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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Afghanistan MP Det (CID)
Building 591, Bagram Airfield, APO, Armed Forces Africa, Canada, Europe &
Middle East 09354-935

15 Jul 2004

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0078-2004-CID369-69288 -
5Y2E

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 11 JAN 2004, 0001 - 19 JAN 2004, 2359; UNKNOWN LOCATIONS,
AFGHANISTAN

DATE/TIME REPORTED: 24 JUN 2004, 1000

INVESTIGATED BY:

SA  701 b6/b2-1

SUBJECT:

1. UNKNOWN, ; B CO, 2/22ND INFANTRY BN, FORT DRUM, NY;
MALTREATMENT OF A PERSON IN U.S. CUSTODY (NFI)

VICTIM:

1. "UNKNOWN", ; MALTREATMENT OF A PERSON IN U.S. CUSTODY (NFI)

INVESTIGATIVE SUMMARY:

"This is a Detainee Abuse Investigation"

This investigation was initiated subsequent notification by the Office of the Staff Judge Advocate, Bagram Airfield, Afghanistan, APO AE 09354, that during office clean up they discovered a recordable compact disc (CDR) containing images of suspected detainee abuse.

This investigation is being transferred to the 62d MP Det (CID), 3d MP Group CID, USACIDC, Fort Drum, NY, by request of HQ USACIDC for completion as the majority of the suspects are in their Area of Operation (AOR).

1

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1

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STATUTES:

Article 93, UCMJ: Cruelty and Maltreatment

EXHIBITS/SUBSTANTIATION:

ATTACHED:

7C1661

1. Agent's Investigation Report (AIR) of SA [REDACTED], 24 Jun 04, detailing notification and collection of evidence. 7C1661
2. Sworn Statement of CPT [REDACTED], 21 Jun 04, detailing the discovery of the CDR containing the images. 7C1661
3. AIR of SA [REDACTED], 11 Jul 04, detailing coordinations with the Office of the Staff Judge Advocate.
4. Evidence/Property Custody Document (ECD), DA Form 4137, document number 0040/04. (USACRC and file copies only)

NOT ATTACHED:

Forwarded to the Evidence Custodian, 62d MP Det (CID), USACIDC, Fort Drum, NY 13602.

5. Compact disc containing images depicting suspected detainee abuse, Item 1, DN 0040/04.

The originals of Exhibits 1 through 4 are forwarded to the 62d MP Det (CID), Fort Drum, NY, for further investigation.

STATUS: This a Final (C) Report. This investigation was terminated in accordance with CIDR 195-1, paragraph 4-17a(6), in that the Special Agent-in-Charge of this USACIDC unit has determined that furtherance of this investigation in this office's AOR would be of little or no value.

SUMMARY OF REMAINING LEADS: This investigation is being transferred to the 62nd MP Det (CID), 3d MP Group, USACIDC, Fort Drum, NY. On 13 Jul 04, the 62d MP Det (CID), 3d MP Group, USACIDC, Fort Drum, NY, assumed responsibility of this investigation which will be completed under Report of Investigation (ROI) 0133-04-CID452-63629. Commander's Report of Disciplinary Action taken will be completed under ROI 0133-04-CID452-63629.

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REPORT PREPARED BY



7E1 b6/b7c

REPORT APPROVED BY



7E1 b6/b7c

DISTRIBUTION:

- Dir, USACRC, Ft Belvoir, VA
 - Thru: CDR, 3d MP Group, USACIDC, Fort Gillem, GA
 - To: CDR, USACIDC, Fort Belvoir, VA
 - CDR, Task Force Dragon, Bagram Airfield, APO AE 09354
 - Chief of Staff, CJTF-180, Bagram Airfield, APO AE 09354
 - SJA, CJTF 76, Bagram Airfield, APO AE 09354
 - SAC, 62d MP det (CID), USACIDC, Fort Drum, NY (originals)
- FILE

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AGENT'S INVESTIGATION REPORT

0078-04-CID369-69288

CID Regulation 195-1

PAGE 1 OF 2 PAGES

About 1000, 24 Jun 04, this office was notified by the Office of the Staff Judge Advocate (SJA), Bagram Airfield, APO AE 09354 (BAF), that a recordable compact disc (CDR) was discovered in the SJA claims office that might contain detainee abuse images.

7C,bb-3

At 1030, 24 Jun 04, SA [redacted] ^{7C,bb-1} collected one CDR as evidence from SGT [redacted] ^{7C,bb-1}, SJA, BAF and a copy of CPT [redacted] (NMN), [redacted], SJA, BAF, statement pertaining to her finding the disc. The evidence was retained on DA Form 4137, Evidence/Property Custody Document (ECPD), DN 0040-04. (See ECPD and Sworn Statement for details)

AGENT'S COMMENT: The disc was not fingerprinted due to numerous persons handling and viewing the images before it was released into this office's custody.

About 1110, 24 Jun 04, SA [redacted] ^{7C,bb-1} reviewed 134 images on the CDR which yielded the following results:

Images 070, 072, 012, 014, 056, 031109-060, 068, 033, 023, 024, 036, 017, 058, 031111-060, 068, 02, 019, 025, 026, 029, 0424, 0440, Jan 001 through Jan 012, Image 0014 through Image 0019, 1 008, 1 012, 1 015, 1 016, 1 017, 1 018, 1 026, 1 043, 1 045, 1 052, 1 053, 1 057, 1 058, 1 062, 1 071, 1 072, 1 073, 1 076, 1 084, 1 085, 1 088, 1 092 though 1 102, 1 107, 0 111, 0 112, cotto 006, cotto 007, cotto 008, cotto 018, cotto 019, cotto 021, cotto 047, cotto 050, 295, 297, 299, 300, 301, 302, 303, 309, 310, 314, 319, 340, 341, 342, 343, 344, 350, 351, 353, 354, 355, 358, 359, 360, group 001, group 025, group 026, group 027, IMG 0106, 2140D-006 and 5447B-003 all depicted images of various military items, geographical features, military personnel and local nationals not believe to be of evidentiary value.

(1) Images 1 019, 1 022, 1 023, 1 027, 1 064, 1 108, depicted personnel holding weapons on hooded and bound unknown local nationals and wrestling with unknown hooded and bound unknown local nationals.

(2) Images 1 025, 1 028, cotto 041, cotto 042, cotto 043, depicted U.S. military personnel acting as detainees and being abused.

(3) Images 345 though 349, 352, 356, and 357 depicted images of blood stains at various locations within an unknown compound.

Special Agent, [redacted]

7C,bb-3

Afghanistan MP Detachment (CID)
Bagram APO AE 09354

Signature: [redacted]

Date: 24 Jun 04

Exhibit: 1

CID Form

003084

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(4) Images 361 and 362 depicted images of a dead local national that appears to have been gunshot.

Image cotto 025 depicts a unit diagram of the soldiers of 2nd platoon, 2nd Bn, 22nd Inf.

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

7E, b6, b7



Afghanistan MP Detachment (CID)
Bagram APO AE 09354

Date: 24 Jun 04

Exhibit: /

003095

SWORN STATEMENT

0078-04-CID309-69288

For use of this form, see AR 190-45; the proponent agency is ODCSOF5

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9357 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

3. LOCATION BAGRAM, AFGHANISTAN (BLDG 430, RM 21) 2. DATE (YYYYMMDD) 2004/06/21 3. TIME 1900 4. FILE NUMBER

5. NAME, MIDDLE NAME [REDACTED] 7C,106-5 6. SSN [REDACTED] 7C,106-5 GRADE/STATUS CPT/03 ACTIVE DUTY

8. ORGANIZATION OR ADDRESS CJTF76, HHC, 25TH ID(L) OSJA, BAGRAM, AFGHANISTAN

9. I, [REDACTED] 7C,106-5, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 11 June 2004, I attempted to back up my files from my laptop computer. I found in the legal assistance office, Bldg 430 Rm 21, a stack of CDs which were previously used and labeled as back ups of Legal Assistance/Claims files. As I was looking through the stack of CDs, I found one which was unlabeled. I inserted the CD in my laptop and began to peruse the CD file. The pictures were not labeled or named on the file and the pictures did not appear to be related to any particular claim or legal assistance matter. The pictures I reviewed appeared to depict soldiers handling local national personnel, and there were several other pictures of what appeared to be soldiers engaged in some type of hazing activity. MSG [REDACTED] as on his way to the main SIA office, and I requested that he give this unlabeled CD to CPT [REDACTED], Detainee Operations OIC for her review. MSG [REDACTED] provided the CD to CPT [REDACTED] for review. // NOTHING FOLLOWS //

7C,106-A

7C,106-4

7C,106-A

10. EXHIBIT [REDACTED] 11. [REDACTED]

ON MAKING STATEMENT PAGE 1 OF 2 PAGES

TAKEN AT _____ DATED _____

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

7C, b6-4

007C-04-C18309-67288

STATEMENT OF [REDACTED] TAKEN AT BAGRAM. AFG DATED 2004/06/19

9. STATEMENT (Continued)
//NOTHING FOLLOWS //

7C, b6-4

AFFIDAVIT

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

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

7C, b6-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of JUNE 2004 at BAGRAM, AFGHANISTAN

[REDACTED]
[REDACTED]
[REDACTED] ORGANIZATION OR ADDRESS

7C, b6-4

[REDACTED]
[REDACTED] ORGANIZATION OR ADDRESS

[REDACTED] 7C, b6-5
[REDACTED]
[REDACTED] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

AGENT'S INVESTIGATION REPORT

0078-04-CID369-69288

CID Regulation 195-1

PAGE 1 OF 1 PAGE

TC/bbl
 About 1436, 10 Jul 04, SA *TC/bbl* coordinated with MAJ *TC/bbl*, Office of the Staff Judge Advocate, BAF, and briefed him on this investigation to date. MAJ *TC/bbl* stated that the act of pointing a weapon at a bound, blindfolded detainee, who was unaware of the weapon, does not, by itself constitute a crime and he disagreed with titling the suspects at this time. MAJ *TC/bbl* stated that he needed corroborating information, obtained during interviews that any additional abuse was conducted.

TC/bbl
 About 1610, 11 Jul 04, SA *TC/bbl* coordinated MAJ *TC/bbl* and discussed the possibility of War Crimes or Reckless Endangerment being involved. MAJ *TC/bbl* stated that at this point, there is not enough information to determine if a crime has been committed until there is some dialogue that goes along with the specific images. Even the dealing with the pictures themselves, it would be unauthorized to photograph them and publicly humiliate them but due to no identity known, there was no public humiliation.

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

Special Agent, *TC/bbl b2*

Afghanistan MP DET (CID)
Bagram, APO AE 09354

Signature: *TC/bbl*

Date: 11 Jul 04

Exhibit: 3

CID Form 94

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-6; the proponent is US Army Criminal Investigation Command

MPC/OID SEQUENCE NUMBER
0078-04-CID369

CRD REPORT/CID ROI NUMBER
67298

RECEIVING ACTIVITY
Afghanistan MP DET CID

LOCATION
Bagram Airfield, APO AE 09354

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED
OWNER
XOTHER SGT. [REDACTED]

ADDRESS (Include Zip Code)
Office of the Staff Judge Advocate
Bagram Airfield APO AE 09354

LOCATION FROM WHERE OBTAINED
Taken from the right hand of [REDACTED] while at the Central Receiving Point, Bagram Airfield APO AE 09354.

REASON OBTAINED
Evidence

TIME/DATE OBTAINED
1030 / 24 Jun 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <small>(Include model, serial number, condition and unusual marks or scratches)</small>
I ////	I ////////	Compact Disk, silver in color, plastic in construction, brand name "Memorex" bearing - CD-R 700MB 80 minute 48X multi speed" with a black marking "LT" CD suspected to contain detainee abuse images, CD is with plastic clear and black CD case, case and CD marked for ID with 1030, 24 Jun 04, [REDACTED] TC b61 Last item

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
I	24 Jun 04	[REDACTED]	TC [REDACTED]	Released to Evidence Custodian
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

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DATE 25 JUN 2004

FROM AFGHANISTAN CID OFFICE, BAGRAM AIRFIELD //CICR-BGR//

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR USACIDC 3D MP GRP FT GILLEM GA
COMMANDER, TF DRAGON, BAGRAM AIR FIELD (COL [REDACTED])
CHIEF OF STAFF, CJTF-180, BAGRAM AIR FIELD
PROVOST MARSHAL OFFICE, BAGRAM AIRFIELD (1LT [REDACTED])
SJA, CFC (COL [REDACTED])
STAFF JUDGE ADVOCATE, CJTF 76 (MAJ [REDACTED])
SAC USACIDC 62D MP DET FT DRUM NY
DIR AFIP AFME WASH, DC//AFIP-CPLF

[REDACTED] 7C, b6 3
[REDACTED] 7C, b6 3
[REDACTED] 7C, b6 3

SUBJECT: CID REPORT OF INVESTIGATION - INITIAL/SSI - 0078-2004-CID369-69288
- 5Y2E

DRAFTER: [REDACTED]

RELEASER: [REDACTED]

7C, b6 1

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 11 JAN 2004, 0001 - 19 JAN 2004, 2359; UNKNOWN LOCATIONS, - - -
AFGHANISTAN

2. DATE/TIME REPORTED: 24 JUN 2004, 1000

3. INVESTIGATED BY:

SA: [REDACTED]

7C, b6 1, b2

4. SUBJECT:

1. UNKNOWN, ; B CO, 2/22ND INFANTRY BN, FORT DRUM, NY;
MALTREATMENT OF A PERSON IN U.S. CUSTODY (NFI)

5. VICTIM:

1. "UNKNOWN", ; MALTREATMENT OF A PERSON IN U.S. CUSTODY (NFI)

6. INVESTIGATIVE SUMMARY:

THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR
PRELIMINARY INVESTIGATION AND MAY BE CHANGED PRIOR TO THE
COMPLETION OF THE INVESTIGATION.

"THIS IS A DETAINEE ABUSE INVESTIGATION"

THIS OFFICE WAS NOTIFIED BY THE OFFICE OF THE STAFF JUDGE ADVOCATE,
BAF, THAT DURING A OFFICE CLEANUP, THEY DISCOVERED A RECORDABLE

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COMPACT DISC (CDR) CONTAINING IMAGES SUSPECTED TO BE DETAINEE
ABUSE.

PRELIMINARY INVESTIGATION REVEALED THAT THE DISC CONTAINED
NUMEROUS IMAGES OF PROBABLE DETAINEE ABUSE, IN THAT U.S. SOLDIERS
BRANDISH WEAPONS AT BOUND AND MASKED DETAINEES. SEVERAL OTHER
IMAGES DEPICTED BLOOD STAINS AND A DEAD LOCAL NATIONAL THAT
APPEARED TO HAVE DIED FROM A GUN SHOT WOUND. ONE IMAGE DEPICTED A
PLATOON ROSTER OF THE SOLDIERS AT THE UNKNOWN LOCATION. IT IS
UNKNOWN WHETHER OR NOT THE DEATH WAS COMBAT RELATED OR AS A
RESULT OF FOUL PLAY. IT IS ALSO UNKNOWN WHO HAD POSSESSION OF THE
CDR PRIOR TO SJA PERSONNEL DISCOVERING IT.

A REQUEST FOR ASSISTANCE TO THE FORT DRUM RESIDENT AGENCY IS
PENDING.

IDENTIFICATION OF THE SUBJECT(S) AND VICTIM(S) IS PENDING.

INVESTIGATION CONTINUES BY USACIDC.

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2
PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR
380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER
INVESTIGATION.

8. USACIDC REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF
PROTECTIVE MARKINGS IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

