

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: Camp Sabalu - Harrison / Bagram
2. DATE (YYYYMMDD): 2012/02/26
3. TIME: 1219 hours
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6), (b)(7)c
6. SSN
7. GRADE/STATUS: (b)(3), (b)(6), (b)(7)c
8. ORGANIZATION OR ADDRESS: (b)(3), (b)(6), (b)(7)c

9. I, (b)(3), (b)(6), (b)(7)c, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
BG Watson read me my rights, which I waived, and he swore me to my statement at 1219 hours on 26 February 2012. Permission granted to record # 12022603.

Question: As the (b)(3), (b)(6), (b)(7)c, tell me the evolution to plan and then to approval process.
Answer: For quite some time, the Brigade S2 and the BN S2 has expressed concern over the library. Bn S2 asked when was the best time to conduct a search. I gave (b)(6) some options and referred (b)(6) to the Bde Intel shop. Last week (b)(6) approached me regarding 16 or 17 February and informed me that (b)(6) was going to do a search.
Question: Did Bde S2 give (b)(6) authorization? Answer: I don't know. S2 came to me on the 17th and said they were unable to conduct the search and changed the date to 18th or 19th. On Saturday, was told by Bn S2 that they did find Jihadist literature. I thought (b)(6) was referring to pamphlets, things of that nature. Sunday, told by S2 that they found more literature and planned to burn. Tuesday morning I came in and was informed that our Soldiers burned Koran's by mistake.
Question: When S2 approached you initially to execute, what was the scope? Answer: Search the library for Jihadist literature.
Question: During the original intent, did (b)(6) say anything about disposal? Answer: No
Question: By the 2nd day, intent was to remove and the scope of the mission changed, correct? Answer: Did not consider it a change, it was the natural out-growth to the mission. General practice is if contraband is found it is then removed.
Question: So you considered it a natural sequence to remove? Answer: Yes, Sir.
Answer: MPI screens all contraband, we had recently reviewed and was in the process of changing to S2 being responsible for screening and removing contraband.
Question: Is this a Battalion (BN) or Brigade (BDE) SOP? Answer: Approved by 435, a 2 star level command.
Question: Walk me through how contraband is treated. Answer: Once discovered, it is reported to OPS and turned into S2 for catalogizing and inspection. S2 takes custody of the contraband and maintains. Stuff that doesn't hold intelligence value is destroyed but if intelligence value, it is retained.
Question: For how long? Answer: Not sure if it says how long.
Question: Were you aware of established criteria before search? Answer: No, Sir.
Question: Since this involved so many groups, was there ever a plan put together like a CONOP? Answer: Not that I am aware of.
Question: Did you ask to be briefed on a plan? Answer: I did not.
Question: Why? Answer: My understanding was that it was being done through BDE, and assumed it was being handled by BDE OPS.
Question: Did you know that this operation had a name? Answer: It is referred to as the (b)(3), (b)(6), (b)(7)c

Answer: No - BG Watson:

CONTINUED ON NEXT PAGE.
Answer: That is the 1st time I have heard that name.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6), (b)(7)c
PAGE 1 OF 2 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 1219 hours

DATED 2012/02/26

9. STATEMENT (Continued)

Question: What did the BN Commander (CDR) know about this? Answer: There had been suspicion in the library, the BN S2 briefed during a staff meeting that he intended to conduct a search.

Question: Was a date of search given to the BN CDR? Answer: Not that I was aware of.

Question: Is it normal to conduct something like this without your expressed knowledge? Answer: Yes

Question: When the BN CDR was briefed, did he ask for a concept of operations (CONOP) or a layout of a plan? Answer: Not to my knowledge sir.

Question: Do you normally have daily briefs, like a Battle Updated Brief? Answer: No, we do not.

Question: This is sensitive here but what is the command climate here? Answer: Very good relationship, not aware of any problems.

Question: Is there an intent to not involve BN CDR due to relationship? Answer: Absolutely not.

Question: What is your sense of the BN CDR's understanding of the situation in the battlespace? Answer: Very good understanding. During incident there were a lot of other things going on.

Question: On Thursday and Friday, S2 came to you, why you and not someone else? Answer: (b)(6) was concerned about effecting daily operations.

Question: Did (b)(6) need authorization from you? Answer: No, concerned only with impacting daily activities.

Question: Should (b)(6) have sought your authority? Answer: Understood that this operation would be under S2 purview, not mine.

Question: How long has this officer been the S2? Answer: A little over a year.

Question: Is (b)(6) Intel or MP? Answer: Intel.

Question: As Operations, you know your SOP right? You plan things. When S2 comes to you for the first time and (b)(6) come back to start operation, did you ask if (b)(6) discussed with Bde S2? Answer: I was not the approving authority.

Question: Didn't you ask if (b)(6) got approval? Answer: Normally they would not move forward unless they had authorization.

Question: Did you have the authority to stop the burning? Answer: I assumed (b)(6) coordinated and had permission.

Question: You didn't confirm, you just assumed? Answer: Yes

Question: If I want to visit a detainee with S2, does your guards allow? Answer: The request goes through BDE for permission

Question: Did you think that there were religious books in the library? Answer: No, not at all.

Question: Have you been in the library? Answer: Yes I have.

Question: When was your BN CDR briefed on the intent to search? Answer: Weeks before the search

Question: Do you agree that a mistake was made and that OPS should have been informed? Answer: It would normally fall under the purview of OPS <sup>2012</sup> section, normal duties BN OPS would not normally be involved in.

END OF STATEMENT AT 1311 HOURS ON 26 February 2012.

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

(b)(3), (b)(6), (b)(7)c (Signature of Person Making Statement)

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of February, 2012 at Camp Sabalu - Harrison / Bagram

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, Uniform Code of Military Justice

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

26 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 Article 92, failure to obey orders/regulations, and Article 134, citing 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 administered the oath to (b)(3), (b)(6), (b)(7)c]

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

**U.S. Army, first being duly sworn, did testify in substance as follows:**

I am the (b)(3), (b)(6), (b)(7)c.

The battalion (b)(3), (b)(6), (b)(7)c officer and the brigade (b)(3), (b)(6), (b)(7)c officer have expressed concern about the library. One time, the battalion intelligence officer asked me when the best time to conduct the search of the library would be, and I gave (b)(6) couple of options. Around 16 or 17 February, (b)(6) approached me and informed me that he intended to conduct the search on 18 or 19 February, with the scope being to find contraband. I believe that in the evening of Saturday, 18 February, (b)(6) informed me that (b)(6) had located numerous items of extremist literature during the course of the search. When (b)(6) informed me of that, I thought that (b)(6) was referring to pamphlets, notes from detainees, magazines, or things of that nature. On Sunday, they told me that they had not found more materials and that they intended to burn the extremist literature. On Tuesday morning, I was informed that some of my Soldiers burned Qurans by mistake. I had no idea that there were Qurans in the library.

The SOP [standard operating procedure] for contraband reads that the Military Police Investigators [MPI] screen all contraband, and it is approved by TF-435. We have recently reviewed our SOP and had initiated a change in that practice to place S2 in charge of screening and removing contraband. Once contraband is discovered, it is reported to operations and turned into S2 for cataloging and examination. S2 takes and maintains possession of that contraband. If the contraband is a note that does not have intelligence value, it is generally destroyed.

I did not ask for a plan for this search because my understanding was that this was carried out in conjunction with brigade, and I assumed that this was a brigade operation. I understood this operation was part of the normal duties of the battalion intelligence office and this would be something that (b)(6) would not seek my approval for. The battalion intelligence officer briefed during staff meetings, while the battalion commander was present, that there had been suspicions about items in the library for several weeks, and that (b)(6) intended to conduct a search in the library in the future. To my knowledge the battalion commander never asked the battalion intelligence officer for a plan to conduct this search. In general, my commander maintains very good situational awareness of (b)(6) battle space. At the time of the incident, there was a lot of other stuff happening on top of the normal procedures.

[Interview terminated.]

**SWORN STATEMENT**

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**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 Camp Sabalu - Harrison / Bagram	2. DATE (YYYYMMDD) 2012/02/27	3. TIME 1343 hours	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6), (b)(7)c	6. SSN	7. GRADE/STATUS (b)(3), (b)(6), (b)(7)c	

**8. ORGANIZATION OR ADDRESS**

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

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

BG Watson read me my rights, which I waived, he swore me to my statement at 1343 hours on 27 February 2012. Permission granted to record #12022701

Q) Did you know about suspicions against the librarian and using the library as a communication device; and when the (b)(6), (b)(7)c approached you about doing some searches on the library, (b)(6), (b)(7)c did not seek your approval? A) Yes, Sir.

Q) Were you located on Monday at 1800 or so at Detention Facility in Parwan (DFIP) operations (OPS)? A) Yes, Sir, to my recollection I was.

Q) Is that your normal work place? A) Yes, Sir.

Q) Do you recall seeing (b)(3), (b)(6), (b)(7)c in DFIP area around 1800-2000? A) I don't recall, Sir. At 1800 we prepare for our shift change. It normally goes until 1830. I believe I left for the day after that; I'm not positive.

Q) During shift change you don't recall a discussion with (b)(3), (b)(6), (b)(7)c that the search was complete? A) Not that I can recall. We had a lot going on at that time.

Q) One shift that changes is Immediate Response Force (IRF)? A) Yes, Sir.

Q) Was there a discussion to task IRF to unload books in the library? A) I think I heard something in passing. Unless I have something part to put out I don't have an active part in that but think I heard something about them being tasked out.

Q) Who was the battle Captain (CPT)? A) (b)(3), (b)(6), (b)(7)c

Q) Was there any indication to you by (b)(3), (b)(6), (b)(7)c where he said we are done in the library and IRF is going to take the books out and transport them by LMTV, any indication that material was going to burn pit? A) I remember (b)(6), (b)(7)c saying finished, but I don't know what time it was. (b)(6), (b)(7)c told me earlier that they planned to move the books. Don't recall in the briefing, something about IRF being tasked out.

Q) Is there a discussion about Afghanistan National Army (ANA) not seeing it or the level of visibility? A) Not that I can recall Sir.

Q) Any discussion about religious material, or just material coming out of the library? A) I was told there was radical material.

Q) Who told you there was radical material? A) (b)(3), (b)(6), (b)(7)c told me specifically, Jihadist material.

Q) When did he tell you that? A) I believe it was the day prior.

Q) Sunday? A) Yes, Sir.

Q) In DFIP OPS? A) Yes, I have no clue what time of the day it was.

Q) Does (b)(6), (b)(7)c hangout in OPS? A) (b)(6), (b)(7)c office is right across from mine in operations.

Q) Did (b)(6), (b)(7)c give you an updated? A) More of a "hey sir this is what we found and this is what we plan on doing."

Q) On Sunday, was there discussion of magnitude? A) No sir, I was sitting at my desk when he came in and just mentioned it in passing. (b)(6), (b)(7)c went back to (b)(6), (b)(7)c office and I went back to work.

Q) Was it removed for further exploitation or removed to the burn pit? A) Removed to the burn pit, Sir.

Q) Anyone else there in DFIP OPS? A) No, Sir, could have been people outside the door that heard but no one else in the office.

CONTINUED ON NEXT PAGE -

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6), (b)(7)c	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6), (b)(7)c TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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9. STATEMENT (Continued)

Q) Does the Battalion (BN) Commander (CDR) come by a lot? A) At least once a day, sometimes more.  
 Q) Pattern of life, normally morning or evening? A) No set pattern.  
 Q) Was BN CDR there when (b)(6), (b)(7)c reads the report? A) Not at that time, sir, that I can remember.  
 Q) Where you under the impression that the BN CDR was aware of the radical materials, did it come up in conversation that by Sunday or Monday (b)(6), (b)(7)c knows that they have found radical material and the intent was to remove them and take them to the burn pit?  
 A) That was my assumption, but I didn't have that conversation with (b)(6), (b)(7)c. Our big focus was the congressional delegation.  
 Q) On Sunday, at any particular time did the BN CDR stop by? A) I remember (b)(6), (b)(7)c come by in the morning, Saturday or Sunday, it may have been Saturday but it was probably Sunday. I don't remember talking about this at all with (b)(6), (b)(7)c other than normal staff call.  
 Q) When (b)(6), (b)(7)c has a discussion with you Sunday afternoon about the radical materials and them being removed and going to the burn pit, were you also under the assumption he had approval? A) Yes, Sir. I treated this the same way if the S4 came in, or S1 changing something, I'm not in the practice of getting into other staff officers' business. Looking back on it, I have been asking myself why I didn't say something. My impression (b)(6), (b)(7)c is highly motivated, and with integrity, and it's an unfortunate situation.

END OF STATEMENT

↑ highly competent

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

(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 oaths, this \_\_\_\_\_ day of February, 2012 at Camp Sabalu-Harrison / Bagram

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Article 136, Uniform Code of Military Justice (Authority To Administer Oaths)

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

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT