

CRIME LAB EXAMINATION REQUEST		LAB USE ONLY	
For use of this form, see AR 195-5; the proponent agency is the United States Army Criminal Investigation Command.		REFERRAL NUMBER	
TO: (Include Zip Code) Director U.S. Army Criminal Investigation Laboratory 553 North 2nd Street Forest Park, GA 30297-5122	FROM: (Include Zip Code) Special Agent in Charge Attn: SA [redacted] b7c-8, b6-1 87th Military Police Det (ABN)(CID) Building 8-1221 Randolph Street Fort Bragg, NC 28310	RECEIVED	RETURNED
		REGIS MAIL	REGIS MAIL
		RY EXP	RY EXP
		<input checked="" type="checkbox"/> HAND	HAND
		DATE 3 NOV 02	DATE 3 NOV 02
		RECEIVED BY [redacted] b7c-2, b6-2	EVIDENCE RECEIPT
CONTRIBUTOR CASE NUMBER 30-02-CID023	2. INVESTIGATOR'S NAME SA [redacted] b7c-1, b6-1	3. AUTOVON AND PHONE NUMBER DSN 236-[redacted] b7c-1, b6-1	
SUSPECT(S) (Last, first and middle name(s)) [redacted] b7c-5, b6-5 [redacted] b7c-5, b6-5 [redacted] b7c-5, b6-5 [redacted] b7c-5, b6-5 email: [redacted]@bragg.army.mil			
WITNESS(S) (Last, first and middle name(s)) YARI, Mohamed			
TYPE OF OFFENSE order	7. ONE COPY OF EVIDENCE RECEIPT ENCLOSED WITH EVIDENCE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	8. OTHER EVIDENCE PREVIOUSLY SUBMITTED ON THIS CASE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
YES* IN ITEM 8, LIST OTHER SUSPECT(S), DATE SUBMITTED, UNIT CASE AND LABORATORY REFERRAL NUMBER(S) This action is being worked as an RFA in support of the originating office, the 87th MP Det (FWD)-Uzbekistan. They already submitted a request under their case number 0114-02-CID369-23525. This request also pertains to Exhibits 4 and 5 submitted in their original request.			
10. EVIDENCE SUBMITTED			
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT		
	M4 Rifle, Serial Number W307216 (Item 1, Document Number 650-02) M4 Rifle, Serial Number W339055 (Item 2, Document Number 650-02) M4 Rifle, Serial Number W339063 (Item 3, Document Number 650-02) M4 Rifle, Serial Number W339069 (Item 4, Document Number 650-02) M4 Rifle, Serial Number W339082 (Item 5, Document Number 650-02) M4 Rifle, Serial Number W339097 (Item 6, Document Number 650-02) M4 Rifle, Serial Number W339108 (Item 7, Document Number 650-02) M4 Rifle, Serial Number W339110 (Item 8, Document Number 650-02) M4 Rifle, Serial Number W339111 (Item 9, Document Number 650-02) M4 Rifle, Serial Number W339115 (Item 10, Document Number 650-02) M4 Rifle, Serial Number W339116 (Item 11, Document Number 650-02) M4 Rifle, Serial Number W339117 (Item 12, Document Number 650-02) M9 Pistol, Serial Number 1366684 (Item 1, Document Number 651-02) M9 Pistol, Serial Number 1366685 (Item 2, Document Number 651-02) M9 Pistol, Serial Number 1366686 (Item 3, Document Number 651-02) M9 Pistol, Serial Number 1366687 (Item 4, Document Number 651-02) M9 Pistol, Serial Number 1366689 (Item 5, Document Number 651-02) M9 Pistol, Serial Number 1366692 (Item 6, Document Number 651-02) M9 Pistol, Serial Number 1366706 (Item 7, Document Number 651-02) M9 Pistol, Serial Number 1366717 (Item 8, Document Number 651-02) (Continued on back)		

011402CID36923525

5 HIA

b7c-1, b6-1

b7c-2, b6-2

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Exhibit 53

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
21	M9 Pistol, Serial Number 1367619 (Item 9, Document Number 651-02)
22	M9 Pistol, Serial Number 1367620 (Item 10, Document Number 651-02)
23	M9 Pistol, Serial Number 1367623 (Item 11, Document Number 651-02)
24	M9 Pistol, Serial Number 1367624 (Item 12, Document Number 651-02) (nothing further) <span style="float: right;">b7c-2, b6-2</span>
Items 13 - 24 Not submitted	
SUBJECTS WEAPONS	
CPT [redacted] weapons are Exhibits #1 and #13 b7c-5, b6-5	
SFC [redacted] weapons are Exhibits #7 and #19 b7c-5, b6-5	
SSG [redacted] weapons are Exhibits # [redacted] and # [redacted] undetermined b7c-5, b6-5	
SSG [redacted] weapons are Exhibits #9 and #21 b7c-5, b6-5	
<p>These are the 4 main individuals involved in the incident, however it is suspected there were other Team members present and who may have been involved in the shooting.</p>	

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

Firearms Division: Please examine Exhibits 4 (shell casing) and 5 (expended bullet) of previously submitted lab request, and determine if Exhibits 1-24 (this request) were used to fire either the shell casing or bullet.  
 12 b7c-5, b6-5

Request this examine be processed under expedited conditions due to the high visibility this investigation has at the DA level, and the MACOMS of CID and USASOC. This investigation involves the murder of a host nation civilian in Afghanistan. Additionally, the seizure of these weapons has rendered an entire Special Forces Detachment non-operational until such a time a majority of the weapons may be returned.

Please Conduct Any Other Tests You Deem Necessary.

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

PRINTED NAME OF REQUESTOR	SIGNATURE	DATE
[redacted] b7c-5, b6-1	[redacted] b7c-1, b6-1	6 Nov 2002



DEPARTMENT OF THE ARMY  
 US ARMY CRIMINAL INVESTIGATION LABORATORY  
 4553 N 2ND  
 FOREST PARK GA 30297-5122

REPLY TO  
 ATTENTION OF

CILA-BEP (195-2c)

2 December 2002

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 87<sup>TH</sup> MILITARY POLICE  
 DETACHMENT, (ABN), (CID) (FWD), 507<sup>TH</sup> CGS, UZBEKISTAN BRANCH  
 OFFICE, APO AE 09311

SUBJECT: Submitter Case Number: 0114-02-CID369-23525

USACIL Referral Number: 2002-CID131-2225

Suspect(s): [REDACTED] b7c-5, b6-5

[REDACTED] b7c-5, b6-5

[REDACTED] b7c-5, b6-5

[REDACTED] b7c-5, b6-5

1. Enclosed is the Laboratory Exhibit Listing (Encl 1) and Final  
 Division Reports for the following divisions: Firearms (Encl 2)  
 and Imaging and Technical Support (Encl 3). The Serology/DNA  
 Report is pending.

2. Two original reports have been produced. One report is  
 enclosed, as stated, and the other is kept in the official files  
 of this laboratory and maintained IAW AR 25-400-2 and CIDR 195-1.

3. IAW AR 195-2, requests and fund cites for court appearances  
 of Laboratory Examiners will be made at least 10 working days  
 prior to the date of court proceedings.

4. POC is the Laboratory Operations Assistant, DSN 797-  
 [REDACTED] CM (404) 469-[REDACTED] FAX (404) 469-[REDACTED]/DSN 797-

[REDACTED] b7c-2, b6-2

[REDACTED] b7c-2, b6-2

3 Encls

[REDACTED] b7c-2, b6-2  
 Deputy Records Custodian



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

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**LABORATORY EXHIBIT LISTING**

**SUBJECT:** Submitter Case Number: 0114-02-CID369-23525  
USACIL Referral Number: 2002-CID131-2225  
Suspect(s): [REDACTED] b7c-5, b6-5  
[REDACTED] b7c-5, b6-5  
[REDACTED] b7c-5, b6-5  
[REDACTED] b7c-5, b6-5

**Exhibits:**

- 1 - Zip disc (Item 1, Voucher 046-02).
- 2 - Lap top computer SN: 283183330 3621694 (Item 1, Voucher 047-02).
- 3 - Necklace(prayer beads) (Item 1, Voucher 048-02).
- 4 - Cartridge case (Item 1, Voucher 049-02).
- 5 - Bullet (Item 2, Voucher 049-02).
- 6 - Metal fragment (Item 3, Voucher 049-02).
- 7 - Carbine, M4, SN: W307216 (Item 1, Voucher 650-02).
- 8 - Carbine, M4, SN: W339055 (Item 2, Voucher 650-02).
- 9 - Carbine, M4, SN: W339063 (Item 3, Voucher 650-02).
- 10- Carbine, M4, SN: W339069 (Item 4, Voucher 650-02).
- 11- Carbine, M4, SN: W339082 (Item 5, Voucher 650-02).
- 12- Carbine, M4, SN: W339097 (Item 6, Voucher 650-02).
- 13- Carbine, M4, SN: W339108 (Item 7, Voucher 650-02).
- 14- Carbine, M4, SN: W339110 (Item 8, Voucher 650-02).
- 15- Carbine, M4, SN: W339111 (Item 9, Voucher 650-02).
- 16- Carbine, M4, SN: W339115 (Item 10, Voucher 650-02).
- 17- Carbine, M4, SN: W339116 (Item 11, Voucher 650-02).
- 18- Carbine, M4, SN: W339117 (Item 12, Voucher 650-02).

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FIREARMS DIVISION REPORT

**SUBJECT:** Submitter Case Number: 0114-02-CID369-23525

USACIL Referral Number: 2002-CID131-2225

Suspect(s):  b7C-5, b6-5

 b7C-5, b6-5

 b7C-5, b6-5

 b7C-5, b6-5

**Exhibits:**

- 4 - Cartridge case (Item 1, Voucher 049-02).
- 5 - Bullet (Item 2, Voucher 049-02).
- 6 - Metal fragment (Item 3, Voucher 049-02).
- 7 - Carbine, M4, SN: W307216 (Item 1, Voucher 650-02).
- 8 - Carbine, M4, SN: W339055 (Item 2, Voucher 650-02).
- 9 - Carbine, M4, SN: W339063 (Item 3, Voucher 650-02).
- 10- Carbine, M4, SN: W339069 (Item 4, Voucher 650-02).
- 11- Carbine, M4, SN: W339082 (Item 5, Voucher 650-02).
- 12- Carbine, M4, SN: W339097 (Item 6, Voucher 650-02).
- 13- Carbine, M4, SN: W339108 (Item 7, Voucher 650-02).
- 14- Carbine, M4, SN: W339110 (Item 8, Voucher 650-02).
- 15- Carbine, M4, SN: W339111 (Item 9, Voucher 650-02).
- 16- Carbine, M4, SN: W339115 (Item 10, Voucher 650-02).
- 17- Carbine, M4, SN: W339116 (Item 11, Voucher 650-02).
- 18- Carbine, M4, SN: W339117 (Item 12, Voucher 650-02).

**Findings:**

1. Exhibit 4 is a 5.56MM caliber cartridge case manufactured for the US Army by the Lake City Army Ammunition plant. Exhibit 5 is a 5.56MM caliber full metal jacketed bullet with six land and groove impressions with a right twist. Microscopic examination of Exhibits 4 and 5 revealed sufficient individual characteristics for comparison purposes.

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**FIREARMS DIVISION REPORT (Continued)**

**SUBJECT:** Submitter Case Number: 0114-02-CID369-23525  
USACIL Referral Number: 2002-CID131-2225

3. Exhibit 6 (metal fragment) is not firearm related and has no evidentiary value.

4. Exhibits 13 and 15 (carbines) are mechanically functional firearms with the incorporated safety features working properly. Their trigger pull forces are approximately 8½ pounds in the semi-automatic and burst modes of fire.

5. Using laboratory ammunition and magazine, Exhibits 13 and 15 were test fired. The recovered test cartridge cases and bullets were microscopically compared to Exhibit 4 (cartridge case) and Exhibit 5 (bullet). Exhibits 4 and 5 were identified as having been fired in and through Exhibit 13 (M4 Carbine, SN: W339108).

6. The examination of the other submitted firearms was not required due to the above identification.

 b7c, b6-2  
Senior Firearms Examiner

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Exhibit 54

UNITED STATES ARMY  
CRIMINAL INVESTIGATION LABORATORY  
4553 N 2ND  
FOREST PARK GA 30297-5122

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IMAGING AND TECHNICAL SUPPORT DIVISION REPORT

**SUBJECT:** Submitter Case Number: 0114-02-CID369-23525  
USACIL Referral Number: 2002-CID131-2225  
Suspect(s) [REDACTED] b7c, b6-5  
[REDACTED] b7c, b6-5  
[REDACTED] b7c, b6-5  
[REDACTED] b7c, b6-5

**Exhibits:**

- 1 - Zip Disk (Item 1, Voucher 046-02).
- 2 - Laptop computer (Item 1, Voucher 047-02).

**Findings:**

1. The copy of this report contained on the attached Compact Disc (CD), Enclosure 1, is a hyperlinked rich text file (.rtf). By viewing the report in Microsoft (MS) Word 97 (or higher version) from the enclosed CD, the reader of this report will have the ability to hyperlink to the referenced files.
2. Examination of Exhibit 1 revealed a directory labeled, "SAYARI INCIDENT," which contained several images of apparent importance to the incident under investigation. The contents of this directory can be found on Enclosure 1 at Exhibit 1\C\SAYARI INCIDENT. Fifteen of the images were copied from Exhibit 1, converted to Tagged Image File Format (TIFF), processed and printed. The prints are attached as Enclosures 2 through 16 (one copy file, three copies to requestor) of this report. Several of the images in this directory were found to be duplicates of other images and were not printed.
3. An examination of the hard drive (HDD) of Exhibit 2 was conducted to see if there were possibly more images pertaining

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Exhibit 54

IMAGING AND TECHNICAL SUPPORT DIVISION REPORT (Continued)

**SUBJECT:** Submitter Case Number: 0114-02-CID369-23525  
USACIL Referral Number: 2002-CID131-2225

to the incident under investigation. All deleted files and recoverable digital images from unallocated space were examined. All images and documents that are believed to pertain to the incident under investigation were recovered and can be found on Enclosure 1. Examples of the images and documents found can be viewed on Enclosure 1 at Exhibit 2, HDD\C\Documents and Settings\All Users\Desktop\My Briefcase\Sayari mv face.jpg; Exhibit 2, HDD\C\Documents and Settings\██████████\Desktop\██████████\b7c-3,3,b6-3, 3 FPIRS\FPIR-G-067-02.doc; Exhibit 2, HDD\C\Documents and Settings\██████████\Desktop\██████████\FPIRS\FPIR-G-069-02.doc; Exhibit 2, b7c-3,3, b6-3,3 HDD\C\Documents and Settings\██████████\Desktop\██████████\IMAGERY\Sayari b7c-3,3,b6-3,3 um far.jpg; and Exhibit 2, HDD\C\Documents and Settings\██████████\Desktop\██████████\SITREPS OUT\Sep02\7SEP02SITREP.txt. b7c-3,b6-3

3. Enclosure 1 contains a MS Access 2000 database, 022225DB, which lists all active and recently deleted files found on Exhibits 1 and 2 in the allfiles table. In addition to the allfiles table, a query can be found in the queries section which shows the image files found pertaining to the incident under investigation.

4. If there are any questions concerning the examinations or this report, please direct them to the undersigned at DSN 797-  
2, b6-2 ██████████ commercial (404) 469-██████████ or email ██████████ usacil-  
acirs.army.mil. b7c-2, b6-2 b7c-2, b6-2

Encl  
As

██████████ CFCE  
Forensic Computer Examiner  
b7c-2-b6-2

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Exhibit 54





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*Rev. 1/72*



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R.../12

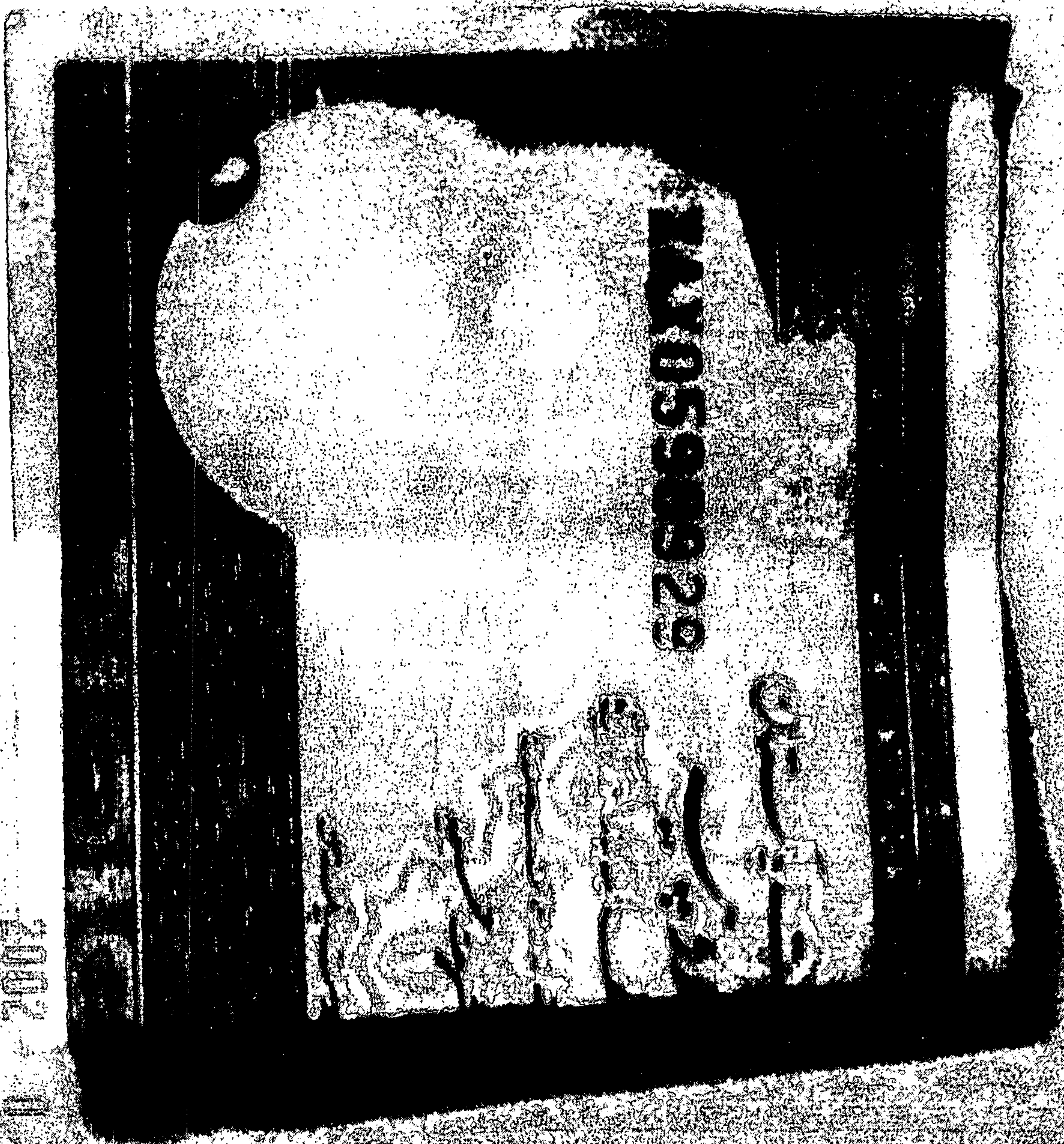


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File 115



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Ex-115



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- 116



2002 0-28

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5-11-16

Sworn Statement

LOCATION: 87<sup>th</sup> Military Police Detachment (CID)(ABN), Fort Bragg, NC 28310

DATE: 7 Nov 02

TIME: 1302

NAME: [REDACTED] b7C-4, b6-4

SSAN: [REDACTED] b7C-4, b6-4

RANK: E-6/SSG

ORGANIZATION: A Company, ODA 343, 2/3 SFG(A), Fort Bragg, NC 28310

I, [REDACTED] b7C-4, b6-4 want to make the following statement under oath:

Between May and Sep 02 I was deployed to Firebase Lwara, Afghanistan.

Q. Were you present at the base when a shooting of a local national occurred on 28 Aug 02?

A. I was at the base, but I was on radio watch when the actual incident occurred. I didn't even know that they left the camp at the time.

Q. Were you aware of the CONOP that was put together to set up a checkpoint to stop the victim?

A. No. There wasn't a CONOP that I know of. This whole thing fell under what we called local security.

Q. Why wouldn't you know about a mission that your team planned and executed that day?

A. I was aware that they were going to stop the guy. ODA 341 left on a mission that day and was watched to see if someone was following them. I heard they weren't followed by anyone.

Q. When your team members left to set up this hasty checkpoint, were you aware they were leaving?

A. No.

Q. Did they conduct a radio check?

A. I don't remember. They may have.

Q. Did you know the victim of this shooting?

A. No.

Q. When did you first learn of the shooting?

A. After they shot the guy, some people came into my radio area and told me what happened.

Q. Who was it that first notified you of the incident?

A. I don't remember. It was several people but I can't remember who.

Q. What were you told?

A. That there had been a shooting. They stopped the guy that they thought was following them. He raised a weapon on [REDACTED] b7C-5, b6-5 and both [REDACTED] b7C-5, b6-5 and [REDACTED] b7C-5, b6-5 returned fire and killed him. I was told they set up a checkpoint outside the camp to stop him. They stopped his vehicle when he came through the checkpoint. He had a few AMF passengers that were sent away from the area. They said they tried to call back here but there was no response on the radio.

Q. Who told you this?

A. I don't remember.

Q. Was it members of your team?

A. Yes.

Q. What was the primary purpose of the stop?

[REDACTED] b7C-4, b6-4

DA Form 2823

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Page 1 of 4 Pages

Exhibit: 55

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Statement of SSG [redacted] taken at Building 8-1221, Fort Bragg, NC 28310 on 7 Nov 02, continued:

0114-02-CID369-23525

1130-02-CID023-

A. To question the guy about what he was doing.

Q. How many passengers were with the victim when he was stopped?

[redacted] b7C-4, b6-4

A. I don't know. I was only told there were a few others but I don't know how many that is.

Q. Do you know why [redacted] and [redacted] dismissed the other passengers in the vehicle?

A. From what I understand, they all were AMF and it didn't have anything to do with them.

Q. What happened after you were told about incident?

A. They said they were taking some CI guys out there so they could do what they had to do at the scene.

Q. Did you ever go out to where the shooting occurred after the incident?

A. No.

Q. Do you know if your team ever went back to where the shooting occurred?

A. I don't know.

Q. Where was the information developed that this guy had been following the team?

A. I don't know. [redacted] was in charge of that kind of stuff. He interacted with the locals and developed a lot of information that way.

Q. Did you or any of your team members observe this guy following anyone?

A. I don't know.

Q. Were you present at a briefing after the shooting where some of the details were discussed?

A. Yes.

Q. What was said at this meeting?

A. The same thing. These guys stopped the guy because they thought he was following them and after he was stopped he raised a weapon at them. The way I understand it, CPT [redacted] and [redacted] were pulling security while [redacted] and [redacted] stopped the guy. I think they said that [redacted] was searching the vehicle when the guy picked up his weapon. I'm not sure.

Q. Who else was at the scene during the incident?

A. I wasn't aware anyone else was there besides [redacted] and CPT [redacted]

b7C-5, b6-5

Q. Did [redacted] state that a "hit" was put out on him by the guy that was shot?

A. He said a hit had been put out on him. One of the locals told him, but I don't know who it was that put a hit out on him. I think [redacted] said that a few days before the shooting took place, but I am not sure.

Q. When everyone came back to the camp, did you see the body in the back of the truck?

A. Yes.

Q. Did you recognize him?

A. No.

Q. Had you ever seen him outside the camp before?

A. No.

Q. Did you see the weapon that the victim had?

A. No.

Q. What were you told about the weapon?

A. I don't know. I think they said it was an AK.

Q. What happens to the weapons that are seized during operations?

A. Sometimes we kept them, sometimes we blew them up, sometimes we give it to the AMF.

[redacted] b7C-4, b6-4



Statement of SSG [redacted] taken at Building 8-1221, Fort Bragg, NC 28310 on 7 Nov 02,

continued:

0114-02-CID369--23525

1130-02-CID023

Q. What happened with this particular weapon?

A. I don't know. I never saw it.

Q. What have you discussed with your team members since this investigation has been under way?

A. Just that CID was looking into to it. As far as I know, this was a justified shooting. I only know what I was told.

Q. Has anyone ever asked you to conceal any of the facts from anyone investigation this matter?

A. No.

Q. Where you present at the first shooting that occurred in Lwara in Jun 02?

A. I was at the base, but I was not involved in the shooting.

Q. What do you know about the incident?

A. I was on radio watch. At the time, we had a few guys watching activity around the base when they noticed two kids and a man with one pair of binoculars and a weapon. There were a group of our guys going to the range. I contacted them over the radio and told them to proceed to the location where this guy was. They weren't sure where to go. I went topside with another radio and asked the spotters where the guy was. I then told them were they needed to go and went back down into my radio hooch.

Q. Did you hear shots fired from where you were?

A. No.

Q. When did you get word that there had been a shooting?

A. I think when the guys on the roof said something. They may have said they heard shots. I can't remember.

Q. What happened next?

A. I got a call from them that shots were fired and a man was down, but no US personnel were injured.

Q. What happened when they returned to the base?

A. They brought the man and his weapon back to the base. A short time after being on the base, he was taken back to the area where he was killed. I think the locals picked him up from there to give him a burial.

Q. Did you look at the body when he was back at the camp?

A. I just glanced at him. I couldn't tell you anything about him.

Q. Who was in the vehicle that went out to intercept the man and the kids?

A. I'm pretty sure [redacted] and [redacted] were there, but I am not sure who else. Maybe [redacted] I really don't know.

Q. Were there others in the vehicle?

A. I don't know.

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

A: Yes

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

A. No.

////////////////////////////////////End of Statement////////////////////////////////////

[redacted] b7C-4, b6-4

INITIALS  
DA Form 2823

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Page 3 of 4 Pages

Exhibit: 55

Statement of SSG [redacted]  
continued:

b7C-4, b6-4

taken at Building 8-1221, Fort Bragg, NC 28310 on 7 Nov 02,

0114-02-CID369-23525  
130-02-CID028-

**AFFIDAVIT**

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

WITNESSES:

SA [redacted]  
b7C-1, b6-1

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7<sup>th</sup> day of November, 2002, at Building 8-1221, Fort Bragg, NC 28310

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

SA [redacted] b7C-1, b6-1  
3d Military Police Group (CID)  
Fort Bragg, NC  
(Name of Person Administering Oath)

Article 136, UMCJ  
(Authority to Administer Oaths)

[redacted] b7C-4, b6-4  
DA Form 2823

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Page 4 of 4 Pages

Exhibit: 55

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g) 0114.02-CID369-23525  
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.  
 ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
 DISCLOSURE: Disclosure of your Social Security Number is voluntary.

b7c-4, b6-4

1. LOCATION 87 <sup>th</sup> MP DET (CID) (ABN), Fort Bragg, NC 28310	2. DATE 12 Nov 02	3. TIME 1015	4. FILE NO. 1130-02-CID023
5. NAME (Last, First, MI) [REDACTED] b7c-4, b6-4		8. ORGANIZATION OR ADDRESS A Company, 2/3 <sup>rd</sup> Special Forces Group Fort Bragg, NC 28310	
6. SSN [REDACTED] b7c-4, b6-4	7. GRADE/STATUS SSG/AD		

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

**Section A. Rights**

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

WITNESSES (If available)		3. SIGNATURE	
1a. NAME (Type or Print) SA [REDACTED] b7c-4, b6-1		[REDACTED] b7c-4, b6-4	
b. ORGANIZATION OR ADDRESS AND PHONE 3 <sup>rd</sup> Military Police Group CID Fort Campbell, KY 42223		4. SIGNATURE OF INVESTIGATOR	
2a. NAME (Type or Print)		[REDACTED] b7c-4, b6-4	
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR SA [REDACTED] b7c-4, b6-4	
		6. ORGANIZATION OF INVESTIGATOR 87 <sup>th</sup> MP DET CID (ABN) Fort Bragg, NC 28310	

**Section C. Non-Waiver**

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

2. SIGNATURE OF INTERVIEWEE

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

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Exhibit 56

Sworn Statement

LOCATION: 87<sup>th</sup> Military Police Detachment (CID) (ABN), Fort Bragg, NC 28310

DATE: 12 Nov 02

TIME: 1310

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

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

RANK: E-6/SSG

ORGANIZATION: A Company, 2/3<sup>rd</sup> SFG (A), Fort Bragg, NC 28310

I, [REDACTED] b7c-4, b6-4, want to make the following statement under oath:

I am a member of ODA 343 and was deployed to Firebase Lwara from around May 02 – Sep 02.

Q. Were you present during a shooting that occurred on 28 Aug 02 outside the Lwara Firebase?

A. No. I was at the camp, but I was not part of the mission.

Q. What did you know about this mission on the day it occurred?

A. I didn't know the team had left on a mission. I believe I was working vehicle maintenance that day. The team had Firebase Activities that day.

Q. What are Firebase Activities?

A. Mostly administrative and base operations duty. The two teams alternate and carry out the routine base functions.

Q. What led up to the stopping of Mr. SAYARI for questioning?

A. The day before the shooting some information was put out during a team meeting that a local Afghan had been following the team. I don't think the Afghan had been identified by name, but a description of his vehicle was put out. They said that this guy put out a "hit" on one of the team members.

Q. Where did this information come from?

A. I think from SOT-A intercepts and other informants, maybe AMF folks. Chief [REDACTED] b7c-5, b6-5 dealt with most of the Intel gathering.

Q. Who put out the information at this meeting?

A. I can't remember who said what.

Q. Who was the "hit" put out on?

A. We did not know but presumed it was Chief [REDACTED] b7c-5, b6-5

Q. Why did you presume it was Chief [REDACTED] b7c-5, b6-5

A. I don't know if someone came out and said it, or if we just assumed it.

Q. Did any of the team members personally observe this man following them?

A. I didn't see him. I never heard if anyone else saw him.

Q. During this meeting the day before the shooting, did the team plan a way to detain the man?

A. We were just told to keep an eye for the guy. We wanted to talk to him.

Q. The very next day, which was the day of the shooting, when did you first learn your team members were involved in a shooting?

A. Around mid-day, maybe late morning, a cook stopped and asked me "was it [REDACTED] b7c-5, b6-5 that shot that guy". I didn't know what he was talking about. He said something to the effect of that there was a shooting. I immediately walked over to the radio room and asked SSG [REDACTED] b7c-4, b6-4 if he knew what happened.

[REDACTED] b7c-4, b6-4  
INITIALS

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FOR OFFICIAL USE ONLY

Page 1 of 5 Pages

Exhibit: 56

Statement of SSG [REDACTED] taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02,  
continued:

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Q. Do you know the cook's name?

A. No.

Q. What did SSG [REDACTED] tell you when you asked him about it?

A. He told me that he was still trying to get information about the shooting, but he wasn't able to raise them on the radio.

Q. How did SSG [REDACTED] find out about the shooting?

A. I don't know.

Q. What happened next?

A. I went to our tent and asked SFC [REDACTED] if he heard about the shooting

Q. Did SFC [REDACTED] know anything about the incident?

A. No. It was the first he heard of it.

Q. What was SFC [REDACTED] doing when you walked in the tent?

A. He was watching TV, a movie or video game I think.

Q. What happened after you left the tent?

A. I'm pretty sure I went back doing what I was doing. I think I finished up on the vehicles and took over radio watch.

Q. At what point did those involved in the incident come back to the firebase?

A. I am not sure.

Q. Did you see them pull into the camp?

A. No.

Q. Can you detail what you know about what happened when they got back to the camp?

A. I'm pretty sure they went back to the Ops Center. I saw them later in the day when they came into the Ops Center to type up their statements.

Q. Who was typing up statements?

A. CPT [REDACTED], SFC [REDACTED], SSG [REDACTED] and SSG [REDACTED]. All four individuals who were at the scene.

Q. Was there anyone else at the scene when the shooting incident occurred?

A. No, not to my knowledge.

Q. Were you present at the scene during the shooting incident?

A. No.

Q. Have you ever been to the shooting scene?

A. I never have stopped at the scene, but a couple of days after the shooting I had SFC [REDACTED] point out to me the area as we drove by the scene. We never stopped, we were on another mission.

Q. Was CW2 [REDACTED] present at scene during the shooting?

A. Not to my knowledge.

Q. Did you ever see the weapon that reportedly belonged to the man they shot, Mr. SAYARI?

A. No.

Q. Do you know what was done with the weapon?

A. No.

Q. Was there an AAR conducted by the Team regarding what happened?

A. Yes, later that same evening as the shooting, we all met to discuss what happened.

Q. Where did the AAR take place?

A. In the Ops Center.

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Exhibit: 56

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Statement of SSG [REDACTED] <sup>b7c-4, b6-4</sup> taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02,  
continued:

0114-02-CID369-23525

Q. Who was present?

A. The entire team, minus MSG [REDACTED] <sup>b7c-3, b6-3</sup> and SSG [REDACTED] <sup>b7c-3, b6-3</sup> who were not at Lwara.

Q. Who led the meeting?

A. CPT [REDACTED] <sup>b7c-5, b6-5</sup> and SFC [REDACTED] <sup>b7c-5, b6-5</sup> briefed. I think Chief [REDACTED] <sup>b7c-5, b6-5</sup> may have spoken as well.

Q. What were you told occurred during the shooting incident?

A. As I understand it, someone saw his guy driving by the camp and the team went out and followed him.

Q. Was this the same man that was talked about during the meeting the day before?

A. They believed it was.

Q. Was it?

A. I don't know. No names were mentioned in the meeting the day before.

Q. Where was the man spotted on the day of the shooting?

A. I believe it was put out that he was driving along River Road which runs along the firebase.

Q. Who spotted him?

A. I don't know.

Q. What did the team do after the man was spotted driving along side the camp?

A. I did not see what happened, but I think the four guys boarded one HMMWV and drove down to stop him.

Q. Is this what was briefed during the AAR after the shooting?

A. I don't recall if this is exactly what was said, but this is what I understood.

Q. What happened next?

A. They put out that he was stopped near the water point. I was told the guy was traveling with bodyguards and that they sent them walking.

Q. Why did they send the bodyguards walking?

A. For their own safety.

Q. Who stopped the vehicle?

A. I don't know.

Q. What were the positions of your four team members?

A. CPT [REDACTED] <sup>b7c-5, b6-5</sup> and SSG [REDACTED] <sup>b7c-5, b6-5</sup> were on security. SFC [REDACTED] <sup>b7c-5, b6-5</sup> and SSG [REDACTED] <sup>b7c-5, b6-5</sup> were directing their attention towards the vehicle. I don't know the details.

Q. What happened after they sent the man's passengers away?

A. I believe they patted the guy down and [REDACTED] <sup>b7c-5, b6-5</sup> turned to call back for an interpreter. At that point, SSG [REDACTED] <sup>b7c-5, b6-5</sup> observed the suspect take hold of the weapon that was found in the vehicle and point it at SFC [REDACTED] <sup>b7c-5, b6-5</sup> SSG [REDACTED] <sup>b7c-5, b6-5</sup> then opened fire hitting the man with two shots, one in the abdomen and one in the chest. SFC [REDACTED] <sup>b7c-5, b6-5</sup> then turned around and fired several rounds into the man, who was still standing. SSG [REDACTED] <sup>b7c-5, b6-5</sup> dispatched one more round hitting the man in head, which finally put him down.

Q. Did the man that was detained carry any weapons?

A. I believe there were weapons on the vehicle based on what was briefed.

Q. What kind of weapon was it?

A. An AK-47.

Q. What happened to the weapon?

A. I don't know.

[REDACTED] <sup>b7c-4, b6-4</sup>  
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Exhibit: 56

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Statement of SSG <sup>b7c-4, b6-4</sup> [REDACTED] taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02,

continued:

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- Q. Why didn't they secure the weapon a safe distance from Mr. SAYARI if they believed he could have put a "hit" out on one of the team members?
- A. I don't know.
- Q. What happened out there immediately after the shooting?
- A. CI personnel, an interpreter, and the AMF sub-commander were dispatched to the scene. I don't know how they got the word.
- Q. Did two of the four team members at the scene drive back to the camp after the shooting?
- A. I don't know.
- Q. What was put out at the AAR?
- A. I don't remember.
- Q. Did they talk about any lessons learned?
- A. I think the big gripe was a communication break-down between the team members, and that the mission was put together a little too hasty.
- Q. Was there a CONOP put forth to get this plan approved?
- A. Not that I know of.
- Q. Have you ever seen any of the photographs taken of the victim at the scene?
- A. I saw one photograph that one of the CI guys had. It was the photo showing the head shot. I never saw any other photographs.
- Q. What did you know about the victim before the shooting occurred?
- A. Nothing. I assume it was the same guy they were talking about the day before, but his name was never mentioned.
- Q. Why would you not have participated in this operation?
- A. I was carrying out base activities, including maintenance on some of the vehicles.
- Q. Did you ever see Mr. SAYARI?
- A. No.
- Q. Was he brought back to the camp?
- A. I wasn't aware he was. I thought he was turned over to the AMF on the spot.
- Q. Did any members of ODA 343 or others, go back to the scene to disturb or disrupt it in any way?
- A. No.
- Q. In your first statement to CID, you mentioned that it was your understanding that SSG <sup>b7c-4, b6-5</sup> [REDACTED] was in the gun turret of the HMMWV. Do you still believe that?
- A. No. After we got back to Fort Bragg, I learned that SSG <sup>b7c-5, b6-5</sup> [REDACTED] was not in the turret, but on the ground during the incident?
- Q. How did you learn this?
- A. Through casual conversation within the team.
- Q. Has anyone asked you to be less than truthful regarding your knowledge of this matter?
- A. Absolutely not.
- Q. As far as you know, SFC <sup>b7c-5, b6-5</sup> [REDACTED] turned his back on the Mr. SAYARI to use the radio to call for an interpreter?
- A. Yes.
- Q. Do you know why they would not have brought an interpreter?
- A. No.

<sup>b7c-4, b6-4</sup> [REDACTED]

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Exhibit: 56

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Statement of SSG [redacted] b7c-4, b6-4 taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02, continued:

D114-02-CID369-23525

Q. Is it your understanding that SSG [redacted] b7c-5, b6-5 fired the last shot into Mr. SAYARI which struck his head?

A. Yes. I think it was put out that he was spun around and going down when he was shot.

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

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

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

A. No.

////////////////////////////////////End of Statement////////////////////////////////////

**AFFIDAVIT**

I, [redacted] b7c-4, b6-4 HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

SA [redacted] b7c-1, b6-1

[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 12<sup>th</sup> day of November, 2002, at Building 8-1221, Fort Bragg, NC 28310

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

SA [redacted] b7c-1, b6-1  
3d Military Police Group (CID)  
Fort Bragg, NC  
(Name of Person Administering Oath)

Article 136, UMCJ  
(Authority to Administer Oaths)

[redacted initials] b7c-4, b6-4  
INITIALS  
DA Form 2823

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Exhibit: 56



**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

**AUTHORITY:** Title 10, United States Code, Section 3012(g) 0114-02-CID369-23525  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your Social Security Number is voluntary.

1. LOCATION 87 <sup>th</sup> MP DET (CID) (ABN), Fort Bragg, NC 28310	2. DATE 12 Nov 02	3. TIME 1416h	4. FILE NO. 1130-02-CID023
5. NAME (Last, First, MI) [REDACTED] b7C-5, b6-5	8. ORGANIZATION OR ADDRESS A Company, 2/3 <sup>rd</sup> Special Forces Group Fort Bragg, NC 28310		
6. SSN [REDACTED] b7C-5, b6-5	7. GRADE/STATUS CW2/AD		

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

**Section A. Rights**

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print) SA [REDACTED] b7C-1, b6-1	[REDACTED] b7C-5, b6-5		
b. ORGANIZATION OR ADDRESS AND PHONE 3 <sup>rd</sup> Military Police Group CID Fort Campbell, KY 42223	4. SIGNATURE OF INVESTIGATOR [REDACTED] b7C-1, b6-1		
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR SA [REDACTED] b7C-1, b6-1		
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR 87 <sup>th</sup> MP DET CID (ABN) Fort Bragg, NC 28310		

**Section C. Non-Waiver**

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

2. SIGNATURE OF INTERVIEWEE

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

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Exhibit 57

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.) *yes b7c-5, b6-5*

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

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.) *no b7c-5, b6-5*

"Do you want a lawyer at this time?" *NO b7c-5, b6-5*

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

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.) *yes b7c-5, b6-5*

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

Sworn Statement

LOCATION: 87<sup>th</sup> Military Police Detachment (CID) (ABN), Fort Bragg, NC 28310

DATE: 12 Nov 02

TIME: 1726h

NAME: [REDACTED] b7c-5, b6-5

SSAN: [REDACTED] b7c-5, b6-5

RANK: CW2

ORGANIZATION: A Company, 2/3<sup>rd</sup> SFG (A), Fort Bragg, NC 28310

I, [REDACTED] b7c-5, b6-5 want to make the following statement under oath:

I am a member of ODA 343 and was deployed to Firebase Lwara from around May 02 – Sep 02.

Q. Can you describe to me what you events led up to the shooting on 28 Aug 02?

A. Yes. Around 23-24 Aug 02, an Afghani contact told me that there was a man named SAYARI who was following the members of the camp.

Q. Who was this contact?

A. I believe it was a local contact at the base, I'm not sure.

Q. Did you prepare a Contact Report for this meeting with a local contact?

A. I may have. I don't remember.

Q. Who would you have sent the contact report to?

A. CW3 [REDACTED] b7c-5, b6-5 who was my OCE at the FOB.

Q. What else did this contact say about SAYARI during your meeting on 23-24 Aug 02?

A. He believed SAYARI was gathering intelligence about the base. At the time of this meeting, I did not put a face with SAYARI's name. I later learned that SAYARI was someone who I had seen on several occasions while I was outside of the base.

Q. Did this contact describe SAYARI to you?

A. He said SAYARI was tall with a sparse beard and had gapped teeth.

Q. Was any description given regarding his vehicle?

A. Not during this meeting.

Q. What did you tell you team members about what this contact had told you?

A. I told the team that SAYARI was someone we should keep an eye out for. It was more or less a heads-up. There was no formal plan at this point to stop him, but I made it clear that our intent was to detain SAYARI and bring him back to camp.

Q. What did you plan to do with SAYARI once he was back at the camp?

A. He would have been turned over to the counterintelligence folks, and then sent to Bagram if it warranted.

Q. What occurred next regarding the report that SAYARI was following the team?

A. A few days later, ODA 341 headed out on a mission. We decided to follow ODA 341 and see if SAYARI followed.

Q. Was this the same day of the shooting, 28 Aug 02?

A. Yes.

Q. Please detail the events surrounding you following ODA 341.

A. ODA 341 departed the camp on a mission and we left about ten minutes later. As we left the camp, I noticed a local man waiting at the gate. It was of interest to me because I was the one

[REDACTED] b7c-5, b6-5  
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Exhibit: 52

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Statement of CW2 <sup>b7c-5, b6-5</sup> [REDACTED] taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02,  
continued:

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that usually spoke with the locals at the gate. We kept driving following the same route as ODA 341. Shortly after we left, I explained to the interpreter that we were looking for SAYARI. The interpreter told me that SAYARI was the man waiting at the gate. I was surprised to learn that was SAYARI because it was the first time I was able to put a face with the name. At that moment, I realized that SAYARI was someone that I had seen around Lwara on several previous occasions. I told <sup>b7c-5, b6-5</sup> [REDACTED] about it. We continued to follow ODA 341 for a while but after it was clear that SAYARI was not following in the direction we were, we broke off and returned to camp.

Q. Who was the interpreter that was with you in the vehicle?

A. It was either <sup>b7c-8, b6-8</sup> [REDACTED] or <sup>b7c-8, b6-8</sup> [REDACTED].

Q. Could it have been <sup>b7c-8, b6-8</sup> [REDACTED]?

A. No.

Q. Who was with you in the vehicle during this time?

A. It was me, SFC <sup>b7c-5, b6-5</sup> [REDACTED], SSG <sup>b7c-4, b6-4</sup> [REDACTED], and the interpreter.

Q. Was there another vehicle with you? <sup>b7c-5, b6-5</sup>

A. I'm not sure. Could have been. SSG <sup>b7c-5, b6-5</sup> [REDACTED] may have been with us too. It is hard for me to picture.

Q. When you returned to camp after following ODA 341, was SAYARI still waiting at the gate?

A. No.

Q. What happened after you returned to camp?

A. We went over a tentative plan of action in the event he showed back up at the gate.

Q. What was the plan?

A. If he showed back up at the gate, I was going to ID him at the gate. If it was SAYARI, I would take my hat off. That was the signal to let the other guys know that it was SAYARI at the gate. While I talked to him, the other team members were going to abruptly depart the base. They were going to put up a checkpoint down the road to the south, towards the water point. The idea was to see if SAYARI would follow the team out the gate.

Q. What was the team going to do once he was stopped?

A. He was going to be returned to the camp so the CI could talk to him.

Q. Why wouldn't you talk to or detain SAYARI when he came back to the gate?

A. We wanted to catch him in the act of following us. They will deny everything unless you catch them in the act.

Q. Did you prepare an Operation Order or CONOP regarding the plan?

A. No.

Q. How did it all come together?

A. A short time later, SAYARI showed up at the gate. I think it was after lunch. I walked to talk to him. I took my hat off so the team knew it was SAYARI. We talked at the gate for few minutes regarding a vehicle he wanted to rent us. A few minutes later, the team came through the gate. They said to me that there was something big going on involving Al Qaeda. The continued out of the gate.

Q. Who was the interpreter that you used

A. I'm not sure.

Q. Could it have been <sup>b7c-5, b6-5</sup> [REDACTED]?

A. Yes. <sup>b7c-5, b6-5</sup>

<sup>b7c-4, b6-4</sup> [REDACTED]  
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Exhibit: 57

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DOD-DOACID000881

Statement of CW2 [REDACTED] <sup>b7c-5, b6-5</sup> taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02, continued:

014-02-CID369-23525

Q. Did SAYARI continue to talk to you at the gate after the team left on their ruse?

A. I continued to talk to him for a few moments and then broke off of the conversation. I may have been abrupt in cutting off the conversation with him. I wanted to see if he was going to follow the team.

Q. How many vehicle were the team members in when they left?

A. Two.

Q. Who on the team left out the gate on this mission?

A. CPT [REDACTED] <sup>b7c-5, b6-5</sup>, SFC [REDACTED] <sup>b7c-5, b6-5</sup>, SSG [REDACTED] <sup>b7c-5, b6-5</sup> and SSG [REDACTED] <sup>b7c-5, b6-5</sup>. None of the commo guys left.

Q. After you broke off contact with SAYARI at the gate, what happened?

A. I moved up to the commo area to try and get them on the radio.

Q. Did you have luck reaching them via radio?

A. No.

Q. Who was on the radio when you went there?

A. I think it was SSG [REDACTED] <sup>b7c-5, b6-5</sup>, but I am not sure.

Q. Did you visually see if SAYARI followed the men?

A. I didn't look. I just went back to the radio area.

Q. Did SAYARI have a vehicle at the gate when he talked to you?

A. I didn't notice. I didn't readily see one.

Q. What was the next thing you learned of the incident?

A. I moved over to my tent once I couldn't reach them on the radio. Maybe ten minutes <sup>b7c-5, b6-5</sup> [REDACTED] came up and tells me what happened. He gave me a brief description of what happened.

Q. Who was with <sup>b7c-5, b6-5</sup> [REDACTED] when he came to your tent?

A. I think SSG <sup>b7c-5, b6-5</sup> [REDACTED] was him and I think he was carrying SAYARI's weapon, but I am not sure. I saw the weapon at the camp, but I'm not sure whether I saw it in the tent or the vehicle that they had driven back from the scene.

Q. Did you ever take possession of the weapon?

A. No. I don't think I did.

Q. In your first statement to CID, you reported that you saw SAYARI on the 28 Aug at the gate to talk about renting a vehicle. You said in the statement that you told SAYAIR that you wanted him to come back later in the day, which he did. This was in order to put together the plan to stop him. You are now saying that you only talked to SAYARI once that day. Can you explain the discrepancy between the two statements?

A. As I read my first statement to CID, I recall talking to him as we were leaving to follow ODA 341. I did not know it was SAYARI at the time. It was only after talking to the interpreter that I realize the man I spoke with was SAYARI.

Q. What did <sup>b7c-5, b6-5</sup> [REDACTED] tell you about the incident while in your tent?

A. He said that SAYARI came into the roadblock and stopped. At some point, he got a hold of his weapon and pointed his weapon at SFC <sup>b7c-5, b6-5</sup> [REDACTED] and they had to shoot him. It was just a brief description of what went on until the AAR later that evening.

Q. What did you do once <sup>b7c-5, b6-5</sup> [REDACTED] told you about the incident?

A. I rounded up some AMF personnel and the CI guys and went out to the scene.

Q. Did you go to the scene prior to the arrival of the CI personnel?

A. I think they followed me. Once I got to the scene, I didn't leave until it was over.

[REDACTED] <sup>b7c-5, b6-5</sup>

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Exhibit: 52

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Statement of CW2 [REDACTED] b7c-5, b6-5 taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02,

continued:

0114-02-CID369-23525

Q. Were you in the vicinity of the scene when the shooting occurred?

A. No.

Q. Did you only go to the scene after being notified there was a shooting by SFC [REDACTED] b7c-5, b6-5?

A. Yes.

Q. Did you see the wounds of the victim?

A. Yes. I saw them at the scene. I did a quick review of the body.

Q. Can you describe what you observed?

A. I saw the open head wound. I saw the wounds to the back. I thought I saw entrance wounds to the front of the chest. I didn't see any obvious exit wounds.

Q. Did you collect any expended shell casings from the scene?

A. No.

Q. Do you know what happened to the expended shell casings?

A. No.

Q. Did you collect any expended bullets from the scene?

A. No.

Q. Do you know what happened to the expended bullets?

A. I have no idea.

Q. Did you or any members of the team go back and disturb or disrupt the death scene in any way?

A. No.

Q. What was done while you were at the scene?

A. The CI guys did their thing. They took some pictures and did some other things.

Q. What happened with SAYARI?

A. He was put in the back of his vehicle and driven back to the camp where the locals later came and retrieved him.

Q. Who did you coordinate with to have SAYARI's remains returned to the family?

A. The AMF commander, [REDACTED] b7c-3, b6-3

Q. What ever came of SAYARI's weapon?

A. I don't know. I truly don't remember.

Q. Did the team conduct some sort of AAR after the shooting?

A. Yes.

Q. Please detail what you did or said?

A. We had a team meeting, probably in the Operations Center.

Q. Who led the AAR?

A. Probably the team sergeant, SFC [REDACTED] b7c-5, b6-5

Q. Was there a picture drawn of the scene.

A. Yes. I think we sketched out the scene on a board. I also typed up an AAR and sent it up to the FOB. I typed up statements for each guy. They told me what happened as I typed each statement.

Q. Did you identify any problems or lessons learned in AAR?

A. Yes. We had a commo void.

Q. Did you have any reason to think this was anything other than a justified shooting?

A. No.

Q. Can you detail what you know about a "hit" being put out on you?

[REDACTED] b7c-5, b6-5  
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Exhibit: 52

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Statement of CW2 [redacted] taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02,

b7c-5, b6-5

continued:

0114-02-CID369-23525

A. We were told a white truck with a couple of people in it were going to follow us. It was from a SOT-A intercept. It was inferred that I was the target since I was the one that carried money.

Q. Was this put out during the AAR?

A. The "hit" thing happened a week or two weeks prior to the shooting. I don't think we mentioned it during the AAR. I was put out earlier and everyone was aware of it.

Q. Did this "hit" information develop from any other sources?

A. Yes. It was through local contacts in addition to the SOT-A sources. It was based on the totality of the circumstances.

Q. Did you or any other members of the team ever personally see SAYARI following the team?

A. I never saw him following, but several times I saw his face in areas that we were at. I found that very curious.

Q. When SAYARI left the camp gate after talking to you about leasing a vehicle, did he appear to be in a rush to leave and follow?

A. I couldn't say. I wanted to break contact to see if he would follow.

Q. Would CPT [redacted] have sent up a CONOP on this?

A. No.

Q. Would you have known if he had sent up a CONOP?

A. Yes.

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

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

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

A. No.

////////////////////////////////////End of Statement////////////////////////////////////

[redacted] b7c-5, b6-5  
INITIALS

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Exhibit: 57

b7c-5, b6-5

01130-02-CID023

Statement of CW2 [redacted] taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02, continued:

0114-02-CID369-25525

**AFFIDAVIT**

b7c-5, b6-5

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

WITNESSES:

[redacted signature] b7c-5, b6-5  
(Signature of Person Making Statement)

SA [redacted]  
b7c-1, b6-1

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12<sup>th</sup> day of November, 2002, at Building 8-1221, Fort Bragg, NC 28310

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

SA [redacted] b7c-1, b6-1  
3d Military Police Group (CID)  
Fort Bragg, NC  
(Name of Person Administering Oath)

Article 136, UMCJ  
(Authority to Administer Oaths)

[redacted initials] b7c-5, b6-5  
INITIALS  
DA Form 2823

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Exhibit: 57

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0114-02-CID0369-23525

Sworn Statement

LOCATION: 87<sup>th</sup> Military Police Detachment (CID) (ABN), Fort Bragg, NC 28310

DATE: 14 Nov 02

TIME: 12:13 [redacted] b7C-4, b6-4

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

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

RANK: E-6/SSG

ORGANIZATION: A Company, ODA 343, 2/3 SFG (A), Fort Bragg, NC 28310

b7C-4, b6-4

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

Between May and Aug 02 I was deployed to Firebase Lwara, Afghanistan.

Q. Were you present at the base when a shooting of a local national occurred in Jun 02?

A. Yes

Q: What were you doing at the time of this shooting?

A: I was in camp somewhere but can't recall exactly what I was doing.

Q: What did you hear about this incident?

A: I overheard there were three or four guys scoping out the firebase with weapons and binoculars.

Q: What did you do when you heard this?

A: I grabbed my weapon and climbed on top of the building to provide security.

Q: Did you observe these individuals once you climbed on top of the building?

A: I couldn't see anything due to the hills.

Q: Do you remember what time this incident occurred?

A: Sometime during daylight hours but I can't remember the exact time.

Q: When did you first hear that shots had been fired?

A: I can't recall, may have been while on top of the building or later on.

Q: Did you ever look at the individual's body that had been shot?

A: No, but I remember he was brought back to the firebase.

Q: Who was involved in the shooting?

A: [redacted] b7C-5, b6-5 and a couple of other guys. I don't know their names. I believe some of them were from another team.

Q: Who is [redacted] b7C-5, b6-5?

A: [redacted] b7C-5, b6-5

Q: What team were the other guys from?

A: ODA 341

Q: Was there a meeting or an AAR to discuss the events surrounding the shooting?

A: I don't believe so. I can't recall.

Q: What happened to the weapon this individual was carrying?

A: I don't know.

Q: Have you heard in detail what transpired out at the scene of the incident?

A: No.

Q: When did you leave Afghanistan?

A: Around Aug 10 or so for emergency leave.

[redacted] b7C-4, b6-4

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Exhibit: 56

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Statement of SSG [redacted] taken at Building 8-1221, Fort Bragg, NC 28310 on 14 Nov 02,

b7c-4, b6-4

continued:

0114-02-CID369-23525

Q: When did you learn about the second shooting?

A: When the team returned to Fort Bragg.

Q: What did the team say about it?

A: They said they were being investigated for shooting someone who went for his weapon, while his vehicle was being searched during a checkpoint.

Q: Has the team sat down and discussed the second shooting.

A: If they have I don't know about it.

Q: Have you discussed the second shooting with any of the individuals involved?

A: No.

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

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

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

A: No.

////////////////////////////////////End of Statement////////////////////////////////////

**AFFIDAVIT**

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

WITNESSES:

[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 14<sup>th</sup> day of November, 2002, at Building 8-1221, Fort Bragg, NC 28310

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

SA [redacted] b7c-1, b6-1  
87<sup>th</sup> MP DET CID (ABN)  
3d Military Police Group (CID)  
Fort Bragg, NC  
(Name of Person Administering Oath)

Article 136, UMCJ  
(Authority to Administer Oaths)

[redacted initials] b7c-4, b6-4  
INITIALS  
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Page 2 of 2 Pages

Exhibit: 58

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**  
For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT 0114-0-CID369-23525-

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

1. LOCATION FORT BRAGG CID OFFICE	2. DATE 14 NOV 02	3. TIME 11:39	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS ODA 343 2/3 SFG(A) FORT BRAGG, NC 28310		
6. SSN [REDACTED]	7. GRADE/STATUS E7/AD		

**PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States ARMY CRIMINAL INVESTIGATION and wanted to question me about the following offense(s) of which I am suspected/accuse MURDER AND CONSPIRACY

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] b7C-4, b6-4
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED] b7C-1, b6-1
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		

**Section C. Non-Waiver**

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

2. SIGNATURE OF INTERVIEWEE

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

EXHIBIT 59

Sworn Statement

0114-02-CID369-23525

LOCATION: 87<sup>th</sup> Military Police Detachment (CID)(ABN), Fort Bragg, NC 28310

DATE: 14 Nov 02

TIME: 13:30

NAME: [REDACTED] b7C-4, b6-4

SSAN: [REDACTED] b7C-4, b6-4

RANK: E-7/SFC

ORGANIZATION: ODA 343, A Company, 2/3 SFG(A), Fort Bragg, NC 28310

b7C-4, b6-4

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

I deployed to Firebase Lwara around 19 May and was there until around 24 Sep. When we got there we were busy setting up the base.

Q. Where you at Firebase Lwara when a shooting incident occurred involving the death of a local man in Jun 02?

A. Yes. I was at the base, but not involved in the shooting.

Q. When did you first become aware there was a shooting?

A. Not until they got back to the camp.

Q. Who are you referring to?

A. I heard SSG [REDACTED] shot the guy, but I don't know who else was with him.

Q. Were you aware that there were reports of a local man watching the camp with a pair of binoculars?

A. I only learned of it after they returned to the camp with the body.

Q. Where were you when the incident took place?

A. I was building a shower for the camp.

Q. Did you see the body or wounds of the dead man?

A. No. He was brought inside the camp, but he was covered when I saw him.

Q. Did you talk to any of the team members about it?

A. No. MSG [REDACTED] told us not to ask SFC [REDACTED] about it because he may have been upset about it.

Q. Was there an AAR after this shooting incident?

A. Yes.

Q. Did you attend the AAR?

A. No.

Q. Why not?

A. I wasn't involved in the shooting. We didn't have to attend some of the meetings if it didn't involve us.

Q. What were you told happened during the shooting incident?

A. I later learned that there was a group of guys going to the range. Around the same time, someone spotted a guy watching the camp from the ridgeline. The guys from the range went to find out what the guy was doing. As far as I know, the guy pointed a weapon and SFC [REDACTED] shot him.

b7C-5, b6-5

Q. Were you at Firebase Lwara when a second shooting occurred in Aug 02?

A. Yes.

[REDACTED] b7C-4, b6-4  
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Exhibit: 59

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Statement of SFC [redacted] taken at Building 8-1221, Fort Bragg, NC 28310 on 14 Nov 02,

b7c-4, b6-4

continued:

0114-02-CID369-23525

Q. Where you involved in this incident?

A. No.

Q. How were you first notified of this second incident?

A. I was in my tent playing a Tiger Woods Golf game. I had just finished up with radio watch. SSG [redacted] came into the tent asked if I heard about it. I didn't know what he was talking about. He said the guys were in a shooting. I asked if all our guys were OK. He said yes. I then asked if we were going to have to roll out to the area. He said no. He said the CI guys went out there so I continued to play my game.

Q. Were you surprised to hear your teammates left the camp on a mission?

A. I knew they were going out because I was in the tent when they left.

Q. Why didn't you go?

A. I was just off from radio watch.

Q. What did they tell you they were doing?

A. They told me they were going out on a civil affairs mission. I don't remember who on the team told me.

Q. What happened next?

A. The guys that were involved came into the tent to take off their gear. I was still playing the game.

Q. Who was at the shooting scene? b7c-5, b6-5 b7c-5, b6-5 b7c-5, b6-5 b7c-5, b6-5

A. As far as I know, it was CPT [redacted] SFC [redacted] SSG [redacted] and SSG [redacted]

Q. What did they say to you when they got into the tent? b7c-5, b6-5 b7c-5, b6-5

A. Nothing. They were just taking off their gear. CPT [redacted] or SFC [redacted] had them go right into the Ops tent so they could write out statements, I can't remember which one had everyone do this.

Q. Did you ask them what happened?

A. No. They were going to do their statements and AAR. I asked if I was needed and they said no.

Q. Who told you that?

A. I don't remember.

Q. Was there an AAR on this shooting?

A. Yes.

Q. Where you present at this AAR?

A. I wasn't there. The shooting didn't involve me.

Q. Was CW2 [redacted] at the shooting scene? b7c-5, b6-5

A. I don't know if he went there after the shooting, but he wasn't there during the shooting.

Q. Was CW2 [redacted] in your tent when you were notified of the incident by SSG [redacted] b7c-4, b6-4

A. No. I was in there by myself.

Q. Was CW2 [redacted] in the tent with you when he was notified of the incident? b7c-5, b6-5

A. He wasn't in my tent at all while I was playing my game. I assume he was somewhere else on the base.

Q. What were you told about the man that was killed?

A. After the shooting, I was told that he was a bad guy. He was following our team when we were outside of the camp. He also was going to target the Chief

[redacted] b7c-4, b6-4  
INITIALS

Statement of SFC [redacted] taken at Building 8-1221, Fort Bragg, NC 28310 on 14 Nov 02,

continued:

b7c-4, b6-4

b7c-5, b6-5

6114-02-CID369-23525

Q. Do you mean CW2 [redacted]?

A. Yes.

Q. How did you learn of this information?

A. I can't remember who told me, but I think the information came in through SOT-A reports.

Q. What did you know about the man before the shooting?

A. Before the shooting, a report was put out that there was a man following the patrols in a white Toyota Hylux. I was told that the man that was killed was this same guy.

Q. Did you ever hear what the man's name was?

A. No.

Q. Were you present at the shooting scene?

A. No.

Q. Have you ever visited the shooting scene?

A. No.

Q. Do you know where the shooting scene was located?

A. I heard it was in the riverbed, but I don't know where.

Q. Have you ever seen the dead man's weapon?

A. No.

Q. What were you told about the weapon?

A. Nothing.

Q. Did he have one when he was stopped by the team?

A. I don't know. I wasn't there.

Q. Since you are the team engineer, would you have been responsible for blowing up caches of weapons?

A. Yes.

Q. Did you destroy any seized weapons after this shooting occurred?

A. No.

Q. Did anyone else destroy seized weapons after the shooting occurred?

A. Right after the last mission, which was after the shooting, SSG [redacted] blew up some weapons. I didn't participate. I told SSG [redacted] to go by himself.

Q. Where did all the weapons come from that SSG [redacted] destroyed?

A. They came from several missions.

Q. Do you know if the weapon that belonged to the dead man was part of this cache that was destroyed by SSG [redacted]?

A. I don't know.

Q. Have you or any other members of the team been back out to the shooting scene to disturb or destroy any evidence?

A. No. I know I haven't been there.

Q. Who actually shot the man during the checkpoint stop?

A. As far as I know, SSG [redacted] shot the first round. SFC [redacted] turned around and shot again. I don't know any other details.

Q. What happened to the expended shell casings from the shooting?

A. I don't know. I never saw them or heard about them.

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

A:

[redacted] b7c-4, b6-4  
INITIALS

Statement of SFC b7c-4, b6-4 taken at Building 8-1221, Fort Bragg, NC 28310 on 14 Nov 02.

continued:

Q: Do you have anything further to add to your statement? 0114-02-CID369-23525

A: No.

////////////////////////////////////End of Statement////////////////////////////////////

**AFFIDAVIT**

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

[Redacted Signature] 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 14<sup>th</sup> day of November, 2002, at Building 8-1221, Fort Bragg, NC 28310

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

SA [Redacted Name] b7c-1, b6-1  
3d Military Police Group (CID)  
Fort Bragg, NC  
(Name of Person Administering Oath)

Article 136, UMCJ  
(Authority to Administer Oaths)

[Redacted Initials] b7c-4, b6-4  
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Exhibit: 59

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Sworn Statement

LOCATION: 87<sup>th</sup> Military Police Detachment (CID)(ABN), Fort Bragg, NC 28310

DATE: 5 Nov 02

TIME: 1315

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

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

RANK: E-6/SSG

ORGANIZATION: A Company, 2/3 SFG(A), Fort Bragg, NC 28310

I, [REDACTED] b7c-4, b6-4, want to make the following statement under oath:

I am assigned to A Company, 2/3 SFG (A). Between May and Sep 02, I was deployed to Firebase Lwara, Afghanistan. In Jun I was present during a shooting of an Afghani national. I'm not sure of the day, but around 1600, myself and several other soldiers departed the camp to fire our weapons at the range located near the landing zone. Just after passing through the gate, we were notified over the radio that some of the Rangers noticed a few Afghans watching the camp with binoculars and one of them was carrying a weapon. Instead of going to the range, we drove to the area where they were reported to be. It wasn't far off and when we arrived there was just one person. He was carrying a weapon that was slung over his right shoulder with the muzzle facing down. SFC [REDACTED] b7c-3, b6-5 was riding in the front passenger seat, SSG [REDACTED] b7c-3, b6-5 was driving, and I was sitting in the back with some other folks. We pulled up on the guy and I immediately started telling him in Pashtun to put his hands up. SFC [REDACTED] b7c-3, b6-5 got out and was the one to b7c-4, b6-1 confront him. SSG [REDACTED] b7c-3, b6-5 took up a position across the hood of our vehicle. SSG [REDACTED] b7c-3, b6-5 was in the gun turret, but I think he only had his M4. SFC [REDACTED] b7c-3, b6-5 started yelling at him in English, I don't recall what he said but I remember thinking that the guy likely didn't understand English. SFC [REDACTED] b7c-3, b6-5 fired a warning shot into the ground a few feet away from the guy. A moment later, I stepped out to get out of the back of the vehicle. As I did, I saw the guy reach across his chest with his left hand. As I spun around off the truck, a shot was fired by SFC [REDACTED] b7c-3, b6-5. I got off the truck and turned around and the guy was already on the ground. He had a shot through his right forearm that appeared to also go through his midsection around center mass, and what looked like an exit wound on his left rear back area. It turned out the guy was carrying a bolt action rifle. We left the body there and returned to the camp. We took his weapon. The CI guy searched him but didn't find anything. We were looking for the binoculars. Back at the camp, I examined the weapon a little closer and remember there was not a round chambered in the weapon.

Q: Who was present during this first shooting in Jun 02?

A: Myself, SFC [REDACTED] b7c-3, b6-5, SSG [REDACTED] b7c-3, b6-5, SSG [REDACTED] b7c-4, b6-4, one of the CI guys named [REDACTED] b7c-3, b6-5 and one of the SOT-A named [REDACTED] b7c-3, b6-5

Q: Who was the base commander at the time?

A: CPT [REDACTED] b7c-3, b6-5. He is over in B Company now.

Q: What happened to the bolt action rifle that you removed from the scene and brought back to camp?

A: It was stored in the CP tent for a long time. I'm not sure, but it may have still been there when I left in September.

[REDACTED] b7c-4, b6-4  
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Exhibit: 60

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67C-4, b6-4  
Statement of SSG [redacted] taken at Building 8-1221, Fort Bragg, NC 28310 on 5 Nov 02,

continued:

6114-02-CID369-23525

Q: Why wasn't the weapon destroyed?

A: I don't know.

Q: Was the weapon loaded when you examined it back at Camp?

A: There were rounds in it, but there was not one loaded in the chamber.

Q: Where they "black-tip" rounds?

A: I don't remember.

Q: Is it SOP to fire warning shots into the ground at the feet of detainees?

A: I wouldn't say it was SOP, but I remember talk about a warning shot being OK if it were needed to get their attention.

Q: Was it your practice to destroy weapons?

A: We destroyed some artillery pieces while I was there, but we weren't too concerned with small arm stuff. We mostly worried about RPGs and crew served weapons.

Q: Was there an after action review on the first shooting in Jun 02?

A: When we got back there were people still down in the riverbed dealing with the kids and others. I think I talked to CPT [redacted] about it back at the camp. About a week later, MAJ [redacted] and SGM [redacted] came to Lwara to talk to those involved. We provided written statements to him.

Q: There was a second shooting incident at Lwara which occurred in late Aug 02. Were you present then?

A: I was deployed to the Firebase, but I was not involved in the incident. At the time, I was out with my team on a mission. As we were driving back to the Camp, we observed a civilian vehicle driving away from the camp with a body in the back of it.

Q: Did you recognize the body?

A: I didn't see the body itself long enough as we were driving past, but I later learned it was someone who I had seen twice before. He was a very tall guy and hard to mistake. He was the tallest Afghan I came across while I was there. I saw him while he were driving through a village in the area, and I also stopped him during a routine checkpoint stop.

Q: When did you stop him?

A: It was about a week after the first shooting.

Q: Why did you stop him?

A: We were stopping everyone that passed through. It was routine. We were asking about Al Qaeda and those type of things.

Q: Was he cooperative when you stopped him at your checkpoint.

A: Yes. He was friendly towards us.

Q: Was he carrying a weapon when you stopped him?

A: There was a weapon in the vehicle. I believe there was another person in the vehicle at the time. I don't remember who the weapon belonged to.

Q: Did you ever see or hear about him again other than these two times?

A: No. Not until I saw him in the back of the truck at the Camp.

Q: What did you hear about the second shooting that occurred in Aug 02?

A: I heard 343 was involved and it occurred down by the water point?

Q: Did you ever see the weapon that the victim allegedly had when he was shot?

A: No.

Q: What did you hear happened to cause the incident?

[redacted] 67C-4, b6-4

INITIALS

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Exhibit: 60

b7c-4, b6-4

01130-02-CID369<sup>023</sup>

Statement of SSG [redacted] taken at Building 8-1221, Fort Bragg, NC 28310 on 5 Nov 02, continued:

b7c-5, b6-5 b7c-5, b6-5 0114-02-210369-235-25

A: I heard he went for his AK and that [redacted] and [redacted] were the ones that shot him. I never heard anything else.

Q: Who did you hear was at the scene at the time of the shooting?

1130-02-CID028-

A: I figured the whole team was out there. We were out at the time. I assumed it was the whole team. If they were planning a stop, I imagine it would have involved the whole team.

Q: Why did they stop this guy?

A: I don't know. I heard they were looking for him. I think he had a vehicle that matched the description of one that they were looking for?

Q: Was this guy a known threat?

A: Not that I know of. There was one guy while I was there that we considered a threat, but it wasn't this guy.

Q: Do you know if any of ODA 343 or anyone else ever went back to the scene to disturb or disguise it in any way?

A: I don't know. I never heard that. If they did, I probably wouldn't know about it.

Q: What do you know about "black-tip" rounds?

A: We were told by higher that "black-tip" rounds were armor penetrating. Whenever we came across them during checkpoint stops, we took them from the locals so they couldn't use them. We would always exchange one for one with our 7.72 ammo. They generally weren't happy about it, but they always complied.

Q: Were "black-tip" rounds associated with Al Qaeda?

A: I don't know. We were just told they were armor piercing.

Q: What did you do with the "black-tip" rounds that were brought back to the camp?

A: We either put them up in the CP or took them down to destroy them.

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

A: Yes / [redacted] b7c-4, b6-4

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

A: No.

////////////////////////////////////End of Statement////////////////////////////////////

[redacted] b7c-4, b6-4

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Exhibit: 60

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Statement of SSG [redacted] continued:

b7c-4, b6-4

taken at Building 8-1221, Fort Bragg, NC 28310 on 5 Nov 02,

01130-02-CID369<sup>023</sup>

0114-02-CID369-23525  
1130-02-CID023-

**AFFIDAVIT**

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

WITNESSES:

SA [redacted]  
b7c-4, b6-4

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5<sup>th</sup> day of November, 2002, at Building 8-1221, Fort Bragg, NC 28310

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

SA [redacted] b7c-4, b6-4  
3d Military Police Group (CID)  
Fort Bragg, NC  
(Name of Person Administering Oath)

Article 136, UMCJ  
(Authority to Administer Oaths)

[redacted] b7c-4, b6-4  
INITIALS  
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0114-02-CID369-23525  
1130-02-CID023-

Sworn Statement

LOCATION: 87<sup>th</sup> Military Police Detachment (CID)(ABN), Fort Bragg, NC 28310

DATE: 5 Nov 02

TIME: 1547 [redacted] b7C-4, b6-4

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

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

RANK: E-6/SSG

ORGANIZATION: A Company, 2/3 SFG(A), Fort Bragg, NC 28310

I, [redacted] b7C-4, b6-4, want to make the following statement under oath:

I am a member of ODA 341 and was deployed to Firebase Lwara from around May 02 – Sep 02.

Around Jun 02, I was part of a group that was part of a group that were going to the firing range to shoot off some rounds. As we were heading down to the range, we received a call over the radio alerting us that there were several locals spotted in the area that were using binoculars to monitor activity on the camp. Instead of going to the range, we drove around to the area where the locals were believed to be. We found one man alone with a rifle slung over his shoulder.

There was no one else present and he didn't appear to have the binoculars. We pulled up on him and started to try to talk to him. [redacted] b7C-4, b6-4 got out and approached him with his weapon drawn.

[redacted] b7C-4, b6-4 started calling out from the back of the vehicle in Pashtun. I think he was telling the guy to put up his hands. I stood up through the vehicle turret with my weapon fixed on the man. He didn't comply with the commands and just stood there looking at us. [redacted] b7C-4, b6-4 fired a warning shot into the ground at his feet. A moment later, he reached across his front with his right hand

and [redacted] b7C-4, b6-4 fired a round at him. The round appeared to have struck near his sternum and exited through the left side of his back. I jumped out of the vehicle and checked for signs of life. There were none. He was searched but nothing significant was found. Some personal belongings were discovered. We left him there. His weapon was a bolt action that fired AK-type rounds. I had never seen one like it before. We brought it back to the camp and it ended up in the Ops tent. I think it was still there when we left Lwara.

Q. Did you perceive a threat when the man motioned toward the weapon slung over his shoulder?

A. It was hard to say. [redacted] b7C-4, b6-4 obviously felt a threat and he was much closer to it than I. I don't want to second guess him.

Q. Who was in the vehicle with you when you stopped this man?

A. Myself, [redacted] b7C-4, b6-4, [redacted] b7C-4, b6-4 and two CI guys.

Q. Which two CI guys were there?

A. [redacted] b7C-4, b6-4 and [redacted] b7C-4, b6-4 I don't know their full names.

Q. There was a second shooting that occurred on 28 Aug 02. What do you know about this incident?

A. We had just departed camp on a mission when we received word over the radio that 343 had just shot someone. I found it hard to believe since we only just left the camp. When we returned in the next day or so, I found out that the shooting really did occur. I don't remember who told me but I was left with the impression that the guy they shot was following our patrol out of the camp and they set up a checkpoint to stop him. I heard that after they stopped him [redacted] b7C-4, b6-4 turned around to get something from a vehicle, or something like that, and the guy picked up his weapon

[redacted] b7C-4, b6-4  
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Exhibit: 61

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b7c-4, b6-4

Statement of SSG [redacted], taken at Building 8-1221, Fort Bragg, NC 28310 on 5 Nov 02,

continued: [redacted] b7c-5, b6-5 b7c-5, b6-5 0114-02-CID369-23525

and pointed it at [redacted] then engaged him from his position. I heard [redacted] also fired and the man was killed. No one ever told me any of the details and at the time, our two teams were not talking much.

Q. Why did ODA 343 set up this checkpoint to stop this particular guy?

A. They wanted to try and capture whoever was trailing the convoys.

Q. Had you ever received information that this man was the one trailing the convoys?

A. About a week earlier, someone on 343 put out during a meeting that they saw a vehicle coming out of a local compound that they said were keeping tabs on the ODAs. I guess they thought this guy was the one. I don't recall who put it out or exactly what information they put out.

Q. Who was at the scene when the second incident occurred?

A. I heard it was [redacted] b7c-5, b6-5 b7c-5, b6-5 CPT [redacted] b7c-5, b6-5 and [redacted] b7c-5, b6-5

Q. Do you know if 343 or anyone else ever went back to the scene to alter or disrupt it in any way?

A. No.

Q. Was there ever an after action for this second shooting?

A. No, I don't think so.

Q. Do you know if any of ODA 343 altered their weapons (M4 and M9) in any way after the shootings?

A. No.

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

A. YES

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

A. No.

////////////////////////////////////End of Statement////////////////////////////////////

[redacted] b7c-4, b6-4

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Exhibit: 61

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b7c-4, b6-4

01130-02-CID369

Statement of SSG [redacted] taken at Building 8-1221, Fort Bragg, NC 28310 on 5 Nov 02, continued:

0114-02-CID369-23525

1130-02-CID023-

**AFFIDAVIT**

I, b7c-4, b6-4 [redacted], HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

[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 5<sup>th</sup> day of November, 2002, at Building 8-1221, Fort Bragg, NC 28310

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

SA [redacted] b7c-1, b6-1  
3d Military Police Group (CID)  
Fort Bragg, NC  
(Name of Person Administering Oath)

Article 136, UMCJ  
(Authority to Administer Oaths)

[redacted initials] b7c-4, b6-4  
INITIALS  
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Sworn Statement

0114-02-CID 369-23525

LOCATION: 87<sup>th</sup> Military Police Detachment (CID) (ABN), Fort Bragg, NC 28310

DATE: 14 Nov 02

TIME: 1005 [REDACTED] b7C-4, b6-4

NAME: [REDACTED] b7C-4, b6-4

SSAN: [REDACTED] b7C-4, b6-4

RANK: E-7/SFC

ORGANIZATION: General Support Company, 3 SFG (A), Fort Bragg, NC 28310

I, [REDACTED] b7C-4, b6-4 want to make the following statement under oath:

I am assigned to GSC Company, 3 SFG (A). Between May and Jul 02, I was deployed to Firebase Lwara, Afghanistan. I spent most of the other deployed time in Bagram. During the month of Jun 02, I can't remember the date, I and several others were on our way to a firing range outside the firebase when we were notified over the radio that someone was spotted on the ridgeline surveying the camp with binoculars. We responded back over the radio and told them that we would go check it out. There was no sense in dispatching another QRF since we were already out. We drove in the direction the man was reported to be but we initially had trouble finding him. We went up and down the ridgeline several times before we spotted a man carrying a weapon. We drove up on the guy and starting calling out to him in Pashtun to lie down on the ground. We also were motioning with our hands for him to get on the ground. He ignored us and turned and started walking away. At that point SFC [REDACTED] b7C-5, b6-5 had gotten out of the vehicle and was approaching him on foot. We kept yelling at him to stop and get down. The man turned around and just looked at us with distain. SFC [REDACTED] b7C-5, b6-5 then fired a warning shot into the ground. The man just stood there and looked at us. He wasn't responding to any of our commands. He looked like he was in disbelief. He was ignoring our commands. The man then reached for the stock of his weapon and SFC [REDACTED] b7C-5, b6-5 shot him once. The rest of us spread out over the area looking for others. One of the medics that were with us went over the body to check it out. The man was put in the back of the HMMWV and we brought him back to camp until it was figured out what to do with him. The remains were brought back outside the camp later in the day and returned to the locals.

Q. Did the man pose an eminent threat?

A. Yes. I think he would have continued to try and do harm. SFC [REDACTED] b7C-5, b6-5 was out there in the open. The rest of us were shielded by the HMMWV.

Q. Where did the man reach for when he moved his arm towards his weapon?

A. It looked like he grabbed the hand grip area of the weapon.

Q. Was he moving the barrel of the weapon when he grabbed the stock?

A. No. It looked like he was trying unsling the weapon when he grabbed it. He didn't draw down on us.

Q. How do you know he wasn't trying to disarm himself?

A. He had a couple of chances to do that.

Q. Did you see the man's wound?

A. Yes. It was to the mid-section. I didn't see the exit wound. The medic pulled up his shirt and this is when I saw the wound.

[REDACTED] b7C-4, b6-4  
INITIALS

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Exhibit: 62

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Statement of SFC [REDACTED] <sup>b7C-4, b6-4</sup> taken at Building 8-1221, Fort Bragg, NC 28310 on 14 Nov 02,  
continued:

0114-02-110369-23525

Q. Who was in the vehicle when you responded to the scene?

A. Myself, SFC [REDACTED] <sup>b7C-4, b6-4</sup> and [REDACTED] <sup>b7C-3, b6-3</sup> who were the medics, SPC [REDACTED] <sup>b7C-4, b6-4</sup> and another person. I can't remember his name.

Q. Was the sixth person that you can't remember an ODA member?

A. Yes. SPC [REDACTED] <sup>b7C-4, b6-4</sup> and I were the only ones that weren't ODA.

Q. Which shoulder did the man have the weapon slung over?

A. I think it was his right, but I am not sure.

Q. Was the muzzle facing up or down?

A. Up.

Q. Did he grab the stock with the same hand that the weapon was shouldered?

A. Yes. He reached straight down and grabbed it. He didn't reach across his chest to grab it.

Q. What happened to the weapon that the man had?

A. We took it back to the firebase and there it sat until I left.

Q. Who was pulling base physical security during that time at Firebase Lwara?

A. I think the Rangers were there. They may have been some overlap with some guys from 20<sup>th</sup> Group.

Q. Was the man carrying binoculars when you approached him?

A. No. We later learned that there were some men with him that had fled and they were the ones that had the binoculars.

Q. During your subsequent conversations with the locals, were you able to determine who the man was?

A. Yes. It wasn't from the immediate community. He was from an area 5-7 kilometers away. I'm not sure how he fit it.

Q. Were you present at Firebase Lwara when a similar shooting incident occurred in Aug 02?

A. No. I was in Bagram at the time.

Q. Were you the Operational Control Element for the two counterintelligence agents that were at Lwara when the Aug 02 shooting occurred?

A. Yes.

Q. What did they report to you?

A. They reported, through text message, that there had been a shooting involving someone that they thought was watching the firebase. I'm referring to the ODA's, but I'm not sure which one. They set up a hasty checkpoint and stopped the man. During the stop, the man went for his weapon when one of the ODA's turned their back on him and they had to shoot. I'm not sure who sent the message, but it also said they were going to bring the photographs up to me in Bagram. They said the photos looked bad.

Q. Do you know why they looked bad?

A. No. I sent a message back down telling them to catch the next flight up.

Q. Did you ultimately see the photographs they were talking about?

A. Not through them. They delivered the photographs to the detention facility.

Q. Did you ever see them?

A. I saw a few photos on a zip disk that CPT [REDACTED] <sup>b7C-3, b6-3</sup> gave me. There were a couple pictures of documents that he wanted translated.

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

A. Yes [REDACTED] <sup>b7C-4, b6-4</sup>

[REDACTED] <sup>b7C-4, b6-4</sup>  
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Statement of SFC b7c-4, b6-4 taken at Building 8-1221, Fort Bragg, NC 28310 on 14 Nov 02, continued:

0114-02-CID369-23525

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

A. No.

////////////////////////////////////End of Statement////////////////////////////////////

**AFFIDAVIT**

I, b7c-4, b6-4 HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

SA b7c-1, b6-1

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of November, 2002, at Building 8-1221, Fort Bragg, NC 28310

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

SA b7c-1, b6-1  
3d Military Police Group (CID)  
Fort Bragg, NC  
(Name of Person Administering Oath)

Article 136, UMCJ  
(Authority to Administer Oaths)

b7c-4, b6-4  
INITIALS  
DA Form 2823

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DETAILS:

About 1030, 6 Dec 02, SA [redacted] <sup>b7c-1, b6-1</sup> re-interviewed CW2 [redacted] <sup>b7c-5, b6-5</sup> who maintained all aspects of his original statement was true. CW2 [redacted] <sup>b7c-5, b6-5</sup> related each Team had their own understood SOP for dealing with armed Afghans. CW2 [redacted] <sup>b7c-5, b6-5</sup> related that it was not out of the ordinary to merely separate a man from his weapon, and not to flex-cuff the person while questioned. CW2 [redacted] <sup>b7c-5, b6-5</sup> related his Teams mission was to work with the tribe near his fire base, and SAYARI put a "hit" on him because the SF Team was obstructing his extorting the tribe.

AGENT'S COMMENT: CW2 [redacted] <sup>b7c-5, b6-5</sup> related his entire company was on block leave from 28 Nov 02 - 2 Jan 03. CW2 [redacted] <sup>b7c-5, b6-5</sup> related the team members were scattered all over the country for their respective vacations.

About 0830, 17 Dec 02, SA [redacted] <sup>b7c-1, b6-1</sup> received USACIL Laboratory Examination Report 2002-CID131-2225, 2 Dec 02 (Exhibit ), which detailed their findings.

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

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

SA [redacted] <sup>b7c-1, b6-1</sup> 87th MP Det (CID) (ABN), DSE  
[redacted] <sup>b2</sup> 3d Military Police Group (CID)  
Fort Bragg, North Carolina 28310

Signature: [redacted] <sup>b7c-1, b6-1</sup> Date: 17 Dec 2002 Exhibit: 63

PHOTOGRAPHIC PACKET

1. Photograph depicting the death scene following the shooting and Mr. SAYARI's remains.
2. Photograph depicting Mr. SAYARI as he was found following the shooting.
3. Photograph depicting Mr. SAYARI as he was found following the shooting.
4. Photograph depicting Mr. SAYARI as he was found following the shooting with the blood spatter on his right arm and prayer beads in his rights hand.
5. Photograph depicting a close up of Mr. SAYARI's face as he was found following the shooting.
6. Photograph depicting several entrance wounds found on Mr. SAYARI's back.
7. Photograph depicting Mr. SAYARI after he was rolled over and an M-16A2 rifle with blood spatter located to his left side.
8. Photograph depicting the wound found on Mr. SAYARI's head.
9. Photograph depicting a close up of the wound found on Mr. SAYARI's head.
10. Photograph depicting a facial shot of Mr. SAYARI.
11. Photograph depicting what was found in Mr. SAYARI's possession.
12. Photograph depicting what was found in Mr. SAYARI's possession.
13. Photograph depicting what was found in Mr. SAYARI's possession.
14. Photograph depicting what was found in Mr. SAYARI's possession.
15. Photograph depicting the truck Mr. SAYARI was in prior to be shot.

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EXHIBIT 64



