

**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<br>(b)(3), (b)(6), (b)(7)c <b>BAF, AF, 09354</b> | 2. DATE (b)(3), (b)(6), (b)(7)c<br><b>21 FEB 12'</b>  | TIME (b)(3), (b)(6), (b)(7)c<br><b>0307 HRS.</b> | FILE NO. |
| 5. NAME (Last, First, MI)<br>(b)(3), (b)(6), (b)(7)c         | 8. ORGANIZATION OR ADDRESS<br>(b)(3), (b)(6), (b)(7)c |  |          |
| 6. SSN<br>(b)(3), (b)(6), (b)(7)c                            | 7. GRADE/STATUS<br>(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 (b)(3), (b)(6), (b)(7)c with the United States Army (b)(3), (b)(6), (b)(7)c and wanted to question me about the following offense(s) of which I am suspected/accused: **ARTICLE 92 (VIOLATION)**

Before (b)(3), (b)(6), (b)(7)c asked me any questions about the offense(s), however, (b)(3), (b)(6), (b)(7)c made it clear to me that I have the following rights:  
 I do not have to answer any question or say anything.  
 (b)(3), (b)(6), (b)(7)c 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 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 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.

3. COMMENTS (Continue on reverse side)  
**HAVE YOU EVER REQUESTED A LAWYER AFTER BEING READ YOUR RIGHTS (WITHIN THE PAST 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)<br>a. NAME (Type or Print)<br>ORGANIZATION OR ADDRESS AND PHONE | 3. SIGNATURE OF INTERVIEWEE<br>(b)(3), (b)(6), (b)(7)c                           |
| a. NAME (Type or Print)<br>ORGANIZATION OR ADDRESS AND PHONE                             | 4. SIGNATURE OF INVESTIGATOR<br>(b)(3), (b)(6), (b)(7)c                          |
| a. NAME (Type or Print)<br>ORGANIZATION OR ADDRESS AND PHONE                             | 5. TYPED NAME OF INVESTIGATOR<br>(b)(3), (b)(6), (b)(7)c                         |
| ORGANIZATION OR ADDRESS AND PHONE  | 6. ORGANIZATION OF INVESTIGATOR<br>(b)(3), (b)(6), (b)(7)c <b>BAF, AF, 09354</b> |

**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

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

Title 38, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

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.

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

Form fields for NAME, DATE (2012 02 21), TIME (0444 HRS.), FILE NUMBER, GRADE/STATUS, and SSN.

RESIDENCE OR ADDRESS:

Redacted address fields.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

THAT ON THE NIGHT OF FEB 20, 2012, [REDACTED] CAME TO MY ROOM TO INFORM ME THAT THE MPS WAS AT THE DFIP WAREHOUSE BECAUSE OF THE ACTIONS THAT TOOK PLACE AT THE BAGRAM AIRFIELD BURN PIT. UPON ARRIVAL TO THE DFIP WAREHOUSE I SEEN THE MPS TALKING TO THE BATTLE CPT. I WENT INSIDE THE WAREHOUSE TO SPEAK WITH [REDACTED] TO FIND OUT WHAT HAPPEN AT THE BURN PIT. [REDACTED] INFORMED ME WHILE AT THE BURN PIT THE LOCAL NATIONALS APPROACH THE LMITV THAT [REDACTED] WAS DRIVING BECAUSE OF THE BOOKS THEY WERE BURNING. AFTER LEAVING THE BURN PIT THEY CAME BACK TO THE WAREHOUSE AND PACKED UP THE BOOKS THAT WAS ON THE BACK OF THE LMITV [REDACTED]

A: [REDACTED]
Q: AT APPROXIMATELY WHAT TIME DID [REDACTED] MAKE CONTACT WITH YOU ABOUT THIS INCIDENT?

A: AROUND 2300 [REDACTED]

Form fields for INITIALS, MAKING STATEMENT, PAGE 1 OF 3.

ALL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"
FORM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND PAGE NUMBER INDICATED.

STATEMENT OF

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

TAKEN AT (b)(3), (b)(6), (b)(7)c BAF, AF  
09354

DATED 21 FEB 12'

STATEMENT (Continued)

(b)(3), (b)(6), (b)(7)c Q: WHAT IS YOUR OFFICIAL JOB TITLE?

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

Q: WHERE DO YOU WORK?

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

Q: WHERE WERE YOU AT THE TIME OF THIS INCIDENT?

A: IN MY ROOM (b)(3), (b)(6), (b)(7)c

Q: WHO IS THE BATTLE CAPT?

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

Q: DO YOU HAPPEN TO KNOW WHY (b)(3), (b)(6), (b)(7)c HAD KORANS ON THE  
BACK OF THE LMTV (b)(3), (b)(6), (b)(7)c WAS OPERATING?

A: (b)(3), (b)(6), (b)(7)c WAS TOLD TO PICK UP BOOK WHEN (b)(3), (b)(6), (b)(7)c MADE THE BURN PIT RUN

Q: WHO GAVE THE ORDER TO PICK-UP THE BOOKS (KORANS) AND  
DISPOSE OF THEM?

A: THE S2 CALLED DOWN TO THE DFIP WAREHOUSE AND ASK ME COULD I SEND  
WHDEVER WAS MAKING THE BURN PIT RUN BY THERE OFFICE.

Q: WHO IS THE S2?

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

Q: DO BELIEVE (b)(3), (b)(6), (b)(7)c WAS AWARE THAT THE BOOKS (KORANS) WERE ON  
THE BACK OF THE LMTV AND WERE GOING TO BE DESTROYED?

A: I DON'T THINK (b)(3), (b)(6), (b)(7)c KNEW THAT THE BOOKS ON THE LMTV WERE  
KORANS. (b)(3), (b)(6), (b)(7)c INFORMED ME THAT THE BOOKS WAS LIBRARY BOOKS AND  
THAT THE LOCAL NATIONALS DID NOT NEED TO SEE THEM.

Q: WHO CONTACTED THE JPMO ABOUT THIS INCIDENT?

A: DON'T KNOW.

Q: APPROXIMATELY WHAT TIME DID THE S2 CALL DOWN TO THE  
DFIP WAREHOUSE AND ASK YOU TO SEND A DRIVER DOWN TO  
THEIR OFFICE TO MAKE THE BURN PIT RUN?

A: AROUND 1900. THE WAREHOUSE MAKE THE BURN PIT RAN AROUND  
2100 EVERY NIGHT. (b)(3), (b)(6), (b)(7)c

INITIALS OF PERSON MADE

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

NT

PAGE 2 OF 3 PAGES

STATEMENT OF

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

TAKEN AT

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

BAG, AF  
09354

DATED

21 FEB 12'

STATEMENT (Continued)

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

Q: DID YOU KNOW THE LMTV WAS GOING TO BE CARRYING KORANS ON IT?

A: NO I DID NOT.

Q: DID YOU MAKE YOUR WAY OVER TO THE BURN-PIT AFTER BEING INFORMED ABOUT WHAT HAD TAKEN PLACE?

A: NO I DIDN'T. I WENT TO THE WAREHOUSE.

Q: HAVE YOU AS WELL AS YOUR CHAIN OF COMMAND BEEN BRIEFED ON HOW TO DEAL WITH PROTECTED SENSITIVE ITEMS, SUCH AS RELIGIOUS MATERIALS?

A: YES, I HAVE BEEN BRIEFED ON SENSITIVE ITEMS AND TO RESPECT THE LOCAL NATIONAL BELIEFS

Q: DO YOU HAVE ANYTHING ELSE YOU WOULD LIKE TO ADD TO YOUR STATEMENT?

A: NO.

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

/// END OF STATEMENT ///

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

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

AFFIDAVIT

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

I 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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR REWARD, WITHOUT

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

(Signature of Person Making Statement)

ADJUDICATES:

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

at (b)(3), (b)(6), (b)(7)c BAGRAM, AFGHANISTAN 09354

ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

Article 136 (b) (4) UCMJ  
(Authority To Administer Oaths)

NAME OF PERSON MADE

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

2 March 2012, 1605hrs

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

At 1607 hrs, BG Watson advised (b)(3), (b)(6), (b)(7)c of his rights for the offense of UCMJ, Art 92, allegations of false official statements. At 1610 hrs, (b)(3), (b)(6), (b)(7)c waived his right to counsel and agreed to make a statement.

At 1611 hrs, BG Watson administered the oath to (b)(3), (b)(6), (b)(7)c.

I am (b)(3), (b)(6), (b)(7)c, assigned as the (b)(3), (b)(6), (b)(7)c NGOIC to the (b)(3), (b)(6), (b)(7)c at Bagram Air Field, Afghanistan. I have been in that position for (b)(3), (b)(6), (b)(7)c but to include training, I have acted in that capacity for (b)(3), (b)(6), (b)(7)c. I work for the (b)(6) OIC, (b)(3), (b)(6), (b)(7)c. Previously, I came (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

I know (b)(3), (b)(6), (b)(7)c and (b)(3), (b)(6), (b)(7)c because I work with them at the warehouse in our (b)(6), (b)(7)c section; they are part of my staff section. As far as I know, both (b)(3), (b)(6), (b)(7)c and (b)(3), (b)(6), (b)(7)c have clearances. On the night shift, there are usually 4 personnel. That night the shift also consisted of (b)(3), (b)(6), (b)(7)c and (b)(3), (b)(6), (b)(7)c.

Every night we make a routine burn pit run around 2100 hrs. Library materials are routinely collected on a truck inside the DFIP where there is normally a trash point set up. On Monday, 20 Feb 12, I received a phone call at about 1900 hrs from (b)(3), (b)(6), (b)(7)c (?) saying that they needed to have some books from the library taken to the burn pit. (b)(6) asked what time we make the burn pit run and (b)(6) said they had books that needed to go to the burn pit; (b)(6) asked to be notified when the pickup time occurred. (b)(6) did not indicate, other than books, what exactly the load contained. I thought the phone call was strange because they wanted to burn library books, and (b)(6) didn't give me any kind of justification. Before (b)(3), (b)(6), (b)(7)c left, I told him that once (b)(6) got to the burn pit to make sure that they unloaded the books from the truck themselves and not have the local nationals help them because I didn't really know what the library books were. Usually, when they go to the burn pit, the local nationals will help unload the truck, but because it was coming from the S2, I thought it might be sensitive items. (b)(3), (b)(6), (b)(7)c was not present when I gave these instructions to (b)(3), (b)(6), (b)(7)c. I did not know that (Rank?) (b)(3), (b)(6), (b)(7)c was going with (b)(3), (b)(6), (b)(7)c and (b)(3), (b)(6), (b)(7)c to the burn pit. (b)(3), (b)(6), (b)(7)c did not say that (b)(6) was going to send anyone from (b)(6) section to the burn pit. (b)(6) did not specifically ask if local nationals worked at the burn pit, but did not give a reason for that question. They usually just put their stuff in the trash bin for the truck, but since they didn't, I thought it might be material for a serious or sensitive nature. I'm not familiar with nor have I ever been in the library. (b)(3), (b)(6), (b)(7)c said the books would be staged and ready to be loaded on the trash truck when it arrived. Once they got to the library, there was detail there to load the books on the truck. (b)(3), (b)(6), (b)(7)c and (b)(3), (b)(6), (b)(7)c were just there as the driver and the TC. I think the detail was coordinated in advance. I was not told that the material needed to be concealed from local nationals or ANA personnel.

After the incident occurred, I did not have any conversation about the happenings with anyone else. I was surprised the next day because the burn pit run is routine. I thought it was strange that the night the library needed materials picked up and burned was the same night that religious material was burned. I just thought it was going to be regular books. When I heard that it was religious materials, I was kind of devastated because it involved 2 of my soldiers that went to the burn pit. (b)(3), (b)(6), (b)(7)C never said that the books were religious material.

Interview terminated at 1635 hrs.