

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 <u>CAMP SPRAWL - HARRISON</u>	2. DATE <u>20120221</u>	3. TIME <u>1139</u>	4. FILE NO.
5. NAME (Last, First, MI) [Redacted] (b)(3), (b)(6), (b)(7)c	8. ORGANIZATION OR ADDRESS [Redacted] (b)(3), (b)(6), (b)(7)c <u>CAMP SPRAWL - HARRISON</u>		
6. SSN [Redacted] (b)(3), (b)(6), (b)(7)c	7. GRADE/STATUS [Redacted] (b)(3), (b)(6), (b)(7)c		

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 [Redacted] (b)(3), (b)(6), (b)(7)c
INVESTIGATOR OFFICER and wanted to question me about the following offense(s) of which I am suspected/accused: ARTICLE 15B UCMJ VIOLATION

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 question 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.

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] (b)(3), (b)(6), (b)(7)c	
1a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [Redacted] (b)(3), (b)(6), (b)(7)c [Redacted] (b)(3), (b)(6), (b)(7)c	
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR [Redacted] (b)(3), (b)(6), (b)(7)c	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR [Redacted] (b)(3), (b)(6), (b)(7)c		

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

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.)

"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 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.)

"Do you want a lawyer at this time?"

(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.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN 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 notations 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 interrogation, 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 (for 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

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: CALLD SABALL-HARRISON; DATE: 2012 02 21; TIME: 1300; FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6), (b)(7)c; 6. SSN: (b)(3), (b)(6), (b)(7)c; 7. GRADE/STATUS: (b)(3), (b)(6), (b)(7)c
8. ORGANIZATION OR ADDRESS: CALLD SABALL-HARRISON; (b)(3), (b)(6), (b)(7)c

9. I, (b)(3), (b)(6), (b)(7)c, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

WHEN I ARRIVED AT WORK AT 1830 I LEFT TO GET CHOW. UPON MY RETURN TO WORK I WAS INFORMED BY (b)(3), (b)(6), (b)(7)c THAT (b)(3), (b)(6), (b)(7)c NEEDED THE IRF TEAM TO HELP THREE SOLDIERS FROM SUPPLY MOVE A BUNCH OF BOOKS FROM THE LIBRARY. AT 2130 MY TEAM ASSISTED IN MOVING ALL OF THE BOOKS ON THE GROUND IN THE LIBRARY TO A LMTV PARKED OUTSIDE. MY TEAM UTILIZED TWO TRASH CANS TO MORE EFFICIENTLY MOVE BOOKS TO THE LMTV. WITH THREE STALLS LEFT ANA CAME TO THE LIBRARY. AFTER FINISHING UP THE LAST OF THE BOOKS WE LEARNED THERE WERE KORANS IN WITH THE BOOKS. ANA WERE APPROACHING FROM EVERYWHERE SO I TOLD THE THREE SOLDIERS IN THE TRUCK TO LEAVE. I SPOKE WITH THE ANA AND AN ANA OFFICER AND APOLOGIZED ON MY BEHALF AND THAT OF MY TEAM TELLING HIM IF I HAD TO MOVE BOOKS AGAIN THAT I WOULD LET THE

10. EXHIBIT; 11. INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6), (b)(7)c; PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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.

STATEMENT OF

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

TAKEN AT

CAMP SARAW
HARRISON

DATED

21 FEB 12

9. STATEMENT (Continued)

AWA OR A TARSIMAN HANDLE THE KORANS AND THAT WE MEANT NO DISRESPECT. I RETURNED TO MY SHOP AND RECEIVED A PHONE CALL FROM OPS ASKING TO CHECK THE BURN PIT FOR THE LMTU AND MAKE SURE THAT THEY DONT BURN THE BOOKS.

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

AND I WENT TO THE BURN PITS AND THE WAREHOUSE AND DIDN'T FIND THE TRUCK. WHEN WE RETURNED TO TELL OPS THEY SAID THAT SUPPLY PLACED ALL OF THE BOOKS IN A WHITE CONEX BOX. AS SOON AS I GOT BACK TO THE SHOP I WENT TO THE GYM. WHEN I GOT BACK TO WORK I WAS TOLD TO GO TO OPS AGAIN WHERE I WAS TOLD TO REPORT TO THE MP STATION ON MAIN BAF. I RETURNED TO WORK AROUND 0700 TO GRAB SOME THINGS AND GO TO MY RLB, THERE I WAS TOLD TO CALL OPS, ~~from~~ (b)(3), (b)(6), (b)(7)c FROM THAT CALL I CAME TO BUILDING 66255 FOR QUESTIONS.

Q-What time did ops call you to go to the burn pit? (b)(3), (b)(6), (b)(7)c

A- BETWEEN 2200 - 2300 (b)(3), (b)(6), (b)(7)c

Q-where was the truck parked after you told the three soldiers to leave (b)(3), (b)(6), (b)(7)c

A- BACK GATE IN SMOKE PIT BY THE ESCORT OFFICE (b)(3), (b)(6), (b)(7)c

Q-How long was ~~it~~ (b)(3), (b)(6), (b)(7)c it between when you talked to the AWA and when your ops called you to check the burn pit? (b)(3), (b)(6), (b)(7)c

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF

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

TAKEN AT

CAMP SARAWI
HARRISON

DATED

21 FEB 12

9. STATEMENT (Continued)

A- BETWEEN 30-60 MIN (b)(3), (b)(6), (b)(7)c

Q- Do you know what happened in the above time frame to make ops call you? (b)(3), (b)(6), (b)(7)c

A- NO (b)(3), (b)(6), (b)(7)c

Q- Was the LMTV your team loaded with the books the same LMTV that the soldiers took to the burn pit? (b)(3), (b)(6), (b)(7)c

A- I DO NOT KNOW (b)(3), (b)(6), (b)(7)c

Q- Do you believe that you could have missed the LMTV at the burn pit due to travel time to get there? (b)(3), (b)(6), (b)(7)c

A- WITH ROUTES AND THE TIME I TOOK TO APOLOGIZE I DO BELIEVE I COULD'VE MISSED THE LMTV AT THE BURN PIT (b)(3), (b)(6), (b)(7)c

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

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

END OF STATEMENT

AFFIDAVIT

I, (b)(3), (b)(6), (b)(7)c, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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.

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of FEBRUARY, 2012 at CAMP SARAWI HARRISON

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

ARTICLE 136 DCMS
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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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 Bagram Airfield	2. DATE (b)(3), (b)(6), (b)(7)c 20120221	TIME (b)(3), (b)(6), (b)(7)c 0534	FILE NO.
5. NAME (Last, First, MI) (b)(3), (b)(6), (b)(7)c	8. ORGANIZATION OR ADDRESS (b)(3), (b)(6), (b)(7)c Bagram AF APO AE 09354		
6. SSN (b)(3), (b)(6), (b)(7)c	7. GRADE/STATUS (b)(3), (b)(6), (b)(7)c		

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 Joint Military Police Station, Bagram Airfield and wanted to question me about the following offense(s) of which I am

suspected/accused: Article 92 General Order 1 APO AE 09354 (b)(3), (b)(6), (b)(7)c

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 question 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)

Have you been read your rights in the last 30 days? NO (b)(3), (b)(6), (b)(7)c

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 (b)(3), (b)(6), (b)(7)c
1a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR (b)(6), (b)(7)c
2a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	5. SIGNATURE OF INVESTIGATOR (b)(6), (b)(7)c
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR JPMO Bagram Afghanistan 09354	

Section C. Non-waiver

- 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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION BAGRAM AF	2. DATE (YYYYMMDD) 2012/02/21	3. TIME (b)(3), (b)(6), (b)(7)c 0619	FILE NUMBER (b)(3), (b)(6), (b)(7)c
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6), (b)(7)c	6. SSN (b)(3), (b)(6), (b)(7)c	7. GRADE/STATUS (b)(3), (b)(6), (b)(7)c	

8. ORGANIZATION OR ADDRESS
Bagram Airfield Afghanistan APO AE 09354

9. (b)(3) (b)(6), (b)(7)c (b)(3), (b)(6), (b)(7)c, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

After arriving from chow at approximately 1930 I was notified by (b)(3), (b)(6), (b)(7)c that at 2100 my team would be assisting supply remove books from the library. At 2130 three personal from supply came to our shop and asked if we were ready to help them move the stacks of books on the floor in the library to an LMTV outside. We did not look through the books because they were already laid out on the ground and thought to be sorted out for us to put in the truck. As my team entered the library we saw that there were numerous piles of books on the floor. We proceeded to get two trash cans from our shop, remove all trash and the bags, and use them as a more efficient way to move the said books from the library to the LMTV truck at the back gate by escort control. After moving approximately 99% of the books the ANA told the translator that there were Qur'an's in the piles of books we were moving. We grabbed the last three stacks of books to put in the bed of the LMTV and were notified by said escort control translator that there were Qur'an's in the pile of books. After finding out that we had moved not only books but also Qur'an's I apologized to the ANA General and ANA personal in escort control and assured everyone if the situation arose again that we would let a translator sort through the books and let the ANA move the books for us. After returning to the shop we got the call from OPS for myself to come down. After arriving I was asked if I knew where the burn pit was. I replied with yes and was asked to go stop the truck from burning the books. My self and (b)(3), (b)(6), (b)(7)c did not find the truck and returned to OPS as soon as we arrived back in the DFIP. OPS then told us that the books were in a white conex box at the warehouse and everything was taken care of. Upon returning to the shop I was notified yet again to go to OPS and after arriving I was told to report to the MP Station on Main BAF for questioning.

Q: (b)(6), (b)(7)c
A: (b)(6), (b)(6), (b)(7)c

Q: Who is (b)(3), (b)(6), (b)(7)c?

A: He is one of the guys that works for me on night on the IRF Team (Immediate Response Force)

Q: How many people are on your team that helped with the books?

A: six, they were Myself, (b)(3), (b)(6), (b)(7)c, (b)(3), (b)(6), (b)(7)c, (b)(3), (b)(6), (b)(7)c, (b)(3), (b)(6), (b)(7)c and (b)(3), (b)(6), (b)(7)c

Q: What have you been briefed on handling a Qur'an in the DFIP?

A: grab an ANA or translator, unless there is a threat within the Qur'an like a weapon is placed inside

Q: Who was the person that gave you the order to help with the books?

A: (b)(3), (b)(6), (b)(7)c told me when I got back from chow that he got the order from (b)(3), (b)(6), (b)(7)c

Q: Who is (b)(3), (b)(6), (b)(7)c?

A: I have no idea there is always different people running through Ops

Q: Why didn't you try to stop the LMTV from leaving with the books?

A: all we knew is there were books being disposed of, we didn't know they were going to be burned and we saw massive amounts of ANA coming from everywhere and before the situation escalated we wanted them to leave

Q: Who was driving the LMTV and passengers in the LMTV? (b)(6), (b)(6), (b)(7)c

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6), (b)(7)c	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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.

STATEMENT OF (b)(3), (b)(6), (b)(7)c TAKEN AT Bagram Airfield DATED 2012/02/21

9 STATEMENT (Continued)

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

(Continued from page 1)

Q: Can you describe the people that were in the LMTV?

A: (b)(3), (b)(6), (b)(7)c all wearing multi cams

Q: Do you know them from anyplace else?

A: no we were just told to help them

Q: Do you know what a Qur'an Looks like?

A: According to the translator we talked to tonight they were the orange books but I don't know the witting, I couldn't tell one book from the other because I couldn't the writing on the book

Q: Is there anything else that you would like to add?

A: no ///End of Statement (b)(3), (b)(6), (b)(7)c

AFFIDAVIT

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

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.

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

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of February, 2012 at Bagram Airfield (b)(6), (b)(7)c an

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

ath)

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

(Typed Name of Person Administering Oath)

Article 136 (b) (4)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

File Number: 0053-12-CID369-76040

Location: Bagram CID Office, Afghanistan, APO AE 09354

Date: 23 Feb 12 (b)(3), (b)(6), (b)(7)c Time: 1946 (b)(3), (b)(6), (b)(7)c

Statement of: (b)(3), (b)(6), (b)(7)c

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

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

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

Org/Address: (b)(3), (b)(6), (b)(7)c Bagram Airfield, Afghanistan, APO AE 09354

(b)(3), (b)(6), (b)(7)c (b)(3), (b)(6), (b)(7)c, want to make the following statement under oath: At approximately 1830 I came to work and immediately left for chow. I arrived back to work at around 1930. When I arrived back at work I was told by (b)(3), (b)(6), (b)(7)c that (b)(3), (b)(6), (b)(7)c wanted our help loading books in the library into an LMTV at 2100. At around 2130 myself, my team, and three other bodies from supply proceeded to load all of the books stacked on the floor in the library to a LMTV parked right outside. At the end of the evolution with the last three stacks of books being moved out I was notified by a translator that there were Qur'ans in the books we had just moved. As he told me this ANA started crowding around so I told the truck to leave so the situation didn't escalate any further. The ANA General and his translator approached me and I talked to him about what was going on. I apologized and assured him there was no disrespect. I also told him that if we had to move books again that I would let his ANA move the Qur'ans. He said he was going to calm down his soldiers and leave. I went with him to escort control to apologize to the ANA in escort control and left when the ANA General did. When getting back to the shop I was notified that I needed to check the burn pit for the truck and if I saw it to make sure nothing got burned. Myself and (b)(3), (b)(6), (b)(7)c left for the burn pit and returned to Ops without finding the truck. When we told Ops that we didn't find the truck they said it was fine and all the books were in a white connex box by the warehouse. Thinking everything was taken care of I went to the gym for about an hour. I returned to work at around 0330 and was told to report to the MP station on Main BAF.

Q: (b)(6), (b)(7)c

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

Q: What exactly did (b)(3), (b)(6), (b)(7)c tell you (b)(3), (b)(6), (b)(7)c told him to do?

A: That we need to help supply move books that were currently located in the Library.

Q: Did (b)(3), (b)(6), (b)(7)c relate to you that (b)(3), (b)(6), (b)(7)c related anything about the books?

A: Just that they needed moved.

Q: Did (b)(3), (b)(6), (b)(7)c tell you that the books you were going to be moving were Qur'ans?

A: No.

Q: When the ANA interpreter approached you and told you that the books you were carrying were Qur'ans, what exactly did you tell him?

A: I told him that we were instructed to move the books from the library to the LMTV.

Q: Who did you actually apologize to for carrying the books to the LMTV? (b)(3), (b)(6), (b)(7)c

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6), (b)(7)c

PAGE 1 OF 3 PAGES

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Exhibit _____

SWORN STATEMENT
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(b)(3), (b)(6), (b)(7)c A: I apologized to the ANA soldiers and the ANA General or Colonel that was present. I then reassured them that if in the future we needed to move Qur'ans we would have an interpreter move them for us so their wouldn't be any more issues.

Q: What did the ANA soldiers and ANA General say back to you?

A: The ANA General would not tell me what the ANA soldiers were saying. The ANA General only related he was there to calm down the ANA soldiers and get them back to work.

Q: When you and your team were moving the books, did you hear anyone mention the books were Qur'ans?

A: No.

Q: Once you found out the books were Qur'ans, what did you do?

A: That's when I told the truck to leave to get them out of the area. The ANA soldiers were staring at us and were talking back and forth with the interpreter. I saw that the ANA soldiers were very angry and I wanted the guys in the vehicle to get away from the bad situation.

Q: Did you know where the LMTV was going when you told it to leave?

A: No. We just knew we were loading the books onto it.

Q: Explain what happened when you got called down to Ops?

A: They told me and (b)(3), (b)(6), (b)(7)c to drive to the Burn pit and locate the LMTV. Once we locate the LMTV to not allow them to burn any of the books.

Q: What happened next?

A: I drove to the burn pit on the back of Sabula Harrison but nobody was there. I then drove to the open burn pit on Bagram Airfield and we could not locate the LMTV. I returned to the Ops office at which time they told me not to worry about it they already took care of it.

Q: Did you know that the Supply soldiers were going to go burn the books?

A: I found out that that was their plan after they had already left and went to the burn pit.

Q: Do you have anything further you would like to add to this statement at this time?

A: No.///END OF STATEMENT// (b)(3), (b)(6), (b)(7)c

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6), (b)(7)c

PAGE 1 OF 3 PAGES

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Exhibit _____

SWORN STATEMENT
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AFFIDAVIT

I, (b)(3), (b)(6), (b)(7)c have read or had read to me this statement which begins on page 1 and ends on page 3. 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.

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

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this 23rd day of February 2012 at Bagram Airfield, Afghanistan, APO AE 09354.

WITNESSES:

ORGANIZATION AND ADDRESS

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

10 USC, 936

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)
PAGE 3 OF 3 PAGES
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Exhibit _____

4 March 2012, 1547 hours

Interview of

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

[At 1548 hours, BG Watson advised (b)(3), (b)(6), (b)(7)c of his UCMJ, Article 31 rights for possible violations of UCMJ Article 92, dereliction of duty, and Article 107, false official statement. At 1550 hours, (b)(3), (b)(6), (b)(7)c waived his right to counsel and agreed to make a statement.]

[At 1552 hrs, BG Watson administered the oath to (b)(3), (b)(6), (b)(7)c]

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

first being duly sworn, did testify in substance as follows:

I am (b)(3), (b)(6), (b)(7)c. I am assigned to (b)(3), (b)(6), (b)(7)c and am the snatch team leader and assistant NCOIC [noncommissioned officer in charge] of the nightshift for the IRF [Immediate Reaction Force]. I have worked in that position for around two months. I was also on the QRF [Quick Response Force] team and worked in DHU-F [Detainee Housing Unit-F]. I deployed to Afghanistan at the end of July 2011. (b)(3), (b)(6), (b)(7)c was the NCOIC for the day shift, and (b)(3), (b)(6), (b)(7)c is the NCOIC of the night shift of the IRF.

On the night of 20 February, myself, (b)(3), (b)(6), (b)(7)c, (b)(3), (b)(6), (b)(7)c, (b)(3), (b)(6), (b)(7)c, (b)(3), (b)(6), (b)(7)c, (b)(3), (b)(6), (b)(7)c and (b)(3), (b)(6), (b)(7)c were on shift. The details of the night are a little fuzzy; we've been told to take our minds off it and try not to think about it. The details are getting fuzzy. Shift change for the IRF happens at 1830 and 0630 hours. I arrived on shift at 1830 hours. (b)(3), (b)(6), (b)(7)c told me when I came back from chow at about 1930 hours, that the IRF was tasked to help remove books from the library. He told me that we were going to move books from the library to a truck to help out supply. He did not say why we were going to move the books from the library, but it did not seem suspicious because we get all kinds of details. Sometimes we get calls from ops to perform details, sometimes we get details carried over from the day shift.

We had heard about a search going on in the library the past few days, but we hear a lot of rumors, so we didn't really believe it. I don't really believe what I hear is going on in the DFIP [Detention Facility in Parwan] until it actually happens. There were no rumors about what the search might have found. After chow, there was no reason for further coordination on the detail because it wasn't supposed to happen until 2100 hours. We were just supposed to meet supply at the library at 2100 hrs to move the books to the truck. I don't remember having to perform any other details or duties outside the office before we were due at the library, so I stayed in the office until it was time for the detail. I can't say if (b)(3), (b)(6), (b)(7)c came down to the IRF office when I was out at chow or any other time. We were just sitting in the office watching a movie; there was no discussion about having to move the books.

[At 1403 hrs, (b)(3), (b)(6), (b)(7)c stated: "I think I'm done with this interview, Sir. I feel like I'm being set up though, sir. He did not request legal counsel, and when BG Watson stated that it was "a simple question," (b)(3), (b)(6), (b)(7)c continued to answer BG Watson's questions.]

I never spoke to (b)(3), (b)(6), (b)(7)c about removing the books from the library. There was never any discussion before the detail regarding what we were about to do. (b)(3), (b)(6), (b)(7)c said that he

4 March 2012 at 1547 hours

spoke to [redacted] (b)(3), (b)(6), (b)(7)c while I was away at chow. I did not ask [redacted] (b)(3), (b)(6), (b)(7)c for any additional details about the library tasking. In the past, we've also been tasked to escort fuel trucks, move detainees, and organizing things outside and helping the escorts; it's always something else every night. The detail just seemed like someone else needing our assistance because they know that we have a lot of down time.

I have never helped with the 2100 hours burn pit run, and I did not know until after the fact that there was a regular 2100 hours burn pit run.

I don't know who the supply person was who met us to let us into the library. I don't personally know [redacted] (b)(3), (b)(6), (b)(7)c, but I know him by face. [redacted] (b)(3), (b)(6), (b)(7)c helped us move the books that night. It was brought up that the books were contraband and that was the reason why they were being moved.

When we got into the library, there were a lot of books that were supposed to be moved. I went to a table and was going to start moving the books off the table, but a [redacted] (b)(3), (b)(6), (b)(7)c told me to only remove the books that were on the floor; she did not tell me where the books were going. At first, we were each taking stacks of books and carrying them out to the truck, but that seemed like a waste of time and it was difficult getting past each other through the door, so we grabbed a garbage can and started putting the books in that. The truck arrived around 2130 hours. As soon as they came in and told us they were ready to go, and we started moving the books. No-one told us that we should hide what we were doing from the ANA [Afghanistan National Army] or try to make it low visibility. We were just moving the books out of the library and trying to get done with the detail because we still had to escort fuel trucks that night, conduct perimeter and door lock checks, and routine things that we needed to do.

After we started loading the truck, some ANA walked out of escorts and saw us moving the books. They just wanted to see what was going on at first, but then their numbers seemed to multiply. They were watching us' they started talking to each other, and then they moved toward us and started getting in our way. We told them they had to leave because we were trying to work. One of them told us "no good," but that was near the end of the encounter. A linguist came out and told us that there were Qurans in the books that we were moving. There were still about three stacks in the library that had to be moved. I continued to talk to the linguist about whether he was sure there were Qurans in the books. By the time we finished talking, there were more ANA coming out of escorts, and we were done loading the truck. With the linguist telling me there were Qurans in the truck, and Americans were moving them, and being surrounded by ANA, that's why I told the truck to leave. All the ANA had just come out and found out that we were moving Qurans, and we're not supposed to be touching Qurans, I didn't want anything to happen, so I wanted the truck to leave for their safety. I was worried about their safety, and I didn't want to take a chance. I was told to move books, so it wasn't my concern if there were Qurans in there. I was concerned about the safety of the people in the truck, so I told them to leave. The ANA were just standing around talking, and other than the one ANA saying "no good" once, no-one else told us there was anything wrong with what we were doing. If there were Qurans in the library, they should have been separated from what we were told to move. When I worked in the housing unit, all the books were separated on a shelf away from all the other books, and the linguists searched those; we're not allowed to touch them. In my opinion, if

Interview of [redacted] (b)(3), (b)(6), (b)(7)c

4 March 2012 at 1547 hours

we were going to be moving books, everything should have been separated and we should have moved what we were allowed to move. There is no way I could have known the difference between a Quran and any of the other books that we moved.

Right when the incident was over, I found out that the truck was going to the burn pit. I did not tell the linguist that the books were going into storage. I just told him that we had to load up the books; I was trying to make him understand that we were trying to carry out an order.

[redacted] (b)(3), (b)(6), (b)(7)c did not tell me that the books were going to the burn pit when he told me about the detail. Neither did [redacted] (b)(3), (b)(6), (b)(7)c or [redacted] (b)(3), (b)(6), (b)(7)c or [redacted] (b)(3), (b)(6), (b)(7)c. Nobody told me they were going to the burn pit until I talked to ops after the truck left.

After the truck left, I started talking to the ANA Colonel through the linguist; I was apologizing, telling him it was a mistake and that we didn't try to bring discredit on anything that was in there; it was just that we needed to load the books, so we loaded the books. I told him that we apologized and meant no disrespect and that he should go and talk to ops. That's when a U.S. [redacted] (b)(3), (b)(6), (b)(7)c came out of ops. The [redacted] (b)(3), (b)(6), (b)(7)c also apologized to the ANA Colonel, and said that he would figure out what was going on and that we didn't mean any disrespect. After the [redacted] (b)(3), (b)(6), (b)(7)c came out of ops and spoke the ANA Colonel and linguist, everything seemed taken care of, so I went down to ops. Everything seemed back to normal; the ANA calmed down and even asked us for lighters to light their cigarettes. The mood was pretty casual, and people were just sitting around talking. It seemed like everything was taken care of.

When I went into ops, [redacted] (b)(3), (b)(6), (b)(7)c asked if I knew where the burn pit was. I did, so he sent [redacted] (b)(6), (b)(7)c and I to find the truck. We went to the waste treatment area first to see if they went there. We didn't see anyone there or tracks in the snow, so we went over to the main side to look for the truck. It took maybe five minutes to get there, max; we stopped out on the road because there was a wire strung across the T-walls. You can see all the way down to the incinerators from the road, and we couldn't see anyone or any vehicles so we thought maybe they were closed. There was a shack up by the road, but I didn't see anyone sitting inside of it; I didn't know that burn pit was open 24 hours. We went back to ops. We did go to the second burn pit, but we did not see any local nationals or MPs. I didn't see any flames or anyone around the incinerator. It seemed like the drive to the burn pit only took about five minutes.

I went back to ops to tell [redacted] (b)(3), (b)(6), (b)(7)c that we couldn't find the truck. He said that the truck didn't go to the burn pit that it went to the warehouse. So, I went to the gym.

I came on shift about 1830 hrs on 20 February. At 1930 hours, [redacted] (b)(3), (b)(6), (b)(7)c told me that the IRF received a detail to load books out of the library onto a truck that supply was bringing; the truck was supposed to arrive at 2100 hours. [redacted] (b)(3), (b)(6), (b)(7)c did not tell me that the books were religious books. [redacted] (b)(3), (b)(6), (b)(7)c did not tell me we had to hide it from the ANA. [redacted] (b)(3), (b)(6), (b)(7)c never told me that the books were going to the burn pit. At no time did anyone tell me that those books were going to the burn pit. The truck arrived at 2130 hours with three people, and I was told to only remove the books that were on the floor of the library. In the course of moving the books, no one said anything about the books being religious books. No one said the books were going to the burn pit. During the course of loading the books, we encountered some ANA and a linguist told us that there were Qurans among the books. I learned

4 March 2012 at 1547 hours

that there were Qurans among the books before I told the truck to depart. I still did not know that the truck driver had orders to go to the burn pit; I just told them to get away from where we were at. Once I learned that there were Qurans on the truck, I did nothing to stop the truck from leaving. I told the truck to leave because I feared for the safety of the drivers. Subsequent to that, I spoke to an ANA officer and a linguist and told him that the books were removed from the library and when he said he wanted to talk to somebody else, I told him he had to go to ops. I did not tell the linguist that the books were moved because they had writing in them; I told him that we got an order to move the books, so we moved the books. After I spoke to the ANA, I went inside ops and spoke to [redacted] (b)(3), (b)(6), (b)(7)c; he asked if I knew where the burn pit was. That was the first time I was told the truck was going to the burn pit. I was instructed to go to the burn pit and bring the truck back. [redacted] (b)(3), (b)(6), (b)(7)c and I went and retrieved a HMMWV to go and look for the truck. The first burn pit we went to was the new burn pit that has not opened yet. From there, we immediately left for the burn pit on BAF main. When we got there, there was no truck and no people; the place looked deserted. We went straight back to DFIP ops and told them that we could not find the truck. At no time during the detail did I ever hear a discussion that the books were going to the burn pit.

[Interview terminated at 1644 hours.]