

SWORN STATEMENT

Date: 23 February 2012 (b)(6), (b)(3), (b)(7)c **Time:** 1947 (b)(6), (b)(3), (b)(7)c
Location: Bagram CID Office, Bagram Airfield, Afghanistan, APO AE 09354
Name: (b)(6), (b)(3), (b)(7)c
SSN: (b)(6), (b)(3), (b)(7)c
Status: Reserve
Org/Address: 535th MP BN, Camp Sabalu-Harrison, 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:
 On 20 Feb. 2012 at approximately 1830 hours I was approached by (b)(6), (b)(3), (b)(7)c in the IRF Team office and was asked how many people we had working on the night shift. I told him that we had (b)(1) 1.4(a) but I wasn't sure and asked why. He said that there were some contraband books in the library that needed to be loaded onto the back of a truck about 2100. I said ok that I would let the rest of the guys know and we will get it taken care of. At approximately 2125 an S-2 representative and two supply personnel arrived and said they were ready to load the books, so we proceeded to do just that. We had everything loaded except about three stacks of books when the ANA started walking outside and watching us. We had just finished loading the books when an interpreter approached us and said that the ANA told him that we were throwing out Qurans. Before we could address this situation we saw approximately 15 ANA walking with a purpose down the hallway towards us. So we had the truck leave and we locked the gate. We informed the interpreter and the ANA that as far as we knew all we had moved were contraband books and they needed to address this situation with Operations. We returned to our office to begin work on our daily tasks. At approximately 2150-2200 we were approached by Operations and told that there may in fact have been Qurans within those stacks of books and that we needed to track down the truck. Myself and (b)(6), (b)(3), (b)(7)c retrieved the shop Hummvee and drove all around BAF looking for the truck. When we were unable to find it we returned to Operations and were informed that the truck was at the supply warehouse and that all the books had been placed in tri-wall containers and put into a connex. After hearing this we went back to our office (b)(6), (b)(3), (b)(7)c
 Q. (b)(6), (b)(7)c
 A. (b)(6), (b)(3), (b)(7)c
 Q: Is the above narrative in your words?
 A: Yes.
 Q: Who is (b)(6), (b)(3), (b)(7)c?
 A: He is the S-2 NCOIC.
 Q: What is the IFR Team?
 A: Immediate Reaction Force, we do communal cell extractions.
 Q: What did (b)(6), (b)(3), (b)(7)c say regarding the books he wanted you and the IRF Team to move?
 A: He said they were contraband and they were being taken to the burn pit.
 Q: Who were the supply personnel and S-2 personnel that showed up with the truck for the books to be loaded into?
 A: (b)(6), (b)(3), (b)(7)c
 Q: Describe the area the books were located at?
 A: Inside the DFIP library stacked up on the floor.
 Q: About how many books were there and how many stacks?
 A: Approximately 20 stacks totaling approximately 200-300 books.

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

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Exhibit _____

STATEMENT OF: [redacted] (b)(6), (b)(3), (b)(7)c

(Continued)

DATED: 23 February 2012

Q: Did you see what the books were of or recognize any writings on the books?

A: No, I don't understand the language and I didn't recognize any of them.

Q: Were any of the books in English or have English translation on them?

A: I didn't see any English.

Q: What is an ANA?

A: Afghanistan National Army Soldier.

Q: When the first ANA approached you what did he say or do?

A: He did not approach us, he only stood at a distance and watched us.

Q: Did you recognize the ANA or know who he was?

A: I know he worked in escort, which they conduct detainee movements inside the DFIP.

Q: When the ANA interpreter approached you what were his actions?

A: He told us the ANA Soldiers stated that we might be throwing away Qurans.

Q: Who is the ANA interpreter that approached you?

A: He works for escorts. I do not know his name.

Q: Do you know what a Quran looks like?

A: I do not.

Q: What happened when Operations contacted you about tracking down the truck?

A: Myself and [redacted] (b)(6), (b)(3), (b)(7)c got into a Humvee and drove to the two different Incinerators on BAF, but were unable to locate the truck.

Q: Who is [redacted] (b)(6), (b)(3), (b)(7)c

A: He is the assistant Team Leader for night-shift IRF team.

Q: Who from Operations contacted you and [redacted] (b)(6), (b)(3), (b)(7)c about stopping the truck?

A: [redacted] (b)(6), (b)(3), (b)(7)c

Q: Who is [redacted] (b)(6), (b)(3), (b)(7)c

A: He was the acting Battle Captain for the night shift.

Q: What did [redacted] (b)(6), (b)(3), (b)(7)c say directly to you about what types of books these were?

A: He didn't differentiate and he only said they were contraband.

Q: Do you have anything else you wish to add to this statement?

A: No **///End of Statement///** [redacted] (b)(6), (b)(3), (b)(7)c

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

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Exhibit _____

STATEMENT OF:

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

(Continued)

Case Number: 0053-12-CID369-76040

DATED: 23 February 2012

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 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

Subscribed and sworn to before me, a person authorized by law to administer oath, on 23 February 2012, at (b)(6), (b)(7)c Bagram Airfield, APO, AE 09354

(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 Oaths)

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

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Exhibit _____

3 March 2012, 1607 hours

Interview of

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

[At 1608 hours, 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. At 1610 hours, (b)(6), (b)(3), (b)(7)c waived his right to counsel and agreed to make a statement.]

[At 1611 hours, 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 am (b)(6), (b)(3), (b)(7)c I am assigned to the 535th Military Police battalion. I currently work in the training section; but at the time of the incident, I was a member of the night shift on the IRF [Immediate Response Force] team. I have worked in that position since 31 October 2011 when we arrived in Afghanistan. On the night of the incident, the personnel working on the IRF were myself, (b)(6), (b)(3), (b)(7)c.

This is my second deployment. My first deployment was to Iraq. Prior to deploying we did some cultural awareness training. It included a handful of classes on the Afghan people, how to approach them, how to talk to them, don't show the bottom of your feet, what hand to shake with. I never recall ever seeing a Quran, so I can't say I've ever been taught what they look like.

I arrived on shift at approximately (b)(1) 1.4(a) hrs, and the shift actually began at (b)(1) 1.4(a) hrs. I was approached by (b)(6), (b)(3), (b)(7)c at about (b)(1) 1.4(a) and he informed us that he was going to need our help loading books onto a truck at about 2130 hours. He came to the office to talk to us. (b)(6), (b)(3), (b)(7)c had asked me how many people were on shift; I told him we had about (b)(1) 1.4(a) coming on shift that night. He just said there was some contraband that needed to be taken out of the facility, and he needed us to load it onto the bed of the truck for him. I told him I would let the rest of the night shift know and that we would take care of it for him. He did not provide any more details other than that the contraband was to be placed in the back of the truck and that the truck was going to the burn pit. I spoke to the rest of the team that night. (b)(6), (b)(3), (b)(7)c was in charge of the shift that night and (b)(6), (b)(3), (b)(7)c was his assistant. I believe (b)(6), (b)(3), (b)(7)c spoke to (b)(6), (b)(3), (b)(7)c but (b)(6), (b)(3), (b)(7)c was already gone by the time (b)(6), (b)(3), (b)(7)c got to the office. A detail of this nature is not out of the ordinary for our team to perform. There were no instructions given to us to avoid local nationals or ANA [Afghan National Army].

I assumed this was a special run to the burn pit. Our team has never been called to assist with the removal of contraband items before, and I have never been on a burn pit run, but it is not unusual for the IRF to help with details like this.

The truck arrived at the library at about 2125, and (b)(6), (b)(3), (b)(7)c let us into the library. (b)(6), (b)(3), (b)(7)c did not give us any new information; he just said we needed to load the contraband onto the truck. I stayed just outside the door and other personnel handed me the contraband

3 March 2012 at 1607 hours

items. Personnel were passing off books initially, but that was taking too long, so we tried to use a wheelchair, but that wasn't any faster. We ended up using empty trash cans to move the contraband. I made one trip from the library to the truck, and the rest of the time I stayed at the truck and loaded the contraband onto the truck. I believe approximately 700-1000 books were loaded onto the truck. There were a handful of them for sure. We started loading the truck at about 2125 hours, and we were done loading them by 2150 hours. (b)(6), (b)(3), (b)(7)c were with me out at the truck the whole time, and the rest of the detail was there periodically as they were making trips out to the truck.

We were not trying to hide anything that we were doing from the ANA; everything we did was out in the open. One of the guys said we had about 3 stacks left; and at that point, we noticed that there were 2 ANA that had come out of the escort office to see what we were doing. By the time we finished loading, all of the ANA had come out of the escort office. I was approached by a linguist who told me that we might be throwing out Qurans. By this time, about 15 more ANA were coming out of the office. I did not have time to address the issue, so I closed the gate and told the truck to leave. The ANA gathered outside the escort office just seemed to be standing there watching; but the additional ANA coming out of the escort office seemed to be a little excited and upset. (b)(6), (b)(3), (b)(7)c were talking to the ANA. I was not listening to their discussion because I was watching the ANA that were moving in around us. At that point, I was concerned about the safety of the people in the truck, so we closed the gate and told the people to move. I don't know what was told to the ANA about where the truck was going. When the truck left, a couple people sat down to smoke and the rest of us remained standing and tried to make sure the ANA didn't move behind us. (b)(6), (b)(3), (b)(7)c went inside to tell OPS what was happening while (b)(6), (b)(3), (b)(7)c was speaking to the (b)(6), (b)(7)c. The (b)(6), (b)(7)c came out and was told by (b)(6), (b)(3), (b)(7)c to go speak to operations. The ANA walked away with the Colonel; they went to operations about 5 minutes later.

We watched the ANA Colonel and ANA personnel go back toward operations, and I returned to our office. (b)(6), (b)(3), (b)(7)c, the acting battle captain, came to our office and asked what had happened and what we had all done. We told him we had been tasked to move contraband out of the library and onto the truck when the ANA approached us and a linguist told us they may have been Qurans. I told the (b)(3) that we were approached by the ANA, and we were concerned for the truck and had it leave. The (b)(3) left our office but called about 5 minutes later and told us to go and find the truck and bring it back. (b)(6), (b)(3), (b)(7)c and I retrieved a HMMWV and went to both incinerators on the base but did not find the truck. We tried the incinerator closest to our office first, but it was closed down, so we went to the other one on the other side of BAF. We went straight to operations and told them that we couldn't find the truck, but we were told by operations that the truck went to storage and we could go back to our office. We don't have radios that will work outside our facility, so we were not able to communicate with anyone while we were out at the incinerators.

There was never any discussion while we were loading the contraband onto the truck about the materials being Qurans. There were 2 ANA outside smoking, but they were just watching us load the truck. They did not say anything to us, and they did not seem excited about our actions

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

3 March 2012 at 1607 hours

or what we were loading onto the truck. There was never any mention of Qurans until we were done loading the truck and the linguist approached us.

I have never been inside the library. I was not aware that a search was being conducted in the library in the days prior to the incident. There was no talk among the team that a search was being conducted or anything that was found in the library.

We've had some discussion among the team about the incident after the fact. I have attended meetings with (b)(6), (b)(3), (b)(7)c since the incident but have never really discussed the incident with either (b)(6), (b)(3), (b)(7)c

To summarize, (b)(6), (b)(3), (b)(7)c is the person who approached us to ask for the detail to take the load out of the library. (b)(6), (b)(3), (b)(7)c told us the contraband was going to the burn pit. (b)(6), (b)(7)c did not say the books were religious in nature. (b)(6), (b)(3), (b)(7)c did not tell us to keep the books hidden from the ANA. At the end of the loading, a linguist approached us and told us there may be religious material in the books. The ANA that approached with the linguist were upset by what they saw. Our actions to remove the truck from the scene were not motivated because there may have been religious materials on the truck; our actions to remove the truck were to safeguard the Soldiers in the truck. (b)(6), (b)(3), (b)(7)c was part of the IRF detail that loaded the contraband onto the truck. When the linguist said there may be religious material and the ANA were coming down the hallway toward us and (b)(6), (b)(3), (b)(7)c (b)(6), (b)(3), (b)(7)c said he was going to tell operations what was happening. After the truck departed, (b)(6), (b)(3), (b)(7)c came out, and we rendered a report to him about what happened, to include the fact the linguist said there might be religious material on the truck. About 5 minutes later, we received a phone call from (b)(6), (b)(3), (b)(7)c to stop the truck and return with it so we could check the materials on the truck. (b)(6), (b)(3), (b)(7)c and I retrieved a HMMWV [High Mobility Multipurpose Wheeled Vehicle] and searched for the truck at both incinerators on base, but we did not find the truck. We returned to the detention facility and went to operations. At no time were we told we needed to hide our actions from local nationals or the ANA. We were told to remove the books from the library because they were contraband.

[Interview terminated at 1653 hours.]

5 March 2012, 0800 hours

Interview of

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

[At 0801 hours, BG Watson re-advised (b)(6), (b)(3), (b)(7)c of his UCMJ, Article 31 rights for possible violations of UCMJ Article 92, dereliction of duty. At 0802 hours, (b)(6), (b)(3), (b)(7)c waived his right to counsel and agreed to make a statement.]

[At 0800 hours, BG Watson reminded (b)(6), (b)(3), (b)(7)c he was under oath.]

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

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

On 20 February, after we came on shift at the IRF [Immediate Reaction Force], I was approached by (b)(6), (b)(3), (b)(7)c regarding the detail to remove books from the library. (b)(6), (b)(3), (b)(7)c was the NCOIC [noncommissioned officer in charge] that night. When he came back from chow, I told him that (b)(6), (b)(3), (b)(7)c had talked to me and said he needed us to help with a detail at 2100 hours moving contraband onto a truck. I may or may not have told (b)(6), (b)(3), (b)(7)c that the truck was going to the burn pit. I don't think I ever told him where the truck was going. I don't know if (b)(6), (b)(3), (b)(7)c knew the truck was going to the burn pit.

After the incident with the ANA [Afghan National Army] outside the library at the truck, (b)(6), (b)(3), (b)(7)c and I were sent to find the truck. We got a HMMWV [High Mobility Multipurpose Wheeled Vehicle] and went to the burn pit adjacent to our facility first. The burn pit was closed down, I guess for the night, there was nobody there. It didn't look like it had been open. After that, we went to the other incinerator across from the airfield. We arrived there at about 2230 hours. There were some people out there working, but we didn't see the truck. We didn't go into the burn pit area because there was a chain across the road. You can see through the fence, and we didn't see the truck down there. We didn't see anything unusual. There were a couple of contractors in there, it looked like they were working, and they were driving a couple of trucks around inside.

[Interview terminated at 0811 hours.]