

CRIME LAB EXAMINATION REQUEST For use of this form, see AR 195-5; the proponent agency is the United States Army Criminal Investigation Command.		LAB USE ONLY	
TO: (Include Zip Code) DIRECTOR USACIL-CONUS 4553 North 2nd Street Forest Park, GA 30297-5122 ATTN: Imaging/Tech Supt Div Firearms Div Chemistry Div		REFERRAL NUMBER	
		RECEIVED	RETURNED
		REGIS MAIL	REGIS MAIL
		RY EXP	RY EXP
		HAND	HAND
		DATE	DATE
RECEIVED BY		EVIDENCE RECEIPT	
		RECEIVED	INITIATED
1. CONTRIBUTOR CASE NUMBER 0114-02-CID369-23525/5H1A	2. INVESTIGATOR'S NAME SA [REDACTED]	3. AUTOVON AND PHONE NUMBER DSN 318-821 [REDACTED]	
4. SUSPECT(S) (Last, first and middle name(s)) [REDACTED], CPT; [REDACTED], SFC; [REDACTED], SSG			
5. VICTIM(S) (Last, first and middle name(s)) SAYARI, Mohamed (Afghan national)			
6. TYPE OF OFFENSE Murder, Conspiracy, Obstruction of Justice	7. ONE COPY OF EVIDENCE RECEIPT INCLOSED WITH EVIDENCE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	8. OTHER EVIDENCE PREVIOUSLY SUBMITTED ON THIS CASE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
9. IF "YES" IN ITEM 8, LIST OTHER SUSPECT(S), DATE SUBMITTED, UNIT CASE AND LABORATORY REFERRAL NUMBER(S)			
10. EVIDENCE SUBMITTED			
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT		
1	Zip disc (Item 1, voucher 046-02)		
2	Computer, laptop, sn 283183330 3621694 (Item 1, voucher 047-02)		
3	Necklace (Prayer beads), (Item 1, voucher 048-02)		
4	Casing, shell (Item 1, voucher 049-02)		
5	Bullet (Item 2, voucher 049-02)		
6	Metal piece (Item 3, voucher 049-02)		

DA FORM 3655, AUG 74

REPLACES DA FORM 3655 R, 1 NOV 70, WHICH IS OBSOLETE

199
USA 196 V 100

Exhibit 35

DOD-DOACID000815

10. EVIDENCE SUBMITTED (Continued)

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT

11 EXAMINATION(S) REQUESTED (Briefly furnish any information or instructions that might assist the laboratory in examining, evaluating or returning evidence and/or report.)

See attached word document, 2nd Status report and CD containing images of SAYARI's body.

Imaging Div: Obtain and print all images contained on Ex 1; examine Ex 2 for images downloaded, uploaded or deleted between 0001 28 Aug 02, and 24 Sep 02. Please provide images of all photos to include a log of dates/times and activity associated with those images. CPT [redacted] ordered the images of Mr SAYARI's body deleted during a Cdr's inquiry.

Chemistry Div: Examine Ex 3 and determine if any blood or human tissue are on them. The beads were still clutched tightly in Mr SAYARI's strong hand (Right) after the shooting and blood and tissue were spattered on his right arm.

Firearms Div: Examine Ex 4-6 and determine any information pertaining to the type of ammunition or weapon firing them, any ballistic info, caliber, manufacturer (US or foreign), and examine Ex 5 for marks suitable for comparison with the weapon that fired it. All small arms utilized by the entire ODA 343 team are being obtained at Ft Bragg, NC, and will be forwarded for comparison with Ex 5.

Conduct any other examinations deemed appropriate.

Evidence above has not been examined by another expert in the same scientific field.

TYPE/PRINTED NAME OF REQUESTOR b7C-1/p6-1	SIGNATURE [redacted]	DATE 27 Oct 02
SPECIAL AGENT [redacted]		134

Exhibit 35

SWORN STATEMENT 0114-02-C10369-23525

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

LOCATION Dac-Rawal FIRE BASE, AFGHANISTAN	DATE 7 NOV 02 1904	TIME 110642	FILE NUMBER b7C-4, b6-4
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b7C-4, b6-4	SOCIAL SECURITY NUMBER [REDACTED] b7C-4, b6-4		GRADE/STATUS O-3 / Active
ORGANIZATION OR ADDRESS HHC 1505 PIR 82 nd ABN DIV FT BRAGG NC (Medium Mortar PLATOON SLAM)			

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

DAY PRIOR TO SHOOTING: AT 1300 INTEL UPDATE, IT WAS PUT OUT THAT A BLACK HI-LUX WAS REPORTED FOLLOWING AND TRACKING U.S. CONVOYS/PATROLS LEAVING THE WIRE. THE SUSPECTED INDIVIDUAL WAS A TALL AFGHAN 6 FEET 2 INCHES (OR THEREABOUTS) AND IF ANYBODY SAW HIM TO DETAIN HIM, HE WAS APPARENTLY A LOCAL "THUG" THAT NONE OF THE LOCALS LIKED AND THAT WERE SCARED OF. ACCORDING TO THE INTEL, THE LOCAL ELDERS WOULD STAND ATTENTION TO THIS TALL YOUNGER MAN (SHOWING THAT HE HAD GREAT INFLUENCE IN THE TOWN).

DAY OF SHOOTING: MORTAR SECTION WAS ON BASE GUARD AND MY SERGEANT OF THE GUARD AT THE FRONT GATE REPORTED THAT A TALL AFGHAN (6 FEET AT LEAST) WELL DRESSED & SHAVED WALKED UP TO THE FRONT GATE. AFTER THE GENTLEMAN LEFT, MY FRONT GATE GUARD REALIZED THAT IT WAS POSSIBLY THE MAN THE SF WAS LOOKING FOR. WE REPORTED THIS TO THE CP AND IMMEDIATELY A QRF/PATROL LEFT TO INTERCEPT THE BLACK HI-LUX WITH THIS INDIVIDUAL.

AFTER SHOOTING: WHEN THE QRF RETURNED, WE HELD A 1300 MEETING AND THEY SAID (ODA343) THAT THEY DROVE SOUTH ALONG THE RIVER BED WHEN THEY SPOTTED THE BLACK HI-LUX FOLLOWING THEIR CONVOY. THE CONVOY WAS SAID TO PULL BEHIND A HILL AND STOP THE BLACK TRUCK AS IT DROVE BY. 5 PERSONNEL WERE SAID TO BE IN THE BLACK TRUCK. (1 TALL GUY THAT THEY WERE LOOKING FOR AND 4 OTHERS - AMF POSSIBLY) THEY SAID THAT THEY TOLD THE 4 OTHER INDIVIDUALS TO START WALKING AWAY FROM THE VEHICLE. AS THEY DID, THE TALL INDIVIDUAL STARTED TO GO FOR HIS WEAPON AND POINT IT TOWARDS THE SF SOLDIERS. THEY SAID THAT IN SELF DEFENSE THEY HAD TO SHOOT THE INDIVIDUAL. THE BODY WAS PUT IN THE BACK OF [REDACTED] b7C-4, b6-4 A TRUCK AND BROUGHT BACK TO THE FIREBASE AT L'WARA. IT WAS LATER TURNED BACK AND GIVEN TO THE LOCALS TO BURY.

ADDITIONAL INFORMATION: BECAUSE NONE OF MY MEN WERE ON THE PATROL, I WAS NOT TRACKING EVERYBODY (SPECIAL FORCES) WHO LEFT TO INTERCEPT THE BLACK VEHICLE. THE STORY/INCIDENT AND THE WAY IT HAPPENED WAS CREDIBLE AND I HAD NO REASON TO DOUBT THE INFORMATION GIVEN. I CAN NOT CONFIRM RIGHT NOW WHO WAS ON THE PATROL BUT I DO KNOW THAT A MINIMUM OF 2 VEHICLES AND 4 SPECIAL FORCES SOLDIERS LEFT THE WIRE. THEY WERE GONE FOR APPROXIMATELY 45 MINUTES.

Q: [REDACTED] b7C-1, b6-1
 A: [REDACTED] b7C-4, b6-4
 Q: The QRF patrol that left the base was that SF or from your unit?
 A: SF [REDACTED] b7C-4, b6-4
 Q: Do you know who who is the QRF?
 A: I am not sure who they were. [REDACTED] b7C-4, b6-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7C-4, b6-4	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

Q: At the 1300 meeting who are you referring to when you stated "they said that they drove..."?

A: THE SPECIAL FORCES [REDACTED] b7C-4, b6-4

Q: Do you have anything further to add to your statement? [REDACTED] b7C-4, b6-4

A: NOTHING TO ADD TO STATEMENT IN ACC. P. 1 b7C-4, b6-4

Q: Who was at the 1300 Daily meeting?

A: CHIEF [REDACTED] SERGEANT [REDACTED] CP- [REDACTED] (ONLY MEMBERS FROM 343 I CAN RECALL) b7C-3, b6-3 b7C-5, b6-5

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

A: No. /// — END OF STATEMENT — ///

[REDACTED] b7C-4, b6-4

AFFIDAVIT

I, [REDACTED] b7C-4, b6-4 HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 7 day of November 2002, 19 at DAG RAWSON FIRE BASE, AFCHANISMAN

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

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

AR 136, UCMJ
(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b7C-4, b6-4

PAGE 2 OF 2 PAGES

SWORN STATEMENT 0114-02-CID369-23525

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

LOCATION DAE-RAVOD FIRE BASE, AFGHANISTAN	DATE 7 Nov 02	TIME 0703Z	FILE NUMBER 66-4
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS SPC / R-A	
ORGANIZATION OR ADDRESS HHC 1/505 PIR, MMP			

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

I was on front gate guard ~~with~~ with PFC [REDACTED] b7C-3, b6-3 & SGT [REDACTED] b7C-3, b6-3 when 2 men pulled up in a blue Toyota. The 2 men parked in front of the front gate. They got out and we couldn't understand what they were saying so SGT [REDACTED] b7C-3, b6-3 left to get an interpreter. An interpreter and chief [REDACTED] b7C-3, b6-3 came down. Chief [REDACTED] b7C-3, b6-3 shook the tall man's hand and asked to see the truck. I guessed they wanted to rent it out to the fire base. They lifted the hood and they were checking out the Toyota. Something happened and chief [REDACTED] b7C-3, b6-3 just started going back up the compound. I asked him if the 2 men were good to come up and chief [REDACTED] b7C-3, b6-3 said no. They told the interpreter to tell them to get out of here. The 2 men quickly left as if they were scared. They headed toward the river bed and then out of sight. Chief [REDACTED] b7C-3, b6-3 came back down and told us that the tall guy was Al Qaeda. He went back up and came down with 2 Humvees and went down the river bed. About 5 to 10 minutes later we heard the shots fired. Another Toyota with one of the workers that carries an AK came up. We asked him if he was the one shooting and he said yes but I don't think he understood us. [REDACTED] b7C-4, b6-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7C-4, b6-4	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

Exhibit 37

b7C-4, b6-4

STATEMENT (Continued)

After that the 2 Humvee came up and with a toyota behind them and chief [redacted] told me to let those guys in without checking them later on chief [redacted] came down when the workers were leaving to pay them. He told the interpreter to explain to the workers that the man that was shot pulled a weapon out on his men. He told the workers that never to point a weapon at his men. Then he paid them and they left.

b7C-4, b6-4

Q: [redacted] b7C-1, b6-1

A: [redacted] b7C-4, b6-4

Q: Did the local national in the Hilux leave prior to the patrol leaving the base?

A: Yes [redacted] b7C-4, b6-4

Q: Was CW2 [redacted] b7C-51 b6-3 in one of the Humvees as the patrol left the base?

A: Yes [redacted] b7C-4, b6-4

Q: Do you know the names of the persons in the patrol, or how many there were?

A: I am not sure how many there was [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

AFFIDAVIT

I, SPC [redacted] b7C-4, b6-4 HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 7th day of NOVEMBER, 40 2002 at DRE-PAWRO FOG BASE, AFGHANISTAN

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

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

AR 136, ucmj
(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted] b7C-4, b6-4

PAGE 2 OF 2 PAGES

SWORN STATEMENT

0114-02-LRP369-23525

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

LOCATION DAE-ROWAD FIRE BASE AFGHANISTAN	DATE 7 Nov 2002	TIME 0712	FILE NUMBER b7C-4, b6-4
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-5 Active	
ORGANIZATION OR ADDRESS HHC 1/505th PIR			

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

On 28 Aug 02 my duty as Sog at Rowad Fire base. A Hilux truck approached the entrance of the fire base. Two Personal got out of the vehicle. They both approached myself and my two gate guards. We asked for an interp to come down to help use out to translate. One Special Forces person and one interp came down to talk. Talking with the two for a few min then telling them to leave. We later observed the vehicle as it left just left out of sight it stopped for a few min.

The SF Personal left then came right back asking if and where the local nationals had went I return telling us that these personal was wanted for questioning. That vehicle they were driving has been following our Patrols out and was seen around the base. I made my rounds around the guard positions telling my guards to keep there eye out of suspicious activity. [REDACTED] b7C-4, b6-4

- Q: [REDACTED] b7C-1, b6-1
- A: [REDACTED] b7C-4, b6-4
- Q: Do you know the name of the local national that was driving the Hilux?
- A: No [REDACTED] b7C-4, b6-4
- Q: Can you describe the driver?
- A: I am not sure who the driver was, but when they approached the gate, there was one with a beard and the other that was younger [REDACTED] b7C-4, b6-4
- Q: Do you know the name of the Special Forces soldier who came to the gate?
- A: I'm not sure who it was [REDACTED] b7C-4, b6-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7C-4, b6-4	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

Exhibit 38 139

STATEMENT (Continued)

Q: Was it CW2 [redacted] or [redacted]?

A: I cannot remember - [redacted] b7C-5, b6-5 b7C-3, b6-3

Q: Did you actually see the Hilux leave the post?

A: YES [redacted] b7C-4, b6-4

Q: Did an SF patrol leave the post just prior to the Hilux leaving?

A: I cannot recall if a patrol left right at that time. There might have been a patrol outside the base at the time, but I don't know [redacted] b7C-4, b6-4

Q: Did you hear the conversation between the SF soldier and the local national while at the gate?

A: No I do not recall what was said. [redacted] b7C-4, b6-4

Q: Did the SF soldier appear angry at the local national, or did he tell the local national to go away?

A: I don't remember [redacted] b7C-4, b6-4

Q: When you saw the Hilux in the riverbed below the camp, what were the occupants doing?

A: I could barely see the truck as it rounded the bend in the riverbed. They just sat there, but I could not see what they were doing [redacted] b7C-4, b6-4

Q: When the Hilux left the base gate how many people were in the truck?

A: Just two [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

AFFIDAVIT

I, [redacted] b7C-4, b6-4, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of Nov 2002, 19 at Pae-Rawod Fire Base, Afghanistan

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

SA [redacted] b7C-1, b6-1
 (Typed Name of Person Administering Oath)
 Article 136, UCMJ
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[redacted] b7C-4, b6-4

SWORN STATEMENT

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

LOCATION DAE RAWOD FIRE BASE, AFGHANISTAN	DATE 7/25/02	TIME 0730	FILE NUMBER b7C-4, b6-4
LAST NAME, FIRST NAME, MIDDLE NAME (NMN) [redacted] b7C-4, b6-4	SOCIAL SECURITY NUMBER [redacted]		GRADE/STATUS PFC ACTIVE
ORGANIZATION OR ADDRESS HHC 1-55th PIR, KANDAHAR AIRFIELD, AFGHANISTAN, AP- AE 09357			

I, [redacted] b7C-4, b6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On Aug. 28th 2002 there were two men in a toyota come up to our firebase, "Levra" Sst [redacted] b7C-4, b6-4 and myself were on front gate guard at the time. Sst [redacted] b7C-4, b6-4 left the guard post so he can get a translator. Along with the translator a Chief [redacted] b7C-4, b6-4 and Sst [redacted] b7C-4, b6-4 came to the front gate. They started talking, Chief [redacted] b7C-4, b6-4 the two guys and the translator, and looking under the hood of the toyota. From my understanding they were trying to rent out their toyota to the firebase. A few minutes passed and Chief [redacted] b7C-4, b6-4 told the two guys to leave. His exact words were, "Get out of here", "Go". The guys left in a hurry. About 5 minutes later Chief [redacted] b7C-4, b6-4 comes back down to the front gate and asks us "which way the toyota went?" We told him the direction of the truck. Chief [redacted] b7C-4, b6-4 told us that one of the guys were known Al Qaeda wanted for questioning. Chief [redacted] b7C-4, b6-4 went back up and a few minutes later about 2 GMV's left in the direction of the toyota. Sst [redacted] b7C-4, b6-4 and I then heard gunshots. I would say about 5 to 8 shots. I then seen one GMV go by the AMF checkpoint and they got a driver from their. Another toyota. As they came back up into the firebase they said to let the toyota in and do not stop him. Later on that day I found out that the SF Team that went out stopped the toyota and the Al Qaeda guy came out with an AK and pointed it at them and the guys just defended themselves. At the end of the day as the workers left Chief [redacted] b7C-4, b6-4 along with a translator told the workers to tell all the locals that if we stop you and you point your weapon at any U.S. soldier we will defend ourself and shoot you. And that was it. [redacted] b7C-4, b6-4

Q: [redacted] b7C-4, b6-4
A: [redacted] b7C-4, b6-4
Q: Do you know the names of the soldiers that were in the GMV's when they left the base?
A: I'm not sure who they were. [redacted] b7C-4, b6-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted] b7C-4, b6-4	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [redacted] OF [redacted] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

Q. Other than what you already stated did you hear anything further about the shooting?

A: NO b7C-4, b6-4

Q: Did you see anyone else get in the Hilux after it left the compound?

A: No b7C-4, b6-4

Q: Do you have any thing to add to your statement?

A: NO // END OF STATEMENT " b7C-4, b6-4

AFFIDAVIT

I, [redacted] b7C-4, b6-4 HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by I w to administer oaths, this 7th day of November, 2002 at DAE-BAWOD FIRE BASE AFGHANISTAN

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

JA [redacted] b7C-1, b6-1
(Typed Name of Person Administering Oath)
ART 136, UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0114-02-CID369-23525

PAGE 1 of 1 PAGE(S)

DETAILS

About 1100, 2 October 02, SA [redacted] ^{b7C-1, b6-1} interviewed and obtained a sworn statement from SSG [redacted] ^{b7C-4, b6-4}, Alpha 2nd Battalion, 3rd Special Forces Group, Fort Bragg, North Carolina, 28310 (FBNC). SSG [redacted] ^{b7C-4, b6-4} was assigned to the team on or about 22 Apr 02. SSG [redacted] ^{b7C-4, b6-4} stated he was not on the mission the day of the shooting, but heard about it at the Fire Base in Lwara. SSG [redacted] ^{b7C-4, b6-4} indicated he was present for the After Action Review (AAR) that was conducted the same night of the shooting incident involving SAYARI. SSG [redacted] ^{b7C-4, b6-4} stated he did not know the team was assembled to go on the mission that morning. SSG [redacted] ^{b7C-4, b6-4} further stated during the AAR, CPT [redacted] ^{b7C-5, b6-5} SFC [redacted] ^{b7C-5, b6-5} (SSG [redacted] ^{b7C-5, b6-5} and Chief [redacted] ^{b7C-5, b6-5} put out the following information in reference to the shooting incident. SSG [redacted] ^{b7C-5, b6-5} stated the vehicle stop was to take place on SAYARI's vehicle on the road outside the Fire Base to gather information in reference to a "hit" being placed on Chief [redacted] ^{b7C-5, b6-5} and the fact of SAYARI following the team on various missions. SSG [redacted] ^{b7C-5, b6-5} was not sure which one of the four individuals put out that information at the AAR. SSG [redacted] ^{b7C-5, b6-5} could not remember were it was said that SAYARI was positioned at the scene in reference to the vehicles and team members for there was no sketch drawn at the AAR for reference. It was said that [redacted] ^{b7C-5, b6-5} (SFC [redacted] ^{b7C-5, b6-5}), turned his back on SAYARI and was walking back to call the interpreters toward the vehicle that [redacted] ^{b7C-5, b6-5} (SSG [redacted] ^{b7C-5, b6-5}) was standing in the .50 Cal gun turret covering [redacted] ^{b7C-5, b6-5} (SFC [redacted] ^{b7C-5, b6-5}) SAYARI then grabbed his AK-47, and then [redacted] ^{b7C-5, b6-5} (SSG [redacted] ^{b7C-5, b6-5}) fired at SAYARI and allegedly hit him in the abdomen area [redacted] ^{b7C-5, b6-5} (SFC [redacted] ^{b7C-5, b6-5}) stated, he then turned and fired a good number of rounds, (unknown how many) at SAYARI. [redacted] ^{b7C-5, b6-5} (SSG [redacted] ^{b7C-5, b6-5}) then stated he fired again and hit SAYARI in the head.

This is all of the information SSG [redacted] ^{b7C-4, b6-4} could recall that was put out at the AAR in reference to this investigation at the Fire Base in Lwara. SSG [redacted] ^{b7C-4, b6-4} further stated he did not have any knowledge / intelligence on SAYARI prior to this incident. SSG [redacted] ^{b7C-4, b6-4} stated SFC [redacted] ^{b7C-5, b6-5} and CPT [redacted] ^{b7C-5, b6-5} got intelligence for the team on the area personnel and then distributed accordingly as necessary. (See sworn statement of SSG [redacted] ^{b7C-4, b6-4} for details, Exhibit ___)
///NOTHING FOLLOWS///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

87th MP Det (CID), Bagram Airfield, Afghanistan

SIGNATURE

DATE

2 October 02

EXHIBIT

40

CID FORM 94

1 FEB 77

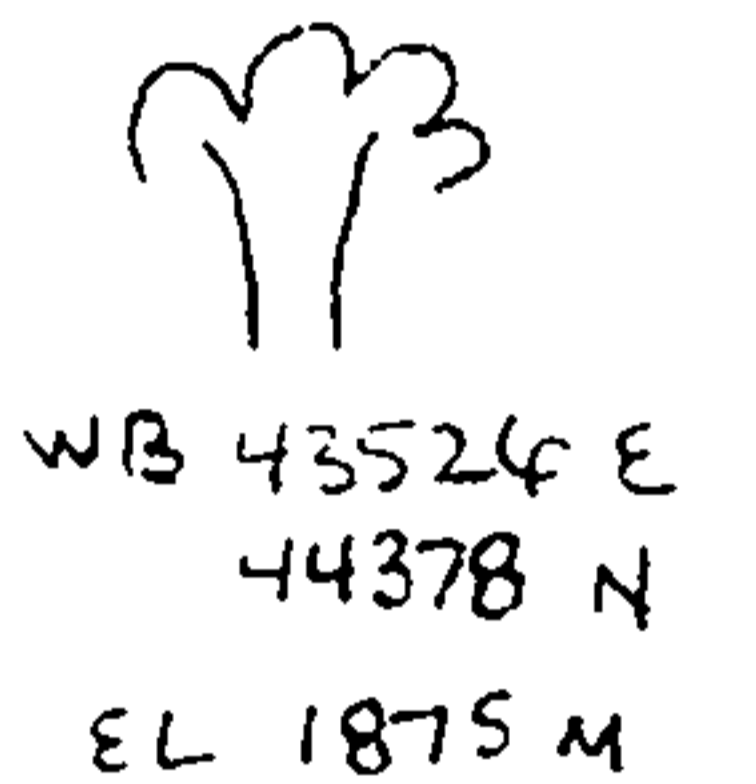
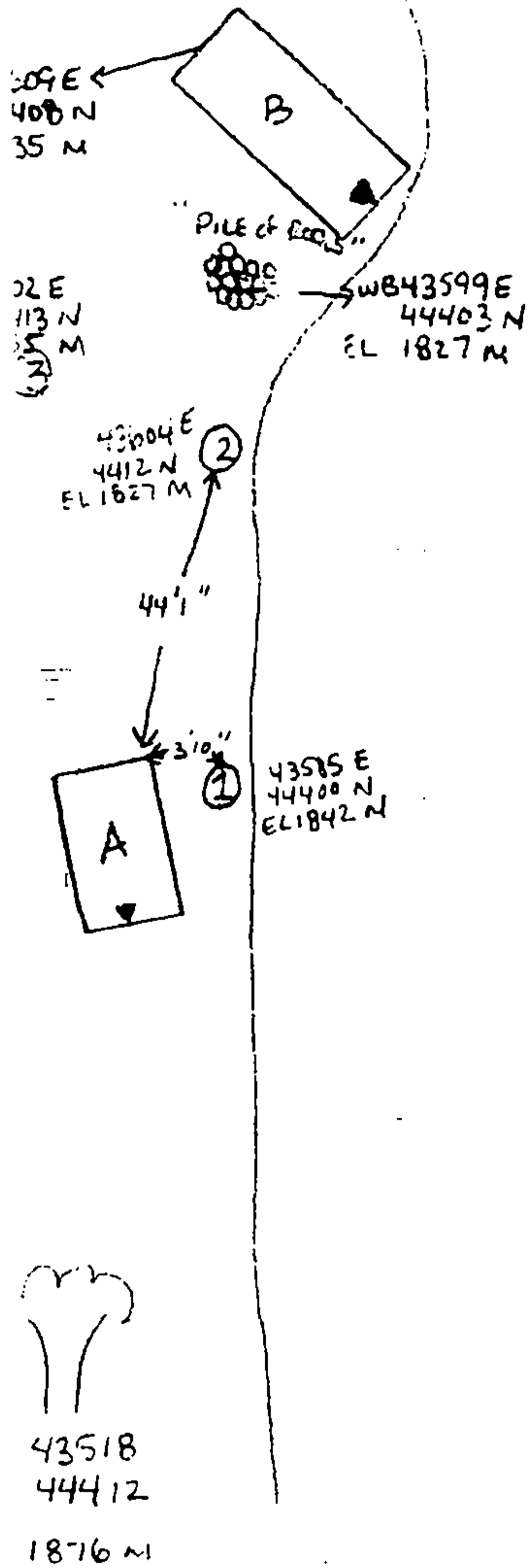
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143

WB 43633 E
44380 N
EL 1874 M
"TOP OF"
KNOLL

CASE # 0114-02-CID369-23525

"AGAINST WALL"
93617 E
99357 N
EL 1873 M

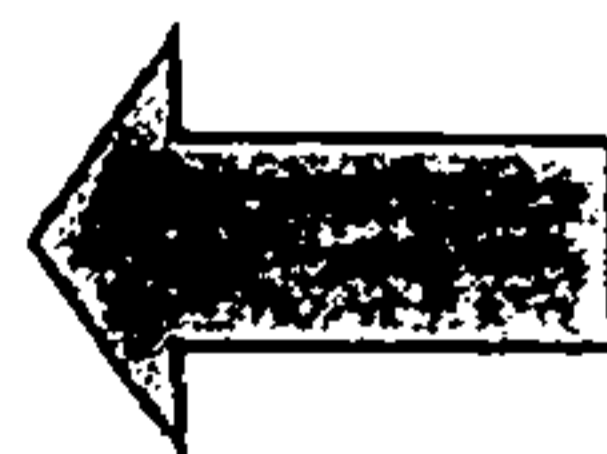


LEGEND

- A. Shell Casing
- B. Metal
- C. Metal
- D.
- E.

TITLE BLOCK

Case #: 0114-02-CID369-23525
 Offense: Death Investigation
 Scene Portrayed: River Bed
 Bldg: N/A
 Location: Outside Lwara Fire Base
 Victim: Mr SAYARI
 Time/Date began: 0710z, 14 Oct 02
 Drawn By: SA [REDACTED] b7C-1, b6-1
 Verified By: SA [REDACTED] b7C-1, b6-1



North

NOT DRAWN TO SCALE

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EXHIBIT: 41

SWORN STATEMENT

0114-02-CID 369-23525

File Number : 1015-02-CID023-

Location : Fort Bragg, NC 28310-5000

Date : 01 Oct 2002

Time: 1225

Statement Of: [redacted]

SSN : [redacted]

Grade/Status: E4/SPC

Org/Address : HHC, 3RD SPECIAL FORCES GROUP, FORT BRAGG, NC 283105000

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

Q. What is your MOS and job title?

A. 97B and my title is Counter Intelligence Agent.

Q. When did you arrive in Afghanistan when you were deployed?

A. We left Fort Bragg on 11 Mar and got there on the 13th of March.

Q. Where were you assigned while there?

A. I was actually assigned in Bagram and Lwara Fire base.

Q. Describe your duties while you were deployed in Afghanistan.

A. Force Protection, interviews of detainees, interviews of locals and sources, debriefing teams after missions, and that's pretty much it.

Q. Describe in detail what occurred on 28 Aug 02 and your involvement in any incidents that occurred that day involving yourself, any teams, and/or local nationals.

A. I got to Bagram on the 17th of August and I had transported "PUC" which was a Person Under Control or Custody. I am not sure what it stands for exactly and have heard other people call it different things. I spent the rest of the time in Bagram waiting for a flight back to Lwara. On 28 Aug 02, I woke up that morning and got all my things together as I had been told early that morning that I was getting a flight out and going back to Lwara. About 0900, 28 Aug, We boarded the helicopters, they were chinooks, and the first helicopter had a problem so we had to wait to see if they could fix it. We boarded another helicopter and then they fixed the problem on the first one so we went back to that one. It was around 1200, when we finally took off. We made a few stops at a few other fire bases to drop off some supplies. We got into Lwara around 1600. That's local time. We unloaded our stuff off the helicopter and transported it up to the fire base. About 15 minutes later, I was informed along with SFC [redacted] that there was a shooting down in the river bed. Chief [redacted] told us that there had been a shooting and he wanted us to go down there and document the scene. Chief [redacted] told us it was the guy who had been following the teams leaving on the missions. I didn't know what he was talking about at that time due to me being out of the loop for the past week and a half and in Bagram. We grabbed our equipment. We took our LBE, weapon, note pads, camera, and that's it. We got into a Nissan Truck that we were using. It was me, SFC [redacted] SPC [redacted] and SSG or SFC [redacted] (who were our replacements). We all went to the scene together. It was about one and a half KM's to the scene from the fire base. I drove the truck to the scene. It was southwest of the fire base and in the river bed, which was also the roads. The roads were in the riverbeds. When we arrived, which was around 1645, and got out of the vehicle, we saw the guy laying on the ground. The team guys were pulling security. It was ODA 343 that was there. We pulled up and there were two of their HUMVV's there. One was in front of the suspect's vehicle and one was behind it. The

Exhibit: _____

INITIALS [redacted]

PAGE 1 OF 6

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Exhibit 43

STATEMENT OF [REDACTED] b7c-4, b6-4
TAKEN AT Fort Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED.

b7c-4, b6-4

were in a more defensive position and were about 25-30 meters apart from each other with the suspect vehicle in between. The HUMMV in the front had a 50 cal mounted on it I believe. There were no doors on the vehicle. The one to the rear had a Mark 19 mounted on it and it also did not have any doors. They were both painted a tan/sand desert color. The suspect vehicle was a dark colored Toyota Hylux pick up truck. It was a bed type pickup and didn't have any type of camper on it and it had four doors. That's the way the trucks are over there, they have four door. When I arrived, the doors to the truck were all closed, all four of them. I only saw the dead guy on the ground. He was laying on his stomach and I think, but not 100% sure, but I think his right arm was under his body and his left arm was above his head. He was wearing local type garb. It was like a long shirt and pants with a vest over the shirt. I think he was wearing a pancake type hat. His head was tilted to the right hand side and his eyes were open. His mouth was slightly opened and there was blood coming from his mouth. He had a couple heads wounds and there were some wounds on his back, but we had to lift his shirt up to see them. We had first asked them what had happened. I spoke to SFC [REDACTED] b7c-4, b6-4 first and he told me that the Afghanistan Military Force (AMF) checkpoint had stopped him first and there were three people in the vehicle. They said the guy had passed through the AMF checkpoint. Then our ODA team chased the vehicle down and stopped the vehicle. The passengers were told to get out of the vehicle and the suspect was told to set his weapon down and step away from it. They said he had an AK-47 assault rifle. [REDACTED] b7c-4, b6-4 turned to say something to one of the other team guys and when he turned, the suspect grabbed the rifle and was bringing it up to the firing position and that's when SSG [REDACTED] b7c-4, b6-4 fired into the back of the suspect. The suspect did not go down right away and [REDACTED] b7c-5, b6-5 had turned and engaged the suspect with I believe a head shot. Then the suspect went down. That's the story that I got from [REDACTED] b7c-4, b6-4. I don't remember how many shots he fired. Then I went over and I talked to [REDACTED] b7c-4, b6-4 and he collaborated [REDACTED] b7c-4, b6-4 story. He said that when they were asked to get out of the vehicle, the suspect had set his weapon down and was told to move away from it. He said [REDACTED] b7c-4, b6-4 had turned away for a second and the suspect went for the weapon and pointed it towards [REDACTED] b7c-4, b6-4 and that's when he fired. I am not for sure how many he said he fired right off the bat. He said [REDACTED] b7c-4, b6-4 then turned and fired on the suspect. [REDACTED] b7c-4, b6-4 said it happened so quickly and could not remember how many shots [REDACTED] b7c-4, b6-4 fired, but that it was more then one. I didn't specifically ask them how many shots they each fired. It was more along the lines of "Did you fire?" and when they said yes, then we knew who had fired. When we were policing up the scene, after everything was done, we found nine or ten casings. These were M-4 shell cases, 5.56. After we had talked with them, that was when we went over and examined the body. I noticed one head shot. There was a possible entrance and an exit wound. The entrance wound was on his forehead about centered and slightly to the right and was about an inch to an inch and a half about the suspect's right eye. The exit wound was about the center crown area of the back of his head. There were several wounds in the chest area and also several wounds in his back. We had [REDACTED] b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

Exhibit: _____

INITIALS [REDACTED] b7c-4, b6-4

PAGE 2 OF 6

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Exhibit 43

STATEMENT OF [REDACTED] b7C-4, b6-4
 TAKEN AT Fort Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED.

b7C-4, b6-4
 to pull his shirt up to see the other wounds. We did roll him over and look at the front of his body also. That was how we saw all of his wounds. There were no wounds on his hands. We did fingerprints on him and didn't notice any wounds on his hands. I never saw a weapon. I was told by Chief [REDACTED] b7C-5, b6-5 that they had brought the weapon to the weapons storage area and put it with all the other weapons. I never saw the weapon at the scene or afterwards. They said they brought the weapon up after they could not get any radio coms with the base and Chief drove up to the base himself with the weapon. The chief came back with the weapon and had stored it and that's when he told me that there had been a shooting. After we photographed the body, we placed the body in the back of the pick up truck (the hylux) and turned the body over to the AMF commander so that he could have the family notified and the body buried as soon as possible. In Islamic law, the body has to be buried before sunset. The AMF commander took it from there. The AMF Commander took the truck with the body in the back and took them away. We returned to the base to begin the debriefing. The new guys that had came in assumed control of the investigation. I didn't do any of the debriefing. Chief [REDACTED] wrote up a statement. I am not for sure if he was down there when it happened or not. He sent the statement up to his higher ups and gave the statement to the guys who had assumed the investigation. After the statements were done, the CI guys sent up their reports.

Q. Who all was at the scene when you arrived there? b7C-5, b6-5

A. [REDACTED] Chief [REDACTED] (who was b7C-5, b6-5, b6-5, b6-5, b6-5) the one who actually came [18- up and got us and had returned to the scene with us), and that's it. b7C-5, b6-5

Q. Was there a person named [REDACTED] there?

A. Yes, CPT [REDACTED] was also there. He didn't talk much so I didn't really notice him. I can't actually remember if he was actually there or not as I had never talked to him.

Q. Did anyone say what happened to the other two males who were in the vehicle with the suspect when he was stopped?

A. They were released at the scene before the shooting, I believe. I didn't see any other civilians around when I got to the scene.

3/16/03 Q. Prior to your departure from the fire base, did you hear SFC [REDACTED] make a comment of something to the effect of "not again"?

A. No.

Q. What was your knowledge of ODA 343 prior to the incident?

A. I spent four months with those guys in the Lwara there. I didn't know any of them before I got to Afghanistan.

Q. Were there any type of religious type beads in the possession of the suspect?

A. Yes, they were collected with some of the other pocket litter that was on his person.

Q. When you got to the scene, where were the religious beads located?

A. On the ground right next to the suspect. They were on his right hand side.

Q. Were they in his hand when you saw them?

A. Not that I remember.

Q. Did you find an AK-47 casings on the ground after the [REDACTED] b7C-4, b6-4

Exhibit: _____

INITIALS [REDACTED] b7C-4, b6-4

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Exhibit 43

STATEMENT OF [REDACTED] b7C-4, b6-4
 TAKEN AT Fort Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED.

b7C-4, b6-4
 incident?

A. No.

Q. Did you find any other weapons on the subject?

A. No.

Q. Did they tell you the time the shooting actually occurred?

A. No.

Q. What did you do with the shell casings that were from the M-4's that were fired? b7C-4, b6-4

A. I gave them to SPC [REDACTED] and SSG/SFC [REDACTED] b7C-4, b6-4

Q. Where were the shell casings found that you recovered?

A. Approximately 20 feet from the body. The body was on the back right of the truck. I found approximately 8 shell casings to the back left of the truck, which probably came from [REDACTED]. I found 2-3 shell casings to the back right of the body and b7C-5, b6-5 probably came from [REDACTED] b7C-5, b6-5. From what I gathered, the weapon was on the back of the truck and when the suspect went for the weapon, b7C-5, b6-5 shot him and then [REDACTED] fired.

Q. Were there any attempts by the SFG guys to cover this up?

A. No.

Q. Was this reported up the chain of command by the normal procedures?

A. Yes.

Q. Do you know of any other similar type incidents occurring involving this team?

A. There was one other shooting in May 2002. It was involving [REDACTED] b7C-5, b6-5. There was a guy that was armed and gathering information on a fire base, and when [REDACTED] b7C-5, b6-5 approached him, the guy attempted to fire on him. [REDACTED] b7C-5, b6-5 then shot him. The guy was killed then also. I believe an SA [REDACTED] b7C-1, b6-1 from CID, was the one who investigated the incident.

Q. Did anyone of the parties involved ever approach you after the incident and talk to you about what happened?

A. No.

Q. Did anyone involved in the incident ever ask you not to report the incident?

A. No.

Q. Was there anyone else involved in the incident that we have not mentioned as of yet?

A. No more Americans.

Q. We have information there were four people in the truck with the suspect when he was stopped. Have you heard anything different that the two that you listed early as being with the suspect?

A. I heard two from the team guys.

Q. Did any ever tell you why they let the other two guys go and keep the suspect detained?

A. Because they were going to detain the suspect and the other two guys were not involved with this or believed to be wanted for anything else. The suspect was going to be sent to Bagram. that was the intent.

Q. Did they ever search the truck? b7C-4, b6-4

A. Yes, SPC [REDACTED] b7C-4, b6-4 and [REDACTED] searched the truck.

Q. Did they find anything significant located within the truck?

A. There was a red plastic card that said in Pashtum, "Do Bad Things." We thought that was odd. Nothing else was found in the truck. b7C-4, b6-4

Exhibit: _____

INITIALS [REDACTED] b7C-4, b6-4

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Exhibit 43 148

STATEMENT OF [REDACTED] b7c-4, b6-4
TAKEN AT Fort Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED.

- Q. Were there any other weapons found in the truck?
- A. No.
- Q. Did anyone tell you they had searched the truck prior to the shooting?
- A. No, no one told me.
- Q. How were they communicating the suspect?
- A. There was an interpreter. It was a local national. I don't know his name.
- Q. Was he there when the shooting occurred?
- A. I believe.
- Q. Did anyone interview him?
- A. SPC [REDACTED] and [REDACTED] did.
- Q. Do you know the name of the person who was killed in the incident on 28 Aug?
- A. Mohammed something.
- Q. Do you know the name of the person killed in the May incident?
- A. Wali ki. b7c-5, b6-5
- Q. Where is [REDACTED] at now?
- A. I believe they are all still in Afghanistan. They are all part of one team so they should all be together.
- Q. Has anyone from your chain of command contacted you about the incident that occurred in August?
- A. Yes, My NCOIC who was collaborating the report that was sent up by SPC [REDACTED] and SSG/SFC [REDACTED] It was nothing formal.
- Q. When did you get back from Afghanistan?
- A. The 16th of September.
- Q. Do you have anything to add to this statement?
- A. Nope.///END OF STATEMENT/// [REDACTED] b7c-4, b6-4

Exhibit: _____

INITIALS [REDACTED] b7c-4, b6-4

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Exhibit 43 149

STATEMENT OF [REDACTED] b7c-4, b6-4
TAKEN AT Fort Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED.

AFFIDAVIT

b7c-4, b6-4

I, [REDACTED] 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.

[REDACTED SIGNATURE]

b7c-4, b6-4

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 01 day of OCT, 2002 at Fort Bragg, NC 28310-5000

[REDACTED SIGNATURE]

b7c-4, b6-4

(Signature of Person Administering Oath)

SA [REDACTED] b7c-4, b6-4

(Typed Name of Person Administering Oath)

ARTICLE 136 (b) (4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: _____

INITIALS [REDACTED] b7c-4, b6-4

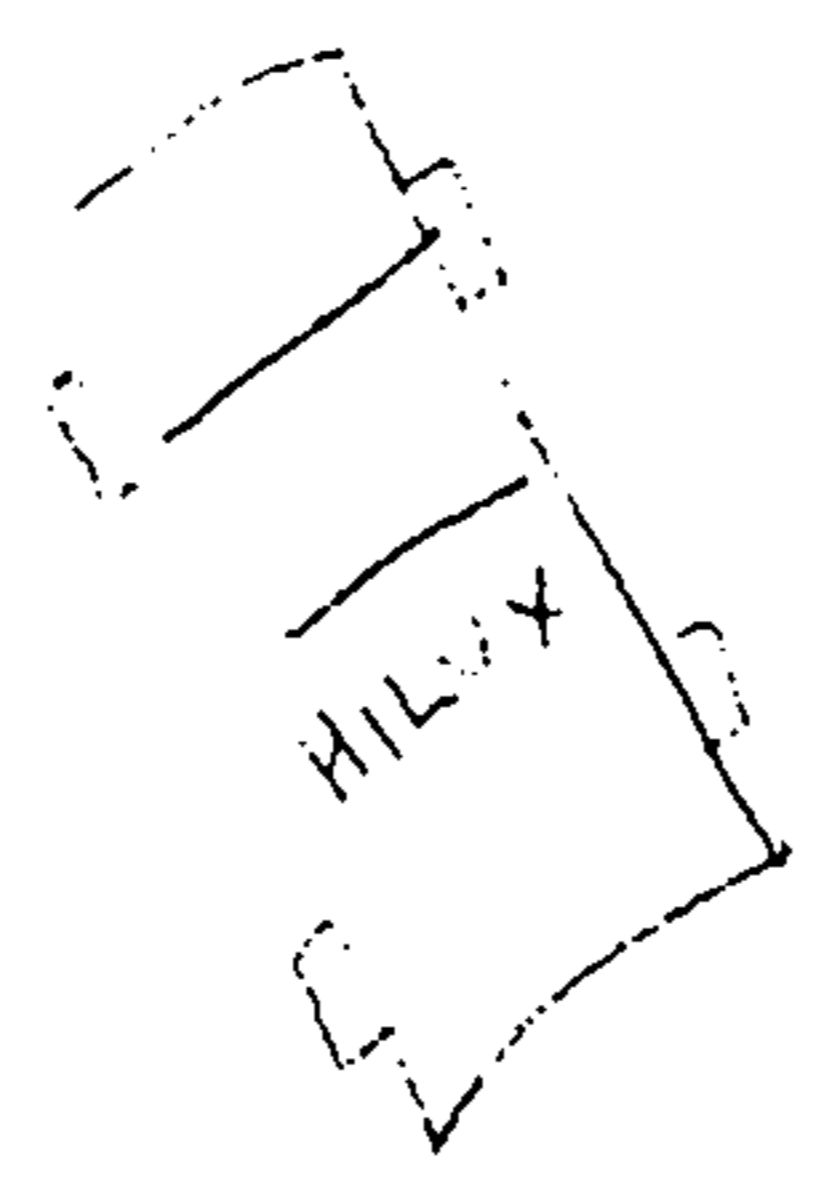
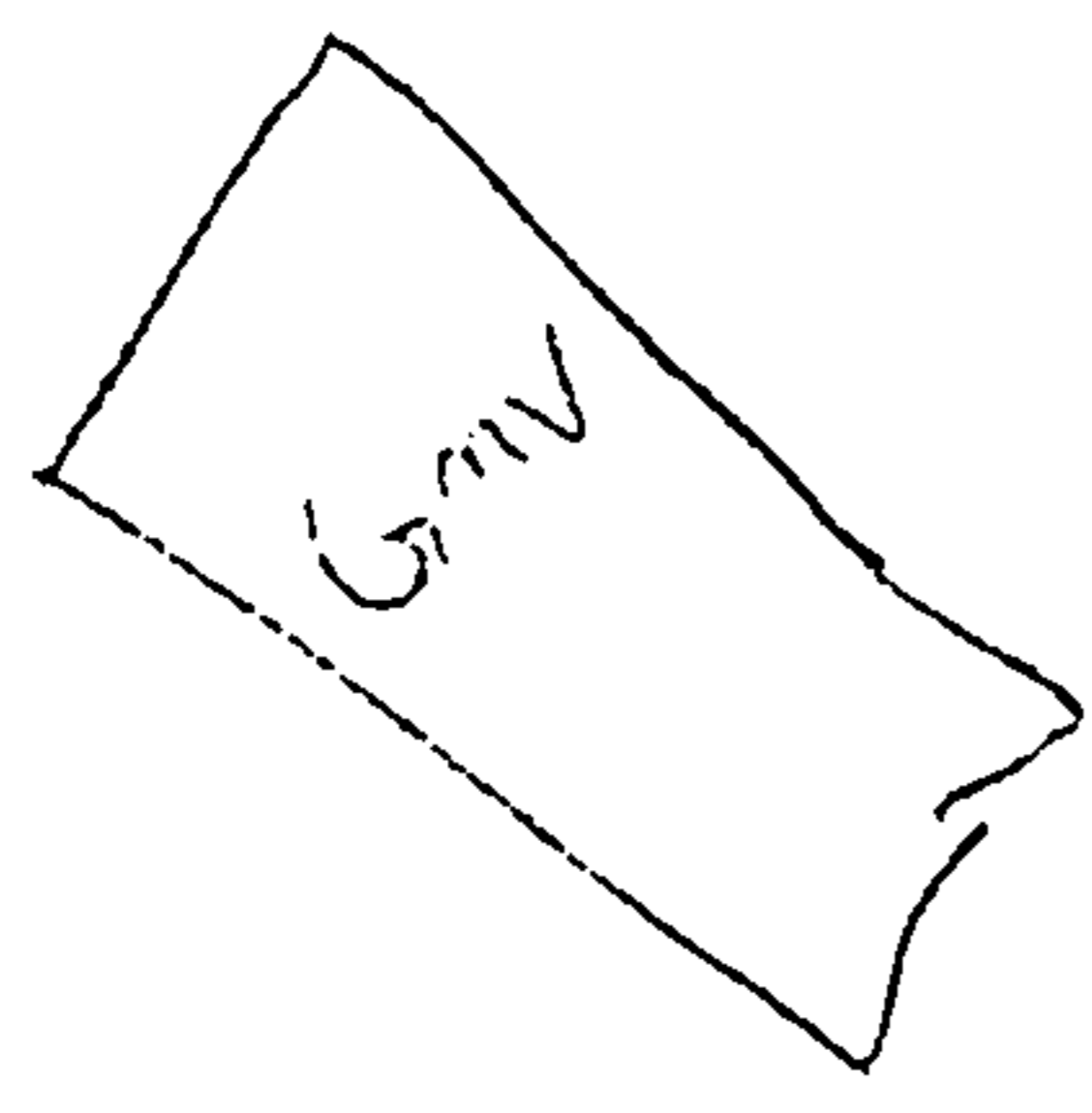
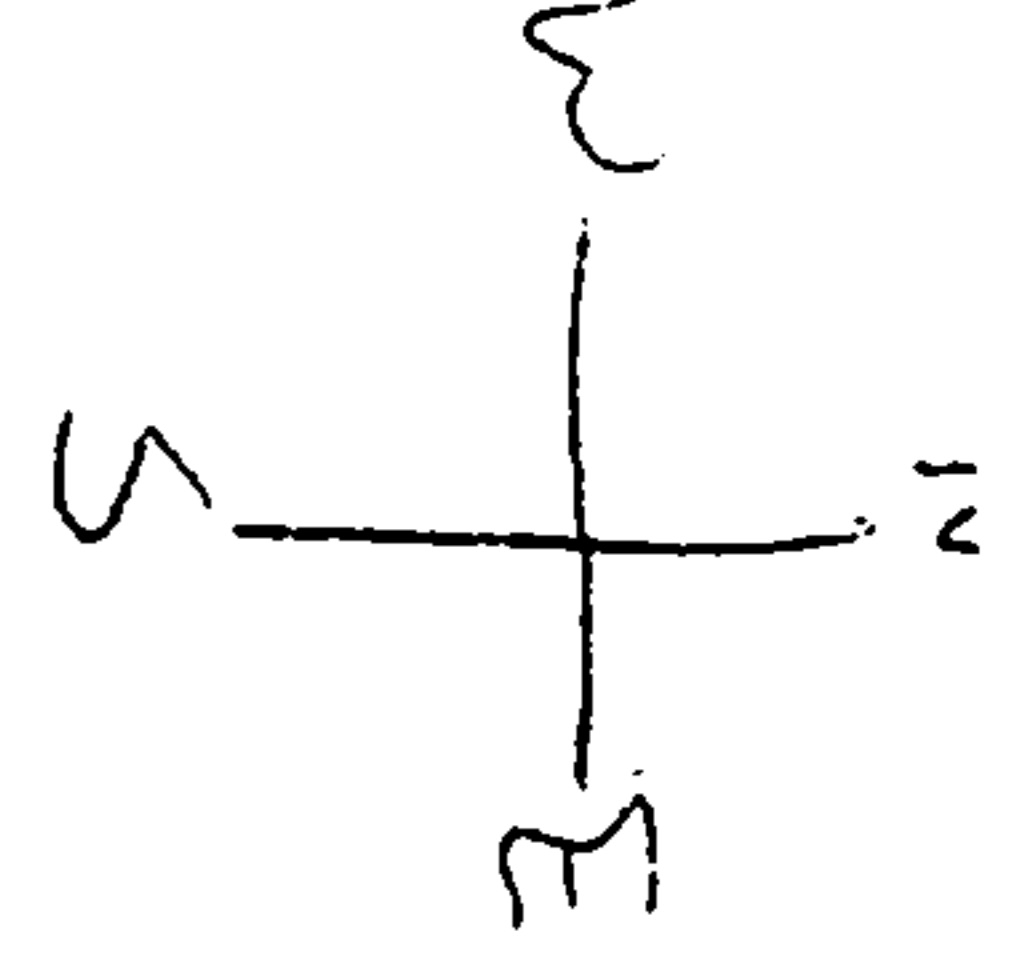
PAGE 6 OF 6

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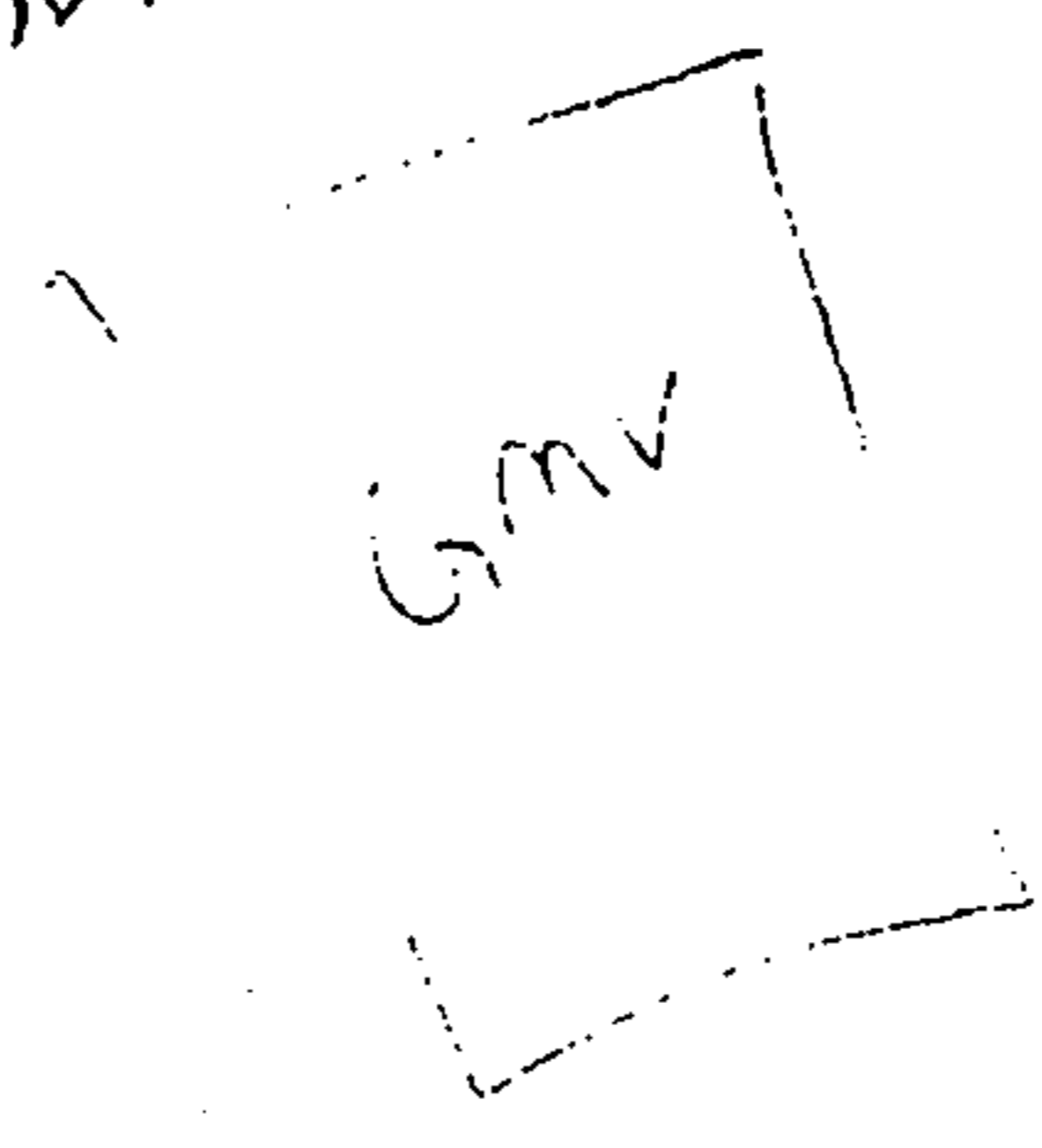
DTL [REDACTED] b7C-4, b6-4

ICT 02 witnessed by
SA [REDACTED]
Fort Bragg, CID
b7C-1, b6-1



Approx
8
SHELL
CASINOS

[REDACTED]
b7C-5, b6-5



2-3
SHELL
CASINOS
[REDACTED]
b7C-5, b6-5

TO
FIREBASE
LWARA 151
1.5 km
Exhibit 44

SWORN STATEMENT

0114-02-CID369-25525

File Number : 1015-02-CID023-
 Location : Fort Bragg, NC 28310-5000
 Date : 01 Oct 2002 Time: 1250
 Statement Of: [REDACTED] b7C-4, b6-4
 SSN [REDACTED] b7C-4, b6-4 Grade/Status: E7/SFC
 Org/Address : GROUP SUPPORT COMPANY, 3RD SPECIAL FORCES GROUP, FORT BRAGG, NC 283105000

b7C-4, b6-4

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

I was assigned to Fort Bragg in Apr 02, and have been assigned to the Group Support Company, 3rd Special Forces Group (SFG), Fort Bragg, the whole time. In the end of Apr 02, I left for Afghanistan on deployment with various elements of the 3rd SFG. My MOS is 97E (Interrogator), and I deployed with 3rd SFG in this capacity. Once in country, I deployed in theater. From 1 May 02 to 7 Jul 02, I was deployed with C Company, 2nd Battalion, 3rd SFG, at various locations throughout southern Afghanistan. About 8 Jul 02, I was deployed to Lwara Fire Base with ODA's 343 and 341. Lwara Fire Base was located on the eastern border of Afghanistan and Pakistan, between the Paktia and Paktika provinces. There was also an infantry platoon at the fire base with us. My job was to support the ODA's at the fire base by supplementing their patrol strength and provide MI support. About the 28 Aug 02, I was inside the Fire Base perimeter, when the ODA 343 executive officer, Chief Warrant Officer [REDACTED] b7C-5, b6-5 came inside the base stating that there was a shooting and that he needed support out at the location. It was that same day that two new Counter Intelligence (CI) Agents arrived to the Fire Base, so myself, SPC [REDACTED] b7C-4, b6-4 and the two new CI guys jumped in a truck and headed out to the location of ODA 343. They were located not far beyond the perimeter of the base, in a deep river bed that was used as the main roadway for the area. When we arrived, CPT [REDACTED] b7C-5, b6-5 (Team Captain), SFC [REDACTED] b7C-5, b6-5 (Team Sergeant), and SSG [REDACTED] b7C-5, b6-5 (Team Medic) were there. We all called SSG [REDACTED] b7C-5, b6-5 "doc" as he was MOS 18D. An empty local truck was parked on the right side of the river bed. What appeared to be a local national was lying dead on the ground about 15 feet behind where the truck was parked. I'm pretty sure he was lying on his back with his arms at his side. The first thing I noticed about him was that a significant portion of the top of his skull was missing from an obvious gun shot wound. After we searched him, we discovered three or four bullet holes in his thorax area, also obvious gun shot wounds. I could not tell whether the wounds to the front side of his thorax were entrance or exit wounds. Based on information provided by the Warrant Officer at the fire base and CPT [REDACTED] b7C-5, b6-5 once at the scene, the local national was Mohammed SAYARI. He was suspected of gathering intelligence against the fire base, but his credentials were unknown, or the entity he may have been providing the intelligence to. As I said, this information was provided to me through second and third hand knowledge of the situation. I do know that HUMINT and SIGINT up until that incident indicated enemy surveillance was keeping close tabs on the movements and operations of the fire base. Just a few days prior to this incident, a local national tribal elder came to the fire base and provided information that SAYARI was in fact collecting intelligence against the fire base. It

xhibit: _____

INITIALS [REDACTED] b7C-4, b6-4

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Exhibit 45

was at this time that a picture started to form that SAYARI was most likely conducting these operations. For instance, several local national boys would routinely congregate near the front gate to the fire base; however, after the tribal elder informed us specifically of his suspicions about SAYARI, we identified that the one local national boy who was always watching the front gate was SAYARI's 10 year old son. All this information was evaluated and it was decided that ODA 343 would attempt to detain SAYARI in an effort to determine his intentions. So, on 28 Aug 02, ODA 343 set out from the fire base and set up a vehicle control point in the river bed. I know ODA 343 was looking for SAYARI, but I don't know if that was their sole purpose for the vehicle control point. Vehicle control points were fairly common as a routine team mission. SAYARI's vehicle was stopped by ODA 343 at their control point that day. Again, I witnessed none of this. Upon being stopped, SAYARI and several riders in the back of his Toyota truck got out. The other riders were sent off, as apparently ODA 343 was not looking for any of them. The team searched his truck and discovered his AK-47 rifle, which was then leaned against the truck while the ODA 343 members were talking to SAYARI. At some point during this process, SAYARI was informed that he was going to be transported to Bagram for further questioning, after which he remained calm and waited for SFC [REDACTED] to turn his back. Once SFC [REDACTED] did this, SAYARI went for his weapon leaning against his truck and was able to retrieve his rifle. SAYARI then raised it in a threatening manner toward SFC [REDACTED] after which SSG [REDACTED] shot him (SAYARI). SSG [REDACTED] apparently shot SAYARI once in the abdomen; however, he (SAYARI) was still standing and retaining his AK-47. SFC [REDACTED] and SSG [REDACTED] then shot SAYARI several more times. I don't know who shot SAYARI where on his body after SSG [REDACTED] initial shot. When we got to the scene, I helped search SAYARI's body and witnessed the new CI guys collect SAYARI's hair and skull fragments for forensic purposes. This was our standard operating procedure for any shooting. I don't recall who took the digital pictures at the scene. I do remember that afterward there was some issue as we did not have the capability to download those pictures, but I don't know what the final outcome of that was. About four or five days later, the sealed box marked for "CID" was released to MP's that were flying to Bagram. That's the last I knew of the box. It was shortly after this, on 14 Sep 02, that I left Afghanistan enroute back to the states.

Q: Did you make the remark, "not again," after first learning of the shooting incident?

A: I do not recall making that specific remark. But I may have made some remark to the effect that SFC [REDACTED] had been again involved in a shooting since he had shot the only other person shot from our fire base.

Q: What was that other incident?

A: The other incident happened before my arrival.

Q: Do you know any details?

A: A local national was surveilling US operations with binoculars. He was approached by SFC [REDACTED] SFC [REDACTED] and SPC [REDACTED], along with some other US and Afghan personnel. The local national went for his weapon, which I believe was a bolt

Exhibit: _____

INITIALS [REDACTED] b7c-4, b6-4

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Exhibit 45-153

67C-5, 66-5
action rifle, and SFC ██████████ shot him.

Q: Was there an investigation into this incident?

A: I don't believe so. I never heard of anything else about it, not could I think of any reason as to why there would have been.

Q: What was your knowledge of ODA 343 prior to the incident with SAYARI?

A: I worked with them on a daily basis for almost two months. I would characterize them as aggressive and effective. They were more aggressive than any other unit I have worked with, but I never saw them do anything inappropriate to a combat situation.

Q: Did any of the SFG members say anything about the shooting, other than what was described above?

A: I heard no other comments from any other witnesses to the shooting.

Q: At this time, do you suspect that any aspect of this incident, as you know it or have heard, was illegal in any manner?

A: No, I don't and didn't think it was anything other than a righteous shooting. I know myself and others made a few remarks initially after the incident in question as to what occurred; however, this was merely "monday morning quarterbacking," and completed unsubstantiated and unfounded.

Q: Do you know who the local personnel were that were in the back of SAYARI's truck upon him being stopped? 67C-5, 66-5

A: I was told by either SFC ██████████ or SSG ██████████ that they were local civilians, and at least one "AMF" (Afghan Military Force) member, who they would have recognized from training him at the base.

Q: Do you know the AMF member's name?

A: No.

Q: Were there any attempts by members of the fire base to cover this up?

A: None whatsoever. To the contrary, ODA 343 immediately sent for a local tribal leader and expedited the search of SAYARI's person in order to turn over his corpse and possessions to his tribe as soon as possible.

Q: Is there anything else you wish to add to this statement?

A: Yes. After the shooting, there was a marked decline in SIGINT activity and no further attacks on the base. This indicates that whatever enemy activity was going on was directly related somehow to SAYARI. Also, several local national workers expressed thanks to us for killing him. I believe this is due to his (SAYARI's) reputation as a murderer and thug amongst the members of his own tribe. This was unusual in a society in which tribal ties are far more important than legal or national loyalties.

Q: Anything else you want to add?

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

Exhibit: _____

INITIALS ██████████ 67C-4, 66-4

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Exhibit 45

AFFIDAVIT

I, [REDACTED] b7c-4, b6-4
HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND
ENDS ON PAGE 04. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT
MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND
HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE
MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT
THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR
UNLAWFUL INDUCEMENT.

[REDACTED] b7c-4, b6-4
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to
administer oaths, this 01 day of OCT, 2002 at Fort Bragg, NC 28310-5000

[REDACTED] b7c-4, b6-1
(Signature of Person Administering Oath)

SA [REDACTED] b7c-1, b6-1
(Typed Name of Person Administering Oath)

ARTICLE 136 (b) (4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: _____

INITIALS [REDACTED] b7c-4, b6-4

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Exhibit 45

AGENT'S INVESTIGATIVE REPORT

CID Regulation 195-1

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DETAILS

At 1045, 14 Oct 02, SA [redacted] interviewed Mr [redacted] Lwara, Afghanistan (NFI), with the assistance of interpreters, Mr [redacted] and [redacted] (NFI), both assigned as interpreters at Lwara Fire Base, Afghanistan. Mr [redacted] stated he was working at a hotel in Pakistan at the time of this interview, but he lived with Mr SAYARI when he was still alive. Mr SAYARI was intending to hire Mr [redacted] as a driver if Mr SAYARI could successfully lease his Toyota Hilux, truck to the Lwara Fire Base. About 1000, the day of Mr SAYARI's death (Mr [redacted] could not recall the date) Mr SAYARI was hurrying Mr [redacted] because he wanted to go to the fire base. Mr SAYARI said that [redacted] was going to hire his Hilux and wanted to meet that day. The two of them drove to the gate at Fire Base Lwara and met with [redacted] [redacted] was checking the Hilux and Mr SAYARI was telling [redacted] to check the interior of the truck. About that time two vehicles full of SF soldiers pulled up in a hurry and were talking excitedly to [redacted]. The soldiers told [redacted] they had to leave in a hurry and drove off. [redacted] immediately became agitated and angry. [redacted] insisted Mr SAYARI and Mr [redacted] leave. [redacted] rushed them talking angrily and shooing them with his hands, telling them to come back later. Mr SAYARI still wanted to go inside the fire base and talk about renting his truck to the SF soldiers at Lwara Fire Base. [redacted] insisted they leave and come back later to talk about it. [redacted] wanted them to leave immediately. Mr SAYARI told [redacted] to leave with him fearing there would be an attack from the way [redacted] was acting. They then got into Mr SAYARI's truck and drove away. They were going back to Mr SAYARI's house; which was in the opposite direction that the two vehicles full of SF soldiers went. At the bottom of the hill leading away from the fire base gate they stopped at the Afghan checkpoint and some men wanted to pay Mr SAYARI to take them to different places up the same road the SF team had gone. There were three men wanting to pay to go to the bazaar at Zangee Adda. Mr SAYARI charged them 100 Pakistani rupees for the trip and decided they would pick up some tea and sugar from the bazaar that they needed at their home as well. One of the men was an Afghan Military Forces (AMF) soldier, the soldier's brother and another man they did not know. The AMF soldier's name was [redacted] (NFI) and his brother's name was [redacted] (NFI). The men started up the road toward the Zangee Adda bazaar talking and listening to music. As they drove around a turn in the riverbed they saw one of the SF vehicles blocking their path and two men pointing rifles at them and motioning them to stop. Then four SF soldiers made them all get out of the truck and stand in a straight line in the middle of the road. Only [redacted] and Mr [redacted] had a weapon. Both had their AK-47 rifles, but left them in Mr SAYARI's truck when they got out of the vehicle. Mr SAYARI and the other individuals in the truck did not have weapons. [redacted] knew there was one weapon in the truck, because Mr SAYARI told him about Mr [redacted] weapon being in the truck at the gate to the fire base. Everyone was searched. After they searched Mr SAYARI, he was told to sit on a rock on the far side of the road. [redacted] went into Mr SAYARI's truck and took out [redacted] AK-47 rifle, gave it to him and told him to leave by motioning with his hand and saying "Go" loudly and pointing in the direction of the bazaar. [redacted] appeared very angry and said "Go quickly!" Mr [redacted] explained all of them understood this simple English. [redacted] took his rifle and went over a little rise and out of sight. [redacted] never removed the magazine or cleared the weapon. [redacted] just gave it to [redacted]. Then [redacted] obtained Mr [redacted] AK-47 rifle from the truck and removed the 40 round magazine and cleared the round from

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
Special Agent [redacted] 67C-1, 66-1		87th Military Police Detachment (ABN)(CID), 3 rd MP Group Camp Stronghold Freedom, APO AE 09311	
SIGNATURE	DATE	EXHIBIT	
[redacted]	18 Oct 02	46	

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1 Oct 95

67C-1, 66-1

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the chamber. [redacted] took the weapon to his vehicle, went inside the vehicle, and obtained another magazine from inside the vehicle. He left Mr [redacted] magazine in the vehicle. The magazine [redacted] got from the vehicle [redacted] contained black tipped rounds of the type known to be used by Al Qaeda members in their weapons. Mr [redacted] magazine did not have those type rounds in it [redacted] then put that magazine back into Mr [redacted] weapon and chambered a round. Mr [redacted] protested loudly asking [redacted] not to load his weapon. Mr [redacted] did not want the weapon loaded when it was given back to him as he did not want anyone to think he had any hostile intent toward the SF soldiers when he left with it. Mr [redacted] asked [redacted] for his weapon to be returned to him, but [redacted] refused. [redacted] told the other passengers to leave and they went off in the same direction as [redacted]. Mr [redacted] wanted his weapon prior to leaving and when he asked for it again, [redacted] pointed the loaded weapon at Mr [redacted] stomach and said, "Go! Hurry!" Mr SAYARI got up to leave as well and [redacted] pushed him in the chest and directed him to sit back on the rock at the far side of the road. Mr [redacted] became concerned at this threat to his person and departed in the same direction as the others. When he looked at Mr SAYARI as he left, Mr [redacted] could see that Mr SAYARI was very scared and the fear was apparent on his face. Mr SAYARI was searched previously and had no weapon. One of the other soldier's was leaning on the front of Mr SAYARI's truck with one arm holding a M4 rifle in the other hand, keeping the weapon trained on Mr SAYARI. [redacted] placed Mr [redacted] AK-47 rifle on the front of Mr SAYARI's truck where the man was standing. There were no interpreters, AMF or other Afghans present with the SF soldiers. Mr SAYARI was seated on the rock, rocking back and forth with his head in his hands. About two minutes after Mr [redacted] was out of sight of the SF soldiers and Mr SAYARI over the rise, he heard gunfire. At that point Mr [redacted] began to run away from the area. Mr [redacted] thought that he heard one burst of about 3 or 4 rounds. Walking in the vicinity of the incident the next morning, Mr [redacted] encountered 3 or 4 young Afghan girls who were walking away from where Mr [redacted] last saw Mr SAYARI. They had 6 pieces of American brass from a M4 rifle round in their hands. They were on their way to sell the brass after putting it with brass collected from other locations. The girls told Mr [redacted] they picked up the brass right next to a pool of blood where Mr SAYARI was killed. Mr [redacted] advised the entire tribe knew of the killing almost immediately. Mr [redacted] said he recognized the black tipped bullets as those used by Al Qaeda he saw them at an Al Qaeda checkpoint before the Americans came to Afghanistan, and became familiar with the fact that the Al Qaeda members used that type of ammunition known to them as destructive bullets. It was unclear where that analogy came from and neither Mr [redacted] nor the interpreter could properly explain. Mr [redacted] stated Mr SAYARI was definitely not an Al Qaeda member or sympathizer. Mr SAYARI and the entire tribe to which Mr [redacted] and Mr SAYARI belonged, hated Al Qaeda and the Taliban with a passion. One time the Al Qaeda burned Mr SAYARI's vehicle and beat him severely at one of their checkpoints. This act assured that Mr SAYARI thereafter considered Al Qaeda a "big enemy". Mr SAYARI later captured one of the Al Qaeda members that cut his truck tires and burned it. Mr SAYARI kept him captive until Al Qaeda promised to buy him a new truck. Then Mr SAYARI let the Al Qaeda member go free. The Al Qaeda members did not complete their end of the bargain. Mr SAYARI then sent word to the Al Qaeda members that he would shoot at their vehicles whenever he saw them and kill any Al Qaeda members he found

TYPED AGENT'S NAME AND SEQUENCE NUMBER

Special Agent [redacted] b7C-1, b6-1

ORGANIZATION

87th Military Police Detachment (ABN)(CID), 3rd MP Group
Camp Stronghold Freedom, APO AE 09311

SIGNATURE

[redacted signature]

DATE

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in the area controlled by his tribe, the Pepelayu. The Pepelayu controlled an area comprised of about 17 villages in the vicinity of Schkin and Lwara, Afghanistan. Mr [REDACTED] and Mr SAYARI lived in another area during that time and the Al Qaeda came and rocketed their homes and village. The Al Qaeda killed Mr [REDACTED] uncle in a separate incident. They then fled to the Lwara area. Sometime after that the Americans came to Afghanistan. Mr SAYARI had a "big quarrel" with the Al Qaeda members. The interpreter explained that Mr [REDACTED] meant this was like a "blood feud" and Mr SAYARI would ever after consider any Al Qaeda or Taliban his sworn enemies. The Al Qaeda and Taliban are the enemies of Mr [REDACTED], Mr SAYARI, and all of the tribes in the Lwara/Schkin area of Afghanistan. If the Pepelayu tribe found any of the Al Qaeda or Taliban they would arrest or kill them. After the Americans bombed Kabul, Mr SAYARI set up a checkpoint and sent word to the Al Qaeda and Taliban not to come to his area. Mr SAYARI told them they were his enemy and he would kill them. Mr [REDACTED] was adamant that Mr SAYARI had no intention to follow the SF soldiers after he was forced away from the gate at Lwara by [REDACTED]. Mr SAYARI was going to his house in the opposite direction until he picked up paying passengers going in that direction. There were only a couple directions of travel right as you leave the gate of the fire base. It was only natural that many people had to travel the same direction, at least for awhile. Mr SAYARI liked the Americans and the SF soldiers very much. He wanted to rent his truck to the SF soldiers. Mr SAYARI would make more money from that than using his truck as a taxi. Mr [REDACTED] stated the distance from where he last saw Mr SAYARI seated to where his weapon was on the front of Mr SAYARI's truck was about 15 to 20 meters. Mr [REDACTED] illustrated by stepping off a similar distance for SA [REDACTED] and the distance was about 15 to 20 meters.

At 1230, 14 Oct 02, SA [REDACTED] interviewed Dr [REDACTED] Lwara, Afghanistan (NFI), as a spokesman for all of the elders of the Pepelayu tribe. Dr [REDACTED] was fluent in the English language and relayed all answers from the tribal elders to SA [REDACTED] without identifying any of them, except Mr SAYARI's father and son, and his brother. Dr [REDACTED] did not identify them by name. Only by their relationship to Mr SAYARI or himself. Dr [REDACTED] advised that he had helped to wash Mr SAYARI's body after his death and help prepare it for burial. Dr [REDACTED] stated Mr SAYARI was buried in the clothing he died in as this was the custom of the tribe. Dr [REDACTED] remembered a wound; that appeared to be an exit wound, just below the bottom edge of Mr SAYARI's throat on the chest and slightly to the right. The wound was about as big around as his middle finger (appeared to be about 1/2 to 5/8 of an inch in diameter) and had rough edges curled out away from the wound. Dr [REDACTED] did not see and could not remember any other wounds as they did not remove Mr SAYARI's clothing. Dr [REDACTED] wanted to make it clear that he could not say as an expert that the wound was an exit. The entire tribe knew Mr SAYARI to like the Americans and SF soldiers and no one knew of him bearing any ill will toward them, or Mr SAYARI wanting to harm them in any way. Mr SAYARI was very happy that the Americans had come to Afghanistan and freed it from the grip of Al Qaeda and the Taliban. Mr SAYARI hated them both with a passion. Mr SAYARI's father and most of the tribal elders confirmed what Mr [REDACTED] related about Mr SAYARI's hatred for the Al Qaeda and the Taliban. They

TYPED AGENT'S NAME AND SEQUENCE NUMBER

Special Agent [REDACTED] b7C-1, b6-1

ORGANIZATION

87th Military Police Detachment (ABN)(CID), 3rd MP Group
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DETAILS

^{b7C-3, b6-3}
confirmed Mr. [REDACTED] account of the incidents with the Al Qaeda members burning Mr SAYARI's truck and beating him; attacking the village with rockets; their flight to the area they now lived; and that Mr SAYARI had a very deep hatred for both groups. Mr SAYARI's father stated that Mr SAYARI did kill his cousin many years ago over a dispute for ownership of a field. Both men were engaged in a heated argument when Mr SAYARI killed the man. Mr SAYARI left the area after that and had not murdered anyone since that time. It was an unfortunate incident and both men were hot tempered when younger. Mr SAYARI had 5 children and the oldest was a son of 8 years of age. Mr SAYARI just wanted to make a living and sold fruit when it was in season. Dr. ^{b7C-3, b6-3} [REDACTED] expressed the tribes belief that it would be very out of character for Mr SAYARI to follow SF soldiers and report their activity to the Al Qaeda or the Taliban. They were his enemies. Mr SAYARI would not harm Americans or seek to cause them harm. Mr SAYARI was very happy the Americans were in Afghanistan and felt the Americans were in Afghanistan to help, not to occupy and support a puppet government like the Russians did before. Dr. ^{b7C-3, b6-3} [REDACTED] and the tribal elders had nothing further to relate pertaining to this investigation.///////LAST ENTRY///////

TYPED AGENT'S NAME AND SEQUENCE NUMBER

Special Agent [REDACTED]

^{b7C-1, b6-1}

ORGANIZATION

87th Military Police Detachment (ABN)(CID), 3rd MP Group
Camp Stronghold Freedom, APO AE 09311

SIGNATURE [REDACTED]

DATE

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DETAILS

BASIS FOR INVESTIGATION: On 23 Oct 02, this office received a Request for Assistance from the 87th Military Police Detachment (FWD), Uzbekistan APO AE 09311, pertaining to a murder investigation being conducted by their office.

COORDINATION WITH THE GROUP JUDGE ADVOCATE:

About 1040, 4 Nov 02, SA [redacted] ^{b7C-1, b6-1} Forensic Science Officer (FSO), 3rd MP Group CID, Fort Campbell, KY and SA [redacted] ^{b7C-1, b6-1} met with CPT [redacted] ^{b7C-3, b6-3} Group Judge Advocate, 3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, and discussed the pending investigative activity. CPT [redacted] ^{b7C-3, b6-3} was requested to provide all pertinent inquiry documents in his possession.

About 1000, 5 Nov 02, SA [redacted] ^{b7C-1, b6-1} and SA [redacted] ^{b7C-1, b6-1} met with CPT [redacted] ^{b7C-3, b6-3} who provided copies of Commander Inquiry documents pertaining (Enclosure 2) to both shooting incidents in Lwara, Afghanistan.

COLLECTION OF EVIDENCE:

Between 1310-1430, 4 Nov 02, SA [redacted] ^{b7C-1, b6-1} coordinated with SGT [redacted] ^{b7C-3, b6-3} Unit Armor, and seized as evidence twelve M4 rifles assigned to ODA 343, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310. SA [redacted] ^{b7C-1, b6-1} also collected original issue documents (Enclosure 3) pertaining to the weapons. The collection of the weapons and documents was recorded on an Evidence/Property Custody Document, Document Number 650-02 (Enclosure 4).

About 1510, 5 Nov 02, SA [redacted] ^{b7C-1, b6-1} coordinated with SGT [redacted] ^{b7C-3, b6-3} and seized as evidence the twelve M9 pistols assigned to ODA 343, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC. The collection was recorded on an Evidence/Property Custody Document, Document Number 651-02 (Enclosure 5).

Agent's Comment: The twelve M9 pistols were subsequently returned to the unit. It was determined the pistols would not be needed for laboratory examination.

TYPED AGENT'S NAME AND SEQUENCE NUMBER [redacted] ^{b7C-1, b6-1, b2}		ORGANIZATION 87 th MP DET (CID)(ABN), USACIDC Fort Bragg, NC 28310	
SIGNATURE For [redacted]		DATE 10 December 2002	ENCLOSURE 47

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DETAILS

COORDINATION WITH THE U.S. ARMY CRIME LABORATORY:

On 8 Nov 02, Mr. ^{b7C-8, b6-8} Evidence Custodian, this office, delivered the seized firearm evidence to the U.S. Army Crime Laboratory, Forest Park, GA. The evidence was accompanied by a DA Form 3655, Crime Lab Examination Request (Enclosure 6), which was prepared by SA ^{b7C-1, b6-1}

On 13 Nov 02, SA ^{b7C-1, b6-1} received confirmation (Enclosure 7) of receipt of evidence from the U.S. Army Crime Laboratory. The submitted evidence was being processed under expedited conditions.

About 1600, 15 Nov 02, SA ^{b7C-1, b6-1} and SA ^{b7C-1, b6-1} were contacted by Mr. ^{b7C-8, b6-8} Firearms Examiner, USACIL. Same stated SFC ^{b7C-3, b6-3} weapon was the one that fired the expended bullet and cartridge casing recovered from the crime scene in Lwara. Mr. ^{b7C-8, b6-8} requested the weapons be retrieved as soon as possible and the Lab Report is forthcoming.

On 10 December 02, SA ^{b7C-1, b6-1} received USACIL Lab Report (Exhibit 8) which reflected SFC ^{b7C-3, b6-3} weapon was the one that fired the expended bullet and cartridge casing recovered from the crime scene in Lwara

INTERVIEWS OF ODA 343 PERSONNEL:

MSG ^{b7C-3, b6-3} ODA 343, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310: About 1050, 6 Nov 02, SA ^{b7C-1, b6-1} and SA ^{b7C-1, b6-1} interviewed MSG ^{b7C-3, b6-3} who was the Team Sergeant for ODA 343. MSG ^{b7C-3, b6-3} reported he was present at Firebase Lwara when the first shooting occurred in Jun 02, but was home on emergency leave when the second shooting occurred on 28 Aug 02. Regarding the first shooting incident, MSG ^{b7C-3, b6-3} reported that he was on the camp when reports came in that there were three male local Afghans who were observing the activity of the camp using a pair of binoculars. One of the individuals was also carrying a weapon. MSG ^{b7C-3, b6-3} related that a group of soldiers from the camp, including SFC ^{b7C-3, b6-3} and SSG ^{b7C-3, b6-3} were enroute to the firing range when the notification went out that the camp was being observed. The group of soldiers, all riding in a government vehicle, diverted from the firing range and drove out to where the individuals were reported to be. MSG ^{b7C-3, b6-3} heard the shots fired from his location and knew they were American by the sound of the shot. He then quickly walked out to the scene on foot after he heard the shots to ensure everyone was all right. When he arrived at the scene, he was told by those there what had occurred. MSG ^{b7C-3, b6-3} didn't recall who precisely told him, but it

TYPED AGENT'S NAME AND SEQUENCE NUMBER ^{b7C-1, b6-1, b2}	ORGANIZATION 87 th MP DET (CID)(ABN), USACIDC Fort Bragg, NC 28310	
SIGNATURE ^{b7C-1, b6-1}	DATE 10 December 2002	ENCLOSURE 47

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was reported that the local, who was carrying a weapon slung over his shoulder, would not comply with instructions by the group. As SFC [redacted] approached the man, the man kept approaching SFC [redacted] and reached over and began to raise his weapon. When he did, SFC [redacted] fired one round hitting the man center mass, apparently killing him instantly. SSG [redacted] who was the team medic, informed MSG [redacted] the man was dead. According to MSG [redacted], SFC [redacted] was very upset over the incident appearing physically and emotionally distraught. MSG [redacted] walked SFC [redacted] away from the scene and consoled him. MSG [redacted] comforted SFC [redacted] by telling him he did the right thing under the circumstances. MSG [redacted] felt this incident was a justified shooting given the situation. MSG [redacted] left Firebase Lwara around 30 Jul 02 and returned to CONUS on emergency leave. MSG [redacted] recalled the first he heard about the second shooting in Aug 02, was through SSG [redacted] who was still at the Lwara at the time. MSG [redacted] was unsure when he was notified and only vaguely recalled that it was through SSG [redacted] that he first learned of it. He recalled being told that the incident was under investigation. MSG [redacted] related that about a week or two before the team returned to Fort Bragg, he learned that the shooting involved SFC [redacted] and SSG [redacted]. After the team returned, he learned that the man that was shot had been following the team while they were outside of the camp and that when the team stopped him at a checkpoint, the man raised a weapon towards members of the team. As far as he knew, SFC [redacted] and SSG [redacted] engaged the man and shot him dead. MSG [redacted] believed SFC [redacted], SSG [redacted], CPT [redacted] and SSG [redacted] were present when the incident occurred. MSG [redacted] never heard of anyone else being there. He never asked any of the team members any details of the incident, nor had he asked those involved to "sketch-out" what occurred. MSG [redacted] had no reason to suspect this incident was anything other than a justified shooting.

b7c-4, b6-4 About 1015, 7 Nov 02, SA [redacted] and SA [redacted] interviewed SSG [redacted] ODA 343, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who provided a sworn statement (Enclosure 9) detailing his knowledge of both shooting incidents occurring outside Firebase Lwara during his deployment there.

About 1015, 12 Nov 02, SA [redacted] advised SSG [redacted] ODA 343, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, of his legal rights, which he waived. SA [redacted] and SA [redacted] interviewed SSG [redacted] who provided a sworn statement (Enclosure 10) detailing his knowledge of the shooting incident which took place on 28 Aug 02 in Lwara, Afghanistan.

About 1416, 12 Nov 02, SA [redacted] advised CW2 [redacted] ODA 343, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, of his legal

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rights, which he waived. SA [redacted] ^{b7C-1, b6-1} and SA [redacted] ^{b7C-1, b6-1} subsequently interviewed CW2 [redacted] ^{b7C-1, b6-5}, who provided a sworn statement (Enclosure 11) detailing his knowledge of the shooting incident which took place on 28 Aug 02 in Lwara, Afghanistan.

Agents Comment: On 14 Nov 02, CW2 [redacted] ^{b7C-5, b6-5} was afforded the opportunity to undergo a polygraph examination. See MFR (Enclosure 12)

On 13 Nov 02, SA [redacted] ^{b7C-1, b6-1} coordinated with MAJ [redacted] ^{b7C-3, b6-3}, Commander, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, for CPT [redacted] ^{b7C-3, b6-5} and SSG [redacted] ^{b7C-1, b6-1} to be interviewed at this office. MAJ [redacted] ^{b7C-3, b6-3} subsequently contacted SA [redacted] ^{b7C-1, b6-1} and reported neither CPT [redacted] ^{b7C-3, b6-5} nor SSG [redacted] ^{b7C-3, b6-5} were going to be interviewed at the CID Office because both had retained counsel through the Trial Defense Service. Additionally, MAJ [redacted] ^{b7C-3, b6-3} related SFC [redacted] ^{b7C-3, b6-3} and SSG [redacted] ^{b7C-3, b6-3} also retained counsel and refused to be interviewed by CID personnel.

About 1145, 14 Nov 02, SA [redacted] ^{b7C-1, b6-1} interviewed SSG [redacted] ^{b7C-4, b6-4} ODA 343, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who provided a sworn statement (Enclosure 13) detailing his knowledge of the shooting incident which occurred during Jun 02 at Lwara, Afghanistan. SSG [redacted] ^{b7C-4, b6-4} was not in Afghanistan at the time of the second shooting due to him returning to Fort Bragg on emergency leave.

About 1145, 14 Nov 02, SA [redacted] ^{b7C-1, b6-1} advised SFC [redacted] ^{b7C-4, b6-4} ODA 343, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, of his legal rights, which he waived and provided a sworn statement (Enclosure 14). SFC [redacted] ^{b7C-4, b6-4} was present at Firebase Lwara when both shooting incidents occurred; however, he denied being present at either shooting. SFC [redacted] ^{b7C-4, b6-4} was not aware his teammates were leaving the camp on 28 Aug 02 to conduct a checkpoint operation. He was in the team tent while his teammates were preparing to leave, but they told him they were going out on a civil affairs mission. SFC [redacted] ^{b7C-4, b6-4} denied having any knowledge of wrongdoing by his teammates.

INTERVIEWS OF ODA 341 PERSONNEL:

^{b7C-4, b6-4} About 1050, 5 Nov 02, SA [redacted] ^{b7C-1, b6-1} and SA [redacted] ^{b7C-1, b6-1} interviewed SSG [redacted] ^{b7C-4, b6-4} ODA 341, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who provided a sworn statement (Enclosure 15) detailing his knowledge of two shooting incidents occurring in the vicinity of Firebase Lwara, Afghanistan. SSG [redacted] ^{b7C-4, b6-4} reported he was present at the first

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shooting occurring in Jun 02, but was not present for the second shooting. Regarding the first shooting, SSG [redacted] recalled that around 1600 local time, he and five others were driving toward the firing range when they received a call from the camp reporting there was a man, and two others, watching the camp with a pair of binoculars. He related SSG [redacted] was driving. SFC [redacted] was in the passenger seat, while SSG [redacted], SSG [redacted], and two others he believed to be counterintelligence personnel sat in the back compartment of the vehicle. When they arrived at the scene, they discovered an older man carrying a rifle slung over his left shoulder with the muzzle down, but there was no sign of the binoculars or others. Reportedly, SFC [redacted] was the first out of the vehicle and began to approach the man. SSG [redacted] said he called out in Pashtun for the man to put his hands in the air, to which he did not comply. Commands were continued towards the man, including a warning shot in the ground by SFC [redacted]. As SSG [redacted] turned to jump out of the vehicle, the man reached across his chest with his right hand towards his weapon. By the time SSG [redacted] turned back around, the second shot already rang out. When SSG [redacted] approached the man on the ground, he noticed the man had a wound to his right arm and a wound around center mass to the front. SSG [redacted] didn't see the full motion of the man's hand, but maintained that the man was not complying with any of the commands.

About 1100, 5 Nov 02, SA [redacted] and SA [redacted] interviewed CPT [redacted] ODA 341, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, regarding his knowledge of two shooting incidents which occurred in the vicinity of Firebase Lwara, Afghanistan. CPT [redacted] related he was one of the individuals which had set up Firebase Lwara and had utilized Mr. SAYARI on several occasions in completing this task. CPT [redacted] stated he had read all the initial statements of the second shooting as he was the firebase Commander at the time and he was responsible for notifying his Chain of Command of the shooting. CPT [redacted] further stated he was not at the scene of either incident and could only relate what he had read in the statements. CPT [redacted] also stated he had not discussed the second incident with CPT [redacted] the only other O-3 at the firebase at the time. CPT [redacted] further related on the day of the second incident he spotted Mr. SAYARI at the front gate of the firebase and radioed this information back to the communications center as his team (ODA 341) was head out on a mission. CPT [redacted] commented he did not know anything had occurred until several days later when his team returned from their mission.

Agent's Comment: Subsequent coordination with CPT [redacted] revealed SFC [redacted] who was at Firebase Lwara at the time of the first shooting, was currently at Walter Reed Medical Center for scheduled surgery. The three remaining members of ODA 341, SFC [redacted] SSG [redacted] and SGT [redacted] were not present at Firebase Lwara during the incidents under investigation.

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About 1405, 5 Nov 02, SA [redacted] ^{b7c-1, b6-1} interviewed SSG [redacted] ^{b7c-3, b6-3}, ODA 341, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who provided a sworn statement (Enclosure 16) regarding his knowledge of two shootings which occurred while he was deployed to Firebase Lwara, Afghanistan.

About 1045, 5 Nov 02, SA [redacted] ^{b7c-1, b6-1} interviewed SSG [redacted] ^{b7c-3, b6-3}, ODA 341, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who related all second hand information and had nothing relevant to provide to this investigation.

About 1400, 5 Nov 02, SA [redacted] ^{b7c-1, b6-1}, this office, interviewed SSG [redacted] ^{b7c-3, b6-3}, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who related his knowledge pertaining to the shooting of Mr. SAYARI. SSG [redacted] ^{b7c-3, b6-3} related he heard "through the grapevine" about the events involving ODA 343. SSG [redacted] ^{b7c-3, b6-3} related it was not out of the ordinary not to use "flexcuffs" on detainees, or to not separate them from their weapons. SSG [redacted] ^{b7c-3, b6-3} related there was no SOP from the unit, only individual team SOPs. SSG [redacted] ^{b7c-3, b6-3} further related Team 343 was known to him to be messed up, and often doing things out of the ordinary. SSG [redacted] ^{b7c-3, b6-3} related he did not see the body of Mr. SAYARI and only knew what he had heard through others.

About 1600, 5 Nov 02, SA [redacted] ^{b7c-1, b6-1} interviewed SSG [redacted] ^{b7c-3, b6-3}, ODA 341, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who related he was deployed to Firebase Lwara, Afghanistan, between May - Sep 02. SSG [redacted] ^{b7c-3, b6-3} was present at neither shooting. He advised that he was at the Firebase when the first shooting occurred, but was not present during the shooting. Regarding the first shooting, SSG [redacted] ^{b7c-3, b6-3} recalled there was a man observing the camp with a pair of binoculars. A group of soldiers, including two ODA 341 members, were diverted from a firing range to investigate what the man was doing. SSG [redacted] ^{b7c-3, b6-3} believed SSG [redacted] ^{b7c-3, b6-3} and SSG [redacted] ^{b7c-3, b6-3} were the two members from his team that were present at the scene. Except for SFC [redacted] ^{b7c-3, b6-3}, he did not know who else was part of the party. SSG [redacted] ^{b7c-3, b6-3} repeatedly stated he didn't know what occurred because he was not present. However, it was his understanding that the range party traveled to the area where the man was spotted and approached him. SSG [redacted] ^{b7c-3, b6-3} recalled being told the man would not obey any commands and would not stop moving. Reportedly, the man raised his weapon and SFC [redacted] ^{b7c-3, b6-3} shot him once, killing him. SSG [redacted] ^{b7c-3, b6-3} did not recall who told him of the events, but believed it was likely someone on his team. Regarding the second shooting in Aug 02, SSG [redacted] ^{b7c-3, b6-3} reported he departed the camp prior to the incident, earlier the same day. He, and his team, remained off the camp for a day or two while they conducted unrelated operations. SSG [redacted] ^{b7c-3, b6-3} could not recall who reported the events of the second shooting to him. He was vaguely aware that an Afghan male was suspected to

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have been following U.S. personnel when they left the camp. SSG [redacted] ^{b7c-3, b6-3} did not know if anyone ever followed him or his team. On the day of the second shooting, as they were departing camp, SSG [redacted] ^{b7c-3, b6-3} heard a call go out over the radio that the man ODA 343 were looking for was at the front gate of the camp, although SSG [redacted] ^{b7c-3, b6-3} never noticed himself. SSG [redacted] ^{b7c-3, b6-3} didn't learn the man was shot by ODA 343 until after he returned from the team's mission. SSG [redacted] ^{b7c-3, b6-3} related the only thing he knew was that the man was stopped by ODA 343 at a checkpoint and at some point the man raised a weapon to SFC [redacted] ^{b7c-3, b6-3} or SSG [redacted] ^{b7c-3, b6-3} while their backs were turned, and as a result he was shot. SSG [redacted] ^{b7c-3, b6-3} reported not to know precisely which personnel were out there during the incident.

About 1600, 5 Nov 02, SA [redacted] ^{b7c-1, b6-1} interviewed SFC [redacted] ^{b7c-3, b6-3}, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who related he arrived to Afghanistan on 30 Jul 02 and departed 30 Sep 02. SFC [redacted] ^{b7c-3, b6-3} related the day following the shooting incident, his team (ODA 341) was on patrol. When they got back to the fire base, he was told by counterintelligence personnel of the shooting. SFC [redacted] ^{b7c-3, b6-3} related later that week, SFC [redacted] ^{b7c-3, b6-3} also told him the story behind the shooting. SFC [redacted] ^{b7c-3, b6-3} related he thought the events strange, but never doubted the story. SFC [redacted] ^{b7c-3, b6-3} related the two SF teams (ODA 341 and ODA 343) shared the fire base, but remained on separate sides of the base due to "bad blood" between the teams. SFC [redacted] ^{b7c-3, b6-3} wasn't sure what caused the "bad blood" but related it was there when he arrived to the team.

OTHER INTERVIEWS/ACTIVITIES:

About 0915, 6 Nov 02, SA [redacted] ^{b7c-1, b6-1} telephonically interviewed SPC [redacted] ^{b7c-3, b6-3} Headquarters Support Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who reported he was never at Firebase Lwara, Afghanistan, and had no knowledge of either shooting incident.

About 1030, 6 Nov 02, SA [redacted] ^{b7c-1, b6-1} interviewed SPC [redacted] ^{b7c-3, b6-3} Headquarters Support Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who related he was the mechanic at the Lwara Fire Base, Afghanistan. SPC [redacted] ^{b7c-3, b6-3} related the first time he heard about the shooting was when he was asked to leave the tent by the counterintelligence personnel when they started discussing the incident. SPC [redacted] ^{b7c-3, b6-3} related he heard that a man suspected of providing the Taliban with the location of some Special Forces Teams was detained, and then shot when he went for his weapon. SPC [redacted] ^{b7c-3, b6-3} related he never discussed the specifics of what happened with anyone. SPC [redacted] ^{b7c-3, b6-3} further related he saw the body of Mr. SAYARI when ODA 343 transported it to the Fire Base. SPC [redacted] ^{b7c-3, b6-3} related he briefly viewed the body which was lying on its right side with

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noticeable blood on the front of the shirt on the deceased. SPC [redacted] ^{b7c-3, b6-3} related he only glanced at the body, and could not remember any specifics.

About 1405, 6 Nov 02, SA [redacted] ^{b7c-1, b6-1} and SA [redacted] ^{b7c-1, b6-1} coordinated with SGT [redacted] ^{b7c-3, b6-3} who provided Maintenance Documents (Enclosure 17) which pertained to the gauging of the M4 weapons assigned to ODA 343. SGT [redacted] ^{b7c-3, b6-3} stated the weapons had routine maintenance done to them upon their return from Afghanistan but none of them had their barrels or other components exchanged.

About 1700, 7 Nov 02, SA [redacted] ^{b7c-1, b6-1} interviewed CPT [redacted] ^{b7c-3, b6-3}, B Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who was the original Inquiry Officer tasked to investigate the shooting on 28 Aug 02. CPT [redacted] ^{b7c-3, b6-3} related he was appointed the Inquiry Officer around 29 Aug 02, however, he redeployed from Afghanistan on 1 Sep 02. As a result of this short time period, he drafted his inquiry findings based solely on statements and information provided to him electronically from Firebase Lwara. CPT [redacted] ^{b7c-3, b6-3} believed CPT [redacted] ^{b7c-3, b6-3} forwarded the information to him, but he was unsure. CPT [redacted] ^{b7c-3, b6-3} never reviewed any photographs and didn't know any were available. He had a recollection that the team would have to go out and recreate the scene with pictures since none were taken at the scene. He was surprised to learn counterintelligence personnel captured photographs of the original scene with a digital camera.

About 1715, 7 Nov 02, SA [redacted] ^{b7c-1, b6-1} interviewed SPC [redacted] ^{b7c-3, b6-3}, HHC, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC, regarding his knowledge of the shooting incidents in Lwara, Afghanistan. SPC [redacted] ^{b7c-3, b6-3} reported he may have overheard ODA 341 stating they had spotted Mr. SAYARI at the front gate, and not SFC [redacted] ^{b7c-1, b6-1} stating an AMF checkpoint had first stopped Mr. SAYARI. SPC [redacted] ^{b7c-3, b6-3} also reported he believed the team had chased down Mr. SAYARI, but it was pure speculation on his part. SPC [redacted] ^{b7c-3, b6-3} further reported SFC [redacted] ^{b7c-3, b6-3} had told him that he had turned around and SAYARI went for his weapon. SPC [redacted] ^{b7c-3, b6-3} stated CPT [redacted] ^{b7c-3, b6-3} never had much to say as he was the new guy on the team and he was a quiet and reserved individual. SPC [redacted] ^{b7c-3, b6-3} said SPC [redacted] ^{b7c-3, b6-3} or SFC [redacted] ^{b7c-3, b6-3} may have collected the red card found in SAYARI'S vehicle as evidence. SPC [redacted] ^{b7c-3, b6-3} then stated he must have combined all the information he overheard and assumed SSG [redacted] ^{b7c-3, b6-3} was in the position as he reflected in his first statement.

Agents Comment: SPC [redacted] ^{b7c-3, b6-3} stated SFC [redacted] ^{b7c-3, b6-3} was the unidentified person at the first shooting and was currently in the same Intelligence Class as he was. SPC [redacted] ^{b7c-3, b6-3} related he would have SFC [redacted] ^{b7c-3, b6-3} contact this agent to schedule an interview.

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b7C-1, b6-1
 b7C-3, b6-3 About 0900, 14 Nov 02, SA [redacted] and SA [redacted] interviewed SFC [redacted] General Support Company, 3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who provided a sworn statement (Enclosure 18) detailing his knowledge of a shooting occurring in Lwara in Jun 02. SFC [redacted] witnessed the shooting of a local man by SFC [redacted]. He believed the shooting to be justified given the circumstances of the incident.

b7C-1, b6-1
 b7C-3, b6-3 About 1350, 14 Nov 02, SA [redacted] and SA [redacted] interviewed CPT [redacted] B Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310. CPT [redacted] was the Detachment Commander of ODA 343 until early Jul 02, when CPT [redacted] assumed command of the team at Firebase Lwara. CPT [redacted] was at Firebase Lwara during the first shooting incident in Jun 02; however, he was not deployed to the base when the second shooting occurred in Aug 02. CPT [redacted] related on the day of the shooting incident in Jun 02, a mixed group of soldiers departed the camp enroute to the firing range for routine training. Around the same time, an observer for the camp spotted three individuals watching the camp with binoculars from a ridgeline adjacent to the camp. One of the individuals, an older man, was carrying a rifle. The two others were believed to possibly be young men or children. CPT [redacted] personally observed the individuals surveying the camp from his vantage on the camp rooftop. While under observation, the three local men separated. CPT [redacted] dispatched the soldiers from the firing range to the area to investigate the older man with the rifle. He also dispatched another team from the camp to pursue the other two men who departed the area. As the range party approached the armed man, CPT [redacted] intermittently monitored the contact from his vantage. CPT [redacted] reported it was apparent to him that the man was not cooperating or complying with the team's commands for him to put down his weapon. This was apparent to CPT [redacted] by the physical actions and gesturing he witnessed while monitoring the situation. CPT [redacted] heard a warning shot fired, but did not witness it. CPT [redacted] was diverting his attention back and forth between the two teams that were outside the camp. As CPT [redacted] began to divert his attention from the scene involving the armed man, he noticed the man grab for his weapon. He did not witness the actual shooting, but believed he witness the erratic movement of the part of the armed man which caused the shooting. CPT [redacted] believed the action to be justified given the situation. According to CPT [redacted] the dead man was brought back to the camp until coordination could be made with the local elders from the surrounding area. Later in the day, the body was returned to the location of the incident and turned over to locals. CPT [redacted] reported SFC [redacted] was the soldier who engaged the armed man. He believed the group of soldiers from the range was a mix of individuals from the camp, including some men from ODA 341, but he could not recall precisely who was present. He believed SSG [redacted] may have been present.

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Regarding the second incident, CPT [redacted] ^{b7C-3, b6-3} could provide no pertinent information since it occurred after he relinquished command of the team to CPT [redacted] ^{b7C-5, b6-5}

^{b7C-5, b6-5} About 1455, 14 Nov 02, SA [redacted] ^{b7C-1, b6-1} and SA [redacted] ^{b7C-1, b6-1} interviewed CW3 [redacted] ^{b7C-5, b6-5} Headquarters Support Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310. CW3 [redacted] ^{b7C-5, b6-5} reported he was the Operational Control Cell (OCC) at the FOB in Kandahar, Afghanistan, during the battalion's recent deployment. In this capacity, he received various intelligence reports from those deployed around the country. CW3 [redacted] ^{b7C-5, b6-5} confirmed he was the recipient of Contact Reports filed by CW2 [redacted] ^{b7C-3, b6-3} from his post at Firebase Lwara. However, he was unable to recall any specific information he may have received pertaining to Mr. SAYARI. CW3 [redacted] ^{b7C-5, b6-5} only recalled reading a Situation Report pertaining to the shooting incident in Aug 02. He vaguely remembered that the incident occurred during a checkpoint stop, but was unable to remember who shot whom. CW3 [redacted] ^{b7C-5, b6-5} did not redeploy with any of the filed reports; instead, he passed off all his data to his successor, SFC [redacted] ^{b7C-3, b6-3} 2/7th Special Forces Group (Airborne), Kandahar, Afghanistan (NFI). He related the reports were likely also kept by the Special Plans Group (SPG), CJSOTF, Bagram, Afghanistan.

^{b7C-3, b6-3} About 1520, 14 Nov 02, SA [redacted] ^{b7C-1, b6-1} and SA [redacted] ^{b7C-1, b6-1} interviewed LTC [redacted] ^{b7C-3, b6-3}, Commander, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310. LTC [redacted] ^{b7C-3, b6-3} recalled the first time he was notified of the shooting which occurred on 28 Aug 02, was when he was verbally notified by his unit S-3. LTC [redacted] ^{b7C-3, b6-3} had no reason to suspect the incident was anything other than a fully justified shooting. LTC [redacted] ^{b7C-3, b6-3} could not recall if there was an approved CONOP for the checkpoint operation which targeted Mr. SAYARI. He reported he received direction from his higher headquarters to conduct a Commander's Inquiry into the shooting on 28 Aug 02. LTC [redacted] ^{b7C-3, b6-3} related even after the inquiry was conducted he had no reason to suspect anything other than what was originally reported.

^{b7C-3, b6-3} About 1000, 15 Nov 02, SA [redacted] ^{b7C-1, b6-1} and SA [redacted] ^{b7C-1, b6-1} interviewed MAJ [redacted] ^{b7C-3, b6-3} Commander, B Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310. MAJ [redacted] ^{b7C-3, b6-3} was the Executive Officer for the FOB when the first shooting incident occurred in Lwara in Jun 02. He conducted a Commander's Inquiry into the incident at the request of the FOB Commander. During his inquiry, MAJ [redacted] ^{b7C-3, b6-3} did not develop any reason to suspect the incident was anything other than what was originally reported. According to MAJ [redacted] ^{b7C-3, b6-3} all the statements he obtained corroborated each other and were consistent. Based on his investigation, MAJ [redacted] ^{b7C-3, b6-3} determined the incident did not violate the rules of engagement. He believed the inquiry was predicated

TYPED AGENT'S NAME AND SEQUENCE NUMBER [redacted] ^{b7C-1, b6-1, b2}	ORGANIZATION 87 th MP DET (CID)(ABN), USACIDC Fort Bragg, NC 28310
SIGNATURE [redacted] ^{b7C-1, b6-1}	DATE 10 December 2002
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on a "comment" that was overheard where it was stated the rules of engagement were violated during the shooting. MAJ [redacted] was not able to determine the original source of the "comment".

67C-3, b6-3 About 1300, 15 Nov 02, SA [redacted] 67C-1, b6-1 and SA [redacted] 67C-1, b6-1 coordinated with MAJ [redacted] 67C-3, b6-3, Senior Defense Counsel, Trial Defense Service (TDS), FBNC, who related SFC [redacted] 67C-3, b6-3 was seen by CPT [redacted] 67C-3, b6-3 and it was believed SSG [redacted] 67C-3, b6-3 was seen by CPT [redacted] 67C-3, b6-3

Agents Comment: Forwarded contact information, via email, of MAJ [redacted] 67C-3, b6-3 to CPT [redacted] 67C-3, b6-3 so they may discuss this case.

About 1325, 20 Nov 02, SA [redacted] 67C-1, b6-1 was contacted by SFC [redacted] 67C-3, b6-3 who related he did not maintain any correspondence from Afghanistan which pertained to the intelligence gathered on Mr. SAYARI.

STATUS: This investigation is being closed within the files of this office. No further investigative activity is anticipated.

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

TYPED AGENT'S NAME AND SEQUENCE NUMBER [redacted] 67C-1, b6-1, b2	ORGANIZATION 87 th MP DET (CID)(ABN), USACIDC Fort Bragg, NC 28310	
SIGNATURE [redacted] 67C-1, b6-1	DATE 10 December 2002	ENCLOSURE 47

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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