

**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)  
**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 <b>CAMP SABAHLU - HARRISON, BAGRAM</b>	2. DATE <b>23 FEB 13</b>	3. TIME <b>1716 hrs</b>	4. FILE NO.
5. NAME (b)(3), (b)(6), (b)(7)c	8. ORGANIZATION OR ADDRESS (b)(3), (b)(6)		
6. SSN	7. GRADE/STATUS (b)(3), (b)(6)		

**PART I - 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 \_\_\_\_\_ and wanted to question me about the following offense(s) of which I am

suspected/accused: Art 92, Art-134

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

1. I do not have to answer any question or say anything (b)(3), (b)(6), (b)(7)c
2. Anything I say or do can be used as evidence against me in a criminal (b)(3), (b)(6), (b)(7)c
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.

- of -

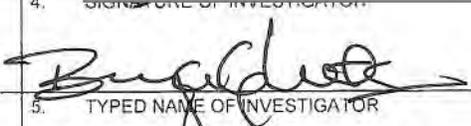
(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be \_\_\_\_\_ I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. (b)(3), (b)(6), (b)(7)c

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. (b)(3), (b)(6), (b)(7)c

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. _____ (b)(3), (b)(6), (b)(7)c
1a. NAME (Type or Print)	4. SIGNATURE OF INVESTIGATOR 
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR <b>BG BRIAN G. WATSON</b>
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR <b>WOPOR-A</b>

**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

23 February 2012

Interview of

(b)(3), (b)(6), (b)(7)c

[BG Watson advised (b)(3), (b)(6), (b)(7)c of his UCMJ, Article 31 rights for possible violations of UCMJ Art 92, failure to follow order or regulation and dereliction of duty, Article 134.

(b)(3), (b)(6), (b)(7)c waived his right to counsel and agreed to make a statement. ]

[BG Watson advised (b)(3), (b)(6), (b)(7)c that the interview was being recorded. (b)(3), (b)(6), (b)(7)c stated he did not want the interview to be recorded.]

[This transcription is provided through notes taken by (b)(3), (b)(6), (b)(7)c, U.S. Forces-Afghanistan, Office of the Staff Judge Advocate.]

(b)(3), (b)(6), (b)(7)d, **U.S. Army, first being duly sworn, did testify in substance as follows:**

We are trying to be as transparent as legally possible because we can get involved in answering questions. (b)(3), (b)(6), (b)(7)c, the FDO (Foreign Disclosure Officer), is also here to stamp his foot when I go over the line into classified information. Guidance from leadership is to be as open and transparent, and I understand that we need to have an open and transparent conversation.

I was not involved in the actual separation of books at all, but I am the commander of those who did the separation. I am responsible to represent them and that's what I did. Prior to the investigation, I sat down with our people to figure out what happened. This was the day before yesterday (Tuesday).

One person in the command was tasked to (intelligence exploitation process) look at materials in the library. The recommendation was floated to me from the CI (Counter-Intelligence) team, and I approved. I have no authority to direct searches in the DFIP or LSA. I'm just trying to clarify the lines of authority. I have no authorization to direct searches of the DFIP (Detention Facility in Parwan) or LSA (Life Support Area). I do not know who authorized the operation inside the library. I cannot speak for the DFIP chain of command.

I am not part of the chain of command for the three Soldiers that participated in the library search and to which you are referring. They said they had an order from a superior, and we don't know who in the chain of command. We were requested to support looking at (b)(6), (b)(7)c activities, and that entailed going into the library. No one in my organization can give an order to anyone in DFIP.

My team was working with (b)(3), (b)(6), (b)(7)c. Someone who owns the library, (b)(6), (b)(7)c (b)(3), (b)(6), (b)(7)c, one of the battalions that runs the DFIP, because they own library would have had the authority to search and segregate the books in the library. I have no authority to search the library. Regarding the segregation of books, that was never the intent of going into the library;

23 February 2012

the plan was to find messages and annotations in the books themselves. Because I was not there, I can only communicate my understanding of how the decision was made to segregate books. It seems the decision was made while the screening was underway. It would have been wrong if we had found derogatory materials and did not notify anyone. I believe that is what the folks screening materials did based on criteria discussed yesterday, with the understanding they would alert the owner of the library so they could make a decision. This is why individuals who own the library participated as well. No one needed my permission to separate the books. I understand the criteria used to separate the books was whether they were radical interpretations of the Quran, incredibly old books, or books with extensive writing in them. I don't think they went in the library with the intent to remove materials at all. They intended to not remove and just to replace the books because (b)(6), (b)(7)c was coming back. I don't know when the operation moved from looking for intelligence to removing the books.

I was not in the library; however, they were in there for three days and there were always military people in there (an individual of senior rank), and whoever that is can better respond to those questions. (b)(3), (b)(6), (b)(7)c would be the senior CI guy; the decision to separate books never rose to my level. I was aware of the initiative because they needed my permission, but the next update I received was after the event. They did not need my permission to separate the books. I was not aware they were taking the books to the burn pit. I found out at 0545 hours.

I can only tell you what I think happened with regards to the segregation decision and the decision that was made with what to do with the books. I do not know how someone would not know that there were holy books in the segregation process. Did they actually know – there was a huge failure if they claim they did not.

I absolutely do not think the three Soldiers are at fault. Someone told those three Soldiers to take the books. Someone decided what to do with the books. I do not know if those people were aware of the materials they were handling. The team turned over the key to a person at the library and then they left.

I don't think the segregation of the books happened after the collection of the intel. They helped segregate, (b)(3), (b)(6), (b)(7)c was in there and his team was part of the process of segregating the books. After they segregated the books, I hope they were thinking that they would go back through them again and exploit them further because if there was radical literature in them, we would want to know what the detainees were reading. I hope that's what they were thinking.

Different organizations were responsible for different tasks. There was a joint effort in the library. All of the people here are on standby to provide as much clarity as possible. They told me when they were done with the library, they returned the keys to someone else, not (b)(6), (b)(7)c (b)(6), (b)(7)c

[End of interview]

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1. LOCATION <u>Camp Szablu Larrison, BAF</u>	2. DATE <u>25 Feb 12</u>	3. TIME <u>1929 hrs</u>	4. FILE NO.
5. NAME (Last, First, MI) <div style="border: 1px solid black; padding: 2px;">(b)(3), (b)(6), (b)(7)c</div>		8. ORGANIZATION OR ADDRESS <div style="border: 1px solid black; padding: 2px;">(b)(3), (b)(6), (b)(7)c</div>	
6. SSN <div style="border: 1px solid black; padding: 2px;">(b)(3), (b)(6), (b)(7)c</div>	7. GRADE/STATUS <div style="border: 1px solid black; padding: 2px;">(b)(3), (b)(6), (b)(7)c</div>		

**PART I - 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 USFOR-A and wanted to question me about the following offense(s) of which I am suspected/accused: Art 134, Dereliction of Duty; Art 92 - Failure to Obey Order Regulation

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: Regulation

- I do not have to answer any question or say anything.
- Nothing 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.
- 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 <div style="border: 1px solid black; padding: 2px;">(b)(3), (b)(6), (b)(7)c</div>
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR 
2a. NAME (Type or Print)		
p. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR <u>Brig BRAYNG LARRISON</u>
		6. ORGANIZATION OF INVESTIGATOR <u>USFOR-A</u>

**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

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25 February 2012

Interview of

(b)(3), (b)(6), (b)(7)c

[BG Watson advised (b)(3), (b)(6), (b)(7)c of his UCMJ, Article 31 rights for possible violations of UCMJ Art 92, failure to follow order or regulation and dereliction of duty, Article 134.

[(b)(3), (b)(6), (b)(7)c] waived his right to counsel and agreed to make a statement. ]

[BG Watson advised (b)(3), (b)(6), (b)(7)c that the interview was being recorded. (b)(3), (b)(6), (b)(7)c stated he did not want the interview to be recorded.]

[This transcription is provided through notes taken by (b)(3), (b)(6), (b)(7)c U.S. Forces-Afghanistan, Office of the Staff Judge Advocate.]

(b)(3), (b)(6), (b)(7)c, **U.S. Army, first being duly sworn, did testify in substance as follows:**

My folks approached me requesting to participate in and initiate the sweep that happened last week. The CI Team, (b)(3), (b)(6), (b)(7)c, requested permission to participate in the library sweep. BAF has many compounds on it. Main BAF CI does sweeps of contractor villages. They sought permission to participate from me. When they approached me about the library, I always ask under what authority is this legal.

I brought a copy of something from my e-mail; I scrubbed my e-mails and found a brief from 20 January 2012. I was briefed on a slide, showed a particular bullet. I understand that I am under oath. This request is not from Main BAF CI.

My team requested permission to participate in the operation in the DFIP library. The operation was specifically focused on the activities of (b)(6), (b)(7)c

I don't remember what the answers were when I asked them what the authorities were for this operation. There is a Joint Publication and an Army Regulation for CI activities, as well as USFOR-A policies and a CJATF (Combined Joint Inter-Agency Task Force) operations order as well. I can get these for us. I understood that this request was an initiative of the COIN Team, elements from brigade and battalion; I think from (b)(3), (b)(6), (b)(7)c, the G2, (b)(3), (b)(6), (b)(7)c the COIN lead.

I would have heard the COIN Team specifically request permission for the operation. I need to volunteer (b)(3), (b)(6), (b)(7)c and (b)(6), (b)(7)c; I asked them to print all their correspondence to show who knew about this on other staffs. I want (b)(3), (b)(6), (b)(7)c to talk to you without the Afghans. Someone else let them into the library. I could only authorize my folks to participate in the initiative. You need to talk to (b)(3), (b)(6), (b)(7)c again. Petrarca's guys did not push it up to him. You need to talk to (b)(3), (b)(6), (b)(7)c and (b)(6), (b)(7)c again because someone said that they could go into the library. I could guess, but I'm not going to guess.

(b)(3), (b)(6), (b)(7) said he cleared it with the Battalion Operations (b)(3), (b)(6), (b)(7). My folks keep me informed, but BG Petrarca's did not. I don't know if any other leadership knows about this. (b)(3), (b)(6), (b)(7) told me that (b)(3), (b)(6), (b)(7)c knew.

[End of interview.]

25 February 2012

Interview of

(b)(3), (b)(6), (b)(7)c

[BG Watson advised (b)(3), (b)(6), (b)(7)c of his UCMJ, Article 31 rights for possible violations of UCMJ Art 92, failure to follow order or regulation, and Article 134, dereliction of duty. (b)(3), (b)(6), (b)(7)c (b)(3), (b)(6), (b)(7)c waived his right to counsel and agreed to make a statement. ]

[BG Watson advised (b)(3), (b)(6), (b)(7)c that the interview was being recorded. (b)(3), (b)(6), (b)(7)c stated he did not want the interview to be recorded.]

[No transcription.]