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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Afghanistan MP Det (CID)

30 May 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0031-2005-CID369-25406 -
5H9B

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 17 FEB 2005, 1700 - 17 FEB 2005, 1700; 200 METERS NORTH OF THE MAIN
GATE, SHINDAND AIR FIELD, AFGHANISTAN

DATE/TIME REPORTED: 18 FEB 2005, 1541

INVESTIGATED BY:

SA [REDACTED]
SA [REDACTED]

SUBJECT:

1. UNKNOWN, ; [UNDETERMINED MANNER OF DEATH] (NFI)

VICTIM:

1. NAIEB, SON OF [REDACTED]; CIV; AFGHANISTAN; MALE;
WHITE; SHINDAND, AF; XZ ; [UNDETERMINED MANNER OF DEATH] (NFI)
2. RASUL, SON OF [REDACTED]; CIV; AFGHANISTAN; MALE; WHITE;
SHINDAND, AF; XZ ; [UNDETERMINED MANNER OF DEATH] (NFI)

INVESTIGATIVE SUMMARY:

On 18 Feb 05, this office was notified by Headquarters, United States Army Criminal Investigation Command, that a New York Times news article dated 18 Feb 05, was released which indicated U.S. soldiers had shot and killed two Afghanistan villagers outside the U.S. base near Shindand, Afghanistan.

Investigation established there was insufficient evidence to prove or disprove if [REDACTED]
[REDACTED] B Company (CO), 1/7th Special Forces Group (SFG), Fort Bragg, NC

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28310. [REDACTED] B CO, 1/7th SFG, Fort Brag, NC 28310, [REDACTED]
[REDACTED] B CO, 1/7th SFG, Fort Brag, NC 28310 or [REDACTED]
[REDACTED] 604th Air Support Operations Squadron, Camp Red Cloud, Korea,
all attached to Operational Detachment Alpha (ODA) 724, Shindand Airfield, Shindand,
Afghanistan, committed the offense of Murder as initially alleged.

STATUTES:

ARTICLE 118, UCMJ: Murder

EXHIBITS/SUBSTANTIATION:

ATTACHED:

1. Agent's Investigation Report (AIR) of SA [REDACTED] 25 Feb 05, detailing initial notification, coordination with MAJ [REDACTED] and SA [REDACTED] and the receipt and review of the 15-6 Commanders Inquiry.
2. AR 15-6 Commanders Inquiry, 21 Feb 05, consisting of the following documents: Statements from Operational Detachment Alpha (ODA) members involved in the incident and U.S. personnel who witnessed the incident, witness statements of Task Force Peacekeeper's Commander and Sergeant Major, statements of Afghanistan National Army (ANA) personnel who witnessed the incident, statements of Local National (LN) witnesses, photographs of the incident area and hand saw carried by the victims, summaries of interviews pertaining to Dr. [REDACTED] and the lead Afghanistan National Police (ANP) investigator, sketches of incident area, ANP preliminary report, copies of LN witness statements conducted by the ANP and photographs of the incident scene.
3. AIR of SA [REDACTED], 13 Mar 05, detailing the interview of [REDACTED]
4. Waiver Certificate and Sworn Statement of [REDACTED], 13 Mar 05, in which [REDACTED] denied shooting or witnessing one of [REDACTED] teammates shoot either LN victim a second time.
5. AIR of SA [REDACTED] 14 Mar 05, detailing an operational review of the case.
6. AIR of SA [REDACTED] 21 Mar 05, detailing the interviews of [REDACTED]
[REDACTED] and Mr. [REDACTED], receipt of rough sketches from [REDACTED]

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██████████ and ██████████ conduct of crime scene verification and coordination with Mr. ██████████ local population of Mogolahn village, ██████████ and ██████████

7. Waiver Certificate and Sworn Statement of ██████████, 18 Mar 05, in which ██████████ denied shooting or witnessing one of ██████████ teammates shoot either LN victim a second time.

8. Rough Sketch prepared by ██████████, 18 Mar 05, depicting actions ██████████ and ██████████ teammate's took at the time of the incident.

9. Waiver Certificate and Sworn Statement of ██████████ 18 Mar 05, in which ██████████ denied shooting or witnessing one of ██████████ teammates shoot either LN victim a second time.

10. Rough Sketch prepared by ██████████ 18 Mar 05, depicting actions ██████████ and ██████████ teammate's took at the time of the incident.

11. Waiver Certificate and Sworn Statement of ██████████ 18 Mar 05, in which ██████████ denied shooting or seeing witnessing one of ██████████ teammates shoot either LN victim a second time.

12. Rough Sketch prepared by ██████████ 18 Mar 05, depicting actions ██████████ and ██████████ teammate's took at the time of the incident.

13. Crime Scene Verification Sketch, 19 Mar 05, prepared by SA ██████████

14. Sworn Statement of ██████████ 19 Mar 05, in which ██████████ related while on Quick Reaction Force (QRF) duty at Entry Control Point (ECP) One, Shindand Airfield, ██████████ heard only one series of shots during the engagement of the Local Nationals.

15. Sworn Statement of ██████████ 19 Mar 05, in which ██████████ related while at ECP One ██████████ heard only one series of shots during the engagement of the Local Nationals.

16. AIR of SA ██████████ 30 Mar 05, detailing receipt and review of the Combined Forces Command (CFC) Rules of Engagement (ROE).

17. AIR of SA ██████████ 9 May 05, detailing SJA coordination.

18. Compact Disc containing 20 digital images of the incident scene, view of the incident scene from ECP One and view of the incident scene from the eyewitness location.

19. DA Form 4137, Evidence/Property Custody Document, voucher (VO) 0024-05, 24 Feb 05.

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NOT ATTACHED:

Retained in the evidence depository, this office:

20. Shell Casings (Item 1, Voucher 0024-05)

The originals of Exhibits 1 and 3 thru 18 are forwarded with the USACRC copy of this report. The originals contained in Exhibit 2, results of Commanders Inquiry, are forwarded with the USACRC copy of this report. The originals of the photocopies contained in Exhibit 2 are maintained in the files of the Office of the Staff Judge Advocate, Combined Joint Special Operations Task Force, Bagram Airfield, Afghanistan, APO AE 09354. The original of Exhibit 19 is maintained in the files of the evidence depository, this office.

STATUS: This is a Final (C) Report. This investigation was terminated in accordance with CIDR 195-1, section V. paragraph 4-17a (6) in that the special agent-in-charge (SAC) determined that furtherance of the investigation would be of little or no value or leads remaining to be developed are not significant.

Leads remaining: Interviews of Mr. [REDACTED], Mr. [REDACTED] and Dr. [REDACTED]. Obtain a copy of the Afghanistan police report and have the victim's bodies exhumed and a forensic autopsy conducted.

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REPORT PREPARED BY

SA [REDACTED]
Special Agent

REPORT APPROVED BY

SA [REDACTED]
Special Agent-in-Charge

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