HEADQUARTERS
UNITED STATES FORCES – AFGHANISTAN
KABUL, AFGHANISTAN
APO AE 09356

USFOR-A-SJA (12-006)

21 FEB 2012

MEMORANDUM FOR Brigadier General Bryan Watson

SUBJECT: AR 15-6 Investigating Officer Appointment Order – Allegation of Improper Disposal of Korans and Other Religious Material at the Bagram Airfield (BAF) Burn Pit

1. You are hereby appointed per Army Regulation (AR) 15-6, Chapter 2, *Procedures for Investigating Officers and Boards of Officers*, to conduct an informal investigation into the facts and circumstances surrounding an allegation that Soldiers from Task Force Protector improperly disposed of Islamic religious materials, including Korans, on the evening of 20 February 2012, at the Bagram Airfield (BAF) burn pit. This investigation is of the utmost importance to me and is your primary mission until you tender your completed findings and recommendations to me. Complete your report NLT 10 days from your date of appointment. If you need an extension, submit requests to me through the Office of the Staff Judge Advocate, USFOR-A. Unless I release you sooner, your appointment remains in effect until you complete the investigation and I determine that no further investigation is required. You will provide me with in progress reviews (IPRs) of your investigation every 48 hours from your receipt of your appointment memorandum. Your IPR will include your preliminary determinations of facts, findings, and recommendations in the investigation and any significant developments of which I should be made aware.

a. You will be assisted in your investigation by a member of the Afghanistan Ministry of the Interior (MOI), other Government of the Islamic Republic of Afghanistan (GIRoA) officials, and members of the Afghanistan military. Further information on the Afghan member of the investigation will be provided by the International Security Assistance Force (ISAF) legal office. Once determined, a list of Afghan personnel participating in this investigation will be added as an enclosure to this appointment memorandum.

b. (b)(3), (b)(6), (b)(7)c is hereby appointed as your legal advisor and a member of the investigative team. You will consult with (b)(3), (b)(6), (b)(7)c before making any substantive efforts regarding your investigation. (b)(3), (b)(6), (b)(7)c e-mail address is (b)(3), (b)(6), (b)(7)c and she can be reached at DSN (b)(3), (b)(6), (b)(7)c.

c. You may request the appointment of additional personnel to assist you in your investigation. You should coordinate their appointment through your legal advisor to me.

2. The scope of your investigation is as broad as necessary. However, you will at a minimum determine the following:

a. The facts and circumstances surrounding the improper disposal of Islamic religious materials, including Korans, on the evening of 20 February 2012, at the Bagram Airfield (BAF) burn pit (answering who, what, when, where, why, and how the incident occurred), and a determination of any fault, negligence, or responsibility on the part of anyone related to the circumstances under investigation.

b. Why, how, and from where were these materials gathered?

c. What materials were taken to the burn pit? What materials were damaged, and what was the extent of their damage? What was done with the materials when they were recovered from the burn pit?

d. Why were the materials in question taken to the burn pit?

e. What policies and procedures are in place at the Detention Facility in Parwan (DFIP) for handling and disposing of written materials, to include religious materials? Did this incident differ from normal procedures?

f. Are the procedures in place at the DFIP for handling and disposing of written materials, to include religious materials, culturally sensitive? If not, provide specific recommendations on how these procedures can be improved. What should be the proper procedures for the disposal of such materials?

g. Concerning the individuals involved, what cultural awareness training have they received regarding the Koran?

h. Anything else you determine relevant to this investigation.

3. You are to conduct this investigation using the procedures outlined in Chapter 3, AR 15-6. No individual has been named as a respondent at this time. All witnesses will be sworn before their interview. You are to document thoroughly all witness interviews in writing on a DA Form 2823 (Sworn Statement). You will interview all witnesses in person, if practical. Reduce any oral statements to memorandums for record.

4. If, in the course of your investigation, you come to reasonably suspect that a person committed criminal conduct, you must advise them of their rights under Article 31, UCMJ (right against self-incrimination, outlined in DA Form 3881 warnings), or the Fifth Amendment, as appropriate. Witness waivers of their Article 31 or Fifth Amendment rights will be documented on DA Form 3881 (Rights Warning Procedure/Waiver Certificate). In addition, you may need to provide a witness with a Privacy Act statement before you solicit any personal information. You are strongly encouraged to consult your legal advisor in the event you suspect someone of an offense or if you have questions regarding these procedures. Additionally, should you determine in the context of your investigation that a Soldiers' status has changed from favorable to unfavorable, as defined in AR 600-8-2, Suspension of Favorable Actions (FLAGS), coordinate with the appropriate officials to initiate a FLAG.

5. You may interview and examine documents of personnel senior to you. If, in the course of your investigation, you determine that the investigation will require you to examine the conduct or performance of duty of a service member senior to you, or to which you have a moral or ethical conflict, then you shall report that fact to your legal advisor immediately.

6. From the evidence, and in concert with your legal advisor, you will make findings and recommendations.

a. Findings will be as thorough as necessary to fully capture the facts and circumstances surrounding the scope of this investigation. You have the discretion to use any of the following methods: examination of relevant documents; visiting relevant locations; evaluating procedures; conducting inventories; taking pictures; and interviewing witnesses, documenting all in writing or otherwise. You are not limited to these means of investigation, and your legal advisor may provide you with additional guidance.

b. In developing your recommendations, ensure that your findings support your recommendations. Develop in your recommendations any courses of action that seem appropriate to resolve any issues or problems raised by your findings, and recommend whether judicial or non-judicial proceedings under the Uniform Code of Military Justice, or further investigations are warranted.

7. Your final report will include a table of contents, and all exhibits will be tabbed. Submit the completed report, along with the completed DA Form 1574, to the Office of the Staff Judge Advocate (OSJA), USFOR-A, for a legal review immediately following completion of your investigation. Submit any request for delay or modification of the scope of your investigation to the OSJA, USFOR-A, through your legal advisor. In assembling your report, ensure that you also include the following:

a. This memorandum of appointment.

b. An executive summary (classified and unclassified versions).

c. An index of exhibits and all exhibits labeled in successive order.

d. A chronology of your investigation.

e. A list of all people interviewed for each paragraph, page, and exhibit.

f. Proper classification markings for each paragraph, page, and exhibit.

8. To the extent practical, use unclassified materials in your report. However, if necessary, you will produce both a classified and unclassified version of your report.

9. This appointment authorizes the investigating officer and his team Priority 1 travel status throughout the AOR to conduct the investigation.

10. The point of contact for this memorandum is (b)(3), (b)(6), (b)(7)c, USFOR-A (b)(3), (b)(6), (b)(7)c (b)(3), (b)(6), (b)(7)c at SVOIP (b)(3), (b)(6), (b)(7)c.

JOHN R. ALLEN
General, United States Marine Corps
Commander
International Security Assistance Force/
United States Forces-Afghanistan