

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION <small>For use of this form, see AR 190-45; the proponent agency is ODCSOPS</small>		SUSPENSE DATE (YYYYMMDD) 2003/10/23																					
PRIVACY ACT STATEMENT																							
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2851; E.O. 8397 dated November 22, 1943 (SSA). 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. THRU Commander 2/3rd Special Forces Grp Fort Bragg, NC 28310	2. TO Special Agent in Charge 87th MP Det (CID) Fort Bragg, NC 28310	3. FROM Commander Opn Det Alpha, 2/3rd Special Forces Grp Fort Bragg, NC 28310																					
4. USACRC CONTROL NUMBER 1130-02-CID023	5. MP REPORT NUMBER 0114-02-CID369-23525	6. SUB-INSTALLATION IDENTIFIER																					
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11b. DATE OF OFFENSE(s) 2002/08/28																							
12. ACTION TAKEN <input type="checkbox"/> a. NONE <input type="checkbox"/> (1) INSUFFICIENT EVIDENCE <input type="checkbox"/> (2) OTHER (Explain in Remarks) <small>* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).</small> <input type="checkbox"/> b. ADMINISTRATIVE REFERRED TO (Check appropriate blocks) DATE REFERRED (YYYYMMDD) DATE RESPONDED (YYYYMMDD) <table border="1" style="width:100%; border-collapse: collapse; margin-top: 5px;"> <tr><td>F = FAMILY ADVOCACY</td><td></td><td></td></tr> <tr><td>D = DRUG/ALCOHOL ABUSE</td><td></td><td></td></tr> <tr><td>S = SPECIAL REFERRAL</td><td></td><td></td></tr> <tr><td>E = EQUAL OPPORTUNITY</td><td></td><td></td></tr> <tr><td>L = LEGAL OFFICE</td><td></td><td></td></tr> <tr><td>M = MENTAL HEALTH</td><td></td><td></td></tr> <tr><td>R = RELIEF AGENCY</td><td></td><td></td></tr> </table> <input type="checkbox"/> c. NONJUDICIAL (Article 15, UCMJ) <input type="checkbox"/> COMPANY GRADE <input type="checkbox"/> FIELD GRADE <input type="checkbox"/> SUMMARIZED <input type="checkbox"/> GCM AUTHORITY <input type="checkbox"/> GENERAL OFFICER <input type="checkbox"/> d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.) <input type="checkbox"/> SUMMARY COURT MARTIAL <input type="checkbox"/> GENERAL COURT-MARTIAL <input type="checkbox"/> SPECIAL COURT-MARTIAL <input type="checkbox"/> CIVIL COURT			F = FAMILY ADVOCACY			D = DRUG/ALCOHOL ABUSE			S = SPECIAL REFERRAL			E = EQUAL OPPORTUNITY			L = LEGAL OFFICE			M = MENTAL HEALTH			R = RELIEF AGENCY		
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DA FORM 4833, DEC 1998

DA FORM 4833, JUN 80, IS OBSOLETE

15. REMARKS

b7C-3, b6-3

PER CPT [REDACTED] SJA, SPECIAL OPS COMMAND

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

[REDACTED] SPECIAL AGENT IN CHARGE b7C-1, b6-1

16b. SIGNATURE

[REDACTED] b7C-1, b6-1

16c. DATE OF REPORT (YYYYMMDD)

2004/03/08

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DA FORM 4833, DEC 1998

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15. REMARKS

(b7c-3, b6-3)

PER CPT [REDACTED] SJA, SPECIAL OPS COMMAND

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

[REDACTED], SPECIAL AGENT IN CHARGE b7c-1, b6-1

16b. SIGNATURE

[REDACTED] b7c-1, b6-1

16c. DATE OF REPORT (YYYYMMDD)

2004/03/08

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PRIVACY ACT STATEMENT			
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSA).			
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.			
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<u>67C-5, 66-5</u>	11a. OFFENSE(s) Conspiracy, Murder	<u>67C-5, 66-5</u>	11b. DATE OF OFFENSE(s) 2002/08/28
12. ACTION TAKEN			
<input checked="" type="checkbox"/> a. NONE <input type="checkbox"/> (1) INSUFFICIENT EVIDENCE <input type="checkbox"/> (2) OTHER (Explain in Remarks)			
<small>* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted (AW AR 190-45 (MP Reports) or AR 195-2 (CID Reports)).</small>			
<input type="checkbox"/> b. ADMINISTRATIVE			
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F = FAMILY ADVOCACY			
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<input type="checkbox"/> c. DETENTION <input type="checkbox"/> d. FORFEITURE <input type="checkbox"/> e. FINED \$ _____ / _____ MONTHS			
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<input type="checkbox"/> l. ADMINISTRATIVE DISCHARGE EFFECTIVE DATE _____			
<input type="checkbox"/> m. OTHER (For example, suspension of driving privileges. Explain in Remarks.)			

DA FORM 4833, DEC 1998

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15. REMARKS

b7c-3, b6-3

PER CPT [REDACTED] SJA, SPECIAL OPS COMMAND

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

[REDACTED] SPECIAL AGENT IN CHARGE *b7c-1, b6-1*

16b. SIGNATURE

[REDACTED] *b7c-1, b6-1*

16c. DATE OF REPORT (YYYYMMDD)

2004/03/08

PAGE 2, DA FORM 4833, DEC 1998

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION
 For use of this form, see AR 190-45; the proponent agency is ODCSOP8

SUSPENSE DATE (YYYYMMDD)
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PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 8387 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.

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4. USACRC CONTROL NUMBER 1130-02-CID023	5. MP REPORT NUMBER 0114-02-CID369-23525	6. SUB-INSTALLATION IDENTIFIER

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7. NAME OF SUBJECT <i>Last, First, MI</i> b7c-5, b6-5	8. GRADE SSG	9. SSN b7c-5, b6-5	10. DATE OF BIRTH (YYYYMMDD) b7c-5, b6-5
11a. OFFENSE(s) Conspiracy, Murder, Dereliction of Duty		11b. DATE OF OFFENSE(s) 2002/08/28	

12. ACTION TAKEN

a. * NONE (1) INSUFFICIENT EVIDENCE (2) OTHER (Explain in Remarks)

* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

b. ADMINISTRATIVE

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D - DRUG/ALCOHOL ABUSE		
S - SPECIAL REFERRAL		
E - EQUAL OPPORTUNITY		
L - LEGAL OFFICE		
M - MENTAL HEALTH		
R - RELIEF AGENCY		

c. NONJUDICIAL (Article 15, UCMJ)

COMPANY GRADE FIELD GRADE SUMMARIZED

GCM AUTHORITY GENERAL OFFICER

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

SUMMARY COURT MARTIAL GENERAL COURT-MARTIAL

SPECIAL COURT-MARTIAL CIVIL COURT

13. JUDICIAL FINDINGS

GUILTY DISMISSED

NOT GUILTY OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

a. REPRIMAND b. ADMONITION (1) ORAL (2) IN WRITING

c. DETENTION d. FORFEITURE e. FINED \$ _____ / _____ MONTHS

f. REDUCED FROM _____ TO _____ g. EXTRA DUTY FOR _____ DAYS h. RESTRICTED FOR _____ DAYS

i. CORRECTIONAL CUSTODY FOR _____ DAYS j. CONFINED _____ YEARS _____ MONTHS

k. PUNITIVE DISCHARGE ADJUDGED TYPE: _____

l. ADMINISTRATIVE DISCHARGE EFFECTIVE DATE _____

m. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

b7c-3, b6-3

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16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

[REDACTED] SPECIAL AGENT IN CHARGE b7c-5, b6-5

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[REDACTED] SPECIAL AGENT IN CHARGE *b7C-1, b6-1*

16b. SIGNATURE

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16c. DATE OF REPORT (YYYYMMDD)

2004/03/08

DEPARTMENT OF THE ARMY
87TH MP DETACHMENT (ABN) (CID) (FWD)
CAMP STRONGHOLD FREEDOM
APO AE 09311

CICR-EF

23 May 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL - 0114-02-CID369 -
23525 - 5H1A / 5X4 / 5Y2 / 7X2 / 7X6 / 9G2A / 9G2C / 9G2E

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 28 Aug 2002/1500 - 28 Aug 2002/1800; ROAD ADJACENT TO
U.S. ARMY FIRE BASE, LWARA, Afghanistan

DATE/TIME REPORTED: 25 Sep 2002, 1630

INVESTIGATED BY: SA [REDACTED]

b7C-5, b6-5 SUBJECT: 1. [REDACTED] *b7C-5, b6-5* CPT ; [REDACTED] *b7C-5, b6-5*
[REDACTED] M; WHITE; ODA 343, 2/3RD SPECIAL FORCES
GROUP, BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354;
[CONSPIRACY], [DERELICTION OF DUTY], [MURDER], [OBSTRUCTION OF
JUSTICE].

b7C-5, b6-5 2. [REDACTED] *b7C-5, b6-5* SFC ; [REDACTED] *b7C-5, b6-5*
[REDACTED] M; WHITE; ODA 343, 2/3RD SPECIAL FORCES
GROUP, BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354;
[CONSPIRACY], [DERELICTION OF DUTY], [MURDER].

b7C-5, b6-5 3. [REDACTED] *b7C-5, b6-5* SSG ; [REDACTED] *b7C-5, b6-5*
[REDACTED] M; WHITE; ODA 343, 2/3RD SPECIAL FORCES
GROUP, BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354;
[CONSPIRACY], [MURDER].

b7C-5, b6-5 4. [REDACTED] *b7C-5, b6-5* SSG ; [REDACTED] *b7C-5, b6-5*
[REDACTED] M; WHITE; ODA 343, 2/3RD SPECIAL FORCES
GROUP, BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354;
[CONSPIRACY], [DERELICTION OF DUTY], [MURDER].

b7C-5, b6-5 5. [REDACTED] *b7C-5, b6-5* CW2 ; [REDACTED] *b7C-5, b6-5*
[REDACTED] M; WHITE; ODA 343, 2/3RD SPECIAL FORCES
GROUP, BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354; [ACCESSORY
AFTER THE FACT].

VICTIM: 1. SAYARI, MOHAMED [DECEASED]; CIV; Afghanistan;
MORGAH, Afghanistan; M; OTHER; LWARA, Afghanistan; [NFI];
[CONSPIRACY], [MURDER].

2. US GOVERNMENT (2/3RD SF GROUP) BAF, APO AE 09354;
[ACCESSORY AFTER THE FACT], [DERELICTION OF DUTY], [OBSTRUCTION

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OF JUSTICE].

INVESTIGATIVE SUMMARY:

"This is a Camp Stronghold Freedom Investigation."

b7c-4, b6-4
This investigation was initiated upon notification from SSG [redacted] A Co, 519th Military Intelligence Battalion, Bagram Air Field, Afghanistan, APO AE 09354 (BAF), that he was suspicious of the shooting death of Mr SAYARI by a Special Forces team.

-5,5,5, b6-5,5,5
Investigation established probable cause to believe SFC [redacted] *b7c-5, b6-5*
SSG [redacted], CPT [redacted], and SSG [redacted] committed the offenses of Murder and Conspiracy when they conspired to lure Mr SAYARI into an ambush to murder him. SFC [redacted] and SSG [redacted] shot and killed Mr SAYARI upon detaining him.

-5,5, b6-5,5
Investigation established probable cause to believe CPT [redacted] *b7c-5, b6-5*
committed the offenses of Dereliction of Duty and Obstruction of Justice when he violated the unit standard operating procedures (SOP) for detaining captives and instructed SFC [redacted] *b7c-5, b6-5* (formerly SSG) to not forward certain incriminating photographs of SAYARI's body, and to destroy them. SFC [redacted] and SFC [redacted] committed the offense of Dereliction of Duty when they violated SOP for detaining captives. SSG [redacted] did not commit the *b7c-5, b6-5* offense of Dereliction of Duty as he was not directly involved in handling a detained captive.

b7c 16
Investigation established probable cause to believe CW2 [redacted] committed the offense of Accessory After the Fact when he took the weapon that Mr. SAYARI allegedly had prior to the shooting and lost it.

STATUTES:

- ARTICLE 92, UCMJ: DERELICTION OF DUTY
- ARTICLE 81, UCMJ: CONSPIRACY
- ARTICLE 118, UCMJ: MURDER
- ARTICLE 78, UCMJ: ACCESSORY AFTER THE FACT
- ARTICLE 134, UCMJ: OBSTRUCTION OF JUSTICE

EXHIBITS/SUBSTANTIATION:

Attached:

- 1. Agent's Investigation Report (AIR) of SA [redacted] *b7c-1, b6-1* 7 Nov 02, detailing the initial notification; receipt of original results of Commanders Inquiry; interviews of SFC [redacted], SSG *b7c-5, b6-5* [redacted], SFC [redacted], SSG [redacted], SSG [redacted], CW2 [redacted], SPC [redacted], SFC [redacted], SSG [redacted], Afghan Commander [redacted], CPT [redacted], SPC [redacted], SGT [redacted] and PFC [redacted] collection of evidence; canvass interviews; *b7c-3, b6-3* and coordinations with the Office of the Staff Judge Advocate
- b7c-5, 3, 5, 4, 3, b6-5, 3, 5, 4, 3*
- b7c-4, 3, 5, 5, 5, b6-4, 3, 5, 5, 5 *b7c-3, 3, 3, 3, b6-3, 3, 3, 3, 3*

(SJA), unit commanders, and Afghan tribal leaders.

2. Copy of Request for and Results of Commanders Inquiry, which included Request for Commanders Inquiry, 29 Aug 02, requested by BG MIXON; Results of Commanders Inquiry, 10 Sep 02, completed by CPT [REDACTED]; Results of Commanders Inquiry, 24 Sep 02, completed by LTC [REDACTED]; Enclosure A (Background Intelligence) to Command Inquiry; Sworn Statement of SSG [REDACTED]; Sworn Statement of SFC [REDACTED]; Sworn Statement of CPT [REDACTED]; Sworn Statement of SSG [REDACTED] sketch prepared by ODA 343 depicting death scene; and (10) photographs supplied by ODA 343 for the Commanders Inquiry.

3. Sworn Statement of SFC [REDACTED] ^{b7C-5, b6-5}, 26 Sep 02, in which he detailed the shooting of Mr. SAYARI.

4. Rough Sketch by SFC [REDACTED] ^{b7C-5, b6-5} 26 Sep 03, of the death scene.

5. Sworn Statement of SSG [REDACTED] ^{b7C-4, b6-4} 27 Sep 02, in which he detailed his knowledge of this investigation.

6. Waiver Certificate and Sworn Statement of SSG [REDACTED] ^{b7C-5, b6-5} 30 Sep 02, in which he denied being involved in the shooting of Mr. SAYARI.

7. Waiver Certificate and Sworn Statement of CPT [REDACTED] ^{b7C-5, b6-5} 30 Sep 02, in which he denied being involved in the shooting of Mr. SAYARI.

8. Non-Waiver Certificate of SFC [REDACTED] ^{b7C-5, b6-5} 30 Sep 02.

9. Non-Waiver Certificate of SSG [REDACTED] ^{b7C-5, b6-5} 30 Sep 02.

10. Sworn Statement of CW2 [REDACTED] ^{b7C-5, b6-5} 1 Oct 02, in which he detailed his knowledge of this investigation.

11. Sworn Statement of SPC [REDACTED] ^{b7C-4, b6-4} 2 Oct 02, in which he detailed his knowledge of this investigation.

12. Sworn Statement of SSG [REDACTED] ^{b7C-4, b6-4} 2 Oct 02, in which he detailed his knowledge of this investigation.

13. Rough Sketch of death scene completed by Mr. [REDACTED] ^{b7C-8, b6-8} 3 Oct 02.

14. Rights Non-Waiver Certificate of CPT [REDACTED] ^{b7C-5, b6-5}, 6 Oct 02.

15. Rights Non-Waiver Certificate of SSG [REDACTED] ^{b7C-5, b6-5} 6 Oct 02.

16. Sworn Statement of SFC [REDACTED] ^{b7C-5, b6-5} 9 Oct 02, in which he further detailed his knowledge of this investigation.

- b7C-4/b6-4*
17. Rough Sketch by SPC [REDACTED] 11 Oct 02.
- b7C-4/b6-4*
18. Sworn Statement of 2LT [REDACTED], 20 Oct 02, in which he detailed his knowledge of this investigation.
- b7C-4/b6-4*
19. Sworn Statement of SFC [REDACTED] 20 Oct 02, in which he detailed his knowledge of this investigation.
- b7C-3, b6-3*
20. Handwritten Statement of PFC [REDACTED] not dated.
- b7C-3, b6-3*
21. Handwritten Statement of SSG [REDACTED] 20 Oct 02.
- b7C-3, b6-3*
22. Handwritten Statement of SSG [REDACTED] 20 Oct 02.
- b7C-3, b6-3*
23. Handwritten Statement of SPC [REDACTED], 21 Oct 02.
- b7C-3, b6-3*
24. Handwritten Statement of PFC [REDACTED] 21 Oct 02.
- b7C-3, b6-3*
25. Handwritten Statement of PFC [REDACTED] 21 Oct 02.
- b7C-3, b6-3*
26. Handwritten Statement of PFC [REDACTED], 21 Oct 02.
- b7C-3, b6-3*
27. Handwritten Statement of SPC [REDACTED] 21 Oct 02.
- b7C-3, b6-3*
28. Handwritten Statement of PFC [REDACTED] 21 Oct 02.
- b7C-3, b6-3*
29. Handwritten Statement of PFC [REDACTED], 21 Oct 02.
- b7C-3, b6-3*
30. Handwritten Statement of PFC [REDACTED], 21 Oct 02.
- b7C-3, b6-3*
31. Handwritten Statement of PFC [REDACTED] 21 Oct 02.
- b7C-3, b6-3*
32. Handwritten Statement of CPL [REDACTED], 21 Oct 02.
33. Canvass Interview worksheet, 22 Oct 02, of personnel assigned to A Co, 1/505th Parachute Infantry Regiment (PIR), 82D Airborne Division, Kandahar Airfield, APO AE 09355 (KAF).
34. Canvass Interview worksheet, 22 Oct 02, of personnel assigned to A Co, 1/505th PIR, 82D Airborne Division, KAF.
35. Crime Lab Examination Request, 27 Oct 02, requesting the examination of collected evidence. (USACIDC and file copies only)
- b7C-4/b6-4*
36. Sworn Statement of CPT [REDACTED] 7 Nov 02, in which he detailed his knowledge of this investigation.
- b7C-4/b6-4*
37. Sworn Statement of SPC [REDACTED], 7 Nov 02, in which he detailed his knowledge of this investigation.
- b7C-4, b6-4*
38. Sworn Statement of SGT [REDACTED] 7 Nov 02, in which he detailed his knowledge of this investigation.

39. Sworn Statement of PFC [redacted] ^{b7c-4, b6-4}, 7 Nov 02, in which he detailed his knowledge of this investigation.

40. AIR of SA [redacted] ^{b7c-1, b6-1}, this office, 2 Oct 02, detailing the interview of SSG [redacted] ^{b7c-3, b6-3}

41. Rough Sketch of the death scene, by SA [redacted] ^{b7c-1, b6-1}

42. AIR of SA [redacted] ^{b7c-1, b6-1}, 2 Oct 02, detailing the interviews of SPC [redacted] ^{b7c-4, b6-4} and SFC [redacted] ^{b7c-4, b6-4}

43. Sworn Statement of SPC [redacted] ^{b7c-3, b6-3}, 1 Oct 02, in which he detailed his knowledge of this investigation.

44. Rough Sketch of the death scene, by SPC [redacted] ^{b7c-3, b6-3}, 1 Oct 02.

45. Sworn Statement of SFC [redacted] ^{b7c-4, b6-4}, 1 Oct 02, in which he detailed his knowledge of this investigation.

46. AIR of SA [redacted] ^{b7c-1, b6-1}, 18 Oct 02, detailing the interviews of Mr. [redacted] and Dr. [redacted] ^{b7c-3, b6-3}

47. AIR of SA [redacted] ^{b7c-1, b6-1}, 10 Dec 02, detailing receipt of Commanders Inquiry; collection of evidence; coordination with US Army Criminal Investigation Laboratory; receipt of Laboratory Results; interviews of MSG [redacted] ^{b7c-3, b6-3}, SSG [redacted] ^{b7c-3, b6-3}, SSG [redacted] ^{b7c-3, b6-3}, CW2 [redacted] ^{b7c-3, b6-3}, SSG [redacted] ^{b7c-3, b6-3}, SFC [redacted] ^{b7c-3, b6-3}, SSG [redacted] ^{b7c-3, b6-3}, CPT [redacted] ^{b7c-3, b6-3}, SSG [redacted] ^{b7c-3, b6-3}, SSG [redacted] ^{b7c-3, b6-3}, SSG [redacted] ^{b7c-3, b6-3}, SFC [redacted] ^{b7c-3, b6-3}, SPC [redacted] ^{b7c-3, b6-3}, SPC [redacted] ^{b7c-3, b6-3}, CPT [redacted] ^{b7c-3, b6-3}, SPC [redacted] ^{b7c-3, b6-3}, SFC [redacted] ^{b7c-3, b6-3}, CPT [redacted] ^{b7c-3, b6-3}, CW3 [redacted] ^{b7c-3, b6-3}, LTC [redacted] ^{b7c-3, b6-3}, MAJ [redacted] ^{b7c-3, b6-3}, collection of unit maintenance records; and coordinations with SJA.

48. Commanders Inquiry, 10 Jun 02, consisting of the following documents: Memorandum for Commander, Combined Joint Special Operations Task Force-Afghanistan (CJSOTF-A), Bagram, Afghanistan, signed by LTC [redacted] ^{b7c-3, b6-3}; Memorandum for Commander, CJSOTF-A, Bagram, Afghanistan, signed by MAJ [redacted] ^{b7c-3, b6-3}; DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers); Memorandum for Commander, 2d Battalion, 3d SFG, signed by CPT [redacted] ^{b7c-3, b6-3}; Memorandum for MAJ [redacted] ^{b7c-3, b6-3}, XO, FOB 32, Kandahar, Afghanistan, signed by LTC [redacted] ^{b7c-3, b6-3}; AAR documenting the incident on 2 Jun 02; statement of SPC [redacted] ^{b7c-3, b6-3}; statement of SSG [redacted] ^{b7c-3, b6-3}; statement of SFC [redacted] ^{b7c-3, b6-3}; statement of SSG [redacted] ^{b7c-3, b6-3}; statement of SSG [redacted] ^{b7c-3, b6-3}; statement of CPT [redacted] ^{b7c-3, b6-3}; statement of SFC [redacted] ^{b7c-3, b6-3}; Memorandum for Commander, CJSOTF-A, signed by CPT [redacted] ^{b7c-3, b6-3}; Memorandum for Commander, CJSOTF-A, signed by BG MIXON; Memorandum for Commander, CJSOTF-A, signed by CPT [redacted] ^{b7c-3, b6-3}; Memorandum for Commander, CJSOTF-A, signed by CPT [redacted] ^{b7c-3, b6-3}; Intelligence background pertaining to SAYARI; sworn statement of SSG [redacted] ^{b7c-5, b6-5}, 24 Sep 02; sworn statement of SFC [redacted] ^{b7c-5, b6-5}, 24 Sep 02; sworn statement of SSG [redacted] ^{b7c-5, b6-5}, 24 Sep 02; sworn statement of CPT [redacted] ^{b7c-5, b6-5}, 24 Sep 02.

b7C-5, b6-5

██████████ 24 Sep 02; statement detailing actions of SF personnel on 28 Aug 02 (appears to be statement of CW2 ██████████); Memorandum for CPT ██████████ signed by COL ██████████ and a sketch of the death scene, pertaining to SAYARI. *b7C-5, b6-5*
b7C-3, b6-3

49. FB Form 2488-1, Weapons and Ammunition Control Sheet/Log, pertaining to members of ODA 343 on which they signed out their weapons from the unit arms room.

50. DA Form 5990-E, Maintenance Request, 29 Oct 02, pertaining to 2/3d SFG.

51. (12) DA Form 2404, Equipment Inspection And Maintenance Worksheet, 28 Oct 02, pertaining to M-4 weapons assigned to 2/3d SFG personnel.

52. Weapons assignment sheet, 26 Feb 02, pertaining to 2/3d SFG personnel.

53. DA Form 3655, Crime Lab Examination Request, 6 Nov 02, requesting the examination of the weapons assigned to 2/3d SFG personnel. (USACIDC and file copies only)

54. U.S. Army Criminal Investigation Laboratory (USACIL) Examination Report, 2002-CID131-2225, 2 Dec 02, reporting that an examination of the submitted 5.56mm caliber cartridge and full metal jacketed bullet were identified as having been fired in and through the M-4, serial number W339108, assigned to SFC ██████████ *b7C-4, b6-4*

55. Sworn Statement of SSG ██████████ *b7C-4, b6-4* 7 Nov 02, in which he detailed his knowledge of this investigation.

56. Waiver Certificate and Sworn Statement of SSG ██████████ *b7C b6* 12 Nov 02, in which he detailed his knowledge of this investigation.

57. Waiver Certificate and Sworn Statement of CW2 ██████████ *b7C-4, b6-4* 12 Nov 02, in which he detailed his knowledge of this investigation.

58. Sworn Statement of SSG ██████████ *b7C-4, b6-4* 14 Nov 02, in which he detailed his knowledge of this investigation.

59. Waiver Certificate and Sworn Statement of SFC ██████████ *b7C-4, b6-4* 14 Nov 02, in which he detailed his knowledge of this investigation.

60. Sworn Statement of SSG ██████████ *b7C-4, b6-4* 5 Nov 02, in which he detailed his knowledge of the incident in Jun 02.

61. Sworn Statement of SSG ██████████ *b7C-4, b6-4* 5 Nov 02, in which he detailed his knowledge of the incident in Jun 02.

62. Sworn Statement of SFC [REDACTED] ^{b7c-4, b6-4} 14 Nov 02, in which he detailed his knowledge of this investigation.

63. AIR of SA [REDACTED] ^{b7c-1, b6-1} 17 Dec 02, detailing the interview of ^{b7c-5, b6-5} CW2 [REDACTED] and the receipt of USACIL Examination Report 2002-CID131-2225.

64. Photographic packet comprised of 15 photographs.

65. AIR of SA [REDACTED] ^{b7c-1, b6-1}, 10 Apr 03, detailing Other Significant Interviews.

66. AIR of SA [REDACTED] ^{b7c-1, b6-1} 23 May 03, detailing the receipt of the USACIL Report, Other Interviews, and Final SJA Coordination.

67. USACIL Laboratory Examination Report, 2002-CID131-2225, 22 Jan 03

68. Compact disc 02-CID131-2225, containing all photographic images and originals of Exhibit 64. (USACRC copy only)

69. (1-6) DA Form 4137, Evidence/Property Custody Documents, Document Numbers (DN) 046-02, 047-02, 048-02, 049-02, 650-02, and 651-02, various dates. (USACIDC and file copies only)

Not Attached:

Retained in the evidence depository, Ft Bragg, NC:

- 70. One zip disc (SFC [REDACTED] ^{b7c-4, b6-4}), Item 1, DN 046-02.
- 71. One Sony laptop computer (US Government), Item 1, DN 047-02.
- 72. One bead necklace (SAYARI), Item 1, DN 048-02.
- 73. One shell casing, Item 1, DN 049-02.
- 74. One expended bullet, Item 2, DN 049-02.
- 75. One piece of metal, Item 3, DN 049-02.
- 76. Twelve M-4 rifles (US Government), Items 1 through 12, DN 650-02.
- 77. FB Form 2488-1, Weapons and Ammunition Control Sheet/Log (US Government), Item 13, DN 650-02.
- 78. Twelve 9mm M-9 pistols (US Government), Items 1 through 12, DN 651-02.

The originals of Exhibits 1, 33, 34, 40, 42, 63, 65 and 66 were forwarded with the USACRC copy of this report. The originals of Exhibits 2, 17, and 48 through 52 were maintained in the files

of 2/3rd SFG, Fort Bragg, NC. The originals 3 through 16, 18 through 32, 36 through 39, 41, 43 through 45, 54 through 62, and 68 were maintained in the files of this office pending adjudication. The originals of Exhibits 35, 53, and 63 were maintained in the files of USACIL, Forest Park, GA. The originals of Exhibit 69 were maintained in the files of the evidence depository, Fort Bragg, NC.

STATUS: This is a final report. Commanders Report of Disciplinary Action Taken (DA Form 4833) is pending.

Report Prepared By

b7c-1/b6-1/b2

[REDACTED]

Special Agent

Report Approved By

b7c-1/b6-1

[REDACTED]

Special Agent in Charge

DISTRIBUTION:

1 - Director, US Army Crime Records Center, USACIDC, ATTN: CICR-CR, 6010 6th Street, Fort Belvoir, VA 22060 (original)

1 - Commander, 3rd Military Police Group (CID), Fort Gillem, GA 30297

b7c-3/b6-3
1 - Commander, 3d Military Police Group (CID) (FWD), ATTN: SA [REDACTED] Camp Doha, Kuwait (e-mail only/less exhibits)

b7c-1/b6-1
1 - Office of the Staff Judge Advocate, CJTF-180, ATTN: LTC [REDACTED] Bagram Air Field, APO AE 09354

b7c-3, b6-3
1 - Office of the Provost Marshal, ATTN: CPT [REDACTED] Bagram Air Field, APO AE 09354 (e-mail only/less exhibits)

b7c-3/b6-3
1 - Commander, Task Force Dragon, CJTF-180, ATTN: COL [REDACTED] Bagram Air Field, APO AE 09354 (e-mail only/less exhibits)

b7c-3/b6-3
1 - Chief of Staff, 82nd Airborne Division, ATTN: COL [REDACTED] Bagram Air Field, APO AE 09354 (e-mail only/less exhibits)

b7c-3/b6-3
1 - Commander, 2/3rd SFG, ATTN: LTC [REDACTED] Fort Bragg, NC 28310

1 - SJA, 3rd SFG, Fort Bragg, NC 28310

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

1 - Director, Armed Forces Institute of Pathology, AFIP Annex - Bldg 102, 1413 Research Blvd, Rockville, MD 20858

1 - File

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0114-02-CID369-23525

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DETAILS

All times indicated are in Zulu (Z). Local time is 4-1/2 hours plus.

At 1200, 25 Sep 02, SFC [REDACTED] ^{b7c-4, b6-4} A Co, 519th Military Intelligence (MI) Battalion, Bagram Airfield, Afghanistan, APO AE 09354 (BAF), reported a possible War Crime involving members of the 3rd Special Forces Group (SFG) assigned to Operational Detachment Alpha (ODA) 343 in Lwara, Afghanistan.

At 1205, 25 Sep 02, SA [REDACTED] ^{b7c-1, b6-1} and SA [REDACTED] ^{b7c-1, b6-1} this office, interviewed SFC [REDACTED] ^{b7c-4, b6-4} who stated he was attached to ODA 343 as a Counterintelligence Agent on 28 Aug 02. Approximately one hour after his arrival at Firebase (FB) Lwara, his team was called out to a road adjacent the FB to document the shooting death of a local Afghan known as Mohammed SAYARI (NFI). SFC [REDACTED] ^{b7c-4, b6-4} stated he exposed digital photographs of the scene, collected DNA samples (hair and blood), and obtained fingerprints from the body of SAYARI. SFC [REDACTED] ^{b7c-4, b6-4} stated he asked the members of ODA 343 what had occurred, and did not feel as though their story was consistent with the evidence at the scene. Additionally, CPT [REDACTED] ^{b7c-5, b6-5} Team Commander, ODA 343, 3rd SFG, FB Lwara, instructed him to only provide certain photographs he [REDACTED] ^{b7c-5, b6-5} selected, to the Commander's Inquiry into the shooting requested by BG Benjamin R. MIXON, Director, Combined/Joint Staff, 18th Airborne Corps, Coalition Joint Task Force (CJTF)-180, BAF. SFC [REDACTED] ^{b7c-4, b6-4} stated the photographs selected were vague and did not include questionable photographs exposed at the scene. CPT [REDACTED] ^{b7c-5, b6-5} then instructed SFC [REDACTED] ^{b7c-4, b6-4} to delete all records of the photographs from his computer and took the zip disk containing all photographs. SFC [REDACTED] ^{b7c-4, b6-4} had made a copy of the zip disk and had forwarded that disk to his HQ at BAF. SFC [REDACTED] ^{b7c-4, b6-4} provided the zip disk to this office, which was collected as evidence and documented on a DA Form 4137, Evidence/Property Custody Document, Document Number (DN) 046-02.

At 1510, 25 Sep 02, SA [REDACTED] ^{b7c-1, b6-1} and SA [REDACTED] ^{b7c-1, b6-1} coordinated with CPT [REDACTED] ^{b7c-3, b6-3}, Office of the Staff Judge Advocate (SJA), Combined Joint Special Operations Task Force (CJSOTF), BAF, who stated he conducted a Commander's Inquiry and was satisfied that the shooting of Mohamed SAYARI was justified, and therefore, no charges would be made against any of the SF personnel. CPT [REDACTED] ^{b7c-3, b6-3} stated he turned over all his paperwork to COL [REDACTED] ^{b7c-3, b6-3}, Chief Legal, SJA, CJTF-180, BAF, in order to be briefed to LTG Dan MCNEIL, Commanding General, CJTF-180, BAF.

At 1630, 25 Sep 02, SA [REDACTED] ^{b7c-1, b6-1} and SA [REDACTED] ^{b7c-1, b6-1} briefed COL [REDACTED] ^{b7c-3, b6-3} on the status of this investigation. COL [REDACTED] ^{b7c-3, b6-3} agreed this incident warranted further investigation by USACIDC. COL [REDACTED] ^{b7c-3, b6-3} further briefed LTG MCNEIL, who agreed further investigation was warranted. Additionally, COL [REDACTED] ^{b7c-3, b6-3} stated he received 10 photographs with the Commander's Inquiry. A review of those photographs revealed the questionable photographs had not been included in the packet provided to COL [REDACTED] ^{b7c-3, b6-3}. COL [REDACTED] ^{b7c-3, b6-3} provided copies of the request for Commander's Inquiry from BG Benjamin R. MIXON; photographs submitted with the Commander's Inquiry; and Sworn Statements of CPT [REDACTED] ^{b7c-5, b6-5}, SFC [REDACTED] ^{b7c-4, b6-4}.

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [REDACTED] ^{b7c-1, b6-1, b2}		87 th MP Det (CID), Bagram Airfield, Afghanistan APO AE 09354	
SIGNATURE		DATE	EXHIBIT
[REDACTED] ^{b7c-1, b6-1}		7 Nov 02	1

CID FORM 94

FOR OFFICIAL USE ONLY

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS *b7C, b6-5*

b7C-5, b6-5 SSG *b7C-5, b6-5* and SSG *b7C-5, b6-5*, all assigned to ODA 343, 3rd SFG. (See attached documentation for details)

At 1135, 26 Sep 02, SA *b7C-1, b6-1* and SA *b7C-1, b6-1* interviewed SFC *b7C-4, b6-4* who rendered a sworn statement in which he detailed his knowledge of this incident. (See Sworn Statement of SFC *b7C-4, b6-4* for details)

At 0745, 27 Sep 02, SA *b7C-1, b6-1* coordinated with LTC *b7C-3, b6-3* SJA, CJSOTF-A, BAF, who stated he would coordinate getting all ODA 343 team members to BAF for interviews. Additionally, LTC *b7C-3, b6-3* stated he would attempt to locate and fully identify all the team members prior to their arrival at BAF, to include SFC *b7C-3, b6-3* (NFI) and SPC *b7C-3, b6-3* (NFI).

At 0820, 27 Sep 02, SA *b7C-1, b6-1* coordinated with COL *b7C-3, b6-3* and requested coordinations be completed for the exhumation of SAYARI's remains.

At 0934, 27 Sep 02, SA *b7C-1, b6-1* interviewed SSG *b7C b6* A Co, 519th MI Bn, BAF, who rendered a sworn statement in which he detailed receiving evidence and original photographs from SFC *b7C-3, b6-3* (See Sworn Statement of SSG *b7C-3, b6-3* for details)

At 0940, 27 Sep 02, SA *b7C-1, b6-1* interviewed SFC *b7C-4, b6-4* CJSOTF-A, BAF, who stated he attempted to track down the documents SAYARI had on him at the time of the shooting, as CPT *b7C-3, b6-3* had asked him if he could obtain them for his Commander's Inquiry investigation. SFC *b7C-3, b6-3* said he knew the documents had been sent to the Document Exploitation (DOCEX) cell at BAF, as it was standard routine to do so. He spoke with SFC *b7C-3, b6-3* who told him SPC *b7C-3, b6-3* (NFI) had taken everything to the Bagram Collection Point (BCP), BAF, and had turned everything over to SSG *b7C-3, b6-3*. SFC *b7C-3, b6-3* attempted to collect the documents from SSG *b7C-3, b6-3* however, SSG *b7C-3, b6-3* told him everything had been turned over to the Defense Investigative Agency (DIA) DOCEX, BAF. Once SFC *b7C-3, b6-3* coordinated with the DIA DOCEX, *b7C-3, b6-3* (NFI) informed him they had never received the documents. SFC *b7C-3, b6-3* stated he was never able to locate any of the documents, and had never looked for any photographs or DNA evidence as he was only trying to locate the documents for CPT *b7C-3, b6-3*. Additionally, SFC *b7C-3, b6-3* stated SFC *b7C-3, b6-3* (NFI) and SPC *b7C-3, b6-3* (NFI) were part of his unit and had been attached to ODA 343 in Lwara; however, SFC *b7C-3, b6-3* and SPC *b7C-3, b6-3* had replaced them both. They both returned to their home station, 3D SFG, Fort Bragg, NC.

At 0845, 30 Sep 02, SA *b7C-1, b6-1* advised SSG *b7C-5, b6-5* of his legal rights, which he waived and rendered a sworn statement denying his team murdered SAYARI. (See Sworn Statement of SSG *b7C-5, b6-5* for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA *b7C-1, b6-1, b2*

ORGANIZATION

87th MP Det (CID), Bagram Airfield, Afghanistan
APO AE 09354

SIGNATURE *b7C-1, b6-1*

DATE

7 Nov 02

EXHIBIT

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At 1008, 30 Sep 02, SA [REDACTED] ^{b7C, b6-1} advised CPT [REDACTED] ^{b7C-5, b6-5} of his legal rights, which he waived and rendered a sworn statement denying his team murdered SAYARI. (See Sworn Statement of CPT [REDACTED] ^{b7C-5, b6-5} for details)

At 1245, 30 Sep 02, SA [REDACTED] ^{b7C, b6-1} advised SFC [REDACTED] ^{b7C-5, b6-5} of his legal rights, which he invoked requesting legal counsel. (See Non-Waiver Certificate of SFC [REDACTED] ^{b7C-5, b6-5} for details)

At 1300, 30 Sep 02, SA [REDACTED] ^{b7C, b6-1} advised SSG [REDACTED] ^{b7C-5, b6-5} of his legal rights, which he invoked requesting legal counsel. (See Non-Waiver Certificate of SSG [REDACTED] ^{b7C-5, b6-5} for details)

At 0700, 1 Oct 02, SA [REDACTED] ^{b7C, b6-1} and SA [REDACTED] ^{b7C-1, b6-1}, Operations Officer, 87th Military Police Detachment, Camp Stronghold Freedom, Uzbekistan, APO AE 09311, briefed LTC [REDACTED] ^{b7C-3, b6-3} and MAJ [REDACTED] ^{b7C-3, b6-3} Commander, A Co, 2/3rd SFG, BAF, on the status of this investigation. Additionally, MAJ [REDACTED] ^{b7C-3, b6-3} stated he would coordinate with the Mullah from Lwara on obtaining consent from SAYARI's family on the exhumation of his remains and transport of the remains to Lwara.

At 0835, 1 Oct 02, SA [REDACTED] ^{b7C, b6-1} interviewed SSG [REDACTED] ^{b7C-3, b6-3} ODA 343, 2/3rd SFG, BAF, who stated he was within the compound fixing radio equipment when the incident occurred on 28 Aug 02, and did not leave the compound. He stated he did not see SAYARI's body or the scene. SSG [REDACTED] ^{b7C-3, b6-3} could provide no further information to assist with this investigation.

At 1010, 1 Oct 02, SA [REDACTED] ^{b7C, b6-1} interviewed CW2 [REDACTED] ^{b7C-5, b6-5} ODA 343, 2/3rd SFG, BAF, who rendered a sworn statement in which he detailed his knowledge of this incident. (See Sworn Statement of CW2 [REDACTED] ^{b7C-5, b6-5} for details)

About 0800, 2 Oct 02, SA [REDACTED] ^{b7C, b6-1} interviewed SPC [REDACTED] ^{b7C-4, b6-4}, A Co, 519th MI Bn, BAF, who rendered a sworn statement in which he detailed his knowledge of this incident. (See Sworn Statement of SPC [REDACTED] ^{b7C-4, b6-4} for details)

At 1100, 2 Oct 02, SA [REDACTED] ^{b7C, b6-1} interviewed SFC [REDACTED] ^{b7C-3, b6-3} ODA 343, 2/3D SFG, who stated he was in the ODA 343 living tent on 28 Aug 02, playing a Sony Playstation video game when SSG [REDACTED] ^{b7C-3, b6-3} told him about the shooting. SFC [REDACTED] ^{b7C-3, b6-3} stated he asked if everyone on the team was okay and if he was needed for anything. Once he was informed everyone was okay and that he was not needed, he went back to playing the video game. He said he never saw the shooting scene and only saw SAYARI's body when it was transferred from the truck used to transport his remains to the local AMF Commander at the FB. SFC [REDACTED] ^{b7C-3, b6-3} said he was not informed as to what happened as CPT [REDACTED] ^{b7C-5, b6-5} had asked everyone involved in the shooting to go to the Operations tent to document what had occurred. He learned about the circumstances ^{b7C, b6-1} surrounding the shooting once he arrived at Kandahar, prior to arriving at BAF for this interview. SFC [REDACTED] ^{b7C-3, b6-3}

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] ^{b7C-1, b6-1} ^{b7C-1, b6-1, b2}		ORGANIZATION 87 th MP Det (CID), Bagram Airfield, Afghanistan APO AE 09354
SIGNATURE [REDACTED]	DATE 7 Nov 02	EXHIBIT 1

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stated he had no idea who SAYARI was prior to the shooting, and was never told, or perceived, him as a threat to the team. SFC [REDACTED] stated he had no other information to provide regarding this investigation.

b7c-3, b6-3 b7c1, b6-1
At 1100, 2 Oct 02, SA [REDACTED], this office, interviewed and obtained a sworn statement from SSG [REDACTED] ODA 343, 2/3rd SFG, BAF. SSG [REDACTED] stated he was not present on the mission when the shooting occurred. SSG [REDACTED] was present for the After Action Review (AAR) at the Team Op Center at the Fire Base. SSG [REDACTED] clarified what was discussed at the AAR in reference to the shooting. (See Sworn Statement of SSG [REDACTED] for details)

b7c1, b6-1 b7c1, b6-1 b7c3, b6-3
At 0515, 3 Oct 02, SA [REDACTED] and SA [REDACTED] interviewed Commander [REDACTED], Afghanistan Military Forces (AMF), and interpreter [REDACTED], with the following information noted: The AMF soldier who was with SAYARI had since quit the AMF and was currently residing at an unknown location in Pakistan. According to [REDACTED], SAYARI was utilizing his truck as a taxi-cab, and the AMF soldier and other occupants were his customers and were being transported to different locations. Additionally, the road on which SAYARI traveled and was detained by ODA 343 had been in the direction the AMF soldier wanted to go. [REDACTED] stated he had been at the front gate of the FB at the time SAYARI was conversing with CW2 [REDACTED] about renting his truck. According to [REDACTED], SAYARI did not immediately follow the ODA 343 patrol when it left the FB, as previously stated. [REDACTED] stated SAYARI was still trying to get CW2 [REDACTED] to rent his truck when CW2 [REDACTED] very angrily told SAYARI to return in the morning. SAYARI still wanted to enter the FB after the ODA left, but CW2 [REDACTED] angrily insisted SAYARI leave immediately and return in the morning. [REDACTED] and [REDACTED] both stated SAYARI had previously shown no acts of aggression toward the Americans, and according to them had not sympathized with Taliban or al-Qaida forces. As a matter of fact, they stated SAYARI hated the Taliban and had gone against their rules and ways. They also stated they never heard of him placing a hit on CW2 [REDACTED] and had not heard of SAYARI reacting violently if cornered or threatened. [REDACTED] and [REDACTED] stated SAYARI had previously lived in Morgah, Afghanistan, but had moved to the Lwara area due to him killing a relative during a dispute about land, approximately 15 years prior. [REDACTED] stated SAYARI had previously collected taxes from people traveling on the road adjacent the FB, prior to the Americans' arrival, and prior to the shooting. They stated SAYARI was sort of a businessman, utilizing his truck as a taxi and being involved in the harvesting and selling of fruit during the fall season. He also stated SAYARI, although not an elder of the tribe, was respected by the elders because of his tax collecting, which he pocketed, and because of his security or bodyguards. [REDACTED] stated he was called to the site of the shooting, and upon his arrival, noticed SAYARI's turban was still on his head and there was a wound to his head and to his chest. [REDACTED] described the wound to the chest as elliptical in shape. [REDACTED] drew the area and two representations of the wounds he saw on SAYARI's chest. (See attached rough sketch of [REDACTED] for details)

b7c1, b6-1
At 0940, 3 Oct 02, SA [REDACTED] coordinated with SAYARI's tribal elders and his father (NFI), who would not allow SAYARI's body to be exhumed due to religious beliefs. The elders stated several of them washed

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7c1, b6-1/2		ORGANIZATION 87 th MP Det (CID), Bagram Airfield, Afghanistan APO AE 09354	
SIGNATURE [REDACTED]		DATE 7 Nov 02	EXHIBIT 1

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SAYARI's body prior to his burial and could possibly describe the wounds. The elders stated they would meet SA [REDACTED] again and would discuss matters further.

b7C-1, b6-1

Agent's Comments: Due to time constraints of awaiting travel from the FB, the meeting between SA [REDACTED] and the elders was short and no definite matters were discussed. It was agreed to discuss matters further when USACIDC traveled back to the FB.

b7C-1/b6-1

At 0620, 3 Oct 02, SA [REDACTED] coordinated with LTC [REDACTED] who informed SA [REDACTED] that MSG [REDACTED] had re-deployed to Fort Bragg, along with SSG [REDACTED] on emergency leave. Additionally, SPC [REDACTED] and SPC [REDACTED] were both support personnel at FB Lwara and were possibly mechanics. LTC [REDACTED] did not know to what unit they were assigned, and stated they had no interaction with ODA 343 other than to offer support when needed in regard to mechanical problems. LTC [REDACTED] had no idea as to why their names were added to the team roster.

b7C-1/b6-1

b7C-1/b6-3

b7C-1/b6-1

At 0320, 6 Oct 02, SA [REDACTED] Polygrapher, 11th MP Det (CID), Fort Hood, TX, advised CPT [REDACTED] of his legal rights, which he invoked requesting legal counsel. (See Rights Non-Waiver Certificate of CPT [REDACTED] for details)

b7C b6

At 0335, 6 Oct 02, SA [REDACTED] advised SSG [REDACTED] of his legal rights, which he invoked requesting legal counsel. (See Rights Non-Waiver Certificate of SSG [REDACTED] for details)

b7C-1/b6-1

b7C-1/b6-5

At 1205, 9 Oct 02, SA [REDACTED] interviewed SFC [REDACTED] who rendered a sworn statement further detailing his knowledge of the death of SAYARI and the actions of the SF Team, ODA 343. (See sworn statement of SFC [REDACTED] for details)

b7C-1/b6-1

b7C-1/b6-5

At 0915, 9 Oct 02, SA [REDACTED] collected a Sony laptop computer, serial number 28318330 3621694, as evidence from SPC [REDACTED]. The evidence was documented on a DA Form 4137, Evidence/Property Custody Document, DN 047-02.

b7C-1/b6-1

At 1203, 10 Oct 02, SA [REDACTED] collected beads, which were in the right hand of SAYARI at the time of his death, as evidence from LTC [REDACTED]. The evidence was documented on a DA Form 4137, Evidence/Property Custody Document, DN 048-02.

b7C-1/b6-1

At 1200, 18 Oct 02, SA [REDACTED] and SA [REDACTED] briefed LTC [REDACTED], Deputy SJA, to date on this investigation. LTC [REDACTED] opined there was insufficient evidence at this time to title CW2 [REDACTED] with any offense; however, a suspect interview should be conducted to ascertain his involvement with the recently developed information pertaining to the acts of the subjects of this investigation. There may possibly be two other members of the ODA involved in the conspiracy to kill SAYARI. LTC [REDACTED] opined to obtain ODA

b7C-1/b6-1

b7C-1/b6-1

b7C-1/b6-3

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

87th MP Det (CID), Bagram Airfield, Afghanistan
APO AE 09354

SIGNATURE

b7C-1/b6-1

DATE

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343's weapons now that a partial bullet was recovered from the crime scene, and submit items to USACIL for examination.

At 0330, 22 Oct 02, SA [redacted] *b7C-1, b6-1* coordinated with CPT [redacted] *b7C-3, b6-3* who stated he had interviewed members of 1ST Platoon, A Co, 1/505TH Parachute Infantry Regiment (PIR), 82D Airborne Division, Kandahar, Afghanistan, APO AE 09355 (KAF). CPT [redacted] *b7C-3, b6-3* provided statements he obtained from 2LT [redacted] *b7C-3, b6-3*

[redacted] *b7C-3, b6-3* SSG [redacted] *b7C-3, b6-3*; SSG [redacted] *b7C-3, b6-3*
[redacted] *b7C-3, b6-3* SSG [redacted] *b7C-3, b6-3* CPL [redacted] *b7C-3, b6-3* PFC [redacted] *b7C-3, b6-3*
[redacted] *b7C-3, b6-3* PFC [redacted] *b7C-3, b6-3* SPC [redacted] *b7C-3, b6-3* PFC [redacted] *b7C-3, b6-3*
[redacted] *b7C-3, b6-3* PFC [redacted] *b7C-3, b6-3* SPC [redacted] *b7C-3, b6-3*
[redacted] *b7C-3, b6-3* PFC [redacted] *b7C-3, b6-3* PFC [redacted] *b7C-3, b6-3*

[redacted] *b7C-3, b6-3* and PFC [redacted] *b7C-3, b6-3* 2LT [redacted] *b7C-3, b6-3* and SFC [redacted] *b7C-3, b6-3* stated they had attended an AAR with members of ODA 343 on the day of the shooting in which CPT [redacted] *b7C-3, b6-3* CW2 [redacted] *b7C-3, b6-3* and SFC [redacted] *b7C-3, b6-3* spoke about the shooting. (See sworn statements of 2LT [redacted] *b7C-3, b6-3* and SFC [redacted] *b7C-3, b6-3* for details)

At 0545, 22 Oct 02, SA [redacted] *b7C-1, b6-1* conducted canvass interviews of personnel from 1ST Platoon, A Co, 1/505TH PIR, 82D Airborne Division, KAF. (See Canvass Interview Worksheet for details)

At 0625, 22 Oct 02, SA [redacted] *b7C-1, b6-1* conducted canvass interviews of CPL [redacted] *b7C-3, b6-3* and PFC [redacted] *b7C-3, b6-3*, both assigned to 1ST Platoon, A Co, 1/505TH PIR, 82D Airborne Division, KAF. (See Canvass Interview Worksheet for details)

At 0720, 27 Oct 02, SA [redacted] *b7C-1, b6-1* drafted DA Form 3655, Crime Lab Examination Report, for evaluation by the U.S. Army Criminal Investigations Laboratory (USACIL) in reference to this investigation. (See DA Form 3655 for details)

At 0600, 7 Nov 02, SA [redacted] *b7C-1, b6-1* this office, and CPT [redacted] *b7C-3, b6-3* conducted canvass interviews of the following soldiers assigned to the Mortar Platoon, HHC, 1/505TH PIR, 82D Airborne Division, KAF, who had no information to provide: SGT [redacted] *b7C-3, b6-3* PFC [redacted] *b7C-3, b6-3* PFC [redacted] *b7C-3, b6-3*
[redacted] *b7C-3, b6-3* SGT [redacted] *b7C-3, b6-3* PV2 [redacted] *b7C-3, b6-3*
[redacted] *b7C-3, b6-3* PFC [redacted] *b7C-3, b6-3* PV2 [redacted] *b7C-3, b6-3* SPC [redacted] *b7C-3, b6-3*
[redacted] *b7C-3, b6-3* PFC [redacted] *b7C-3, b6-3* SGT [redacted] *b7C-3, b6-3* and SPC [redacted] *b7C-3, b6-3*

At 0644, 7 Nov 02, SA [redacted] *b7C-1, b6-1* interviewed CPT [redacted] *b7C-3, b6-3* Platoon Leader, Mortar Platoon, HHC, 1/505TH PIR, 82D Airborne Division, KAF, who rendered a sworn statement in which he detailed his knowledge of this incident. (See sworn statement of CPT [redacted] *b7C-3, b6-3* for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA [redacted] <i>b7C-1, b6-1</i> <i>b7C-1, b6-1</i> <i>b7C-1, b6-1</i>		87 th MP Det (CID), Bagram Airfield, Afghanistan APO AE 09354	
SIGNATURE [redacted]		DATE	EXHIBIT
		7 Nov 02	1

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b7c-1, b6-1
At 0703, 7 Nov 02, SA [redacted] interviewed SPC [redacted] *b7c-4, b6-4* Mortar Platoon, HHC, 1/505th PIR, 82D Airborne Division, KAF, who rendered a sworn statement in which he stated he observed CW2 [redacted] *b7c-4, b6-4* at the front gate to Lwara Fire Base conversing with SA [redacted] *b7c-4, b6-4* SPC [redacted] *b7c-4, b6-4* subsequently observed CW2 [redacted] *b7c-4, b6-4* leave with the patrol that went after Mr. SAYARI. (See sworn statement of SPC [redacted] *b7c-4, b6-4* for details)

b7c-1, b6-1
At 0712, 7 Nov 02, SA [redacted] interviewed SGT [redacted] Mortar Platoon, HHC, 1/505th PIR, 82D Airborne Division, KAF, who rendered a sworn statement in which he detailed his knowledge of this incident. SGT [redacted] performed duties as Sergeant of the Guard while at Lwara Fire Base. (See sworn statement of SGT [redacted] for details)

b7c-4, b6-4
At 0730, 7 Nov 02, SA [redacted] interviewed PFC [redacted] Mortar Platoon, HHC, 1/505th PIR, 82D Airborne Division, KAF, who rendered a sworn statement in which he stated he observed CW2 [redacted] *b7c-4, b6-4* at the front gate to Lwara Fire Base conversing with SAYARI. PFC [redacted] *b7c-4, b6-4* then observed an SF patrol leave the FB after SAYARI left the gate. (See sworn statement of PFC [redacted] *b7c-4, b6-4* for details)

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

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted] *b7c-1/b6-1/b2*

ORGANIZATION

87th MP Det (CID), Bagram Airfield, Afghanistan
APO AE 09354

SIGNATURE

[redacted signature]

DATE

7 Nov 02

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Referred to:

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

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

Sworn Statement

0114-02-CID569-23525

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354

DATE: 26 SEP 02 b7c-4/b6-4

TIME: 1135zulu [redacted] b7c-4/b6-4

NAME: [redacted]

SSAN: [redacted]

RANK: SFC

ORGANIZATION: A CO, 519TH MILITARY INTELLIGENCE BATTALION, BAGRAM AIRFIELD, AFGHANISTAN APO AE 09354

b7c-4/b6-4

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

I am currently serving as a Counterintelligence Special Agent with Company A, 519th Military Intelligence Battalion located at Bagram Airfield, Afghanistan. On or about 28 Aug 02, I was transferred to Firebase Lwara, Afghanistan in support of the Combined Joint Special Operations Task Force as the Counterintelligence Special Agent in Charge. I arrived at Firebase Lwara at approximately 1400 hours local time on or about 28 Aug 02. At approximately 1500 hours local time on or about 28 Aug 02, a member of Operational Detachment Alpha (ODA) 343 approached myself and SPC [redacted] along with the outgoing Counterintelligence team, SFC [redacted] and SPC [redacted] (NFI), and told us that we needed to get our gear to process a suspected aggressor that had just been shot. I secured my digital camera, notebook and pen, and left Firebase Lwara in a government vehicle along with [redacted] and [redacted].

Approximately one half mile south of the firebase there were approximately eight members of ODA 343 situated in a circular defensive perimeter approximately fifty meters in diameter around an individual lying prone on the west side and approximately fifteen meters from the center of the riverbed that is also used as a road. The individual was oriented with his head farthest away from the road or riverbed, lying prone with the left side of his head against the ground and face oriented to the right. In his right hand, clenched in a fist, was a string of beads. His right arm was bent and oriented toward his head and shoulders, his right forearm had brain matter and skull fragments splattered on it. His left arm was lying to his side and his left hand was empty. After an initial visual inspection of the body I took several pictures of the body in its undisturbed state. I then pulled the shirt of the body toward the head in order to expose the posterior of the torso because I had noticed several holes in the shirt. I took a picture of approximately five punctures in the back of the body. I then rolled the body over and took additional pictures. I then instructed SPC [redacted] to search the body and collect DNA samples from the body. While SPC [redacted] was taking the DNA samples, an unknown individual said to me that [redacted] was the one that did the shooting. I asked the unidentified person who [redacted] was and was directed to a soldier that was on the East side of the perimeter farthest from the body. I asked [redacted] what had happened and he told me that the person that had been shot was, on several occasions, suspected of following Special Forces soldiers out of Firebase Lwara on their patrols. ODA 343 left the firebase in order to observe the subject's actions. ODA 343 traveled south from the firebase down the riverbed to a location where a hasty defense could be set and a roadblock established. This action was termed a Crazy Ivan by [redacted]. The subject along with approximately five local persons that were riding in the subject's truck entered the perimeter and ODA 343 initiated the stop of the vehicle.

[redacted] b7c-4/b6-4

[redacted] b7c-3/b6-3

[redacted] b7c-3/b6-3

[redacted] b7c-4/b6-4

[redacted] b7c-3/b6-3

[redacted] b7c-3/b6-3

[redacted] b7c-4/b6-4

b7C/b6-4

Statement of SFC [redacted] taken at Bagram, Afghanistan, on 26 Sep 02, continued:

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The five passengers in the vehicle were instructed to leave the area immediately, which they did. The subject was the driver of the vehicle and was taken to the West side of the road, his weapon taken from him and placed approximately ten feet from him. The person that took the weapon from the subject left the subject to return to a M-1025 High Mobility Multipurpose Wheeled Vehicle to radio the firebase and have the counterintelligence team dispatched to the location of the detention. When the person left the subject to call the firebase [redacted] and I believe an individual named [redacted] fired on the subject. I was told by [redacted] the subject lunged for his weapon, picked up his weapon, turned and pointed the weapon at the Special Forces soldiers. I then returned to the body and loaded the body into the back of the deceased truck. The body was driven back to Firebase Lwara by one of the contract Afghanistan Military Force (AMF) soldiers in the truck that belonged to the deceased. The body was fingerprinted by SPC [redacted] and [redacted] then the body and truck were released to the family. I placed the DNA evidence that had been collected at the scene in a freezer that was located in my tent and had SPC [redacted] have a category II interpreter, named [redacted] (NFI), that was assigned to the signals intercept section of the firebase look over the documents that were collected from the body [redacted] said that there was nothing significant to report about the documents. I transferred the digital photographs that I had taken with my camera to my laptop computer and then to a zip disk. Approximately 3 Sep 02, [redacted] and [redacted] left Firebase Lwara under normal conditions leaving the evidence at Firebase Lwara. I instructed SPC [redacted] that he would travel to the Bagram Collection Point on the next available aircraft in order to hand carry the evidence there and to personally hand the disk of digital pictures to SSG [redacted]. SPC [redacted] turned the evidence and photographs over to SSG [redacted] approximately the week of 15 Sep 02. On 24 Sep 02, CPT [redacted] ODA 343's Team Commander, approached me and told me that a member of the Judge Advocate General's Corps would be arriving on the 0800 Zulu aircraft in order to secure statements from several of the team members that were involved in the shooting incident and that he needed the pictures that I had taken. I still had all of the pictures I had taken of the incident on my computer and I took the computer into the briefing room in order to transfer the pictures to a zip disk. CPT [redacted] reviewed the pictures with me and indicated the photos he wanted me to transfer to the zip disk. He did this by having me enlarge the pictures so he could look at the pictures. CPT [redacted] told me, while viewing the picture of the body that shows brain and skull matter on the forearm and the beads clinched in the fist, that he did not want that picture on the disk. Additionally, CPT [redacted] told me that he did not want the picture showing the holes in the back to be transferred to the disk. CPT [redacted] instructed me to not transfer several other pictures to the disk and identified the pictures to transfer. I transferred the pictures to the zip disk and CPT [redacted] told me that he wanted me to delete the pictures that were not transferred from my computer. I deleted the pictures and then CPT [redacted] told me to delete the pictures from the recycle bin of my computer, which I did. I left CPT [redacted] with the zip disk and returned, with my computer, to my quarters. I returned to Bagram Airfield at approximately 1800 hours Zulu on 24 Sep 02. At approximately 0500 hours Zulu, 25 Sep 02, SFC [redacted] (NFI) from the intelligence section of the Special Combined Joint Special Operations Task Force (CJSOTF) called me and said that he needed to collect the evidence that I had sent to the Bagram Collection Facility for exploitation. SFC [redacted] went with me to collect the evidence. SSG [redacted] non-commissioned officer in-charge (NCOIC), turned the evidence over to SFC [redacted]. I then asked SSG [redacted] for the disk of pictures I had sent by [redacted]

[redacted] INITIALS

b7C/b6-3

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Exhibit: 3

Statement of SFC [REDACTED] taken at Bagram, Afghanistan, on 26 Sep 02, continued:

b7C(1), b6-4

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way of SPC [REDACTED] I took the disk of pictures to the Bagram Criminal Investigative Detachment (CID) for processing.

b7C(1), b6-1

Q: SA [REDACTED] b7C(1), b6-4

A: SSG [REDACTED]

Q: How many ODA 343 members were present when you arrived on the scene?

A: Four that I know of, and several AMF soldiers.

Q: Who were the four?

A: [REDACTED] and CPT [REDACTED] b7C(1), b6-5

Q: Do you know their full identification?

A: No, I know [REDACTED] last name is [REDACTED] b7C(1), b6-5

Q: Who went with you to the scene? b7C(1), b6-4

A: SPC [REDACTED] SFC [REDACTED] and SPC [REDACTED] (NFI).

Q: Who else was present at the scene when you arrived?

A: CPT [REDACTED] and [REDACTED] along with the AMF soldiers. b7C(1), b6-5

Q: Do you know or did you see SSG [REDACTED] at the scene?

A: I can't recall [REDACTED] b7C(1), b6-4 b7C(1), b6-3 b7C(1), b6-3

Q: Did SPC [REDACTED] SFC [REDACTED] or [REDACTED] express any concerns as to what they saw?

A: Yes, SFC [REDACTED] said [REDACTED] got another one. b7C(1), b6-3 b7C(1), b6-5

Q: Were any of them upset?

A: Yes, SFC [REDACTED] was unhappy about it. b7C(1), b6-3

Q: Can you describe unhappy about the situation?

A: He seemed disgusted about it.

Q: Did he say anything to you at the scene, or later, that would lead you to believe that the shooting was not justified? b7C(1), b6-3

A: I don't think it was SFC [REDACTED] but I overheard someone say that [REDACTED] had previously stated that he was "going to get one before I leave." I believed that it meant that he was going to kill someone before he left. b7C(1), b6-5

Q: Did SFC [REDACTED] ever tell you anything about prior experiences with [REDACTED] or any SF soldiers? b7C(1), b6-3 b7C(1), b6-5

A: SFC [REDACTED] told me that [REDACTED] had killed an Afghan before. I remember SFC [REDACTED] saying "not again" before we left from the Firebase. b7C(1), b6-3

Q: What type of weapons did the ODA 343 soldiers have with them?

A: M-4's, all of them had M-4's.

Q: Where was the AK-47 when you arrived?

A: It wasn't even at the scene.

Q: Did you ever see it?

A: No.

Q: How long after the shooting were you notified?

A: Approximately 10 minutes, and we responded right away.

Q: Did anyone attempt to contact a MEDEVAC, that you know of?

A: Not that I know of.

Q: Do you know whether or not its procedure for someone to contact a MEDEVAC?

A: The teams have SF trained Medics and it would be their determination.

b7C(1), b6-4

INITIALS

Page 3 of 6 Pages

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Exhibit: 3

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DOD-DOACID000773

Q: Do you know who their Medic was?

A: I think it was [REDACTED] ^{b7E-5, b6-5}

Q: When you arrived, was SAYARI fully clothed?

A: He was fully clothed and his body was returned to his family.

Q: Were there any powder burns on his clothes that you noticed?

A: I can't remember.

Q: Who moved the body?

A: SPC [REDACTED] ^{b7E-4, b6-4} and myself.

Q: Had the body been moved prior to that?

A: I don't know.

Q: Where were the ODA 343 personnel when you arrived?

A: They were still established in a perimeter pulling security.

Q: Do you remember who was where?

A: [REDACTED] ^{b7E-5, b6-5} and [REDACTED] ^{b7E-3, b6-3} were on the eastern edge of the riverbed opposite the body. CPT [REDACTED] ^{b7C-5, b6-5} was to the south, and [REDACTED] ^{b7E-3, b6-3} was in the center with the body. [REDACTED] is a Warrant Officer with the team. He's the one who notified us of the shooting. ^{b7E-5, b6-5}

Q: Where was SAYARI's body in relation to his truck?

A: It was about 15 meters north of the back of his truck.

Q: Did it appear as if the body had been moved?

A: No.

Q: Did you notice any changes in personalities after the shooting?

A: I had never met any of those guys before I got there. I did notice that [REDACTED] ^{b7E-5, b6-5} and [REDACTED] ^{b7E-5, b6-5} were kind of quiet and reserve. They were away from the body.

Q: Do you know whether or not anyone took any type of "war trophy" from the body?

A: No.

Q: Do you know who the individuals with SAYARI were?

A: No.

Q: Do you know if anyone else does?

A: I'm sure the AMF would.

Q: Was SAYARI a suspected Taliban or al-Quaida that you know of?

A: SAYARI was suspected of following the convoys leaving Firebase Lwara, but was not a suspected Taliban or al-Quaida that I know of. The folks around that area are not Taliban or al-Quaida, they are more soldiers of the local warlords.

Q: Do you know who he worked for?

A: No, but I did think he was an AMF soldier.

Q: Did you notice any blood splatter on any of the ODA 343 personnel?

A: No.

Q: Why was the U.S. M-16 placed in some of the photographs?

A: For reference, it was my M-16.

Q: What was the mood or atmosphere in the firebase after the shooting?

A: Normal.

Q: When you saw the body, did you notice any apparent stomach wounds?

A: No.

Q: Were there any apparent gunshot wounds to the front of the body?

[REDACTED] ^{b7C-4, b6-4}

b7c4/b6-4

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A: Not that I saw.

Q: What did the gunshot wounds to the front of the body look like?

A: I saw an exit wound to the top right front of the head. I didn't lift the shirt up on his chest, but I did see blood and what I thought to be exit wounds to the front of the body.

Q: Why didn't you lift the front of the shirt?

A: I was scared to raise the shirt up as they were watching me at this time.

Q: Did anyone tell you what you could and could not do while you were out there?

A: No, they didn't know me, I had just gotten there.

Q: Was there any intelligence information on SAYARI?

A: There was nothing of intelligence value collected from SAYARI.

Q: Did you completely delete the pictures from your computer?

A: Yes.

Q: Is the pictures by chance still on your cameras memory stick?

A: No, they were deleted as well.

Q: What other events transpired after you arrived, aside from you examining the body?

A: Upon my arrival, I placed my truck adjacent to SAYARI's body in order to block the view of the body from any persons walking or driving by. While we were there, there were three trucks full of local nationals that passed by. My tan colored truck was the truck in one of the photographs that was near SAYARI's body.

Q: Did the SF soldiers say why the other occupants of SAYARI's truck were let go?

A: They stated that they had no reason to detain them, that they were only after SAYARI.

Q: How did you know that the material on SAYARI's shirt was brain and skull fragments?

A: The same fragments and material that was on his arm was the same fragments and material that was coming from the wound in his head.

Q: Is this statement is your own words?

A: Yes.

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

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

b7c4/b6-4

INITIALS

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b7C;4 b6-4

Statement of SFC [redacted], taken at Bagram, Afghanistan, on 26 Sep 02, continued:

0114-02-10369-23525

b7C-4, b6-4

AFFIDAVIT

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

b7C-4, b6-4

b7C;4, b6-4

WITNESSES:

SA [redacted]
8TH MD DET (C.O)
BAGRAM AIRFIELD, AFGHANISTAN
APO AE 09354

b7C-1, b6-1

[redacted]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of September, 2002, at Bagram, Afghanistan

b7C-1, b6-1

[redacted]
(Signature of Person Administering Oath)

b7C-1, b6-1

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

Article 136, UMCJ
(Authority to Administer Oaths)

ORGANIZATION AND ADDRESS

[redacted] b7C-4, b6-4
INITIALS

Page 6 of 6 Pages

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Exhibit: 3

North

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X-1 SAYARI
b7C-5/b6-5
X-2 [REDACTED]
X-3 b7C-5/b6-5

X-4 GMV (NISSAN)

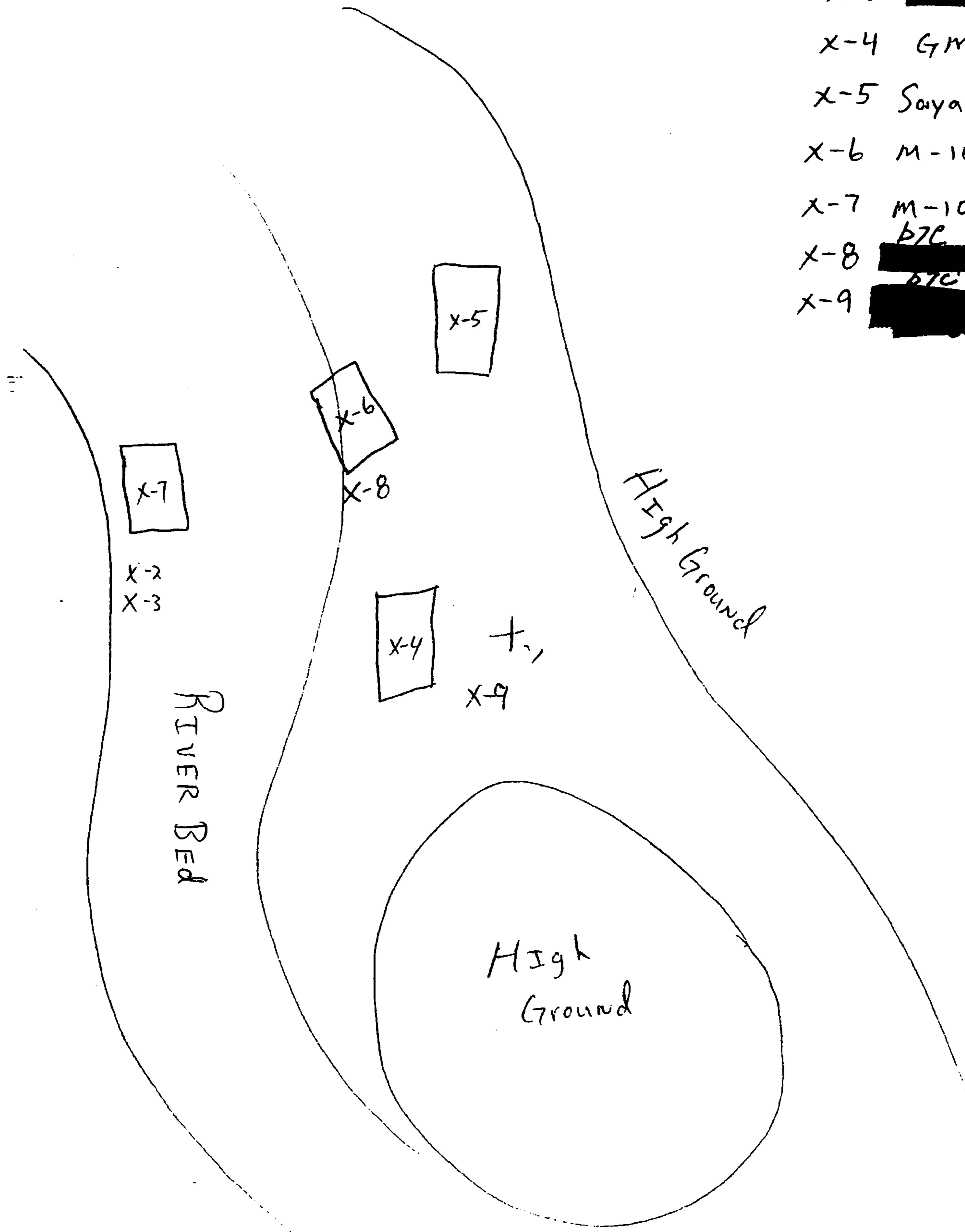
X-5 SAYARI'S TRUCK

X-6 M-1025

X-7 M-1025

X-8 b7C b6 [REDACTED] b7C-5/b6-

X-9 b7C b6 [REDACTED] b7C-5/b6-



SKETCHED BY. SFC [REDACTED] b7C-4/b6-4
26 Sep 02, 1120z

VERIFIED BY. SA [REDACTED] b7C-1/b6-1 63

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354
DATE: 27 Sep 02
TIME: 0934Z
NAME
SSAN
RANK: SSG/Active
ORGANIZATION: A Company, 519th Military Intelligence Battalion, Bagram Airfield, Afghanistan, APO AE 09354

SSG [redacted] want to make the following statement under oath:

Sometime in early September, I received as the Noncommissioned Officer in Charge of the Bagram Collection Point (BCP) two Persons Under United States Control from an Operational Detachment Alpha Team in Lwara. SSG(P) [redacted] who was attached to the ODA in Lwara sent accompanying information and documents on these two persons. Approximately one week later, SPC [redacted], one of SSG [redacted] soldiers working in Lwara, returned to Bagram AF with a package of forensic evidence and documents. I incorrectly assumed these documents and evidence to be from the same raid in Lwara. In the package was human tissue from a deceased local national, fingerprints from the same local national, assorted documents and a zip disk. Upon inspection of the zip disk, I found pictures of the deceased local national. Later that day, I signed over the forensic evidence (including the human tissue and fingerprints on an index card) and copies of the pictures from the zip disk (burned onto a CD) to SA [redacted] of the Criminal Investigative Task Force (CITF). As a matter of practice all forensic evidence is turned over to CITF upon arrival at the Bagram Collection Point for proper documentation to ensure proper chain of custody. A DA Form 4137 was signed from myself to SA [redacted] and he evacuated the tissue, fingerprints, and copies of the pictures. I maintained the zip disk I received from SPC [redacted] in my office in the BCP until 25 SEP 02. The documents received from SPC [redacted] were evacuated through Document Exploitation (DOCEX) channels to Defense Intelligence Agency DOCEX. This is the normal procedure for documents brought into the BCP. On 24 SEP 02, SSG [redacted] returned from Lwara on a routine resupply mission. In the evening of 24 SEP 02, SSG [redacted] asked me if I still had the zip disk SPC [redacted] had given me. He said that he wanted to take possession of the disk because the zip disk was the last copy of the pictures from the shooting and there were people who may want those pictures destroyed. He further explained that the Staff Judge Advocate had initiated an investigation into the shooting that resulted in the death of the individual. The forensic evidence was from the individual who died. He also stated that the Staff Judge Advocate was not given copies of all of the pictures contained on the zip disk that he had forwarded to me with SPC [redacted]. On 25 SEP 02, SSG [redacted] found me at approximately 1100Z in the MWR Room of the BCP where I was sleeping. He woke me and told me that SFC [redacted] was in my office and wanted to take possession of all of the property that came in with SPC [redacted]. SSG [redacted] also told me not to give the zip disk to SFC [redacted] and not to mention the existence of the pictures. I recovered the zip disk from my office and checked with my DOCEX team to learn the location of the documents that came in with SPC [redacted]. My DOCEX Chief informed me that the documents

[redacted] INITIALS

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Page 1 of 3 Pages

Exhibit: 5

b7c-4/b6-4

Statement of SSG [redacted], taken at Bagram Airfield, Afghanistan, on 27 Sep 02, continued:

were at DIA DOCEX being scanned into the Harmony Database. I instructed my DOCEX Chief to wait until DIA DOCEX was done scanning the documents and then turn the documents over to SFC [redacted]. After about 20 minutes, SFC [redacted] said that he would recover the documents himself from [redacted] at DIA DOCEX personally. SFC [redacted] left the facility and I then passed the zip disk to SSG [redacted]. I then told SSG [redacted] that I recalled signing copies of the pictures over to SA [redacted]. I suggested that we check with SA [redacted] to ensure that he still had these pictures and to seek his counsel regarding the events surrounding the shooting in Lwara. SA [redacted] then referred us to SA [redacted].

- Q: SA [redacted]
- A: SSG [redacted]
- Q: Is SSG [redacted] the same as SFC [redacted]?
- A: Yes he was promoted in September.
- Q: Did SFC [redacted] ever tell you what happened in Lwara?
- A: I was present when he told SA [redacted] about the incident.
- Q: Have you ever, or were you present at Lwara at the time of this incident?
- A: I have never been to Lwara.
- Q: Prior to SFC [redacted] telling you about this incident, have you heard anything about ODA 343?
- A: Not to my knowledge. I have had extensive contact with personnel from the Forward Fire Bases, but I never really knew from what Fire Base they were from.
- Q: Is this statement is your own words and typed by this agent?
- A: Yes
- Q: Do you have anything further to add to your statement?
- A: No ///End of Statement///

[redacted] b7c-4, b6-4

b7c-4/b6-4

[redacted]
INITIALS

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Page 2 of 3 Pages
Exhibit: 5

b7c-4, b6-4

Statement of SSG [REDACTED], taken at Bagram Airfield, Afghanistan, on 27 Sep 02, continued:

b7c-4, b6-4

AFFIDAVIT

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

b7c-4, b6-4

[REDACTED SIGNATURE]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of September, 2002, at Bagram Airfield, Afghanistan, APO-AE 09354

WITNESSES:

[REDACTED SIGNATURE]

b7c-4, b6-1

(Signature of Person Administering Oath)

ORGANIZATION AND ADDRESS

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

b7c-4, b6-1

Article 136, UMCJ
(Authority to Administer Oaths)

b7c-4, b6-4

[REDACTED INITIALS]

INITIALS

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Page 3 of 3 Pages

Exhibit: 5

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 Bagram Airfield, Afghanistan, APO AE 09354	2. DATE 30 Sep 02	3. TIME 0845 E	4. FILE NO. 0114-02-CID369-
5. NAME (Last, First, MI) [REDACTED] b7c-5/b6-5	8. ORGANIZATION OR ADDRESS Operational Detachment-Alpha 343 ² / ₃ rd Special Forces Group Bagram Airfield, Afghanistan APO AE 09354		
6. SSN [REDACTED] b7c-5/b6-5	7. GRADE/STATUS SSG/AD	23525	

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 b7c-5/b6-5 and wanted to question me about the following offense(s) of which I am suspected/accused: inspiration and Murder!!!

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)
Have you been advised of your legal rights within the last 30 days? NO Do you currently have a lawyer? NO

Section B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] b7c-5/b6-5
1a. NAME (Type or Print) [REDACTED] b7c-5/b6-5	4. SIGNATURE OF INVESTIGATOR [REDACTED] b7c-1/b6-1	
5. ORGANIZATION OR ADDRESS AND PHONE 87th MP Det (ABN)(CID) APO AE 09311	5. TYPED NAME OF INVESTIGATOR SA [REDACTED] b7c-1/b6-1	
2a. NAME (Type or Print) [REDACTED]	6. ORGANIZATION OF INVESTIGATOR 87th Military Police Det (CID), Bagram, Afghanistan, APO AE 09354	
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

Exhibit 6

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354

DATE: 30 Sep 02 *b7C, b6-5*

TIME: 0939Z *[REDACTED]*

NAME: *[REDACTED]*

SSAN: *[REDACTED] b7C-5, b6-5*

RANK: SSG/Active

ORGANIZATION: Operational Detachment-Alpha 343, 3rd Special Forces Group, Bagram Airfield, Afghanistan, APO AE 09354

b7C-5, b6-5
I, SSG *[REDACTED]*, want to make the following statement under oath:

I left Fire Base Lwara around 1000z, on a patrol designed to capture an al-Qaida informant who had been watching and following the FB's patrols. We left in a 2 vehicle convoy to see if the suspect would follow. Myself and CPT *[REDACTED] b7C, b6-5* were tasked with flank security and I positioned myself on the backside of the hill to give me the best view of the road. I continued to monitor the road. A few minutes later, I heard shots, I ran back to where the road block was at and saw the subjects laying on the ground. Also at the time, I saw SSG *[REDACTED]* kicking the suspects weapon away from him. After determining my team mates were fine and uninjured, I posted myself back on security.

Q: SA *[REDACTED] b7C-1, b6-1*

A: SSG *[REDACTED] b7C-5, b6-5*

Q: On what date did this occur?

A: 28 August 2002.

Q: Did you conspire with your team members to shoot and kill Mohammed SAYARI?

A: No.

Q: Do you know if any of your team members wanted to shoot and kill SAYARI?

A: No, none of my team members wanted to kill SAYARI.

Q: At any time, while your unit had SAYARI detained, did you see anything in his hands?

A: No, I was on security behind the hill and could not see his hands.

Q: Did you see SAYARI in possession of a weapon?

A: He had an AK-47 with him when we initially stopped him. When he stepped outside of the vehicle, he had it in his hands. I then went over and set up security.

Q: Did you see any of your team members take SAYARI's weapon and place it anywhere?

A: SFC *[REDACTED] b7C-5, b6-5* took the weapon and placed it on the ground, about 10 feet away from SAYARI's truck.

Q: Did the other local nationals within SAYARI's truck have any weapons?

A: One of the AMF soldiers had an AK-47 on him.

Q: Did the other local nationals present any threat to you or your team members, or attempt to resist you moving them away from the scene?

A: No.

Q: After the shooting, were you able to see SAYARI's body?

A: After the shooting, I was only able to see the body from a distance. He was lying face down on the ground. I could not see how his arms, legs and head were positioned.

[REDACTED] b7C-5, b6-5
INITIALS
DA Form 2823

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Page 1 of 4 Pages

Exhibit: 6

b7C5, b6-5

Statement of SSG [REDACTED] taken at Bagram Airfield, Afghanistan, on 30 Sept 02, continued:

Q: Where on his body were his injuries?

A: I could not tell from the distance.

Q: Did he have anything in his hands?

A: I could not tell from the distance.

Q: What happened with the weapon confiscated from SAYARI?

A: After the incident occurred, I believe it was placed inside one of our trucks.

Q: What weapons did your team carry with them to the roadblock?

A: All U.S.

Q: Did any of your team members carry any non-U.S. issued weapons?

A: No.

Q: What happened after the shooting?

A: SFC [REDACTED] b7C-5, b6-5 could not get communications with the Fire Base, so he and I drove one of our vehicles back. At that time, we also notified Counter-Intelligence about the shooting.

Q: After Counter Intelligence arrived on the scene, were you able to see SAYARI's body?

A: Yes. I saw a wound to his head and abdomen.

Q: Describe those wounds?

A. The head shot looked like a small hole in the center of the forehead about as big around as my pinkie size I guess. The stomach wound just looked like an entrance wound, a pinkie sized wound, about center on the abdomen.

Q. When you say pinkie, what are you referring to with that term?

A. My pinkie finger.

Q. Did you see any other wounds on the head?

A. No.

Q: Did you see anything in his hands?

A: No.

Q: Did any of your team members ever tell you what to say to the Commander's Inquiry Investigating Officer?

A: No.

Q: Did any of your team members ever tell you what to say to USACIDC?

A: No. b7C5, b6-5

Q: Did CPT [REDACTED] ever tell you to leave out certain information to the Investigating Officer, or USACIDC?

A: No. b7C5, b6-5

Q: Did you know if CPT [REDACTED] ever left out any information, or withhold evidence to the Investigating Officer, or USACIDC?

A: No.

Q: Did any of your team members mention, or state to you that they had lied to the Investigating Officer?

A: No.

Q: Did you know if SAYARI had ever presented a direct threat to U.S. Forces?

A: Before the incident, not that I know of.

Q: Before the 28th of August, had SAYARI ever presented a direct threat to any Special Forces unit?

A: Before the incident, not as far as I know.

[REDACTED] b7C-5, b6-5
INITIALS
DA Form 2823

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Page 2 of 4 Pages

Exhibit: 6

b7C-5, b6-5

Statement of SSG [REDACTED] taken at Bagram Airfield, Afghanistan, on 30 Sept 02, continued:

Q: Do you know if any of the other local nationals with SAYARI, observed the shooting?

A: Not that I know of.

b7C-5, b6-5

Q. Near which hand of SAYARI was the AK-47 after he was dead and you saw SSG [REDACTED] kicking it away?

A. It was near his right hand on his right side.

Q. Who checked SAYARI for signs of life?

A. I don't know.

Q. How many rounds did you hear fired?

A. Between 5 to 8 shots.

Q. What was the position of SAYARI's body in relationship to the road?

A. The road ran in a SW to NE direction and SAYARI's body was laying in a SE to NW west direction with his head facing towards the NW. He was face down about four feet from where the hill started to rise.

Q. What would you do if a member of your team shot an unarmed captive/detainee?

A. If he was unarmed and they were wrong. Then they were wrong. Turn 'em in I guess. If it needed to be brought to attention, bring to attention.

Q. Did you see the actual shooting?

A. No.

Q. Did anything about the shooting of SAYARI look odd to you?

A. No.

Q. Have you been involved in any shootings?

A. Yes. We were fired upon by Al Qaeda fighters and we returned fire.

Q. Were you ever involved in an incident similar to this one?

A. No.

Q. If SAYARI was shot and killed in cold blood, what should happen to the person(s) that shot him?

A. Whatever the legal people feel fit to do.

Q. If you had the say, what would you say should happen to them?

A. They should be dealt with according to the law.

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

A: Yes.

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

A: No [REDACTED] b7C-5, b6-5 b7C-5, b6-5

END OF STATEMENT [REDACTED]

b7C-5, b6-5

[REDACTED]

INITIALS

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Exhibit: 6

b7C-5, b6-5

Statement of SSG [REDACTED] taken at Bagram Airfield, Afghanistan, on 30 Sept 02, continued:

b7C-5, b6-5

AFFIDAVIT

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

b7C-5, b6-5

b7C-5, b6-5

b7C-1, b6-1

WITNESSES:

SA [REDACTED]
87th Military Police Detachment (CID)

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of September, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

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

SA [REDACTED] b7C-1, b6-1
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354
(Name of Person Administering Oath)

Article 136, UMCJ
(Authority to Administer Oaths)

b7C-5, b6-5

[REDACTED]
INITIALS
DA Form 2823

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Page 4 of 4 Pages

Exhibit: 6

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: Bagram Airfield, Afghanistan, APO AE 09354
2. DATE: 30 Sep 02
3. TIME: 1008z
4. FILE NO.: 0114-02-CID369 -
5. NAME (Last, First, MI): [Redacted] b7C-5 b6-5
6. SSN: [Redacted] b7C-5 b6-5
7. GRADE/STATUS: CPT/AD
8. ORGANIZATION OR ADDRESS: Operational Detachment-Alpha 343, 3rd Special Forces Group, Bagram Airfield, Afghanistan, APO AE 09354

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command
As a Special Agent b7C-5 b6-5 and wanted to question me about the following offense(s) of which I am suspect: Conspiracy and Murder///

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

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

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

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

5. COMMENTS (Continue on reverse side)
Have you been advised of your legal rights within the last 30 days? No Do you currently have a lawyer? No

Section B. Waiver

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

1a. WITNESSES (If available)
1b. ORGANIZATION OR ADDRESS AND PHONE: 87th MP DET (ABN) (CID), APO AE 09311
2a. NAME (Type or Print)
2b. ORGANIZATION OR ADDRESS AND PHONE
3. SIGNATURE OF INTERVIEWEE
4. SIGNATURE OF INVESTIGATOR: SA [Redacted] b7C-1 b6-1
5. TYPED NAME OF INVESTIGATOR: [Redacted] b7C-1, b6-1
6. ORGANIZATION OF INVESTIGATOR: 87th Military Police Det (CID), Bagram, Afghanistan, APO AE 09354

Section C. Non-waiver

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

SIGNATURE OF INTERVIEWEE

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

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354

DATE: 30 Sep 02 b7C(5) b6-5

TIME: 1202Z [REDACTED] b7C(5) b6-5

NAME: [REDACTED]

SSAN: [REDACTED] b7C(5) b6-5

RANK: CPT/Active

ORGANIZATION: Operational Detachment-Alpha 343, 3rd Special Forces Group, Bagram Airfield, Afghanistan, APO AE 09354

I, CPT [REDACTED] b7C(5) b6-5, want to make the following statement under oath:

We had received information that a local national was following our patrols out of Fire Base Lwara. CW2 [REDACTED] b7C(5) b6-5 had gathered enough information to know that the individual was Mohammed SAYARI, who was a local sub-elder. My unit had decided to attempt to detain SAYARI and question to him as to why he was following our patrols. On 28 Aug 02, CW2 [REDACTED] b7C(5) b6-5 stated that SAYARI was at the Fire Base, and the determination was made to attempt to detain him. The plan was to see if SAYARI would follow us. Upon his arrival, SFC [REDACTED] b7C(5) b6-5 and SSG [REDACTED] b7C(5) b6-5 got their equipment on and were getting ready to move out. SSG [REDACTED] b7C(5) b6-5, our Commo NCO was originally supposed to go, but he had to do something else, so I decided to go. On our way out of the gate, we saw CW2 [REDACTED] b7C(5) b6-5 talking with SAYARI. We told CW2 [REDACTED] b7C(5) b6-5 that we were moving out on a hot mission, which was the plan in order to fool SAYARI and see if he was following us. Some distance away from the Fire Base, we set up a roadblock. SSG [REDACTED] b7C(5) b6-5 and myself were tasked with setting up security. When SAYARI arrived, there were four other occupants in his vehicle, which we let go. I could not see what was going on, but a few minutes after the other local nationals left, I heard shots from where SFC [REDACTED] b7C(5) b6-5 and SSG [REDACTED] b7C(5) b6-5 were standing. I looked back to make sure everything was ok, and called out to SFC [REDACTED] b7C(5) b6-5 and SSG [REDACTED] b7C(5) b6-5 who both said everything was ok. After about a few minutes and I was sure that nobody was going to approach our position, I moved back to where SFC [REDACTED] b7C(5) b6-5 and SSG [REDACTED] b7C(5) b6-5 was. I asked them what had happened: SSG [REDACTED] b7C(5) b6-5 stated SAYARI had attempted to shoot SFC [REDACTED] b7C(5) b6-5, when he (SSG [REDACTED] b7C(5) b6-5) had fired on SAYARI. SFC [REDACTED] b7C(5) b6-5 then fired upon SAYARI until he was down on the ground. SSG [REDACTED] b7C(5) b6-5 said that SAYARI had been able to obtain his AK-47. I did not see much of the body when I originally came up to the position, so I cannot say what injuries he had sustained. SFC [REDACTED] b7C(5) b6-5 and SSG [REDACTED] b7C(5) b6-5 returned back to the Fire Base, because we could not get communications, and at that time notified Counter-Intelligence to come to the scene. When CI arrived at the scene, I only saw the body a little bit more, but could not really tell his injuries.

Q: SA [REDACTED] b7C(5) b6-5

A: CPT [REDACTED] b7C(5) b6-5

Q: On what date did this occur?

A: 28 August 2002.

Q: Did you conspire with your team members to shoot and kill Mohammed SAYARI?

A: No. b7C(5) b6-5

[REDACTED]
INITIALS
DA Form 2823

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Page 1 of 4 Pages

Exhibit: 7

73

b7C-5jb 6-5

Statement of CPT [REDACTED] taken at Bagram Airfield, Afghanistan, on 30 Sept 02, continued:

Q: Do you know if any of your team members wanted to shoot and kill SAYARI?

A: No.

Q: At any time, while your unit had SAYARI detained, did you see anything in his hands?

A: No I could not see his hands.

Q: Did you see SAYARI in possession of a weapon?

A: No I did not.

Q: Did the other local nationals within SAYARI's truck have any weapons?

A: One of them was an AMF soldier, so I believe he had a weapon.

Q: Did the other local nationals present any threat to you or your team members, or attempt to resist you moving them away from the scene?

A: No they did not.

Q: After the shooting, were you able to see SAYARI's body? Can you describe?

A: I saw what looked like a head wound and what appeared to be a center mass wound.

Q: How was his body positioned?

A: Face down and generally away from me when I arrived at the scene.

Q: Where on his body was the center mass wound?

A: I didn't go close enough to verify.

Q: Did he have anything in his hands?

A: I did not see anything at the time.

Q: When did you see something in his hands?

A: When I reviewed the pictures with CI.

Q: What did you see in his hands?

A: I believe they were stress beads.

Q: What happened with the weapon confiscated from SAYARI?

A: After the shooting, it was put into one of our trucks and at some time brought back to our Fire Base. I can only assume that it was destroyed.

Q: What weapons did your team carry with them to the roadblock?

A: We do carry AK-47's in order to appear to be local nationals when we are out on some of our patrols. The AK-47's were inside of our vehicles, but none of my team members had them during this incident. My team members carried M-4's.

Q: After CI arrived on the scene, what other injuries did you see on SAYARI's body?

A: Nothing definite. I could see a head wound, which looked pretty bad, but I could not see anything else.

Q: Did you ever tell any of your team members what to say to the Commander's Inquiry Investigating Officer?

A: No I did not.

Q: Did you ever tell any of your team members what to say to USACIDC?

A: No I did not.

Q: Did you willfully leave out any information, or withhold evidence to the Investigating Officer, or USACIDC?

A: No I did not.

Q: Did any of your team members mention, or state to you that they had lied to the Investigating Officer?

b7C-5jb 6-5

[REDACTED]

INITIALS

DA Form 2823

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Page 2 of 4 Pages

Exhibit: 7

b7c-5, b6-5

Statement of CPT [redacted] taken at Bagram Airfield, Afghanistan, on 30 Sept 02, continued:

A: No they did not.

Q: Did you ever tell any of the CI personnel not to download certain pictures to be presented to the Investigating Officer?

A: CI had taken all of the pictures and decided what pictures were to be downloaded.

Q: Did you ever tell any of the CI personnel to download certain pictures and then delete all of the rest of the pictures on file?

A: No I did not. They chose what pictures were to be downloaded.

Q: Who was present when the pictures were downloaded?

A: I only know his name was [redacted] b7c-3, b6-3

Q: Prior to this incident, did you know if SAYARI had ever presented a direct threat to U.S. Forces?

A: No.

Q: Do you know if any of the other local nationals with SAYARI, observed the shooting?

A: I don't think so.

Q: How long and how far away were the local nationals when the shooting occurred?

A: Five minutes. They were about a couple hundred meters away. The road took a turn and a dip, and I saw them go that way.

Q: How much time transpired between the time you stopped SAYARI's vehicle, and when you heard the shooting?

A: About 8-10 minutes.

Q: Near which side of SAYARI was the AK-47 after he was dead?

A: SSG [redacted] b7c-5, b6-5 had picked up the weapon and cleared it by the time I got up to the scene.

Q: How many rounds did you hear fired?

A: I heard about 4 or 5 shots, but after counting the brass on the ground, we counted about 10-12 rounds. That kind of surprised us about how many rounds were actually fired. SFC [redacted] b7c-5, b6-5 and SSG [redacted] b7c-5, b6-5 commented that they did not realize that they had fired that many rounds.

Q: What was the position of SAYARI's body in relationship to the road?

A: Laying on the side of the road. His head was facing away from me. I would say that he was at an angle from the road.

Q: Did you see the actual shooting?

A: No.

Q: Did anything about the shooting of SAYARI look odd to you?

A: No.

Q: Have you been involved in any shootings?

A: Yes. While attempting to detain al Qaeda fighters we were fired upon. I was with the middle team, and did not fire, but saw the front team fire.

Q: Were you ever involved in an incident similar to this one?

A: Nothing like it.

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

A: Yes. [redacted] b7c-5, b6-5

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

A: NO. END OF STATEMENT [redacted] b7c-5, b6-5

INITIALS

DA Form 2823

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Exhibit: 7

Q - Who said [redacted] was Bullshit?
A - b7C-5/b6-5 AND CPT [redacted]

END OF STATEMENT

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 signature] 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 October, 19 2002 at Kandahar Afghanistan

[redacted signature] b7C-5/b6-5
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

b7C-5/b6-5

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

b7C:5, b6-5

Statement of CPT [redacted] taken at Bagram Airfield, Afghanistan, on 30 Sept 02, continued:

b7C:5, b6-5

AFFIDAVIT

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

b7C:5, b6-5

b7C:5, b6-5

[redacted signature]

(Signature of Person Making Statement)

b7C:1, b6-1

WITNESSES:

[redacted witness name]

SA [redacted]
87th Military Police Detachment (CID)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of September, 2002, at Bagram Airfield, Afghanistan APO AE 09354

[redacted signature]

b7C:1, b6-1

(Signature of Person Administering Oath)

b7C:1, b6-1

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

(Name of Person Administering Oath)

Article 136, UMCJ
(Authority to Administer Oaths)

b7C:5, b6-5

[redacted initials]

INITIALS

DA Form 2823

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Page 4 of 4 Pages

Exhibit: 7

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: Bagram Airfield, Afghanistan, APO AE 09354
2. DATE: 30 Sep 02
3. TIME: 1245
4. FILE NO.: 0114-02-CID369
5. NAME: [Redacted] b7C5/b6-5
6. SSN: [Redacted]
7. GRADE/STATUS: SFC/AD
8. ORGANIZATION OR ADDRESS: Operational Detachment-Alpha 343, 3rd Special Forces Group, Bagram Airfield, Afghanistan, APO AE 09354

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command
As a Special Agent b7C-5/b6-3 and wanted to question me about the following offense(s) of which I am suspected: Conspiracy and Murder///

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

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject 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/b6-3

- or -

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

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

5. COMMENTS (Continue on reverse side)
Have you been advised of your legal rights within the last 30 days? NO Do you currently have a lawyer? NO

Section B. Waiver

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

1a. NAME (Type or Print) SA [Redacted]
b. ORGANIZATION OR ADDRESS AND PHONE 87th Military Police Det (CID)
2a. NAME (Type or Print) SA [Redacted]
b. ORGANIZATION 87th Military Police Det (CID), Bagram, Afghanistan, APO AE 09354
3. SIGNATURE OF INTERVIEWEE [Redacted]
4. SIGNATURE OF INVESTIGATOR [Redacted]
5. TYPED NAME OF INVESTIGATOR SA [Redacted]
6. ORGANIZATION OF INVESTIGATOR 87th Military Police Det (CID), Bagram, Afghanistan, APO AE 09354

Section C. Non-waiver

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

SIGNATURE OF INTERVIEWEE [Redacted]

ATTENTION: THIS STATEMENT IS NOT A SWORN STATEMENT FOR FORM 28231 SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

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: Bagram Airfield, Afghanistan, APO AE 09354
2. DATE: 30 Sep 02
3. TIME: 1300Z
4. FILE NO.: 0114-02-CID369
5. NAME: [Redacted] b7C5/b6-5
6. SSN: [Redacted] b7C5/b6-5
7. GRADE/STATUS: SSG SEE/AD
8. ORGANIZATION OR ADDRESS: Operational Detachment-Alpha 343, 3rd Special Forces Group, Bagram Airfield, Afghanistan, APO AE 09354

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command
As a Special Agent [Redacted] b7C5/b6-5 and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy and Murder///

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

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

5. COMMENTS (Continue on reverse side)
Have you been advised of your legal rights within the last 30 days? No
Do you currently have a lawyer? No

Section B. Waiver

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

1a. NAME (Type or Print): [Redacted]
1b. ORGANIZATION OR ADDRESS AND PHONE: 87th Military Police Det (CID)
2a. NAME (Type or Print): [Redacted]
2b. ORGANIZATION OR ADDRESS AND PHONE: 87th Military Police Det (CID), Bagram, Afghanistan, APO AE 09354
3. SIGNATURE OF INTERVIEWEE: [Redacted]
4. SIGNATURE OF INVESTIGATOR: [Redacted]
5. TYPED NAME OF INVESTIGATOR: SA [Redacted]
6. ORGANIZATION OF INVESTIGATOR: 87th Military Police Det (CID), Bagram, Afghanistan, APO AE 09354

Section C. Non-waiver

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

SIGNATURE OF INTERVIEWEE: [Redacted]

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

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354

DATE: 1 Oct 02 b7C-5, b6-5

TIME: 1810Z [REDACTED] b7C-5, b6-5

NAME: [REDACTED]

SSAN: [REDACTED] b7C-5, b6-5

RANK: CW2/Active

ORGANIZATION: Operational Detachment-Alpha, 2/3rd Special Force Group, Bagram Airfield, Afghanistan, APO AE 09354

b7C-5, b6-5

I, CW2 [REDACTED], want to make the following statement under oath: My unit had information that a local national was following our patrols. I was able to gather intelligence and identify the individual as Mohammed SAYARI. I was also able to gather a description and what kind of vehicle he drove. On 28 Aug 02, he arrived at our Fire Base and asked if we wanted to rent a truck. I told him we did not want to rent one at present, but asked if he could come back later on. I informed my team, and the plan was to see if SAYARI would follow the patrol, and if so, to stop him and ask him why he was following our patrols. Just after SAYARI arrived, which was about 1030Z, we launched two government vehicles in the rouse that they were going out on a mission. SAYARI stated that he had to go, and left the base. About 1100Z, SFC [REDACTED] and SSG [REDACTED] returned to the Fire Base and informed me about the shooting. SFC [REDACTED] also turned in SAYARI's AK-47. I am not sure what happened to SAYARI's weapon. We contacted Counter-Intelligence, and along with them and the Afghan Military Forces Commander, I went to the scene. Upon my arrival, I saw SAYARI lying on the ground with what appeared to be a head wound. I cannot remember what exact position his body was in. The CI examined the scene, took some photos and notes. I coordinated with the AMF Commander, who made arraignments to have SAYARI's body turned over to his family. When I spoke with the AMF Commander, [REDACTED], he stated that SAYARI was a thug in the area and had been extorting money from the local people. SAYARI had killed a local tribal member in Margah and was living in Lwara for fear of retribution.

Q: SA [REDACTED] b7C-5, b6-1

A: CW2 [REDACTED] b7C-5, b6-5

Q: Did any of your team members conspire to kill SAYARI?

A: No.

Q: Do you know if any of your team members had murdered SAYARI?

A: No they did not.

Q: Did anything seem odd to you about the shooting?

A: No.

Q: When you arrived on the scene, did you see anything in SAYARI's hands?

A: No, I could not see. b7C-5, b6-5

Q: Did you know if CPT [REDACTED] told CI what pictures to download to be presented to the Commander's Inquiry Investigating Officer?

A: I have no idea.

Q: Did you see the photos which CI had taken?

[REDACTED] b7C-5, b6-5

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Exhibit: 10

80

b7c-5) b6-5

Statement of CW2 [REDACTED] taken at Bagram Airfield, Afghanistan, on 1 Oct 02, continued:

A: No I never saw the photos. We were informed prior to coming into the country, that any photos we had of Afghani's that were either blindfolded, captured, shot, or dead, were to be reviewed for intelligence purposes. After the photos were reviewed and whatever information gathered from them, that we were not allowed to hold on to the photos.

Q: Why were you not allowed to hold on to them?

A: It was not meant to cover-up any situations we were involved in, it was meant to insure that nothing was construed from the photos. And also that no photos were to end up being sent by email, or end up in some newspaper or magazine.

Q: Did SSG [REDACTED] or SFC [REDACTED] ever say that SAYARI's hands were over his head?

A: No they did not. They said that while they were shooting him, his body turned and then fell on the ground.

Q: Prior to this incident what contact did you have with SAYARI?

A: Prior to our arrival to Lwara, SAYARI had set up a checkpoint near where the Fire Base was. He used the checkpoint in order to extort money from the local people. SAYARI was considered a sub-elder. Many of the elders did not like him, but respected him because he always had some security with him. When we arrived, we essentially knocked down his checkpoint, and he tried to get any jobs on the installation, which we refused. I had spoken with him several times, whenever he tried to get a job on post. On the day of the incident, he was trying to rent us a truck.

Q: Describe how you came to know that it was SAYARI that was following your patrols?

A: We had heard information that somebody was following some of our patrols, but we did not know who it was. A few weeks prior to the incident, [REDACTED] told me that SAYARI was the one that was following our patrols, but that he currently was not in the area. Up until the morning of the incident, none of my unit members knew about SAYARI. On the 28th, SAYARI came up to our compound, at which time I informed my team.

Q: Did you ever find out why SAYARI was following your patrols?

A: [REDACTED] had informed me that it was to inform personnel, whether it be Taliban or al-Qaeda, that we were coming. An early warning for them.

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

A: Yes.

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

A: No. ///End of Statement// [REDACTED] b7c-5) b6-5

b7c-5) b6-5

[REDACTED]
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Exhibit: 10

b7C5, b6-5

Statement of CW2 [REDACTED] taken at Bagram Airfield, Afghanistan, on 1 Oct 02, continued:

b7C5, b6-5

AFFIDAVIT

I, CW2 [REDACTED], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b7C5, b6-5

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of September, 2002, at Bagram Airfield, Afghanistan, APO AE 09354

[REDACTED]

b7C1, b6-1

(Signature of Person Administering Oath)

b7C1, b6-1

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

(Name of Person Administering Oath)

Article 136, UMCJ
(Authority to Administer Oaths)

b7C5, b6-5

[REDACTED]

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Exhibit: 10

Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354

DATE: 2 Oct 02 *b7C4/b6-4*

TIME: 0800Z *[redacted]*

NAME: *[redacted]* *b7C-4, b6-4*

SSAN: *[redacted]* *b7C-4, 1-6-4*

RANK: SPC/Active

ORGANIZATION: A Company, 519th Military Intelligence Battalion, Bagram Airfield, Afghanistan, APO AE 09354

b7C-4/b6-4
 I, SPC *[redacted]*, want to make the following statement under oath: *b7C-3, b6-3*
 On the first day of work at FB Lwara, *[redacted]* and myself
 were discussing a continuity change over, in a tent within the compound on FB Lwara when
 Chief *[redacted]*, ODA 343's team Chief came to the tent we were in. Chief *[redacted]* stated
 something serious had happened, someone has been shot. He then asked if we would come and
 take a look at the body. *[redacted]* and myself all rode in a Nissan pickup truck down to
 the location of the shooting. The shooting had taken place about 1500m to the south, from the
 Fire Base, in a riverbed, one of the common roads in the area. When we arrived at the shooting
 site ODA 343 had set up a security perimeter around the body. The man was approximately 72"
 tall and weighed approximately 145lbs he had dark brown to black hair slightly curly, with the
 same colored mustache. The man was lying in a face down position with his legs slightly bent.
 The man's right arm was extended above his head on the ground with a set of prayer beads
 clenched in his closed fist. Photographs were taken, and I conducted a full search of the body.
 During the search I found many various things to include three small bottles of cologne, a
 wooden toothbrush, a hair comb, a few small pieces of paper, a mirror, and an undetermined
 amount of Pakistani rupees. The man was wearing a white knee length shirt, a dark red vest and a
 white pair of pants, common clothing in the area. The man wore a wristwatch on his left hand,
 and a pair of sandals. Also at the shooting location was the dead mans vehicle. The vehicle was
 a slate blue, or gray Hilux pickup truck. The vehicle was also searched although nothing of value
 was found. After completing the vehicle search approximately ten AMF soldiers who work at
 FB Lwara to include their commander, came to the shooting location. The commander was *b7C-5/b6-5*
 asked to inform the elders of the dead man's tribe in order for them to retrieve the body *[redacted]*
 (NFI) and *[redacted]* (NFI) were team members from ODA 343 who had shot the man. When asked to
 explain the sequence of events leading up to the shooting, they explained what had happened.
[redacted] and *[redacted]* said that the man had been following them as they left the FB for a patrol. They
 stated that this was not the first time this man had been seen following them, and that he was
 wanted for questioning. They had set up a vehicle checkpoint, and when the vehicle was
 stopped, they had removed the man wanted for questioning from the vehicle and allowed the
 other three passengers to proceed down the river bed on foot. *[redacted]* and *[redacted]* said they had
 removed an AK47 from the vehicle and placed both the man and the weapon against a hill, near
 to the location of where the body of the man was found. They stated that when *[redacted]* turned his
 back in order to radio in a report of what was happening, the man got the AK47 from the bank
 and was aiming it at *[redacted]* fired at the man and hit him in the lower abdomen or in the

[redacted] *b7C b6*

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Exhibit: 11

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, on 2 Oct 02, continued:

b7C-5/b6-5

upper hip. [redacted] stated that he quickly turned to see the man still standing and fired at the man several times. [redacted] and [redacted] stated that the man then fell to the ground dead. When asked where the AK47 was located now, they said that it had been taken to the FB. No weapon was ever seen by [redacted] or myself at or near the location of the body. After questioning [redacted] and [redacted], the body was then placed in the back of his Hilux, and driven back to FB Lwara where fingerprints were taken. A short time later the tribal elders arrived to remove the body from FB Lwara. Upon arrival of the elders at the FB, they did not seem to be saddened by the death of one of their tribe members, in fact they thanked [redacted] and [redacted] for shooting the man. It was later determined that the man that was killed was considered a bad man within the tribe. The tribal elders claimed that the man had previously been banned from returning to his original tribe because he had murdered many of his fellow tribesmen.

Q: SA [redacted]

A: SPC [redacted]

Q: The man that was killed was his name SAYARI?

A: Yes.

Q: Did [redacted] or [redacted] ever tell you what hand SAYARI had his weapon in?

A: No they did not.

Q: [redacted] stated he was the first person to shoot SAYARI, correct?

A: Correct. [redacted] had his back to him.

Q: Did [redacted] tell you where he hit SAYARI?

A: No.

Q: Did [redacted] tell you where else he hit SAYARI?

A: No he did not. We didn't ask any of these questions at that time, because we didn't think the shooting was odd. But, after viewing the photos, we noticed that SAYARI had brain matter on his right arm and was also clenching a set of prayer beads in his right hand. We thought that odd since it was stated that SAYARI had picked up his AK47. We did not ask [redacted] or [redacted] any further questions, because we sent our photos up higher to be analyzed.

Q: Who else saw the photos?

A: The Commander and other members of ODA 343 had seen them, as well as [redacted] and I.

Q: What were the comments from the members of ODA 343 when viewing the photos?

A: Pretty much "we did a good job with that guy, because he pointed a weapon at us", that sort of thing was said.

Q: Did anyone comment about the brain matter on SAYARI's sleeve or the prayer beads in his hands?

A: No. [redacted] and I never brought it up, except between us.

Q: How did you and [redacted] feel after seeing the brain matter and prayer beads?

A: I was sent up to Bagram with all of the evidence and pictures. We are not trained on this matter, but we found it suspicious, and that is why I hand-carried the items to Bagram.

Q: How many photos were taken at the scene?

A: I am not sure.

Q: Did any of the SF personnel, at the scene, tell you what pictures not to take?

A: No. The team of 343, in especially [redacted] was upset about the shooting. [redacted] had also commented that he felt that the Detention Facility was not keeping suspects long enough. An

b7C-4/b6-4

[redacted]

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Exhibit: 11

b7c-4, b6-4

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, on 2 Oct 02, continued:

Afghan in particular who was making timing devices for rockets to fire at our Fire Base was sent back to Lwara after only being in the Detention Facility for three weeks.

Q: How was [redacted] upset about the shooting?

A: He was saddened about the shooting. But, he was mad that the Government was investigating the shooting.

Q: Who had seen the photos and thought that they were odd?

A: [redacted] and myself.

Q: Did [redacted] or [redacted] ever say that SAYARI had his hands over his head?

A: No.

Q: Did anyone in your unit, in Bagram comment on the photos?

A: No. When I came back to Bagram I turned them over to the Detention Facility in order to be turned over to SSG [redacted]

Q: Did you overhear, or know of, CPT [redacted], the ODA Commander, instructing [redacted] to delete certain pictures and not to present them to the Commander's Inquiry Investigating Officer?

A: No I never heard of this. I knew something was wrong when [redacted] had told me to take the pictures to Bagram myself and not send them through distribution, or to drop them off at CJSOTF.

Q: Did you know of any other Commander's Inquiry Investigation looking into other shootings?

A: No. I know that [redacted] has shot someone else prior to this.

Q: Do you know when the other shooting occurred?

A: No I do not know the date.

Q: Do you recall the circumstances behind the other shooting?

A: No I do not know.

Q: Did any of the members of ODA 343 threaten you?

A: No one had threatened me. Although I was asked many probing questions about the investigation by [redacted]

Q: What did [redacted] say?

A: When ODA 343 and myself were recalled back to Bagram, the general consensus of the team was that the shooting incident was no big deal, and that the team might get an ass-chewing from the CG and then sent back to the US. [redacted] had asked me how serious was the investigation, or how serious did it seem. He also commented that if they were going to do something to him, then they would have escorted him back to Bagram when he was initially interviewed by the Investigating Officer.

Q: Did you feel threatened by the members of ODA 343?

A: No.

Q: CPT [redacted] stated in his statement that CI had made the determination which photos were to be sent to the Investigating Officer and what photos were to be deleted. Do you know if this is true?

A: There may have been photos that were taken at the scene that were messed up, such as, not enough light, too much light, a shot of the dirt, ect. [redacted] had pulled me aside and told me that there was an investigation going on and that the disk that he gave to me needed to be taken to Bagram. He had a sense that many people on the Fire Base did not want all of the photos to be sent to Bagram. I was not there when CPT [redacted] had discussed with [redacted] on what

b7c-4, b6-4

[redacted] INITIALS DA Form 2823

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b7c-4, b6-4

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, on 2 Oct 02, continued:

photos to give to the Investigating Officer, and I was not on the Fire Base when the Investigating Officer was there.

Q: How soon after the incident did you come back to Bagram with the photos?

A: About two weeks after the incident is when I returned back to Bagram.

Q: Did [redacted] ever tell you that he was threatened?

A: No. b7c-3, b6-3

Q: Did [redacted] ever tell you that he felt threatened?

A: No. Although, his departure from Fire Base Lwara was kind of unexpected. I kind of suspected that the reason why was because of this incident. I was asked several times by several persons where was [redacted] b7c-3, b6-3 I commented that he had to go back to Bagram in order to take care of personal problems.

Q: How do you feel about the shooting?

A: Pretty impartial. He didn't point the weapon at me.

Q: After being with ODA 343 for awhile, do you believe that any members had murdered SAYARI?

A: I had no indications that they had murdered SAYARI. There were a few things, which were odd, such as the elders thanking [redacted] b7c-5, b6-5 and [redacted] b7c-5, b6-5 for shooting SAYARI. I was there at the time and overheard the elders thanking the SF team for shooting SAYARI.

Q: Did you overhear any persons say that they felt the shooting was wrong?

A: No, I know that the ODA teams were very tight lipped.

Q: Do you know if the team members of ODA 343, knew the individual following the patrols was SAYARI?

A: I know that they knew the description of the person and the vehicle, but I don't know if they knew that it was SAYARI, by name.

Q: Is this statement in your own words?

A: YES [redacted] b7c-4, b6-4

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

A: NO End of statement [redacted] b7c-4, b6-4

b7c-4, b6-4

[redacted]
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Exhibit: 11

Statement of SPC [redacted] taken at Bagram Airfield, Afghanistan, on 2 Oct 02, continued:

b7C-4, b6-4
AFFIDAVIT

I, SPC [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 5. 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:

b7C-4, b6-4

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of October, 2002, at Bagram Airfield, Afghanistan. APO AE 09354 *b7C-1, b6-1*

[redacted signature]

(Signature of Person Administering Oath)

b7C-1, b6-1
SA [redacted]
87th Military Police Detachment (CID)
Bagram Airfield, Afghanistan
APO AE 09354
(Name of Person Administering Oath)

Article 136, UMCJ
(Authority to Administer Oaths)

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Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354

DATE: 2 October 2002 *b7c-4, b6-4*TIME: 1247ZULU *b7c-4, b6-4*NAME: *b7c-4, b6-4*SSAN: *b7c-4, b6-4*

RANK: SSG / E-6

ORGANIZATION: , Bagram Airfield, Afghanistan, APO AE 09354

I, *b7c-4, b6-4*, want to make the following statement under oath:

On the same day of the shooting of SAYARI we had a team meeting after the shooting when everyone returned back to the fire base. It was in the evening some time that we had a Team AAR in reference to the shooting in the Team Op Center. During the AAR it was put out in reference to the days events that the team (CPT *b7c-5, b6-5* and *b7c-5, b6-5*) had gained *b7c-5, b6-5* information that there was intelligence that SAYARI had put a hit out on Chief *b7c-5, b6-5* and that he was following the team on missions. The team as mentioned above was assembled to conduct a vehicle stop on SAYARI. The plan was to stop him and have the interpreters come and talk to him. The team got the vehicle stopped, 2 of the team members were sent out on security and the rest of the team got everyone out of the vehicle. They checked the vehicle and the people and then sent the other (possibly 4) vehicle occupants away. *b7c-5, b6-5* was walking back toward the vehicle that *b7c-5, b6-5* was standing in the .50 caliber gun turret. That is when SAYARI grabbed his AK 47 and *b7c-5, b6-5* fired two shots to the abdomen of SAYARI and then *b7c-5, b6-5* turned and fired a good number of rounds unknown how many. *b7c-5, b6-5* then stated that he fired again and the last round hit SAYARI in the head. This information was put out during the AAR by *b7c-5, b6-5* Chief *b7c-5, b6-5*, CPT *b7c-5, b6-5* and *b7c-5, b6-5*.

Q: SA *b7c-1, b6-1*A: SSG *b7c-4, b6-4*

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

A: Yes.

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

A: No.///END OF STATEMENT// *b7c-4, b6-4**b7c-4, b6-4*

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Statement of taken at Bagram Airfield, Afghanistan, on 2 October 02, continued:

b7c4, b6-4

b7c4, b6-4

AFFIDAVIT

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

b7c4, b6-4

[REDACTED SIGNATURE]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of October, 2002, at Bagram Airfield, Afghanistan APO AE 09354

b7c4, b6-1

[REDACTED SIGNATURE]

(Signature of Person Administering Oath)

b7c-1, b6-1

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

(Name of Person Administering Oath)

Article 136, UMCJ
(Authority to Administer Oaths)

[REDACTED INITIALS]

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Exhibit: 12



NA: A S

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: BAGRAM AIRFIELD, AFGHANISTAN DATE: 6 Oct 02 TIME: 0750
FILE NUMBER: 0114-02-CID369-5H1A - 23525 b7c5b65
NAME: [REDACTED] PT [REDACTED]
ORGANIZATION OR ADDRESS: 3RD SPECIAL FORCES GRP, BAGRAM AIRFIELD AFGHANISTAN, APO AE 09311. b7c5b6-5

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he 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: **CONSPIRACY; MURDER; OBSTRUCTION OF JUSTICE; ACCESSORY AFTER THE FACT.**

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

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

- or -

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

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

5. COMMENTS:

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

Witness# 1 [REDACTED] b7c-1, b6-1
Signature of Witness [REDACTED]
[REDACTED] 62nd MP Det (CID), Ft. Drum, NY 1302

Signature of Interviewee [REDACTED] b7c, b6-1
Signature of Investigator/Special Agent [REDACTED]
[REDACTED] 11th MP Det CID b7c-1, b6-1
Fort Hood, TX 76544

Witness# 2
Signature of Witness [REDACTED]

NON-WAIVER CERTIFICATE

I do not want to give up my rights: I do not want to be questioned or say anything:

Signature of Interviewee [REDACTED] 0751 L 00 Oct 02 [REDACTED] b7c-5, b6-5
DA Form 3881-E [REDACTED] b7c-5, b6-5

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Exhibit 14

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: BAGRAM AIRFIELD, AFGHANISTAN **DATE:** 6 Oct 02 **TIME:** 0805
FILE NUMBER: 0114-02-CID369-5H1A 23525
NAME: [REDACTED] SSG [REDACTED] b7C5b6-5
ORGANIZATION OR ADDRESS: 3RD SPECIAL FORCES GRP, BAGRAM AIRFIELD AFGHANISTAN, APO AE 09311. b7C-5, b6-5

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he 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: **CONSPIRACY; MURDER;**

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

1. I do not have to answer questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. **COMMENTS:**

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. b7C5, b6-5

Witness# 1

Signature of Witness

[REDACTED] b7C-1, b6-1
62nd MP Det (CID) Ft. Drum, 1362

Witness# 2

Signature of Witness

Signature of Interviewee

Signature of Investigator/Special Agent

1st MP Det CID
Fort Hood, TX 76544

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: [REDACTED] b7C5, b6-5

DA Form 3881-E

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Exhibit 15 92

SWORN STATEMENT

File Number : 0114-02-CID369-23525-5H1A
Location : Camp Stronghold Freedom, APO AE 09311
Date : 09 Oct 2002 Time: 1735
Statement Of: [REDACTED]
SSN : [REDACTED] Grade/Status: E7/SFC
Org/Address : A CO, 519TH MI BN, FORT BRAGG, NC 28310

b7C/b 6-4

b7C/b 6-4

b7C/b 6-4

b7C/b 6-4

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

About 29 Aug 02, I was transferred to Fire Base (FB) Lwara from Bagram Airfield in order to operate as the FB Lwara CI SAIC. I arrived approximately 1400 hrs local and was orienting myself to the fire base. Approximately 1530 hrs, I believe [REDACTED] came to the tent I was in and said that he needed the CI team to respond to a shooting incident that had just happened. I believe the first thing said was by [REDACTED] and was to the effect of "not again." Myself, and [REDACTED] were the team that just arrived, and [REDACTED] and [REDACTED] (Last name unknown [LNU]) the team we were replacing left FB Lwara for the shooting scene. We were led by, I believe, [REDACTED] to the location that was approximately a quarter of a mile south of the FB. On arrival, I noticed several US Special Forces (USSF) soldiers set in a defensive perimeter securing the scene. There were approximately 2 or 3 GMV's and a gray 4 door Toyota Hilux. One of the GMV's was located close to a small hill that was on the inside turn of the river to the north of the body and was at a blind spot that couldn't be seen from the FB or from either direction of the river bed. One GMV, I believe, was on the east side of the river close to the vertical embankment and had approximately 2 USSF standing near the front of it. A Hilux was on the opposite side of the river bed and was oriented south with 1 USSF soldier standing next to it and it was approximately 25 to 30 feet south of the body. The other GMV was parked on the same side of the river bed as the Hilux and was 10 or 15 feet north and to the left of the Hilux. The vehicle we traveled in was initially parked to the north of the body, but was moved in order to block the view of the locals traveling on the road. The river, also used as a road by the local people, was approximately 10 meters wide with a vertical embankment on the east side and a steep embankment on the west side. The part of the river in which we were located formed a bend to the west, and on the west or north west side of the river was a gradual slope where silt and sand had been deposited that eventually rose to a hill. On this slope, approximately 10 to 15 feet from the west edge of the river, was a body laying prone with the head turned to the right. His feet were closest to the river, and his head was closest to the steep embankment. His right hand and arm were near his head and in his right hand, clenched in a fist, were prayer beads. His left arm was at his side and his legs were generally straight. It was obvious that the man was dead. There was massive trauma to his head that appeared to be the exit wound caused by a bullet. Covering his right forearm and on the ground on both sides of his forearm was material that included brain matter, skull fragments, and hair. All of which came from the head wound. This splatter pattern, I felt, was consistent with the person laying in the prone and the bullet path coming from an angle that was slightly behind and from the left side of the body. Additionally, I noticed approximately 5 small bullet

b7C/b 6-5

b7C/b 6-3

b7C/b 6-3

b7C/b 6-3

b7C/b 6-3

Exhibit: _____

INITIALS [REDACTED] b7C/b 6-4

PAGE 1 OF 6

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Exhibit 16

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STATEMENT OF [REDACTED]
TAKEN AT Camp Stronghold Freedom, APO AE 093 DATED 09 Oct 2002 CONTINUED.

entry holes on the back of the shirt. I did not notice any blood or body fluid surrounding the the holes on the shirt and I believed these holes to be bullet entry holes. I took several pictures with my digital camera of the body as I had found it. These pictures included close up pictures of the head wound with the matter on the forearm and the prayer beads in the clenched fist, wide area pictures, and situational pictures of the body in relation to the surroundings. I then raised the shirt of the man and took a picture of the holes in his back. I noticed approximately 5 holes in the victims back, one of which had a small trickle of blood coming from it. The other holes were clean. I became nervous at this time realizing that the man had been shot in the back and felt uncomfortable taking pictures, because I did not know any of the USSF soldiers at the scene and felt they would question my actions of taking pictures of the man's back. I felt all of the pictures that needed to be taken had been, so I instructed [REDACTED] b7c4, b64 to search the body. When [REDACTED] b7c4, b64 finished his search, [REDACTED] b7c4, b64 and I turned the body over, rolling the body to the left. I took pictures of the body including close up pictures of the head and face. During the course of taking pictures, I overheard one of the USSF soldiers say that [REDACTED] b7c4, b64 was the shooter. When I had taken enough pictures, I instructed [REDACTED] b7c4, b64 to collect the DNA samples and I asked [REDACTED] b7c4, b64 to point [REDACTED] b7c4, b64 out to me [REDACTED] b7c4, b64 pointed to [REDACTED] b7c4, b64 who was standing next to a person I later identified as [REDACTED] b7c4, b64 and [REDACTED] b7c4, b64 were located on the far side of the river bed next to the vertical embankment. I walked up to them and asked [REDACTED] b7c4, b64 what happened. [REDACTED] b7c4, b64 told me that the man was stopped by USSF and was separated from his AK-47 and vehicle. There were 5 additional persons in the truck that were told to hurry up and leave. SAYARI, the driver, was the only person left from the truck. SAYARI had an AK-47 that was taken by USSF and placed 10 feet away from him. The person that was dealing with SAYARI left to call the FB from the GMV. When that person left SAYARI, SAYARI grabbed his weapon and turned to fire on USSF and that's when he was shot [REDACTED] b7c4, b64 told me that SAYARI was suspected of following USSF from the fire base and the team wanted to find out why. Both [REDACTED] b7c4, b64 and [REDACTED] b7c4, b64 seemed quiet, reserved and almost upset during the time I spent talking with them. I returned to the body and CPT [REDACTED] b7c4, b64 confirmed with me that I was finished and we had a local Afghan back SAYARI's truck up and [REDACTED] b7c4, b64 and I loaded the body into the back of the truck and the truck was driven back to the FB by the Afghan. Upon arrival at the FB [REDACTED] b7c4, b64 and [REDACTED] b7c4, b64 further processed the body by taking fingerprints of SAYARI. The evidence collected from SAYARI was examined for intelligence value by [REDACTED] b7c4, b64 (LNU), a CAT II linguist assigned to the SOT-A detachment at the FB which was determined to have no intelligence value. The evidence, to include a ZIP disk that I had transferred all the pictures to was turned over from [REDACTED] b7c4, b64 to SSG [REDACTED] b7c4, b64 the NCOIC of the BCP. During the time I spent at FB Lwara, I would hear small pieces of information that described the attitudes of ODA 343. On several occasions I expressed my frustrations to [REDACTED] b7c4, b64 about the deceitful attitudes of the locals when trying to interview them. [REDACTED] b7c4, b64 would tell me that he wanted to go with me on any field interrogations and that he would drive. [REDACTED] b7c4, b64 told me of a mock

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INITIALS [REDACTED] b7c4, b64

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b7C-4/b6-4

0114-02-CID369-23525-5H1A

STATEMENT OF [REDACTED]
TAKEN AT Camp Stronghold Freedom, APO AE 093 DATED 09 Oct 2002 CONTINUED.

execution where the first person in the group was taken behind a wall, the person was not honest with [REDACTED], and [REDACTED] fired a round from his service weapon and kept the person out of the sight of the rest of the people that were to be questioned.

[REDACTED] went back, got another detainee and the person started giving up all kinds of information. Although I never heard derogatory information come from members of ODA 343 about each other, I did hear comments from other persons at the fire base to the effect, "Well [REDACTED] said he wanted to get one before he left." I believe this meant that he wanted to kill a local Afghan before he left Afghanistan to return to the US. The attitudes and actions that I observed while at the fire base described ODA 343 as a group of USSF out operating without any oversight. Incidents also included a rocket attack around the 21st of Sep, 2002 that had 4 rockets impact in and around the fire base around 1200z hours. The previous day a cache of captured mortar rounds and 12.7mm ammunition was destroyed by USSF at the range co-located with the FB using high explosives. Approximately 0400z hours, I heard another explosion, but it sounded different from a rocket attack. The explosion was more muffled and didn't have the distinct metallic crack associated with the rockets. I went to the roof of the TOC and noticed a gathering of local people at a house approximately 150 meters to the northeast of the FB. I asked one of the local hire interpreters what was going on and he told me that a child was playing with some UXO and it detonated. This incident I later read on the intelligence summary, was reported that the child was injured in the rocket attack and not by the UXO that the child was playing with. Generally missions and actions of ODA 343 were kept to the team members and when the missions were conducted, rarely were outside elements used. ODA 343 and ODA 341 were described to me as completely different in nature. Additionally ODA 343 was described to me as the door kicker types and ODA 341 was described as the civil affairs types. Approximately 24 Aug 02, I was approached by [REDACTED] and was told that JAG was flying in and needed to collect sworn statements from team members and also wanted pictures that I took. I told [REDACTED] that the pictures were on my computer and that they could be transferred to a zip disk. I took my computer into the briefing room and set the computer up to transfer the files [REDACTED] was at the computer with me. I pulled up all of the pictures and [REDACTED] said something to the effect of let's see what you got. I maximized the pictures individually so [REDACTED] could see the pictures and he would comment on the pictures saying yes or no as to transferring the pictures from the computer to the disk. The pictures that [REDACTED] wanted me to transfer to the disk were pictures that were vague and showed little if any detail. I remember one picture that I had short titled as splat for splatter that [REDACTED] commented on that he definitely didn't want that picture on the disk. I believe that 9 or 10 out of approximately 15 of the pictures that I had taken eventually were transferred onto the disk that [REDACTED] took. [REDACTED] then asked me if I had a need for the pictures on the computer and I told him that I didn't and he asked me if I would delete them off of the computer. When I deleted the pictures he asked

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INITIALS [REDACTED] b7C-4/b6-4

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b7C-4, b6-4

STATEMENT OF [REDACTED]
TAKEN AT Camp Stronghold Freedom, APO AE 093 DATED 09 Oct 2002 CONTINUED.

me if the pictures were completely gone and I had a feeling he meant from the recycle bin so I then emptied the recycle bin. I gave the disk to [REDACTED] and disconnected my computer. I was scheduled to return to BAF to return evidence from another case that same day. The next day when I got to the OMT, SFC [REDACTED] called and told me that he needed the evidence and pictures I had turned over to [REDACTED]. I felt that he knew of the disk containing all of the pictures, and knowing that [REDACTED] deleted the questionable pictures, I felt that the disk I had turned into the BCP was at risk of destruction. I went with [REDACTED] to the BCP and secured the disk, but had [REDACTED] turn the other evidence over to [REDACTED]. I then went to the Bagram CID office where I turned over the disk.

Q. Do you know how well, or if, SAYARI spoke English?

A. No. b7C-3, b6-3

Q. Did CPT [REDACTED] instruct or ask you to delete those pictures?

A. He asked me to delete the pictures.

Q. Did he say why he made that request?

A. No, but it was obvious to me that he didn't want the pictures to exist. That was his way of insuring they didn't exist.

Q. Can you tell the difference between an AMF soldier and a local Afghan?

A. To me they're the same. They're dressed the same.

Q. Did anyone from ODA 343 threaten you over this incident or imply a threat to you?

A. Not directly; however, their actions led me to believe that they would not threaten me, they would just kill me.

Q. What made you believe they were capable of killing a US soldier over this incident?

A. Special Forces have the training, equipment and motivation to protect themselves from anyone that threatens their circle.

Q. What do you think were the circumstances of SAYARI's death?

A. I believe SAYARI to have been executed.

Q. Why do you think they executed SAYARI?

A. How do you say just for the fun of it? I think that members of the team felt that the Afghan life was less than human.

Q. What indicators did they exhibit that led you to believe they looked at Afghans as less than human?

A. I was told by members of ODA 343 that after the incident villagers came to the gate and said that SAYARI was a thorn in the villagers' side and that his life was of no value. No one came to claim his body and they had a general feeling of disgust toward the Afghans working on base. I think they had almost alienated themselves from the AMF and that they failed to train and work with the AMF.

Q. What members of ODA 343 said this?

A. [REDACTED] said that people came to the gate saying, "Thank you for killing SAYARI", but their actions separating themselves from the AMF was what led me to make the other comments.

Q. Who were the 8 members for ODA 343 that were at the scene when you arrived?

A. I thought the whole team was out there, since I had only been on the ground about 90 minutes at that time. I didn't know who was who, and there may not have been 8, but there were

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INITIALS [REDACTED] b7C-4, b6-4

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b7C4/b6.4

STATEMENT OF [REDACTED]
TAKEN AT Camp Stronghold Freedom, APO AE 093 DATED 09 Oct 2002 CONTINUED.

several USSF and Afghan nationals there. They may have been interpreters, they may have just been someone to drive SAYARI's truck, they may have been AMF, but I don't know. My focus was on SAYARI. Sort of a tragic experience.

Q. Which SJA did CPT [REDACTED] say was enroute to the scene to investigate? b7C-5, b6-5 b7C-5, b6-5

A. [REDACTED] didn't say SJA, he said JAG was enroute. He made no mention of an investigation at that time by JAG. Only that they were to collect statements from the team members and pictures. I believe the name of the JAG officer was [REDACTED].

Q. Why did [REDACTED] tell you he needed the evidence? b7C-3, b6-3

A. [REDACTED] said he needed all of the evidence for the case. When he said case he meant the commander's inquiry.

Q. Why did you feel the pictures would be destroyed even if handled by your own people?

A. He was a 97B, but he worked for CJSOTF. He was SF in my mind. I didn't know if he had been tasked to look for all the evidence.

Q. Is there anything further you wish to add to this statement?

A. Yes. I am seriously concerned with my life with these guys. I feel that they will have nothing to lose with their training and experience and access to specialized weapons. I could be killed with little or no evidence.

Q. Is there anything further you wish to add to this statement?

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

b7C4/b6.4

Exhibit: 16

INITIALS [REDACTED]

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STATEMENT OF b7C-4, b6-4
TAKEN AT Camp Stronghold Freedom, APO AE 093 DATED 09 Oct 2002 CONTINUED.

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 06. 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]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 09 day of OCT, 2002 at Camp Stronghold Freedom, APO AE 09311

b7C-4, b6-1
[Redacted Signature]
(Signature of Person Administering Oath)

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

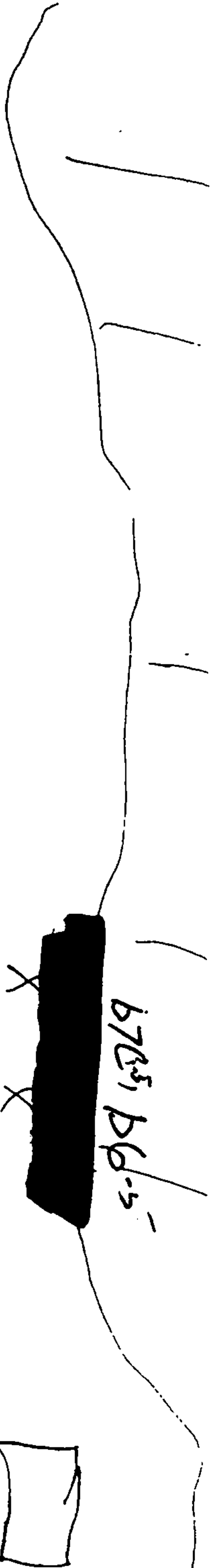
ARTICLE 136 (b) (4) UCMJ
(Authority To Administer Oaths)

WITNESS:

Exhibit: 16

INITIALS b7C-4, b6-4
[Redacted Initials]
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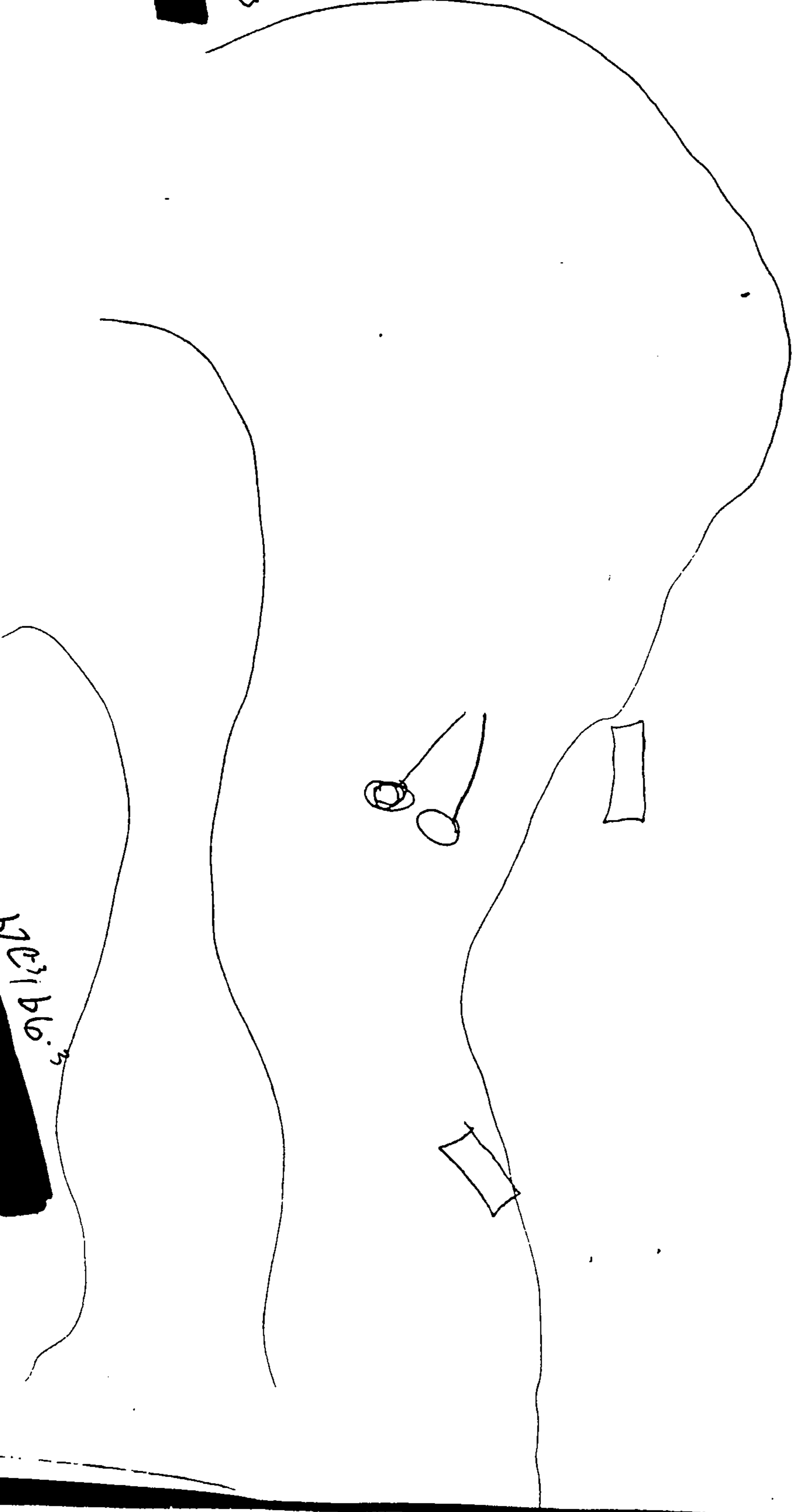
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[Redacted]
b7c3 b6's



[Redacted]
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Exhibit 17⁹⁹



[Redacted]
b7c3 b6's

11 Oct 91
sketched by SR

[Redacted]

Page(s)

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Referred to:

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