03
 Q: WHAT military unit did you deploy with?
 A: 2nd Plt, B Co, 2-22 INF, 10th MTN DIV
 Q: WHAT were your duties while deployed to AFGHANISTAN?
 A: Base camp security, patrols, detainee guard.
 Q: WHAT locations were you at in AFGHANISTAN?
 A: Kandahar Air Field, Bagram Air Base, Qalat, Deh-Ra-Wood
 Q: DO you Recall the location where the detainees was held?
 A: Deh-Ra-Wood
 Q: DO you Recall ever seeing any AFGHANISTAN detainees get hit, Kicked or Inhumanly treated while in US military custody?
 A: No
 Q: Were you shown photographic images of soldiers assigned in Afghanistan?
 A: Yes
 Q: In the photo's on the compact disc, who are the people in the photo's?
 A: In photo 1, SSG-P [REDACTED] b7C-5, b6-5 & SFC [REDACTED] b7C-4, b6-4. In photo 2, PVT [REDACTED] b7C-4, b6-4. In photo 3, I don't know.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7C-4, b6-4	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED 0000233

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

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

STATEMENT OF

TAKEN AT

DATED 2004/07/07

0193-04-CID452-63629

9. STATEMENT (Continued)

In photo 4, I don't know. In photo 5, PFC [redacted] In photo 6, I don't know.
 In photo 7, PFC [redacted] In photo 8, I don't know. In photo 9, I don't know.
 In photo 10, I don't know. In photo 11, Tower 1 at DRW. In photo 12, Tower 1 at DRW.
 In photo 13, ladder to Tower 1 after RPG attack. In photo 14, same as photo 13.
 In photo 15, ladder to Tower 1 after RPG attack. In photo 16, bags of MREs after RPG attack.
 In photo 17, bags of MREs after RPG attack. In photo 18, blood from soldiers in Tower 1 after
 RPG attack. In photo 19, pool of blood from soldier in Tower 1 after RPG attack.
 In photo 20, I believe that is the assailant who fired an RPG into Tower 1. In photo 21, same
 picture as photo 20.

Q: Do you know who took the photo's?

A: No.

Q: Do you know who's camera was used to take the pictures?

A: No.

Q: Where were the photo's taken?

A: Och-Ra-Wood, Afghanistan

Q: Were there any other units in the area with your unit?

A: Special Forces

Q: Do you recall if there were any SOP's of handling detainees by your unit or chain of command?

A: Yes

Q: How long was the detainees kept at your location?

A: It varied depending on their individual situation

0000240

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 4 PAGES

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

STATEMENT OF

TAKEN AT

DATED 2004/07/09

0138-04-CID 452-6362

9. STATEMENT (Continued)

Q: Describe the detainees living condition located at the detainee facility at your location?

A: Concrete building with one large room, provided with mattresses & blankets, food & water as desired

Q: Did you participate in any abuse of the AFGHANISTAN detainees?

A: No

Q: would there be any reason why your picture would be on any images abusing the AFGHANISTAN detainees?

A: No.

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

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

0000241

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 4 PAGES

STATEMENT OF

TAKEN AT

DATED 2004/07/09

9. STATEMENT (Continued)

0139-04-CID452-6368

NOT used

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 9. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT FEAR 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 9 day of July, 2004 at [REDACTED]

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

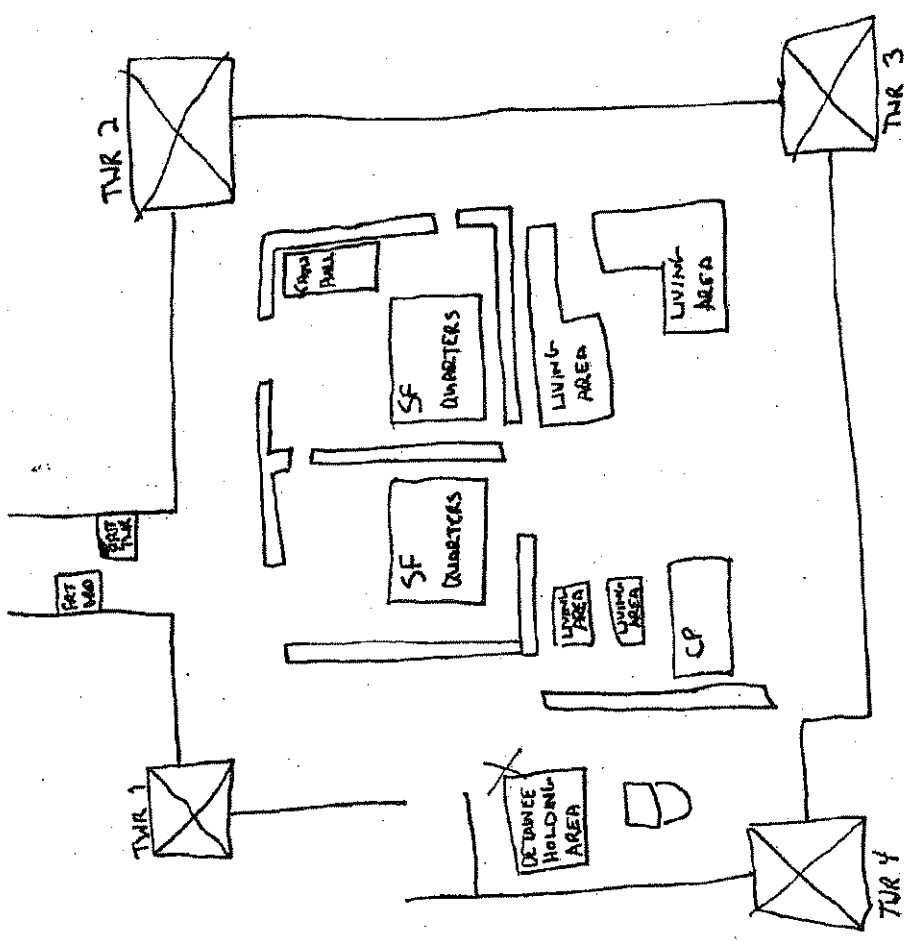
PAGE 4 OF 4 PAGES

Specimen - 1 comparison

0183-04-CID183-

0183-04-CID452-63629

b7c-4, b6-4
[REDACTED]
09 July 04
[REDACTED]
b7c-4, b6-4
PAC



0000243

AGENT'S INVESTIGATION REPORT

0171-04-CID222-

CID Regulation 195-1

Page 1 of 1 Pages

On 8 Jul 04, this office received a Request for Assistance from the 62nd Military Police Detachment (CID), 3rd Military Police Group (CID), Fort Drum, NY (FDNY) 13602. It was requested this office interview SPC [REDACTED] b7c-4 b6-4, B Company, 2/22nd Infantry Battalion, FDNY, regarding detainee abuse while his unit was deployed to Afghanistan.

At 1425, 9 Jul 04, SA [REDACTED] b7c-4, b6-4 interviewed SPC [REDACTED] b7c-4, b6-4 who rendered a sworn statement concerning the incident under investigation. SPC [REDACTED] did not participate or witness any incidents of detainee abuse (See statement for further details). SPC [REDACTED] refused to consent to a search of his mothers residence, but he related he would consent to a search of his barracks room upon his return to FDNY.///LAST ENTRY/// b7c-4 b6-4

SA [REDACTED] b7c-4, b6-4, b2

12th MP Det (CID) (PASE),
3rd Military Police Group (CID)
Fort Eustis, Virginia 23604-5534

Signature: [REDACTED] b7c-4, b6-4

Date: 12 Jul 04

Exhibit: 1
69

CID Form 94

FOR OFFICIAL USE ONLY

0000244

DODDOACID 006409

SWORN STATEMENT

File Number : 077104C10222

Location : Fort Eusits, VA

Date : 9 Jul 04

Time: 1542

Statement of : [REDACTED]

b7c-4, b6-4

SSN : [REDACTED]

Org/Address: B Company, 2/22nd Infantry Battalion, Fort Drum, NY

b7c-4, b6-4

I, [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT

UNDER OATH:

You have been informed of the nature of this investigation and have agreed to answer questions truthfully and honestly. The following questions pertain to photographs which were found on a CD Rom.

Q. What type of camera did you use during your deployment?
A. It was a Cannon. I don't remember exactly what type. It was a digital camera.

Q. Did you take any pictures while deployed to Afghanistan?
A. Yes.

Q. What did you take pictures of?
A. Other unit personnel.

Q. Where is your camera currently located?
A. It's in my room at Ft Drum, NY.

Q. Where is the disk with the pictures you took?
A. In my room at Ft Drum.

Q. Did you send any pictures to anyone in the USA while deployed?
A. No.

Q. What were your duties while deployed to Afghanistan?
A. I was a M203 gunner. I was also a team leader for a while and I was a M249 gunner for a period of time.

Q. What locations were you at in Afghanistan?
A. Kandahar, Bagram, Fire Base TCYZ and Coloett.

Q. Did you ever see any detainees get kicked, hit, or inhumanely treated while in U.S. Custody?
A. No.

Q. I showed you 21 photos which were downloaded from a Power Point presentation. Were you the individual who identified the individuals in the pictures?
A. Yes.

Q. You don't know the identify of the individual(s) brandishing weapons?
A. No.

Q. Do you know the identity of the dead local national?
A. No. He was the individual who attacked the guard tower on January 18th and was shot and killed.

Q. Who took the picture from the disc?

CONTINUED ON NEXT PAGE:

b7c-4, b6-4

INITIALS [REDACTED]

b7c-4, b6-4

PAGE 1 OF 4

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EXHIBIT

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0000245

DODDOACID 006410

STATEMENT OF SPC [REDACTED]

TAKEN AT Fort Eustis, VA dated 9 Jul 04,

CONTINUED: 67C-4,66-4

- A. I don't know.
- Q. Were you present when any of the photographs were taken?
- A. No.
- Q. Who camera was used?
- A. I don't know.
- Q. Where were the photo's taken at in Afghanistan?
- A. They all look like they were taken at Firebase TCYZ.
- Q. Were any other unit personnel in that area with your unit?
- A. Yes. We had about 15-20 Special Forces personnel, about 4-5 cooks, 5 medics, 3 engineers and 3 forward observers
- Q. Were any SOP's in place about handling of detainee's by your unit or the command?
- A. ~~I never saw one.~~ I only saw one when we were on our way to Afghanistan.
- Q. How long were detainees kept at your location?
- A. Anywhere from one ~~11~~ day to a week.
- Q. How would you describe there living condition at the detainee facility at your location?
- A. They were OK, I guess.
- Q. Did you participate in any abuse of prisoners?
- A. No.
- Q. What were the ROE's during your mission?
- A. Anytime we went out we had to wait until an individual had a weapon and showed intent to use the weapon against us, then we were allowed to return fire.
- Q. Were you updated periodically on changing ROE's?
- A. As far as I new, they never changed.
- Q. What was the grid location of your Camp in Afghanistan?
- A. I don't know.
- Q. Did the unit initiate a 15-6 investigation documenting all soldier deaths or attacks on units bases/convoys etc..?
- A. I don't really know what a 1506 investigation is, but there were numerous individuals who came out and took photographs and interviewed personnel after a soldier was killed or injured or, we were attacked.
- Q. Who was the 15-6 Officer (if applicable)
- A. Like I said, I don't know what a 15-6 is, and I don't know the name of any of the individuals who came and did investigations after incidents.
- Q. What Special Forces Representatives were you with?
- A. I don't recall their unit, but I do recall the first name of one of the individuals and that was [REDACTED] 67C-3,66-3
- Q. Where were they from (installation/unit)?
- A. I am not sure.
- Q. What specific guidance did they provide concerning detainees?
- A. They would tell us when the detainees could sleep, eat and drink water. That was all they told us.

CONTINUED ON NEXT PAGE:

INITIALS [REDACTED]

PAGE 2 OF 4

EXHIBIT

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246

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LAW ENFORCEMENT SENSITIVE

07/1-04-C10222

33-04-CID 452-636

STATEMENT OF SPC
CONTINUED:

b7c-4, b6-4

TAKEN AT Fort Eustis, VA dated 9 Jul 04,

- Q. Are you currently on leave?
A. Yes. I went on leave on 16 Jun 04.
Q. Who are you staying with while you are on leave?
A. My mother.
Q. Does she own a computer?
A. No.
Q. Is there a computer in your mothers house at this time?
A. Yes.
Q. Who does it belong to?
A. My sister. She has been living with my mother for the
past 3 weeks.
Q. Do you have anything else to add to this statement?
A. No.///END OF STATEMENT///

b7c-4, b6-4

CONTINUED ON NEXT PAGE:

INITIALS

b7c-4, b6-4

PAGE 3 OF 4

EXHIBIT

70

0000247

DODDOACID 006412

STATEMENT OF SPC
CONTINUED:

[REDACTED], TAKEN AT Fort Eustis, VA dated 9 Jul 04,
b7C-4, b6-4

AFFIDAVIT

I, b7C-4, b6-4, 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.

b7C-4, b6-4
[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of July, 2004, at [REDACTED] VA.

b7C-1, b6-1
[REDACTED]
(Signature of Person Administering Oath)

SA b7C-1, b6-1
[REDACTED]
(Typed Name of Person Administering Oath)

Article 136 UCMJ OR 5 USC (303)

WITNESS:

CONTINUED ON NEXT PAGE:

b7C-4, b6-4
INITIALS [REDACTED]

PAGE 4 OF 4

EXHIBIT 70

0000248

Page(s)

249-258

Withheld due to:

☐ Foreign Language

☒ Photos depicting Americans

☒ Photos depicting foreign nationals

☐ Civilian Agency Records

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LAW ENFORCEMENT SENSITIVE

0171-04-C10222
0133-04-CID452-63
0133-04-CID452-63629

0122-04-CID452

Picture of wall of Twr
after RPG Attack



Photo 11

FOR OFFICIAL USE ONLY Exhibit 71
LAW ENFORCEMENT SENSITIVE

0000259

DODDOACID 006415

01710490282
FOR OFFICIAL USE ONLY 03 - 04 - CID 452 - 63629
LAW ENFORCEMENT SENSITIVE

0122-04-CID452

Twp after
R&G Attacked
↓



Photo 12

FOR OFFICIAL USE ONLY Exhibit 71
LAW ENFORCEMENT SENSITIVE

260

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LAW ENFORCEMENT SENSITIVE

0133 - 04 - CID 452 - 63629
071-04-00222

0122-04-CID452

Two bodies after
ATTN.



Photo 13

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LAW ENFORCEMENT SENSITIVE

0000261

DODDOACID 006417

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LAW ENFORCEMENT SENSITIVE

0133 - 04 - CID 452 - 63629

0171-04 CID 0202

0122-04-CID452

Two letter
after attle.
✓

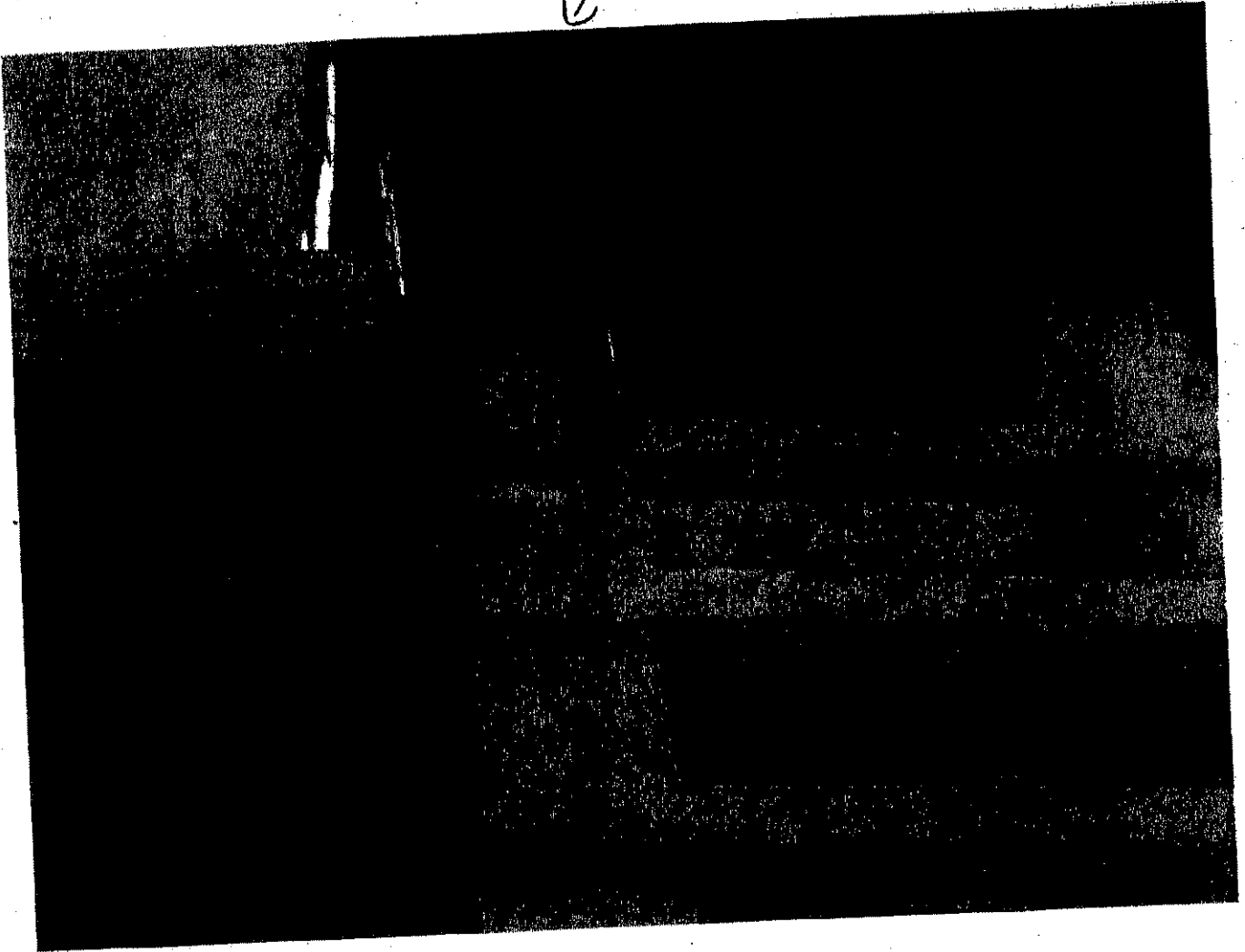


Photo 14

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LAW ENFORCEMENT SENSITIVE

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DODDOACID 006418

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LAW ENFORCEMENT SENSITIVE

0122-04-CID452 63629

0122-04-CID452

Two letter
after title
↓

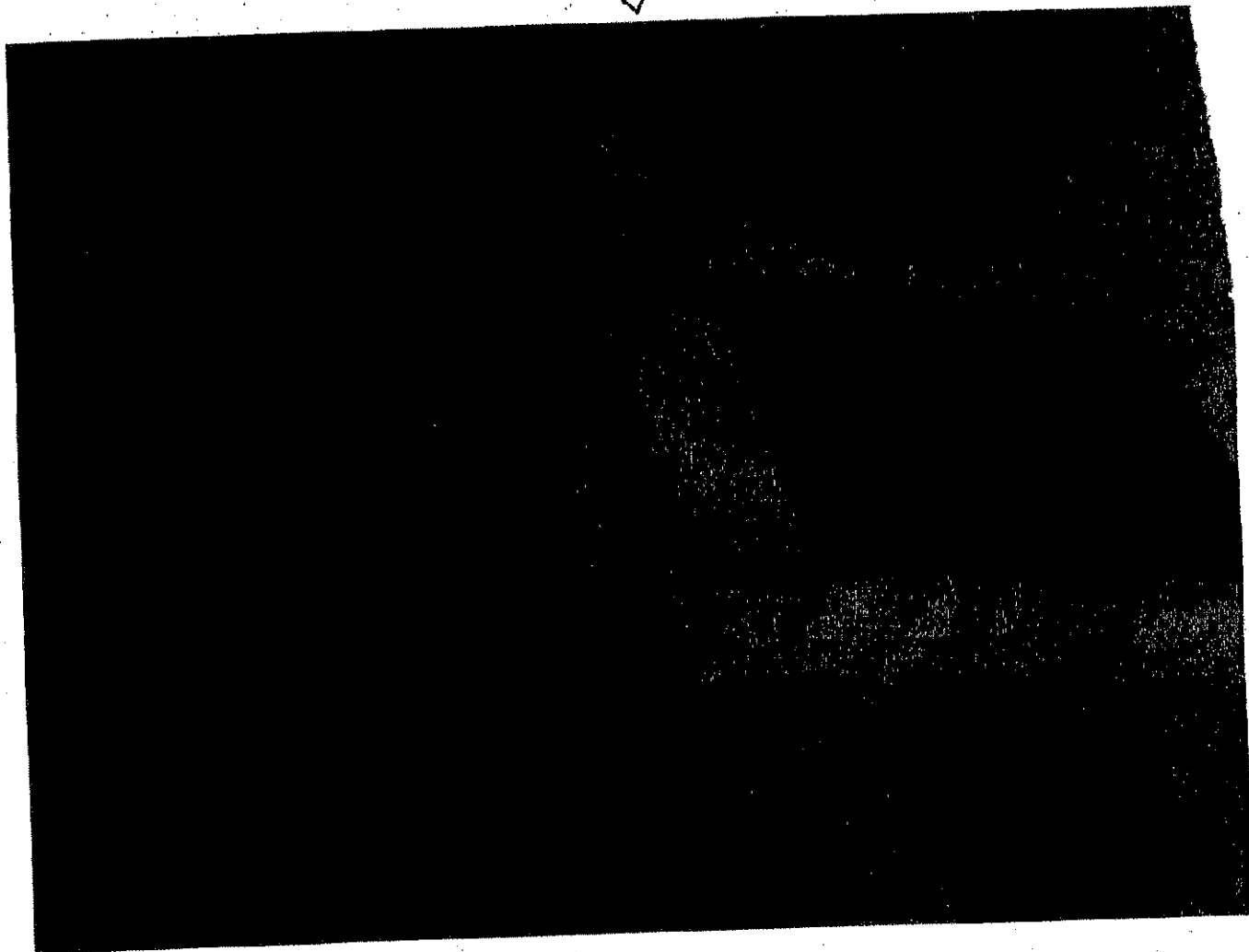


Photo 15

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LAW ENFORCEMENT SENSITIVE

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DODDOACID 006419

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LAW ENFORCEMENT SENSITIVE

0171-04-CID332
33 - 04 - CID 452 - 63629

0122-04-CID452

Bags of stuff
at base of Twp after atk.
↓



Photo 16

FOR OFFICIAL USE ONLY Exhibit 71
LAW ENFORCEMENT SENSITIVE

0000264

DODDOACID 006420

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LAW ENFORCEMENT SENSITIVE

0122-04-CID452763629
0122-04-CID452

0122-04-CID452

Bags at base of tower
after attack.

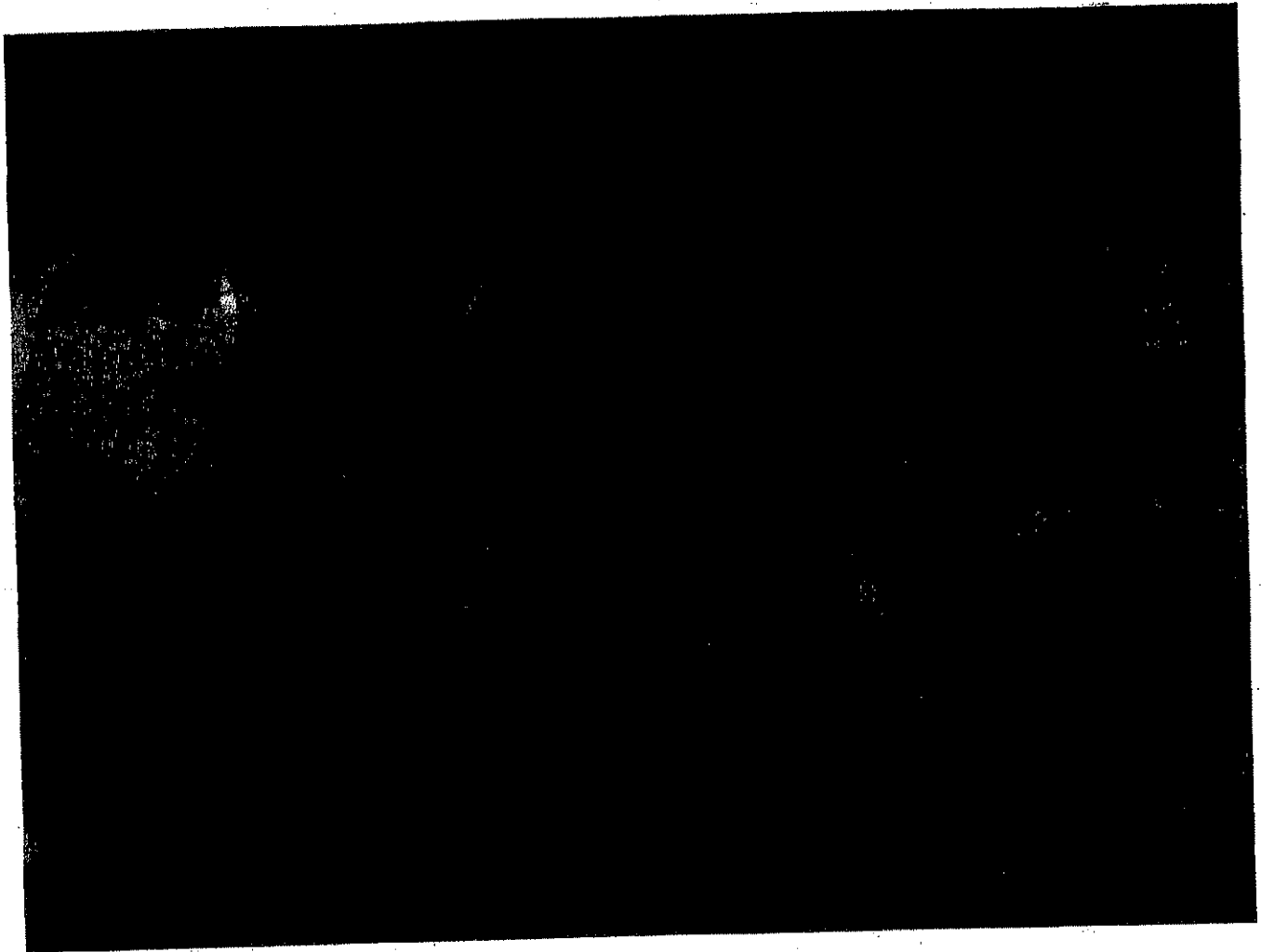


Photo 17

FOR OFFICIAL USE ONLY Exhibit 71
LAW ENFORCEMENT SENSITIVE

26K

DODDOACID 006421

0133 - 04 - CID 452 - 63629
017104-210502
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LAW ENFORCEMENT SENSITIVE

0122-04-CID452

Ground by turn
after strike.



Photo 18

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LAW ENFORCEMENT SENSITIVE

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DODDOACID 006422

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LAW ENFORCEMENT SENSITIVE

0133-04-218158163629
0122-04-CID452

0122-04-CID452

Inside of Twn
after atk.

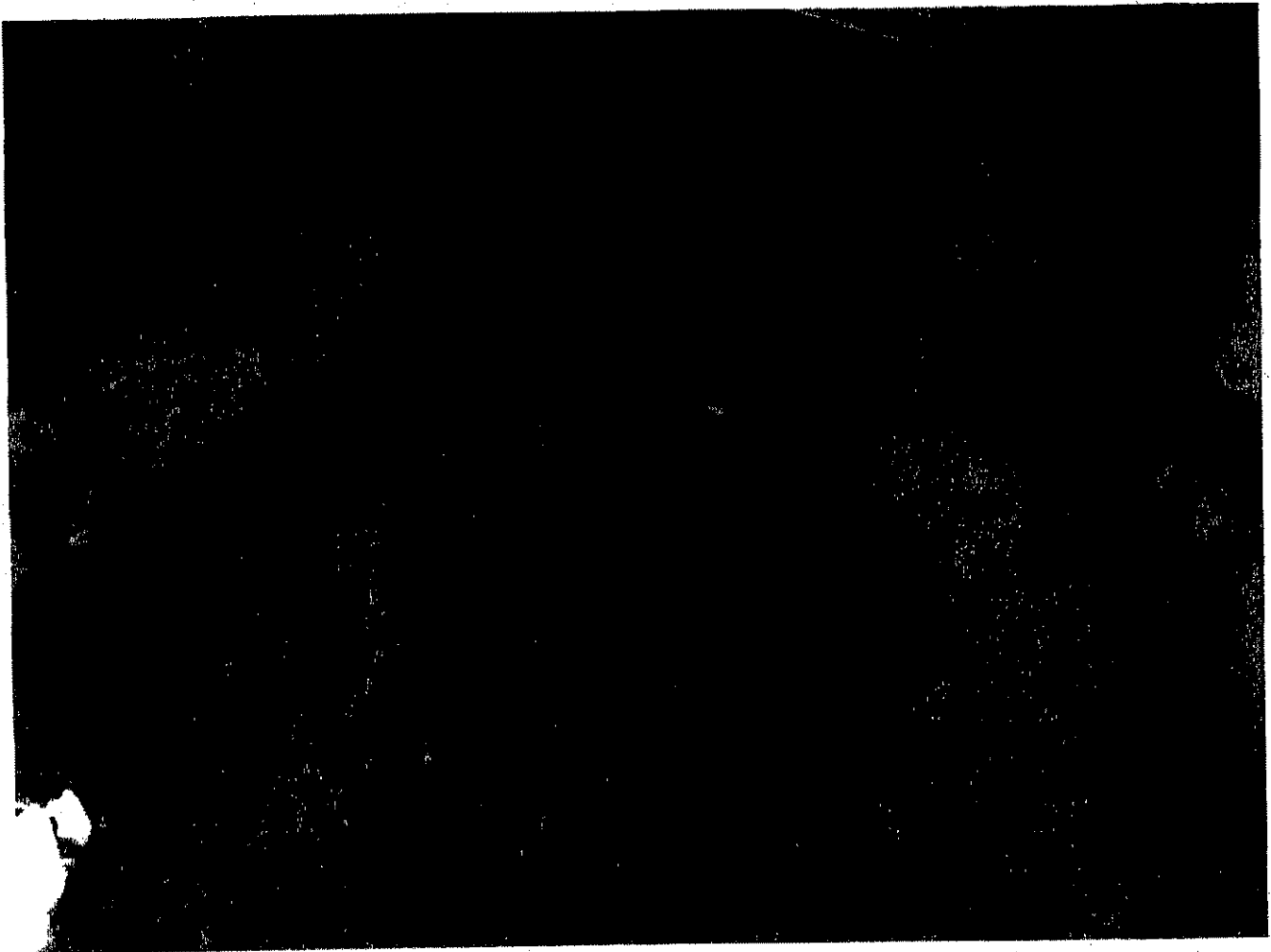


Photo 19

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LAW ENFORCEMENT SENSITIVE

Exhibit 71

0000267

DODDOACID 006423

Page(s)

268-269

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____ Foreign Language

____ Photos depicting Americans

☒ Photos depicting foreign nationals

____ Civilian Agency Records