

**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 CAMP SABALO-HARRISON	2. (b)(6), (b)(3), (b)(7)c	FILE NO. 20120721 0938
5. (b)(6), (b)(3), (b)(7)c	8. ORGANIZATION OR ADDRESS 655 WP BU	
6. (b)(6), (b)(3), (b)(7)c	7. GRADE CAMP SABALO HARRISON	

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he/she is [redacted] the United States Army [redacted] and wanted to question me about the following offense(s) of which I am suspected/accused: ARTICLE 134 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:

- 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 case.
  - 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 -
- (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.

1a. NAME (Type or Print)	3. SIGNATURE OF INTERVIEWEE
b. ORGANIZATION OR ADDRESS AND PHONE	4. (b)(6), (b)(7)c
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR TF PROTECTOR / 42D WP BDE

**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

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. 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: CALIF SABALU HARRISON, BR (b)(6), (b)(3), (b)(7)c
2. DATE (YYYYMMDD): 2012 02 22 (b)(6), (b)(3), (b)(7)c
3. TIME: 15:00 (b)(6), (b)(3), (b)(7)c
4. FILE NUMBER: (b)(6), (b)(3), (b)(7)c
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(3), (b)(7)c
6. SSN: (b)(6), (b)(3), (b)(7)c
7. GRADE/STATUS: (b)(6), (b)(3), (b)(7)c
8. ORGANIZATION OR ADDRESS: 535 HP BN, CALIF SABALU HARRISON, BR (b)(6), (b)(3), (b)(7)c

9. I, (b)(6), (b)(3), (b)(7)c, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
A SPOT Report was generated from the SHU about 3-4 weeks ago stating that the Librarian, (b)(6), (b)(7)c was attempting to pass notes to detainees by using the books he hands out. This was the initial reason the Guard Force became suspicious of (b)(6), (b)(7)c considering his given access and placement. I notified the DFIP Commander of this incident and recommended a sweep of the library to look for anything of intelligence value. The search was to be a joint effort between the Battalion and CI. CI was busy for a few weeks, so that's why we waited so long to go in the Library. (b)(6), (b)(7)c was told on Saturday morning not to come into work for the next couple days because we were going to clean the VOTECH area.

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(3), (b)(7)c
PAGE 1 OF 4 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)(6), (b)(3), (b)(7)c TAKEN AT 1029 DATED 21 FEB 2012  
Camp SH

9. STATEMENT (Continued)

The DFIP Library is located in the VOTECH area. Two linguists, provided by CI were present the first two days of the Library Sweep. A third linguist, <sup>(b)(6), (b)(3), (b)(7)c</sup> provided by Brigade, assisted the Search team on the final day of the Sweep, which was Monday 20 FEB 2012. The linguists were the only ones that could actually read the book material, so they made the final determination on whether to get rid of it or not, or whether the book should be given to the detainees or not. The Search team, consisting of CI, 535<sup>th</sup>, and 42<sup>nd</sup> personnel thumbed through the pages of every book in the library, looking for books that had suspicious, or a significant amount of writing, in them. We also looked for books that were well worn (mildew, falling apart). Since there were many copies of most books, if one was well worn, it was placed in the "get rid of" pile. The interpreters made the final call on all books before they went to the "get rid of" pile. At approximately 1930 hours, the Library Sweep was over (20 FEB 2012). →

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3), (b)(7)c PAGE 2 OF 4 PAGES

STATEMENT OF (b)(6), (b)(3), (b)(7)c TAKEN AT 1029 DATED 21 FEB 2012  
Camp SH

9. STATEMENT (Continued)

At that time, CI left the library, and all of the books were in Battalion's control. My instructions were to get rid of the books. <sup>(ONLY the ones in the "get rid of" pile)</sup> Since these books were either extremist, <sup>(b)(6), (b)(3), (b)(7)c</sup> well worn, or had a significant amount of writing in them by detainees, I instructed <sup>(b)(6), (b)(3), (b)(7)c</sup> (S2) to coordinate with S4 to get a truck and take all of the books in the "get rid of" pile ONLY, to the burn pit over by Main BAF. My NCOIC, <sup>(b)(6), (b)(3), (b)(7)c</sup> (S2) called down to the burn pit prior to the books departing the DFIP to make sure it would not be a problem. After learning the burn pit procedures, <sup>(b)(6), (b)(3), (b)(7)c</sup> (S2) determined that we could carry out our plan without incident. I left the DFIP around 2030 hrs on 20 FEB 2012, following a staff call and checking my e-mail for the night. The last thing I heard was that the books would go to the burn pit at 2100 hrs (20 FEB 2012), and that the A-team would help load them onto a truck provided by the S4. I then went to bed. I was woken up by <sup>(b)(6), (b)(3), (b)(7)c</sup> (S2) and told I had to go meet with <sup>(b)(6), (b)(3), (b)(7)c</sup> (S2) and <sup>(b)(6), (b)(3), (b)(7)c</sup> (S2) to discuss what happened with the library sweep (1230 hrs approx.)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3), (b)(7)c PAGE 3 OF 4 PAGES

Camp SH

STATEMENT OF (b)(6), (b)(3), (b)(7)c TAKEN AT 102A DATED 21 FEB 2012

9. STATEMENT (Continued)

Q- Whose decision was it to burn all the books in the "get rid of pile" (b)(6), (b)(7)c  
A- (b)(6), (b)(3), (b)(7)c

Q- Did you brief your chain of command on your decision to take the books to the burn pit to get rid of them (b)(6), (b)(7)c  
A: No (b)(6), (b)(3), (b)(7)c

Q- Is taking contraband found in the DFIP the standard operating procedure to take the burn pit to get rid of it (b)(6), (b)(7)c  
A: Yes (b)(6), (b)(3), (b)(7)c

Q- Were you aware that there may be Korans or other religious materials in the get rid of pile (b)(6), (b)(7)c  
A: Yes (b)(6), (b)(7)c

Q- Did the interpreters believe all the materials in the get rid of pile were either contraband or radical Islamic materials (b)(6), (b)(7)c  
A: Yes (b)(6), (b)(3), (b)(7)c

Q- Who else was present when the decision to take the books to the burn pit was made (b)(6), (b)(7)c  
A: In the library - (b)(6), (b)(3), (b)(7)c (conversed about)  
- (b)(6), (b)(7)c (b)(6), (b)(3), (b)(7)c (b)(6), (b)(7)c & linguists  
- (b)(6), (b)(3), (b)(7)c (b)(6), (b)(3), (b)(7)c (Present)  
Outside Library - (b)(6), (b)(3), (b)(7)c End of Statement

AFFIDAVIT

I, (b)(6), (b)(3), (b)(7)c, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. 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)(6), (b)(3), (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 FEB 2012 at Camp Sabaku Haroon

(b)(6), (b)(7)c  
(Signature of Person Administering Oath)

(b)(6), (b)(7)c  
(Typed Name of Person Administering Oath)

Heretic 1310  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS  
ORGANIZATION OR ADDRESS

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

PAGE 4 OF 4 PAGES

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 (b)(6), (b)(3), (b)(2)c DATE (YYYYMMDD) 20120221 3. TIME (b)(6), (b)(3), (b)(7)c 5:02 FILE NUMBER (b)(6), (b)(3), (b)(7)c
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(3), (b)(7)c (b)(6), (b)(3), (b)(7)c 6. SSN (b)(6), (b)(3), (b)(7)c (b)(6), (b)(3), (b)(7)c
8. ORGANIZATION OR ADDRESS (b)(6), (b)(3), (b)(7)c
535 WPTBN, CAMP SABAUL-HARRISON

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

In addition to my previous statement on 21 FEB 2012 at 1029, I will answer the following questions.
Q- were the books clearly separated into a "get rid of" pile and a keep pile (b)(6), (b)(3), (b)(7)c
A: When I left the Library at 1800 hrs, the books were clearly separated into "Keep" and "not keep" piles (b)(6), (b)(3), (b)(7)c
Q- Who was tasked to load the books onto the LMT (b)(6), (b)(3), (b)(7)c
A: (b)(6), (b)(3), (b)(7)c from S2 was the only individual from the S2 Shop who was on shift at the time the books needed to be loaded and taken away. He was instructed to get help from the A-teams to load the books (b)(6), (b)(3), (b)(7)c
Q- Did (b)(6), (b)(3), (b)(7)c know which pile of books were to stay and which needed to go to the burn pile (b)(6), (b)(3), (b)(7)c
A: While I was not present when the final piles were established, when I left the Library at 1800 hours, (b)(6), (b)(3), (b)(7)c knew which pile was to be taken away. They were clearly separated from the rest, on the floor, by the exit to the Library (b)(6), (b)(3), (b)(7)c

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3), (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)(6), (b)(3), (b)(7)c TAKEN AT 1502 DATED 21 FEB 2012  
Camp Sabalan Harrison

9. STATEMENT (Continued)

Q- were there any ~~ANA~~ ANA present while the books were being separated? (b)(6), (b)(7)c

A- No. while the search was being done, only search team personnel entered the Library. We even switched (we meaning SD) the lock on the door to the Library and kept both keys, for the duration of the search (3 days) to ensure we were the only ones going in and out. (b)(6), (b)(3), (b)(7)c

Q- where in the DFIP were the book piles located when the LMTV was being loaded? (b)(6), (b)(7)c

A- To my knowledge, they were moved directly from the Library into the LMTV, which backed up to the gate by the smoking area outside escorts/VOTECH area. (b)(6), (b)(3), (b)(7)c

Q- when you met with (b)(6), (b)(3), (b)(7)c on the night of 20 FEB, did you tell him the books were sent to be burned? (b)(6), (b)(7)c

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

Q- was that the first time that he heard the books were going to be burned? (b)(6), (b)(7)c

A: This was the first time I personally told him and explained what I knew about the incident. I believe (b)(6), (b)(3), (b)(7)c mentioned he had already stopped by (b)(6), (b)(3), (b)(7)c room on the way to wake me up and informed him of a riot at the burn pit. (b)(6), (b)(3), (b)(7)c

Q- did (b)(6), (b)(3), (b)(7)c know of your plan prior to this? (b)(6), (b)(7)c

A: (b)(6), (b)(3), (b)(7)c knew the books were being taken out of the DFIP, however I do not believe he knew they were specifically going to the burn pit. (b)(6), (b)(3), (b)(7)c

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3), (b)(7)c PAGE 2 OF 3 PAGES

STATEMENT OF (b)(6), (b)(3), (b)(7)c TAKEN AT 1502 DATED 21 FEB 2012

9. STATEMENT (Continued)

Q Were any of the interpreters aware of the plan to burn the books? (b)(6), (b)(7)c

A: I believe so. They were present in the library during the search, and I remember talking about our intentions (taking the books to the burn pit). I cannot state for certain whether that message got across to all three of them. At a minimum, they knew they were (they meaning the books) being removed from the DFIP. (b)(6), (b)(3), (b)(7)c

End of Statement

AFFIDAVIT

I, (b)(6), (b)(3), (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

(b)(6), (b)(3), (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 FEB 2012

at Camp

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

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

(Typed Name of Person Administering Oath)

ARTUR B. GARCIA  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

**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>Bagram CID Office, AF, APO AE 09354</b>	2. DATE 21 Feb 1976	3. TIME 0846	4. FILE NO. (b)(6), (b)(3), (b)(7)c
5. NAME (Last, First, MI) (b)(6), (b)(3), (b)(7)c	8. ORGANIZATION OR ADDRESS  <b>535<sup>th</sup> Military Police Battalion,                  Bagram Airfield, AF, APO AE 09354</b>		
6. SSN (b)(6), (b)(3), (b)(7)c	7. GRADE/STATUS (b)(6), (b)(3), (b)(7)c		

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The investigator whose name appears below told me that he is with the United States Army **Criminal Investigation Command (CID)** as a **Special Agent** and wanted to question me about the following offense(s) of which I am suspected/accused **Failure to Obey a Lawful Order, Article 92 Violation** (b)(6), (b)(3), (b)(7)c

Before he asked me any questions about the offense(s), however, he made it clear to me that I have the following rights:

1. I do not have to answer any questions 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.

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.

**5. COMMENTS (Continue on reverse side)**

**Have you ever requested a lawyer after being read your rights in the last 30 days?** No (b)(6), (b)(3), (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 (b)(6), (b)(3), (b)(7)c

WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE  (b)(6), (b)(3), (b)(7)c
1a. NAME (Type or Print)	4. SIGNATURE OF INTERVIEWER  (b)(6), (b)(7)c
b. ORGANIZATION OR ADDRESS AND PH	
2a. NAME (Type or Print)	5. SIGNATURE OF INVESTIGATOR  (b)(6), (b)(7)c
b. ORGANIZATION OR ADDRESS AND PHONE	
6. ORGANIZATION OF INVESTIGATOR <b>Bagram CID Office, Bagram Airfield, AF, APO AE 09354</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.

**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."
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  - 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."

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- 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 on 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 THE SUSPECT/ACCUSED REFUSES TO SIGN THE 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 an entry 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 interrogations, 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 (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 OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

File Number: 0053-12-CID369

Location: Bagram Airfield, Afghanistan, APO AE 09354

Date: 21 Feb 12 (b)(6), (b)(3), (b)(7)c Time: 2004 (b)(6), (b)(3), (b)(7)c

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

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

Status: Reserve

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

Org/Address: 535<sup>th</sup> Military Police Battalion, Bagram Airfield, Afghanistan, APO AE 09354

(b)(6), (b)(3), (b)(7)c (b)(6), (b)(3), (b)(7)c want to make the following statement under oath:  
Suspicion about (b)(6), (b)(7)c and his use of the DFIP Library to pass notes to detainees first started with a SPOT report that came out of the SHU (Special Housing Unit). A linguist informed a US GF member that (b)(6), (b)(7)c (DFIP Librarian) told him to act like he is reading through the material and to give it to the detainee, even though he knows it looks bad (or words to that effect). I sent this SPOT report to TIG (Theater Intelligence Group) CI, and my Battalion Commander (b)(6), (b)(3), (b)(7)c TIG CI and BN S2 received authorization to enter the library to conduct a search for anything of intelligence value. This all occurred between 3 and 4 weeks ago. The search was to be a joint effort, between TIG CI, BN S2, and BDE S2. Since CI was busy with other things for a few weeks, we postponed the search until just recently. The search of the library began on Saturday, the 18<sup>th</sup> of February, 2012. Only a few CI personnel and their linguists worked on the search on the 18<sup>th</sup> and 19<sup>th</sup> (b)(6), (b)(3), (b)(7)c and I made spot checks throughout these two days but did not really take part in the search. On Monday, the 20<sup>th</sup> of February, (b)(6), (b)(3), (b)(7)c (b)(6), (b)(3), (b)(7)c from TIG CI came to BN S2 and said the search was going slow and his guys needed assistance. Starting at around 1300 hours, I went down to the library with (b)(6), (b)(3), (b)(7)c (b)(6), (b)(3), (b)(7)c from S2, to help out with the search (b)(6), (b)(3), (b)(7)c arrived later when his shift started around 1400 hours). When we got there, we met a linguist whom Brigade assigned to assist us with the search. We entered the library and began looking through books for anything of intelligence value. Unsure of what screening system CI personnel had going already (who were out to lunch), we started sorting through a small box of books. The system I used at first was to thumb through all the pages, looking for any notes or contraband written on small pieces of paper, or anything that had a significant amount of writing by detainees in them. If anything looked suspicious, I passed it along to the interpreter. According to the interpreter, most of the notes contained information like the following: detainee's name, detainee's ISN, capture province, cell number (within the DFIP), phone numbers, or little messages/poems that were not significant. At this point, the books were not separated into "keep" or "not keep" piles. After every book was searched for loose papers, significant amounts of writing, and contraband, the linguists went back through and checked the books for their content. Since I could not read anything written in Pashto, Dari, Arabic, or any other language other than English that was encountered, I could not make a determination of whether or not the book should be released back to detainees. This determination, again, was made by the interpreters. Prior to the books being sent away to the burn pit, I was (b)(6), (b)(3), (b)(7)c

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

PAGE 1 OF 4 PAGES

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

Exhibit \_\_\_\_\_

**SWORN STATEMENT**

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(b)(6), (b)(3), (b)(7)c not aware that any of the books that were to be destroyed were Holy Qu'rans. I understood the likelihood that religious material could have been placed in the pile to get rid of. However, if a linguist made the determination that a book was "extreme", or should not be given to detainees (religious or not) it went to the pile to get rid of. I cannot say for certain that all three linguists in the room were aware of the fact that the things they put in the "get rid of" pile would be burned later. The topic of burning the material deemed "extreme" or well worn (mold/mildew, pages falling apart) was discussed in the library on the third and final day of the search, with interpreters present, but again no one made it clear to them that the things they set in the "get rid of" pile would be burned. As for authorization to burn the material, no one gave me specific orders to do so. I was told by the Battalion Commander to "get rid of" the extremist material found in the DFIP library. It was left up to me to determine how I would "get rid of" the extreme material. In the absence of specific orders, I followed the S2 standard operating procedure. It is standard operating procedure for the S2 shop to burn any contraband we find in the cells, so I did not see this special project as anything different. There were so many books to get rid of in this case, we did not fill out our standard chain of custody forms for the books, or keep them for one month like we normally do with contraband (b)(6), (b)(3), (b)(7)c and I determined that the books placed in the "get rid of" pile needed to be disposed of on the same day the search ended. (b)(6), (b)(3), (b)(7)c was the only S2 Soldier whose shift was during the time that the S4 was making their run to the burn pit for the night. From what I have been told (b)(6), (b)(3), (b)(7)c from S4, pulled an LMTV truck up to the gate right outside escorts/VOTECH area so they could load the "get rid of" books to go to the burn pit. Since there were many books to go to the burn pit, (b)(6), (b)(3), (b)(7)c (b)(6), (b)(3), (b)(7)c was instructed to get the help of A-team soldiers to assist in loading. I left the search on the 20<sup>th</sup> of February at approximately 1800 hours because I wanted to eat dinner before a 1900 staff meeting. When I left the library at this time, there was a clear division of the books that were to be taken to the burn pit. Most of the books that were going to stay were actually placed back on the shelves. The books placed in the "get rid of" pile were all staged by the exit to the DFIP library in a single pile. I did not return to the library after the staff meeting. I returned to my office and checked my e-mail. There, I saw a message from (b)(6), (b)(3), (b)(7)c stating the search concluded at 1930 hours, and that the books would be loaded onto a truck for transport to the burn pit at 2100 hours. I left the DFIP at approximately 2030 hours, and went back to my room to go to sleep. It was not anyone's intent to maliciously destroy any sacred material. In our minds, we were looking to remove things that should not be in the DFIP. My intent was to brief my Battalion Commander on the findings of the search and the status of the contraband found first thing in the morning, which would have been the morning of the 21<sup>st</sup> of February. However, I was woken up by (b)(6), (b)(3), (b)(7)c night shift battle captain, at approximately 0030 hours on the 21<sup>st</sup> of February, which is when he informed me there was a riot at the burn pit when the Soldiers took the "get rid of" books for destruction. This is when I first learned that some of the books were labeled Qu'rans. He also informed me that (b)(6), (b)(3), (b)(7)c (b)(6), (b)(3), (b)(7)c wanted to speak with me. I met with (b)(6), (b)(3), (b)(7)c and told him what I knew. After that, I went to the Brigade Conference room and waited to speak with the 15-6 investigating officer, (b)(6), (b)(3), (b)(7)c

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

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

PAGE 2 OF 4 PAGES

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

Exhibit \_\_\_\_\_

**SWORN STATEMENT**

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

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

Q: At anytime were you made aware that some of the books deemed contraband were Qur'ans?

A: No.

Q: At anytime did any of the linguists or (b)(6), (b)(3), (b)(7)c tell you that the books contained religious information?

A: Yes. The linguists stated that some of the material was jihadists, and some extreme jihadists prints. I cannot recall at anytime that a linguist came out and said this book is religious and cannot be burned. The linguists also told me that the books should not be returned to the detainees.

Q: At anytime did you instruct (b)(6), (b)(3), (b)(7)c to burn any Qur'ans?

A: No.

Q: To your knowledge did anyone provide orders to (b)(6), (b)(3), (b)(7)c or (b)(6), (b)(3), (b)(7)c to burn any Qur'ans?

A: No.

Q: What were the orders given to (b)(6), (b)(3), (b)(7)c

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

A: To load the books that were in the get rid of pile onto the truck, take them to the burn pit, and get rid of them.

Q: What kind of training did you receive pertaining to the Qur'an?

A: They drilled into our heads cultural awareness at all times. I was made aware of all considerations when it came down to the Qur'an.

Q: Did you know it was a violation of the General Orders to burn the Qur'an?

A: No.

Q: What was your intent in burning the collected contraband from the library in the DFIP?

A: To remove the extremist's materials from the DFIP.

Q: If you would have known some of the books were Qur'ans, how would you have handled the books?

A: I would have placed them into a connex and locked them up. I would have then turned them over to the right authorities.

Q: What does your SOP state about burning contraband?

A: Our internal S-2 SOP states that all contraband will be burned at the burn pit after one month.

Q: According to your internal SOP, why weren't the books held in storage for the one month period prior to being burned?

A: There were too many books for us to store in our office.

Q: Who came up with the decision to burn the books prior to the one month period?

A: Myself, (b)(6), (b)(3), (b)(7)c sat down and discussed what we should do with the books. During the discussion there were no complaints about getting rid of the books. I made the decision to burn the books.

Q: In your SOP, you place any confiscated items onto a DA Form 4137 Evidence Property Custody Document. Why were the books not placed onto a DA Form 4137? (b)(6), (b)(3), (b)(7)c

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

PAGE 3 OF 4 PAGES

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

Exhibit \_\_\_\_\_

**SWORN STATEMENT**  
~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

(b)(6), (b)(3), (b)(7)c A: It was not traditional contraband that was collected from a detainee or out of a cell. It did not even cross my mind to place the books onto a DA Form 4137.

Q: Do you know how many books were collected as contraband from the Library?

A: Between 750 to 1000 possibly. I was not there for the final loading of the LMTV nor did I see the finalized pile of the get rid of books.

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

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

**AFFIDAVIT**

I, (b)(6), (b)(3), (b)(7)c have read or had read to me this statement which begins on page 1 and ends on page 4. 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)(6), (b)(3), (b)(7)c  
\_\_\_\_\_  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this 21st 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)(6), (b)(3), (b)(7)c  
PAGE 4 OF 4 PAGES

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Exhibit \_\_\_\_\_

### 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 Camp Sabalu-Harrison, Bagram Airfield	2. DATE (YYYYMMDD) 2012/02/24	3. TIME 1425 hours	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(3), (b)(7)c	6. SSN (b)(6), (b)(3), (b)(7)c	7. GRADE/STATUS (b)(6), (b)(3), (b)(7)c	

8. ORGANIZATION OR ADDRESS  
535th MP Battalion, Camp Sabalu-Harrison, Bagram

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

BG Watson read me my rights, which I waived and then swore me to my statement at 1425 hours on 24 February 2012, (b)(6), (b)(3), (b)(7)c

Q) You are the (b)(6), (b)(3), (b)(7)c? A) Yes, (b)(6), (b)(3), (b)(7)c

Q) Who do you answer to directly? A) My boss is the Executive Officer, (b)(6), (b)(3), (b)(7)c

Q) We are confused who directs your activities?

A) Most guidance comes from Battalion Commander but I work closely with Brigade S2, Theater Intelligence Group and CI, (b)(6), (b)(3), (b)(7)c

Q) Regarding search, you knew of the operation? A) Yes, (b)(6), (b)(3), (b)(7)c

Q) Did you direct? A) I saw the SPOT report regarding suspicion; when I got the report then I forwarded it to CI, (b)(6), (b)(3), (b)(7)c

Q) Reports suspected that (b)(6), (b)(7)c was passing messages between detainees? A) Yes, (b)(6), (b)(3), (b)(7)c

Q) Did you recommend search or authorize? A) Recommended to the Battalion Commander, (b)(6), (b)(3), (b)(7)c

Q) Battalion Commander authorized, was the CI involved as well? A) Yes, (b)(6), (b)(3), (b)(7)c

Q) What was criteria? And guidance for the search? A) Not specific, believe librarian using books to pass notes between detainees, (b)(6), (b)(3), (b)(7)c

Q) No specific guidance, just search? A) Yes, (b)(6), (b)(3), (b)(7)c

Q) So you received no guidance; did you give guidance? A) No, not involved in search first few days, CI was in charge, (b)(6), (b)(3), (b)(7)c

Q) You recommend, Battalion Commander authorizes but the search is conducted by someone not in the unit? A) Yes, the people that executed search are in another unit, (b)(6), (b)(3), (b)(7)c

Q) What were you looking for specifically? A) Not involved first 2 days because not my team; 3rd day, Chief of CI said they needed more help; this was around 1300 and the team was at lunch. When returned, I asked. Told that we are looking for books with significant writing or notes. Linguists were going through the whole time looking for radical in nature materials, (b)(6), (b)(3), (b)(7)c

Q) Who was making the decision in segregating books? A) The three linguists, (b)(6), (b)(3), (b)(7)c

Q) The physical layout, books with writing, what was being done with them. Put aside or put on shelf? A) A lot of pictures were being taken; if no writing, they were put back on shelf, (b)(6), (b)(3), (b)(7)c

Q) Books with writing were set aside to be looked at by linguists? A) Yes, to be looked at by a linguist, (b)(6), (b)(3), (b)(7)c

Q) Then what? A) Linguist then decides which pile, no piles just pile or back on shelf. When I left there were books on the floor by the door, (b)(6), (b)(3), (b)(7)c

Q) When separating books, did you know any were Korans? A) No, (b)(6), (b)(3), (b)(7)c

Q) Linguist did not tell you they were Korans? A) No, (b)(6), (b)(3), (b)(7)c

Q) After search, what was the plan? A) I was not present, the plan was for a truck to come to library and load books, (b)(6), (b)(3), (b)(7)c

Q) Why 2100 hours? A) That is the normal burn pit run, (b)(6), (b)(3), (b)(7)c

Q) You knew they were going to the burn pit? A) Yes, (b)(6), (b)(3), (b)(7)c

CONTINUED ON NEXT PAGE

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3), (b)(7)c	PAGE 1 OF 3 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)(6), (b)(3), (b)(7)c TAKEN AT 1425 hours DATED 2012/02/24

9. STATEMENT (Continued)

- Q) Did linguist know this? A) It was discussed with linguists present but not clear if they knew. It was contraband, per our S2 battle drill, that is what we do with contraband. (b)(6), (b)(3), (b)(7)c
- Q) What is the SOP? A) Logged and locked in drawer for a month. (b)(6), (b)(3), (b)(7)c
- Q) Why? A) So anyone can see or pull if needed. (b)(6), (b)(3), (b)(7)c
- Q) Was log done for this contraband? A) No. (b)(6), (b)(3), (b)(7)c
- Q) Was there an intent to hold as per SOP? A) No. (b)(6), (b)(3), (b)(7)c
- Q) What is the SOP for handling Koran? A) I have not seen it, I know we are to respect it, non Muslims are not allowed to touch it. (b)(6), (b)(3), (b)(7)c
- Q) Have you been trained on handling Koran's? A) Informed of the process, some info given as a brief, has "airbase". (b)(6), (b)(3), (b)(7)c
- Q) Did your BDE or BN CDR tell you to burn? A) No. (b)(6), (b)(3), (b)(7)c
- Q) Who told you? A) Battle Drill by SOP, not physically at conclusion but S2 NCOIC. (b)(6), (b)(3), (b)(7)c
- Q) Does battle drill say burn immediately or wait for 30 days? A) Wait 30 days with one exception; if too large it can be taken immediately to burn. (b)(6), (b)(3), (b)(7)c
- Q) You are involved and search and you know plan for material, did you know any of the books were Holy Korans? A) No. (b)(6), (b)(3), (b)(7)c
- Q) Did any interpreters say these are Koran's? A) No. (b)(6), (b)(3), (b)(7)c
- Q) Was there a plan to disguise or hide? A) Yes, more for the librarian not others. (b)(6), (b)(3), (b)(7)c
- Q) How many from your team involved in search? A) 4 from my team. Myself, NCOIC, analyst and collector. (b)(6), (b)(3), (b)(7)c
- Q) How many people total? A) 9 U.S. and 3 Linguists. My sergeant coordinated and ordered books to be burned. (b)(6), (b)(3), (b)(7)c
- Q) How many books? A) When I left, there were 300 to 400 books. (b)(6), (b)(3), (b)(7)c
- Q) Clarification- first 2 days search was done by CI team, 3rd day do they ask for more help and that's when you came to help? A) Yes. (b)(6), (b)(3), (b)(7)c
- Q) Your team was in the library from when to when? A) 1300 to 1900 hours approximately on third day. (b)(6), (b)(3), (b)(7)c
- Q) Why did they ask for help? A) It was slow going and they wanted more bodies to help, nothing to do with (b)(6), (b)(7)c, (b)(3), (b)(7)c
- Q) Did you tell (b)(6), (b)(7)c that you were searching books? A) No, just cleaning. (b)(6), (b)(3), (b)(7)c
- Q) Did you discuss anything about (b)(6), (b)(7)c? A) No. (b)(6), (b)(3), (b)(7)c
- Q) Why were books not kept for 30 days? You disrespected the holy book and your own SOP, do you think you are responsible? A) Yes, I am responsible. (b)(6), (b)(3), (b)(7)c
- Q) You had no idea that books were Koran's? A) No. (b)(6), (b)(3), (b)(7)c
- Q) Did you ask if any were Koran's? A) No. (b)(6), (b)(3), (b)(7)c
- Q) Is it reasonable to ask? A) Yes. (b)(6), (b)(3), (b)(7)c
- Q) Why did you not consult (b)(6), (b)(7)c? A) He was under suspicion. (b)(6), (b)(3), (b)(7)c
- Q) If there is respect for library and books in there, why wasn't there more care taken? A) There should have been. (b)(6), (b)(3), (b)(7)c
- Q) Is this normal adherence to the SOP or exception? A) No, it was because of the volume. (b)(6), (b)(3), (b)(7)c
- Q) Did anyone warn you not to burn the books? A) No-many people seemed to think it was OK; Battalion Operations S3, Chief CI, S2 Non-Commissioned Officer in Charge. (b)(6), (b)(3), (b)(7)c

Burning of your holy book was not intentional; I can only read English and I don't know what a Koran looks like and I did not personally segregate any books; it was done by linguists.

END OF STATEMENT 1552hrs 24 Feb 2012.

STATEMENT OF (b)(6), (b)(3), (b)(7)c TAKEN AT 1425 hours DATED 2012/02/24

9. STATEMENT *(Continued)*

AFFIDAVIT

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

*(Signature of Person Making Statement)*

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of February, 2012 at Camp Sabalu-Harrison, Bagram

*(Signature of Person Administering Oath)*

Brigadier General Bryan G. Watson  
*(Typed Name of Person Administering Oath)*

Article 136  
*(Authority To Administer Oaths)*

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

CSA 42dMPDUE  
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

24 February 2012

Interview of

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

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

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

(b)(6), (b)(3), (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 I answer to (b)(6), (b)(3), (b)(7)c the Battalion (b)(3), (b)(6), (b)(7)c Most of my guidance comes directly from the Battalion Commander, 535th.

I was aware of the library operation. Initially, I saw the spot reports about (b)(6), (b)(7)c I saw intel reports from the battle desk operations. Anytime you get a report that you think involves insider threats, it is forwarded to the CI (counter intelligence). I believed that (b)(6), (b)(7)c was involved in insider threats. I recommended a search to the battalion commander. The battalion commander authorized the search and I told him that CI was involved as well. The battalion commander did not give me specific instructions on what to look for; he said look for anything of intel value. I was under the impression I only needed the battalion commander's authorization.

I did not issue any guidance on the search and its limits. I was not involved with the search for the first two days. I only dropped in from time to time. But CI did the search. The initial request came from a person within the command at CI, and I took the request to the battalion commander. The people doing the search came from another unit.

The search lasted three days. Again, I was not involved in the first two days. It was not my team, it was the CI. In the afternoon of the third day, the Chief, CI came to me and said he needed additional help. I went down at 1300 hours and the team who was already working was at lunch. When they returned, I asked what they were looking for in the library. They informed me they were searching for books with significant amounts of writing and notes stuffed in the pages. They did not debate about what was in the books; that was left up to the linguists.

On the third day, we were not only looking for messages but also radical materials; we were looking at the nature of the books on the third day. I am not sure if the decision to conduct a search for radical materials was made before I got there, but the linguist was going through the books and looking. The three linguists present were making the decisions about which books were of a radical nature. We took a lot of pictures at first. We would take a picture, and then set

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the books aside so linguists could look at them later. If there was no writing in the book, it was put back on shelf for linguists to look at the content.

There was no system in place. Some books were set aside to be looked at by the linguist, and some books with no writing on them went back on the shelf. The linguists would make their choice and decide which pile to put the books in. If the book wasn't placed in a pile, they put the book back on the shelf. I am not certain, but I assume that if the radical book was part of a set, they would take out all the volumes of that set. I don't know the linguists' system.

All the books on the floor were to be removed because of writings or the radical nature of the writing in the books. When I left, all the books on the floor by the exit were staged to be removed. I did not know if any of the books were Qurans. The linguists did not tell me any of the books were Qurans.

I was not physically present for the conclusion of the search, but the plan was for a truck to be loaded with books and go to the burn pit at the normal run time. The plan was discussed with all of the linguists present, but I don't think anyone looked them in the eyes and said, "These books will be burned later." The books were identified as contraband. That is why they would be burned per SOP (standard operating procedure). The SOP for collecting and disposing of contraband is to log anything that comes from a cell on a Form 4137; then it is locked in a drawer for a month. The purpose of the log is that if anyone wants to see the contraband, we keep it so anyone can come back and pull it. No, there was not a log done for this contraband. There was never an intent to hold this contraband.

If there is a DFIP (Detention Facility in Parwan) SOP for the handling of Qurans, I haven't seen it. I know we are supposed to respect the Quran and any non-Muslim is not supposed to touch it. There was a very informal training process on the handling of the Quran during the RIP (relief in place), and the S2 NCOIC (Noncommissioned Officer in Charge), told me not to touch it and not even walk over it.

No, the battalion or brigade commander did not tell me this material was to be burned in the burn pit. To come to this decision, I referred to the S2 battle drill, that was our source document. I was not present at the conclusion of the search, but more than likely it was (b)(6), (b)(3), (b)(7)c (b)(3), (b)(6), (b)(7)c. The battle drill is our standard procedure. There are exceptions in the battle drill for large items to go immediately to the burn pit. We only have a small drawer for evidence.

Yes, I was involved in the search and knew the plan beforehand concerning what was to happen to the material.

I did not know any of the materials on the floor for removal were Qurans. I was not 100% sure Qurans were in the library. I cannot read the language. I knew there were religious materials there. The interpreters never said any of the books were Qurans.

There was a plan to disguise or hide the removal of the books from the local nationals and the ANA (Afghan National Army), but the reason was to keep away from the librarian himself. So

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they thought that the books were going into long-term storage. I was not there when the books were being carried out.

Myself, the [redacted] (b)(3), (b)(6), (b)(7)c an analyst and a collector were present during the segregation of the books. They are all my soldiers and not part of the CI team. There were more people there. People came and went, but there were about nine U.S. and three linguists, (b)(6), (b)(7)c plus two other linguists. Yes, the order to carry the books to the burn pit was my SGT. My NCOIC coordinated the truck and driving the books to the burn pit. I was not there for the final hour and a half, but before I left, I would estimate 300-400 books were separated for removal. It is my understanding there were more than that.

I was not there the first two days. The first time my personnel entered the library was on the third day. The CI team is part of TF (Task Force) Viper and not the 535th. My team came in to help on the third day. My team was present in the library from 1300 or 1400 hours until the search concluded at 1930 hours on the third day. [redacted] (b)(6), (b)(7)c was told that they were cleaning the library and he couldn't come back until it was done.

I am responsible for everything my Soldiers do, but my [redacted] (b)(3), (b)(6), (b)(7)c gave the Soldiers specific instructions to take the books to the burn pit. No, I did not ask if there were Qurans. It was reasonable to ask, but I did not.

The battalion commander did not know specifically that the books would go to the burn pit. He gave guidance to get rid of the books and I took the SOP for guidance on the procedures of contraband, which was to take it to the burn pit.

No, a translator never told me there were Qurans or religious books there.

There should have been more care taken to pull out and respect the Qurans.

[End of interview.]

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Interview of

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

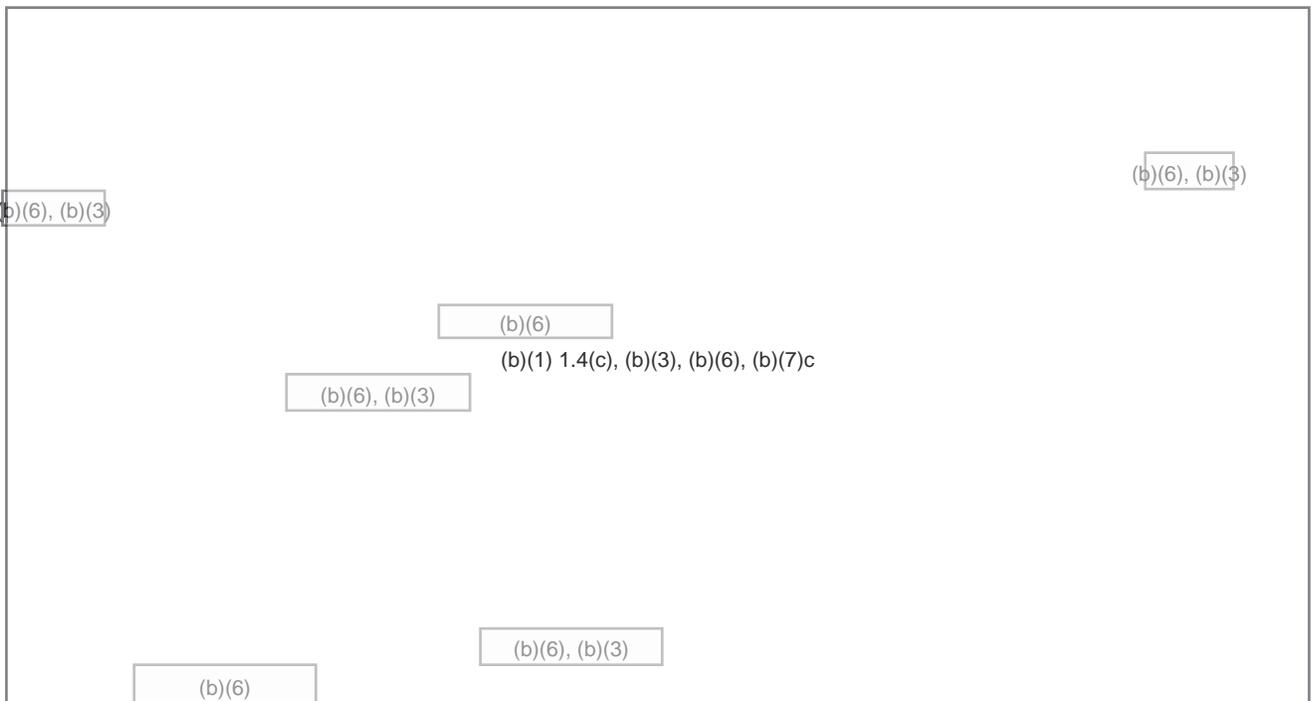
[BG Watson advised (b)(6), (b)(3), (b)(7)c of his UCMJ, Article 31 rights for possible violations of UCMJ Article 92, dereliction of duty, Article 107, false official statement, and Article 134, service discrediting conduct (b)(6), (b)(3), (b)(7)c. (b)(6), (b)(3), (b)(7)c waived his right to counsel and agreed to make a statement.]

[BG Watson administered the oath to (b)(6), (b)(3), (b)(7)c

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

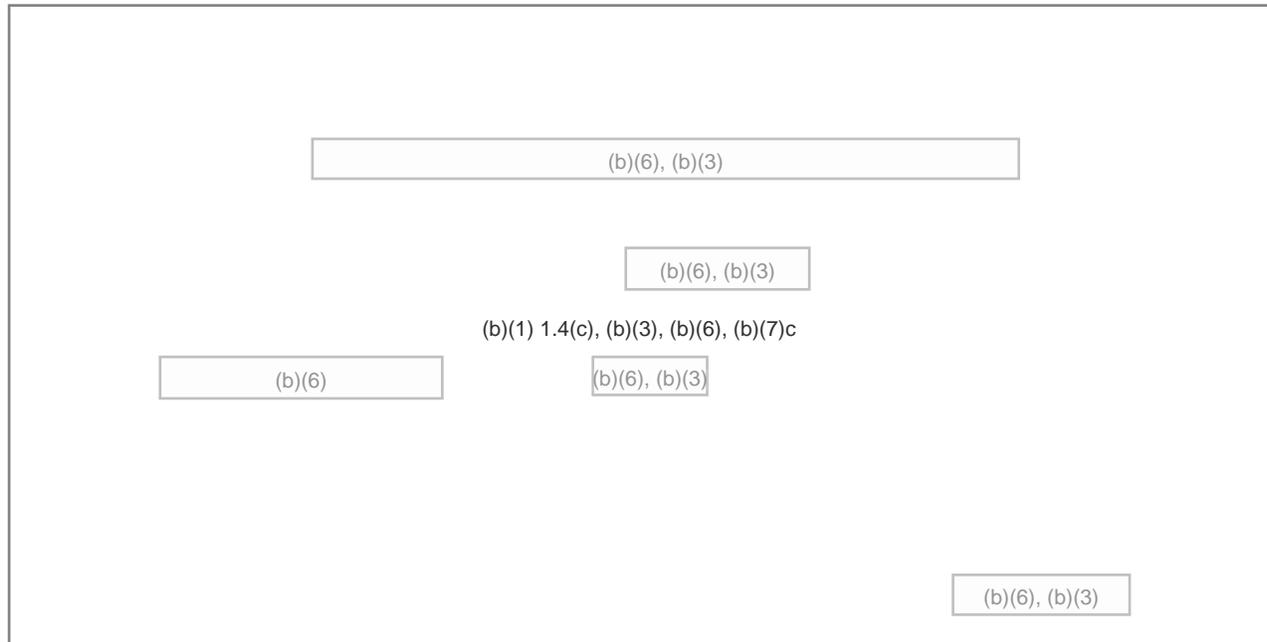
**U.S. Army, first being duly sworn, did testify in substance as follows:**

I had a conversation with (b)(6), (b)(3), (b)(7)c about the library about two or three weeks before the actual search happened, and we thought it was a good idea to go into the library to conduct a search. By that time, it was just a thought; I knew I had to run it by the battalion commander. A lot of people had suspicions about the librarian because of his access and placement, building up over time. Ever since we got here, people do not like the way he looks, people said “he looks like a terrorist.” And then I received questions like, “Who manages his contract?” or “Who does he work for?” Our initial suspicions came up when the old brigade told us that he had a Top Secret clearance; we went back and found that he did not have clearance at all. We were told to leave him alone because he was a nice guy and does a good work.



I coordinated with the operations officer, he told me to take the time I needed. I also coordinated with (b)(6), (b)(3), (b)(7)c the NCOIC [noncommissioned officer in charge] of the A team because we were

Interview of (b)(6), (b)(3), (b)(7)c  
26 February 2012



I share everything that comes to me with (b)(6), (b)(3), (b)(7)c but I do not recall having a conversation about getting rid of the extremist material of the library.

There were a lot of people that last day of search, Monday. At 1300 hours, there were (b)(3), (b)(7)c (b)(6), (b)(3), (b)(7)c a linguist supplied by brigade, whose last name I think is (b)(3), (b)(7)c and I. The next people I remember walking in were (b)(6), (b)(3), (b)(7)c (b)(6), (b)(7)c (b)(6), (b)(3), (b)(7)c (b)(6), (b)(3), (b)(7)c (b)(6), (b)(3), (b)(7)c the one who actually went to the burn pit, and (b)(6), (b)(3), (b)(7)c Up to fourteen people that I can recall.

I did not know what I was looking for when I got there. I remember asking a question to (b)(6), (b)(3), (b)(7)c who had been there for the previous two days. I asked her, “Hey, what is your system? What are you looking for? Which books have been searched already?” She said, “Every book with a bottle of water on top of it means that those have been searched through.” At that point in time, I do not remember seeing any books that were separated. I remember clearly that (b)(6), (b)(3), (b)(7)c said, “Ok, there is a better way we can use the linguists. I want all of the linguists to be centrally located, and if you have something that you want the linguists to look at, you just hand off to them”.

At some point during that afternoon, the decision was made to start separating the extremist material. Up to that point, to my knowledge, all the books were going back on the shelves. I cannot remember at what point the books were starting to be separated as extremist to get rid of. We started to have piles of books that we were going to get rid of and that we were going to burn. I remember having that conversation with (b)(6), (b)(3), (b)(7)c and he agreed. The linguists were not upset when we were talking about burning the books, and if they were, nobody brought that issue to me. I did not ever feel like I had any objection from anybody that burning it was a bad idea; it seems like everyone was agreed.

Interview of [redacted] (b)(6), (b)(3), (b)(7)c  
26 February 2012

I departed at 1800 hours because I had a Staff Call at 1900 hours, and I wanted to get some food before I went in there. Prior to the meeting starting, I talked to [redacted] (b)(6), (b)(3), (b)(7)c and I told him that we found a lot of extremist stuff, and we were taking it to the burn pit; that I remember. I mentioned that we were going to take the extremist materials to the burn pit to [redacted] (b)(6), (b)(3), (b)(7)c and may be [redacted] (b)(6), (b)(3), (b)(7)c. None of them showed any resistance on taking the materials to the burn pit.

[End of the interview]

4 March 2012, 2108 hours

Interview of

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

[At 2108 hours, BG Watson advised (b)(6), (b)(3), (b)(7)c that the interview was being recorded. At 2109 hours, (b)(6), (b)(3), (b)(7)c stated he had conferred with legal counsel and was advised not to make any additional statements until his counsel had the opportunity to review his previous statements.]

[Interview terminated at 2109 hours.]