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RECORDS MANAGEMENT DIVISION
LAW ENFORCEMENT RECORDS

Package ID #: 00250288-000001

Name: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

AKA:

Social Security Number: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) **Context:** Subject

Date of Birth: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) **State of Birth:** (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) **Country of Birth:** US - United States of America

Case Number: 03JUN12CRAF00507XNA **Dossier:**

DCII INDEX CODE: K = 50 Years	RECORD SERIES #: 5580/4a(1)(b)	Date Closed: 01/31/2013
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RECORD SERIES (FILE PLAN)
ty Svcs - Law Enforcement - NCIS Criminal Investigative - Controlled Death, Sex Investigations, & Case Files (Created on or after 1 January 1988)
Criminal Investigative Reports


Comments:
CLOSED CASE FILE FOR SUBMISSION INTO RIMS.

<input type="checkbox"/> No Polygraph Examination Conducted	<input type="checkbox"/> No Sexual Offender Registry Completed
<input type="checkbox"/> No Finger Prints Submitted to Code 24B3	<input type="checkbox"/> No Final Disposition Report to FBI

CIS - _____ / _____

Closed Status Dup Title Dup CCN

Disclosure/Accountability Statement: If this investigation is disseminated outside NCIS, complete NCIS Form 009/10-80, and ensure it is retained in the case file.



13 / 1949

RUR0012CIU

I, (b)(6), (b)(7)(C) _____ certify that _____ is complete.

Typed Name of SSA _____

18 MAR 2013
DATE

Unclassified when separated from attachment unless otherwise indicated. (b)(6), (b)(7)(C)

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CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier **03JUN12-CRAF-0050**
(Case Control Number (CCN))

on

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)
(Subject Name/Title)

ENCLOSURE (A) contains the following additional material on

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE

LOCATION NUMBER

(To be completed by Code 11C13)

Grand Jury

X – Rays

Video Tapes

Audio Tapes

Photographs (images of photographs
are contained in the electronic dossier,
actual photographs(s) from hard copy
dossier is/are filed separately.)

Polygraph Material

Source Envelope

Other

(Description)

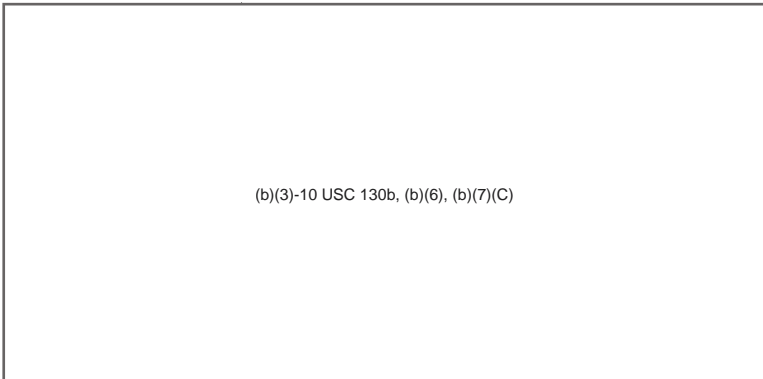
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

31JAN13

SPECIAL INQUIRY (II)

CONTROL: 03JUN12-CRAF-0050-7XNA/C



COMMAND/DOD-INTEREST/00000

MADE AT/CRAF/RESIDENT AGENCY AFGHANISTAN/ [REDACTED] , SPECIAL AGENT

REFERENCE (S)

- (A) NCISRA AFGHANISTAN ROI (INTERIM) /21JUN12 (CONTAINS EXHIBITS 1-27)
- (B) NCISRA AFGHANISTAN ROI (INTERIM) /13JUL12
- (C) NCISRA AFGHANISTAN ROI (INTERIM) /16AUG12 (CONTAINS EXHIBITS 28-34)
- (D) NCISRA AFGHANISTAN ROI (INTERIM) /12SEP12
- (E) NCISRA AFGHANISTAN ROI (INTERIM) /08OCT12
- (F) NCISRA AFGHANISTAN ROI (INTERIM) /29OCT12
- (G) NCISRA AFGHANISTAN ROI (INTERIM) /24NOV12
- (H) NCISRA AFGHANISTAN ROI (INTERIM) /20JAN13

EXHIBIT(S)

- (35) FINAL DISPOSITION OF ALLEGED MISCONDUCT INVOLVING SEAL TEAM TWO MEMBERS [REDACTED] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) [REDACTED] /25JAN13... (COPY ALL)

EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 03Jun12 after [REDACTED] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Deputy Staff Judge Advocate, Combined Special Forces Operations Component Command Afghanistan, Kabul, Afghanistan (AFG) notified NCIS Afghanistan that U.S. Army soldiers assigned to 2nd Battalion, 3rd Infantry Division had accused [REDACTED] (b)(3)-10 USC 130b members of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (a.k.a. Oruzgan) Province, AFG. On 03Jul12 all U.S. Military personnel withdrew from VSP Kalach and returned to FOB Ripley, Tarin Kowt, Uruzgan Province. After returning to FOB Ripley, U.S. Army

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 03JUN12-CRAF-0050-7XNA/C

31JAN13

personnel reported the detainee abuse through their chain-of-command. NCISRA Afghanistan agents responded and arrived at FOB Ripley on 04Jun12. Agents met with (b)(3)-10 USC 130b leadership and initiated in-the-field interviews. The interviews revealed that on 31May12 a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees (i.e., suspected of being Afghani or Pakistani) to VSP Kalach after an Improvised Explosive Device (IED) had detonated at a nearby ALP checkpoint (i.e., Chapari Checkpoint), killing one ALP member (b)(3)-10 USC 130b members and support personnel assisted the ALP in questioning the detainees. During questioning, several (b)(3)-10 USC 130b members allegedly assaulted some of the detainees. Furthermore, the ALP allegedly assaulted most of the detainees. After the ALP completed their questioning they released the detainees and the detainees were observed walking from VSP Kalach toward the Chapari Checkpoint. In total, the ALP held the detainees outside of VSP Kalach for approximately 2-2.5 hours. In the following days, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), the ALP second-in-command at VSP Kalach, advised one of the detainees had died; however, he did not provide amplifying information. Subsequently, all U.S. Personnel present at VSP Kalach on 31May12 were identified and interviewed. Additionally, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) prepared a report documenting the IED blast but failed to mention the ALP's detainment of the detainees. On 26Jun12 (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) redeployed from Afghanistan to (b)(3)-10 USC 130b Little Creek, VA. On 13Jun12 NCIS Afghanistan agents traveled to VSP Kalach and conducted a site survey and interviews of potential local Afghan witnesses. The results of the interviews were inconclusive. Active investigation is complete. On 25Jan13, a letter dismissing all charges against (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was received from the Commander, Naval Special Warfare Group Two. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the DoD Law of War Program, as prescribed in DoD Directive 5100.77 and violations of Articles 128 (Assault) and 92 (Failure to Obey an Order or Regulation) of the Uniform Code of Military Justice (UCMJ).
2. References (A) through (G) detail investigative activity to date.
3. On 25Jan13, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b Little Creek, VA, provided a letter from the (b)(3)-10 USC 130b Little Creek, VA, stating all charges were dismissed against (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Exhibit (35) pertains.
4. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C) SPECIAL AGENT , NCISRA LITTLE CREEK, VA

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(b)(6), (b)(7)(C) 2 LAST V2 LNN

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DEPARTMENT OF THE NAVY
 COMMANDER, NAVAL SPECIAL WARFARE GROUP TWO
 1300 HELICOPTER ROAD
 NORFOLK, VA 23521-2944

5830
 Ser 004/036
 25 Jan 12

From: Commander, Naval Special Warfare Group TWO
 To: Special Agent [redacted] NCIS

SUBJ: FINAL DISPOSITION OF ALLEGED MISCONDUCT INVOLVING [redacted]
 [redacted] MEMBERS [redacted]
 [redacted]

Ref: (a) NCIS Report of Investigation control #03JUN12-CRAF-0050-7XNA

1. After careful consideration of reference (a) and further investigation at the command level, the subject service members were all taken to Captain's Mast on 5 November 2012 by Commander, Naval Special Warfare Group TWO.
2. The enlisted members were each charged with violation of UCMJ Article 92 for failure to properly report abuse by their Afghan partner force as required by applicable CJSOTF-A instructions [redacted] was charged with violation of UCMJ Article 92 for negligent dereliction of duty.
3. Charges against all four members were dismissed at Captain's Mast because the Commander found that the preponderance of the evidence did not support the alleged misconduct.
3. [redacted] were each issued Letters of Instruction identifying shortcomings in their leadership and decision making. Naval Special Warfare Group TWO does not contemplate any further adverse disciplinary or administrative action against any of the [redacted]s.

[redacted]

By direction

Copy to:
 Commanding Officer, SEAL Team TWO

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

20JAN13

SPECIAL INQUIRY (II)

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

COMMAND/DOD-INTEREST/00000

MADE AT/CRAF/RESIDENT AGENCY AFGHANISTAN/

(b)(6), (b)(7)(C)

SPECIAL
AGENT

REFERENCE(S)

- (A) NCISRA AFGHANISTAN ROI (INTERIM)/21JUN12... (CONTAINS EXHIBITS 1-27)
- (B) NCISRA AFGHANISTAN ROI (INTERIM)/13JUL12... (CONTAINS NO EXHIBITS)
- (C) NCISRA AFGHANISTAN ROI (INTERIM)/16AUG12... (CONTAINS EXHIBITS 28-34)
- (D) NCISRA AFGHANISTAN ROI (INTERIM)/12SEP12... (CONTAINS NO EXHIBITS)
- (E) NCISRA AFGHANISTAN ROI (INTERIM)/08OCT12... (CONTAINS NO EXHIBITS)
- (F) NCISRA AFGHANISTAN ROI (INTERIM)/29OCT12... (CONTAINS NO EXHIBITS)
- (G) NCISRA AFGHANISTAN ROI (INTERIM)/24NOV12... (CONTAINS NO EXHIBITS)

EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 03Jun12 after (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Deputy Staff Judge Advocate, Combined Special Forces Operations Component Command Afghanistan, Kabul, Afghanistan (AFG) notified NCIS Afghanistan that U.S. Army soldiers assigned to 2nd Battalion, 3rd Infantry Division had accused (b)(3)-10 USC 130b members of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan a.k.a. Oruzgan) Province, AFG. On 03Jul12 all U.S. military personnel withdrew from VSP Kalach and returned to FOB Ripley, Tarin Kowt, Uruzgan Province. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain-of-command. NCIS

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:03JUN12-CRAF-0050-7XNA

20JAN13

Afghanistan agents responded and arrived at FOB Ripley on 04Jun12. Agents met with (b)(3)-10 USC 130b leadership and initiated in-the-field interviews. The interviews revealed that on 31May12 a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees (i.e., suspected of being Afghani or Pakistani) to VSP Kalach after an Improvised Explosive Device (IED) had detonated at a nearby ALP checkpoint (i.e., Chapari Checkpoint), killing one ALP member (b)(3)-10 USC 130b members and support personnel assisted the ALP in questioning the detainees. During questioning, several (b)(3)-10 USC 130b members allegedly assaulted some of the detainees. Furthermore, the ALP allegedly assaulted most of the detainees. After the ALP completed their questioning they released the detainees and the detainees were observed walking from VSP Kalach toward the Chapari Checkpoint. In total, the ALP held the detainees outside of VSP Kalach for approximately 2-2.5 hours. In the following days, (b)(3)-10 USC 130b, (b)(6) (NFI), the ALP second-in-command at VSP Kalach, advised one of the detainees had died; however, he did not provide amplifying information. Subsequently, all U.S. personnel present at VSP Kalach on 31May12 were identified and interviewed. Additionally, (b)(3)-10 USC 130b, (b)(6) prepared a report documenting the IED blast but failed to mention the ALP's detainment of the detainees. On 26Jun12 (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) redeployed from Afghanistan to (b)(3)-10 USC 130b Little Creek, VA. On 13Jun12 NCIS Afghanistan agents traveled to VSP Kalach and conducted a site survey and interviews of potential local Afghan witnesses. The results of the interviews were inconclusive. Active investigation is complete. Investigation is pending judicial and/or administrative action.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the DoD Law of War Program, as prescribed in DoD Directive 5100.77 and violations of Articles 128 (Assault) and 92 (Failure to Obey an Order or Regulation) of the Uniform Code of Military Justice (UCMJ).

2. References (A) through (F) detail investigative activity to date.

3. On 14Jan13, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b Little Creek, VA, advised he would provide a letter dismissing the charges against (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) has yet to provide the aforementioned letter.

4. Active investigation is complete. Investigation is pending receipt of the dismissal of charges letter from (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

24NOV12

SPECIAL INQUIRY (II)

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

COMMAND/DOD-INTEREST/00000

MADE AT/CRAF/RESIDENT AGENCY AFGHANISTAN, (b)(6), (b)(7)(C), SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA AFGHANISTAN ROI (INTERIM)/21JUN12 (CONTAINS EXHIBITS 1-27)
- (B) NCISRA AFGHANISTAN ROI (INTERIM)/13JUL12
- (C) NCISRA AFGHANISTAN ROI (INTERIM)/16AUG12 (CONTAINS EXHIBITS 28-34)
- (D) NCISRA AFGHANISTAN ROI (INTERIM)/12SEP12
- (E) NCISRA AFGHANISTAN ROI (INTERIM)/08OCT12
- (F) NCISRA AFGHANISTAN ROI (INTERIM)/29OCT12

EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 03Jun12 after (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Deputy Staff Judge Advocate, Combined Special Forces Operations Component Command Afghanistan, Kabul, Afghanistan (AFG) notified NCIS Afghanistan that U.S. Army soldiers assigned to 2nd Battalion, 3rd Infantry Division had accused (b)(3)-10 USC 130b members of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan a.k.a. Oruzgan) Province, AFG. On 03Jul12 all U.S. military personnel withdrew from VSP Kalach and returned to FOB Ripley, Tarin Kowt, Uruzgan Province. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain-of-command. NCIS Afghanistan agents responded and arrived at FOB Ripley on 04Jun12. Agents met with (b)(3)-10 USC 130b leadership and initiated in-the-field interviews. The interviews revealed that on 31May12 a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees (i.e., suspected of being Afghani or Pakistani) to VSP Kalach after an Improvised Explosive Device (IED) had detonated at a nearby ALP checkpoint (i.e., Chapari Checkpoint), killing one

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(b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTROL:03JUN12-CRAF-0050-7XNA

24NOV12

ALP member (b)(3)-10 USC 130b members and support personnel assisted the ALP in questioning the detainees. During questioning, several (b)(3)-10 USC 130b members allegedly assaulted some of the detainees. Furthermore, the ALP allegedly assaulted most of the detainees. After the ALP completed their questioning they released the detainees and the detainees were observed walking from VSP Kalach toward the Chapari Checkpoint. In total, the ALP held the detainees outside of VSP Kalach for approximately 2-2.5 hours. In the following days, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), the ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) at VSP Kalach, advised one of the detainees had died; however, he did not provide amplifying information. Subsequently, all U.S. personnel present at VSP Kalach on 31May12 were identified and interviewed. Additionally, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) prepared a report documenting the IED blast but failed to mention the ALP's detainment of the detainees. On 26Jun12 (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) redeployed from Afghanistan to (b)(3)-10 USC 130b. On 13Jun12 NCIS Afghanistan agents traveled to VSP Kalach and conducted a site survey and interviews of potential local Afghan witnesses. The results of the interviews were inconclusive. Active investigation is complete. Investigation is pending judicial and/or administrative action.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the DoD Law of War Program, as prescribed in DoD Directive 5100.77 and violations of Articles 128 (Assault) and 92 (Failure to Obey an Order or Regulation) of the Uniform Code of Military Justice (UCMJ).
2. References (A) through (F) detail investigative activity to date.
3. On 14Nov12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b advised several witnesses have recanted their sworn statements, hence a decision was made to not charge (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) with any suspected violation of Articles 128 and 92 of the UCMJ.
4. Active investigation is complete. Investigation is pending receipt of documentation stating the lack of prosecutorial interest.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

29OCT12

SPECIAL INQUIRY (II)

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

COMMAND/DOD-INTEREST/00000

MADE AT/CRAF/RESIDENT AGENCY AFGHANISTAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) CRAF ROI (INTERIM)/21JUN12 (CONTAINS EXHIBITS 1-27)
- (B) CRAF ROI (INTERIM)/13JUL12
- (C) CRAF ROI (INTERIM)/16AUG12 (CONTAINS EXHIBITS 28-34)
- (D) CRAF ROI (INTERIM)/12SEP12
- (E) CRAF ROI (INTERIM)/08OCT12

EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 03Jun12 after (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Deputy Staff Judge Advocate, Combined Special Forces Operations Component Command Afghanistan, Kabul, Afghanistan (AFG) notified NCIS Afghanistan that U.S. Army soldiers assigned to 2nd Battalion, 3rd Infantry Division had accused (b)(3)-10 USC 130b members of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (a.k.a. Oruzgan) Province, AFG. On 03Jul12 all U.S. military personnel withdrew from VSP Kalach and returned to FOB Ripley, Tarin Kowt, Uruzgan Province. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain-of-command. NCIS Afghanistan agents responded and arrived at FOB Ripley on 04Jun12. Agents met with (b)(3)-10 USC 130b leadership and initiated in-the-field interviews. The interviews revealed that on 31May12 a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees (i.e., suspected of being Afghani or Pakistani) to VSP Kalach after an Improvised Explosive Device (IED) had detonated at a nearby ALP checkpoint (i.e., Chapari Checkpoint), killing one ALP member (b)(3)-10 USC 130b members and support personnel assisted the ALP in questioning the detainees. During questioning, several (b)(3)-10 USC 130b members allegedly assaulted some of the detainees. Furthermore, the ALP allegedly assaulted most of the detainees. After the ALP completed their questioning

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:03JUN12-CRAF-0050-7XNA

29OCT12

they released the detainees and the detainees were observed walking from VSP Kalach toward the Chapari Checkpoint. In total, the ALP held the detainees outside of VSP Kalach for approximately 2-2.5 hours. In the following days,

(b)(3)-10 USC 130b, (b)(6) (NFIC), the ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) at VSP Kalach, advised one of the detainees had died; however, he did not provide amplifying information. Subsequently, all U.S. personnel present at VSP Kalach on 31May12 were identified and interviewed. Additionally, (b)(3)-10 USC 130b, (b)(6) prepared a report documenting the IED blast but failed to mention the ALP's detainment of the detainees. On 26Jun12 (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) redeployed from Afghanistan to (b)(3)-10 USC 130b. On 13Jun12 NCIS Afghanistan agents traveled to VSP Kalach and conducted a site survey and interviews of potential local Afghan witnesses. The results of the interviews were inconclusive. The active investigation is complete. This investigation is pending judicial and/or administrative determination by (b)(3)-10 USC 130b

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the DoD Law of War Program, as prescribed in DoD Directive 5100.77 and violations of Articles 128 (Assault) and 92 (Failure to Obey an Order or Regulation) of the Uniform Code of Military Justice (UCMJ).

2. References (A) through (E) detail investigative activity to date.

3. On 16Oct12 (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b was contacted and stated (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), (b)(5)

4. The active investigation is complete. This investigation is pending judicial and/or administrative determination by (b)(3)-10 USC 130b This investigation is transferred to Special Agent (b)(6), (b)(7)(C) (DAR CACP).

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b(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

08OCT12

SPECIAL INQUIRY (II)

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

COMMAND/DOD-INTEREST/00000

MADE AT/CRAF/RESIDENT AGENCY AFGHANISTAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA AFGHANISTAN ROI (INTERIM)/21JUN12 (CONTAINS EXHIBITS 1-27)
- (B) NCISRA AFGHANISTAN ROI (INTERIM)/13JUL12
- (C) NCISRA AFGHANISTAN ROI (INTERIM)/16AUG12 (CONTAINS EXHIBITS 28-34)
- (D) NCISRA AFGHANISTAN ROI (INTERIM)/12SEP12

EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 03Jun12 after (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Deputy Staff Judge Advocate, Combined Special Forces Operations Component Command Afghanistan, Kabul, Afghanistan (AFG) notified NCIS Afghanistan that U.S. Army soldiers assigned to 2nd Battalion, 3rd Infantry Division had accused (b)(3)-10 USC 130b members of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (a.k.a. Oruzgan) Province, AFG. On 03Jul12 all U.S. military personnel withdrew from VSP Kalach and returned to FOB Ripley, Tarin Kowt, Uruzgan Province. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain-of-command. NCIS Afghanistan agents responded and arrived at FOB Ripley on 04Jun12. Agents met with (b)(3)-10 USC 130b leadership and initiated in-the-field interviews. The interviews revealed that on 31May12 a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees (i.e., suspected of being Afghani or Pakistani) to VSP Kalach after an Improvised Explosive Device (IED) had detonated at a nearby ALP checkpoint (i.e., Chapari Checkpoint), killing one ALP member (b)(3)-10 USC 130b members and support personnel assisted the ALP in questioning the detainees. During questioning, several (b)(3)-10 USC 130b members allegedly assaulted some of the detainees. Furthermore, the ALP allegedly

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PAGE 1 (b)(6), (b)(7)(C)

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SUBJ: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

assaulted most of the detainees. After the ALP completed their questioning they released the detainees and the detainees were observed walking from VSP Kalach toward the Chapari Checkpoint. In total, the ALP held the detainees outside of VSP Kalach for approximately 2-2.5 hours. In the following days, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), the ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) at VSP Kalach, advised one of the detainees had died; however, he did not provide amplifying information. Subsequently, all U.S. personnel present at VSP Kalach on 31May12 were identified and interviewed. Additionally, (b)(3)-10 USC 130b, (b)(6), prepared a report documenting the IED blast but failed to mention the ALP's detainment of the detainees. On 26Jun12 (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) redeployed from Afghanistan to (b)(3)-10 USC 130b. On 13Jun12 NCIS Afghanistan agents traveled to VSP Kalach and conducted a site survey and interviews of potential local Afghan witnesses. The results of the interviews were inconclusive. The active investigation is complete. This investigation is pending judicial and/or administrative determination by (b)(3)-10 USC 130b.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the DoD Law of War Program, as prescribed in DoD Directive 5100.77 and violations of Articles 128 (Assault) and 92 (Failure to Obey an Order or Regulation) of the Uniform Code of Military Justice (UCMJ).
2. References (A) through (D) detail investigative activity to date.
3. On 29Sep12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b was contacted and stated (b)(3)-10 USC 130b and Region Legal Service Office (RLSO) Norfolk are still reviewing the case for prosecutorial determination.
4. The active investigation is complete. This investigation is pending judicial and/or administrative determination by (b)(3)-10 USC 130b.

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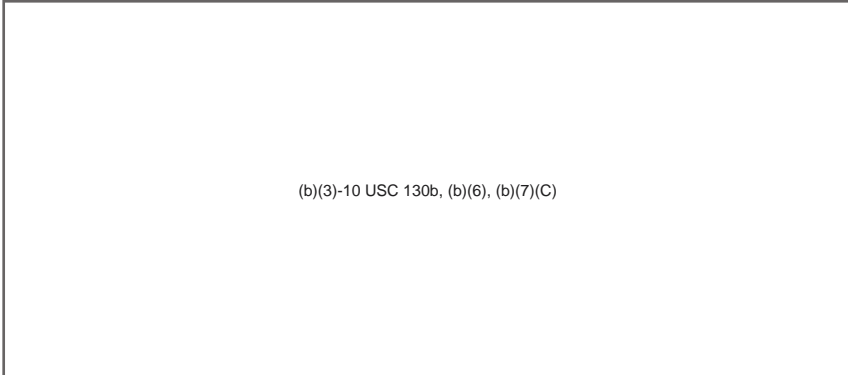
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

12SEP12

SPECIAL INQUIRY (II)

CONTROL: 03JUN12-CRAF-0050-7XNA



COMMAND/DOD-INTEREST/00000

MADE AT/CRAF/CAMP LEATHERNECK AFG/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Afghanistan ROI (INTERIM)/21Jun12 (Contains Exhibits 1-27)
- (B) NCISRA Afghanistan ROI (INTERIM)/13Jul12
- (C) NCISRA Afghanistan ROI (INTERIM)/16Aug12 (Contains Exhibits 28-34)

EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 03Jun12 after (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, Deputy Staff Judge Advocate, Combined Special Forces Operations Component Command Afghanistan, Kabul, Afghanistan (AFG) notified NCIS Afghanistan that U.S. Army soldiers assigned to 2nd Battalion, 3rd Infantry Division had accused (b)(3)-10 USC 130b members of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (a.k.a. Uruzgan) Province, AFG. On 03Jul12 all U.S. military personnel withdrew from VSP Kalach and returned to FOB Ripley, Tarin Kowt, Uruzgan Province. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain-of-command. NCIS Afghanistan agents responded and arrived at FOB Ripley on 04Jun12. Agents met with (b)(3)-10 USC 130b leadership and initiated in-the-field interviews. The interviews revealed that on 31May12 a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees (i.e., suspected of being Afghani or Pakistani) to VSP Kalach after an Improvised Explosive Device (IED) had detonated at a nearby ALP checkpoint (i.e., Chapari Checkpoint), killing one ALP member. (b)(3)-10 USC 130b members and support personnel assisted the ALP in questioning the detainees. During questioning, several (b)(3)-10 USC 130b members allegedly assaulted some of the detainees. Furthermore, the

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(b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

ALP allegedly assaulted most of the detainees. After the ALP completed their questioning they released the detainees and the detainees were observed walking from VSP Kalach toward the Chapari Checkpoint. In total, the ALP held the detainees outside of VSP Kalach for approximately 2-2.5 hours. In the following days, (b)(3)-10 USC 130b, (b)(6) (NPTIC), the ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) at VSP Kalach, advised one of the detainees had died; however, he did not provide amplying information. Subsequently, all U.S. personnel present at VSP Kalach on 31May12 were identified and interviewed. Additionally, (b)(3)-10 USC 130b, (b)(6) (NPTIC) prepared a report documenting the IED blast but failed to mention the ALP's detainment of the detainees. On 26Jun12 (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) redeployed from Afghanistan to (b)(3)-10 USC 130b. On 13Jun12 NCIS Afghanistan agents traveled to VSP Kalach and conducted a site survey and interviews of potential local Afghan witnesses. The results of the interviews were inconclusive. The active investigation is completed. This investigation is pending judicial and/or administrative determination by (b)(3)-10 USC 130b.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the DoD Law of War Program, as prescribed in DoD Directive 5100.77 and violations of Articles 128 (Assault) and 92 (Failure to Obey an Order or Regulation) of the Uniform Code of Military Justice (UCMJ).
2. References (A) through (C) detail investigative activity to date.
3. On 24Aug12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b was contacted to ensure that (b)(3)-10 USC 130b had received copies of all previous reports.
4. On 06Sep12, Special Agent (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (NCIS Representative to (b)(3)-10 USC 130b) (b)(3)-10 USC 130b advised the (b)(3)-10 USC 130b and Region Legal Service Office (RLSO) Norfolk were currently reviewing the case for prosecutorial determination.
5. The active investigation is completed. This investigation is pending judicial and/or administrative determination by (b)(3)-10 USC 130b.

PARTICIPANT

(b)(6), (b)(7)(C)

Special Agent, NCISFO Norfolk, VA

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

16AUG12

SPECIAL INQUIRY (II)

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

COMMAND/DOD-INTEREST/00000

MADE AT/CRAF/CAMP LEATHERNECK AFG/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

- (A) NCISRA Afghanistan ROI (INTERIM)/21Jun12 (Contains Exhibits 1-27)
- (B) NCISRA Afghanistan ROI (INTERIM)/13Jul12

EXHIBIT(S)

- (28) IA: Results of Computer Forensic Examination/18Jul12... (Copy All)
- (29) IA: Results of Contact/Kalach ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 17Aug12... (Copy All)
- (30) IA: Results of Former VSP Kalach Site Survey/15Aug12... (Copy All)
- (31) IA: Results of Interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 15Aug12... (Copy All)
- (32) IA: Results of Interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 15Aug12... (Copy All)
- (33) IA: Results of Interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 15Aug12... (Copy All)
- (34) IA: Results of Interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 16Aug12... (Copy All)

EXECUTIVE SUMMARY

1. Investigation was initiated on 03Jun12, after receiving notification that U.S. Navy SEALs were accused of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (aka Oruzgan) Province, Afghanistan. Agents deployed to FOB Ripley, Tarin Kowt, Uruzgan Province, and Advance Operating Base Tycz, Uruzgan Province, to meet with Command and conduct interviews. Interviews revealed that, on 31May12, a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees to VSP Kalach after an IED detonated at a nearby ALP checkpoint (Chapari Checkpoint), killing one ALP. U.S. Navy SEALs and support personnel exited the VSP and assisted the ALP in questioning the detainees. During questioning, several of the SEALs allegedly assaulted some of the detainees. The ALP assaulted most of the detainees as well. After the questioning was

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16AUG12

SUBJ: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

complete, the detainees were released by the ALP and all were observed walking away from the VSP, towards Chapari. In total, the detainees were held outside VSP Kalach for approximately 2-2.5 hours. In the following days, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), the ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) at VSP Kalach, mentioned one of the detainees died; however, he could not answer how, when, or describe the circumstances under which the detainee died. U.S. Forces withdrew from VSP Kalach on 03Jun12 and returned to FOB Ripley. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain of command. All U.S. personnel present at VSP Kalach, on 31May12, were identified and interviewed. Additionally, a report prepared by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) pertaining to the IED blast near VSP Kalach was reviewed; however, no mention of the ALP detainees or their reported physical abuse was contained in the report. On 26Jun12, the four titled subjects were re-deployed to (b)(3)-10 USC 130b (b)(3)-10 USC 130b. Agents deployed to the former VSP Kalach, conducted a site survey and interviews of possible Afghan witnesses. Investigation is pending judicial/administrative determination by command.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the DoD Law of War Program, as prescribed in DoD Directive 5100.77, and violations of Articles 128 (Assault) and 92 (Failure to Obey an Order or Regulation) of the Uniform Code of Military Justice (UCMJ).

2. References (A) and (B) detail investigative activity to date.

3. Frequent contact with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b (b)(3)-10 USC 130b in July and August 2012 was conducted to arrange air and manpower support for travel to the former U.S. occupied VSP Kalach.

4. On 18Jul12, a forensic examination was conducted on the digital camera seized on 15Jun12. Several images and videos were extracted, but did not appear to contain any physical assaults and nothing of evidentiary value. Exhibit (28) pertains.

5. On 09Aug12, Reporting Agent (RA) and Participating Agent (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) traveled to FOB Ripley. On 13Aug12, utilizing SOTF-SE resources and personnel, RA and PA traveled to former VSP Kalach.

6. On 13Aug12, contact was made with the new Kalach Agent (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) advised several of the ALP had departed the area including (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). Exhibit (29) pertains. A site survey was conducted of the former VSP to include photographs of witness vantage points and distances between the vantage points and ridgeline site of the alleged abuse.

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SUBJ: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

Exhibit (30) pertains.

7. On 13Aug12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) a local storekeeper who was detained on 31May12, was interviewed by RA and PA at the former VSP site. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stated the ALP tied his hands behind his back and brought him just outside the VSP site. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and multiple other people were then assaulted by the ALP. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stated one of the individuals died as a result of the assault. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stated U.S. personnel did not assault him and he did not observe them assault any of the other detainees. Exhibit (31) pertains.

8. On 13Aug12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) an ALP member who was present on 31May12, was interviewed by RA and PA at the former VSP site. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stated he was present at the VSP for three-four minutes and observed several individuals being questioned and assaulted outside the VSP. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) observed ALP members and U.S. personnel assaulting the individuals. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stated the U.S. personnel were yelling, slapping and kicking the detainees, while the ALP personnel were using rocks and sticks to assault the individuals. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) later heard that one the detainees died as a result of the abuse, but he speculated it was not caused by the U.S. personnel. Exhibit (32) pertains.

9. On 13Aug12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) a local mechanic for the ALP was interviewed by RA and PA at the former VSP site. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stated he was not present at the VSP on the day of the explosion near the bazaar but heard that people were tied up, assaulted and one of the individuals died as a result of the abuse. Exhibit (33) pertains.

10. On 13Aug12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) a local landowner, was interviewed by RA and PA at the former VSP site. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stated he was not present at the VSP site on the day of the bazaar explosion, but heard that people were tied up and brought to the VSP. Exhibit (34) pertains.

11. Efforts to locate and interview additional Afghan witnesses while the RA and PA were aboard the former VSP Kalach were met with negative results.

12. On 13Aug12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were briefed on the status of this investigation.

13. Investigation is pending judicial/administrative determination by command.

PARTICIPANTS

(b)(6), (b)(7)(C)

Special Agent, NCISRA Afghanistan
Investigative Computer Specialist, NCIS Norfolk, VA**DISTRIBUTION**

NCISHQ: 023B (DSI)

INFO: CRFG/002G, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) CO, CJSOTF-SE (E), (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b

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INVESTIGATIVE ACTION

18JUL12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF COMPUTER FORENSIC EXAMINATION

I. BACKGROUND

1. Investigation was initiated on 03JUN12, after receiving notification that U.S. Navy SEALs were accused of physically abusing, and possibly killing, detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (aka Oruzgan) Province, Afghanistan. Agents deployed to FOB Ripley, Tarin Kowt, Uruzgan Province, and Advance Operating Base Tycz, Uruzgan Province, to meet with Command and conduct interviews. Interviews revealed that, on 31MAY12, a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees to VSP Kalach after an IED detonated at a nearby ALP checkpoint (Chapari Checkpoint), killing one ALP. U.S. Navy SEALs and support personnel exited the VSP and assisted the ALP in questioning the detainees. During questioning, several of the SEALs allegedly assaulted some of the detainees. The ALP assaulted most of the detainees as well. After the questioning was complete, the detainees were released by the ALP and all were observed walking away from the VSP, towards Chapari. In total, the detainees were held outside VSP Kalach for approximately 2-2.5 hours. Witness reports indicated a digital camera was used to photograph some of the detainees during questioning. On 15JUN12, Special Agent (SA) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) NCISRA Afghanistan, Camp Leatherneck, Afghanistan, seized a digital camera from Command (U.S. Government property), which contains photographs of the IED aftermath from 31MAY12.

II. REQUEST

1. On 24Jun12, SA (b)(6), (b)(7)(C) requested assistance in conducting a computer forensic examination of a seized digital camera and memory card to attempt to recover deleted images.

III. AUTHORIZATION

1. Between 17Jul12 and 18Jul12, an examination was conducted on a seized U.S. Government digital camera and memory card so no search authorization was needed.

IV. EVIDENCE

1. The item submitted for analysis was obtained from the Consolidated Evidence Facility, Norfolk, VA

ECD Item	Description
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EXHIBIT (28)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

03JUN12-CRAF-0050-7XNA

18JUL12

SUBJ:

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

CRAF 090-12 Item A One (1) sealed paper bag containing one Black "extreme" case containing one (1) Canon Powershot SD1100 IS digital Elph camera with serial number 6528192749 containing an 8 GB Delkin Devices SD Memory card.

V. EXAMINATION SUMMARY

1. Between 17Jul12 and 18Jul12, Reporting Examiner conducted a computer forensic examination of seized digital media. The examination recovered and extracted 199 image files and 3 video files. The files do not contain any images or videos of apparent physical assaults.

VI. FORENSIC ACQUISITION AND VERIFICATION

1. All digital media was write-protected and was acquired using Encase version 6.19.1.5 software

VII. EXAMINATION DETAILS

1. Analysis of all digital media revealed the following information of evidentiary value to this investigation. All relevant data and files, along with file locations and date stamps, can be found on Enclosure (A) which is the Findings CD and will be provided to SA

(b)(6), (b)(7)(C)

2. The examination of the 8 GB SD card listed on ECD CRAF 090-12 Item A recovered and extracted 199 image files and 3 video files to the directory named "Attachment (a) Images and Videos" on the Findings CD. The directory contains a file named "Index.html" which consists of the main page of the examination report. The heading of the report named "Active Images" contain seven images that are still logically present on the SD Card and have not been marked for deletion. The heading of the report named "Trash Bin Images" contain nine images that are still logically present on the SD Card, but have been marked for deletion from the card. The heading of the report named "Trash Bin Videos" contain three videos that are still logically present on the SD Card, but have been marked for deletion from the card. The heading of the report named "Logically Deleted Images" contain 183 images that are still present on the SD Card, but have been logically deleted and can only be recovered with computer forensic software. The files do not contain any images or videos of apparent physical assaults. The camera is not capable of storing image files without an SD card present.

VIII. DISPOSITION OF EVIDENCE

1. At the end of the examination, the item was returned to the Consolidated Evidence Facility, Norfolk, VA.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

03JUN12-CRAF-0050-7XNA

18JUL12

SUBJ: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

IX. GLOSSARY OF TERMS

CD: Compact Disc

DVD: Digital Versatile Disc

ECD: Evidence Custody Document

MD5: Mathematical formula that assigns values to each piece of data on an original piece of digital media. The same formula runs again against the backup, or image copy, upon which the actual analysis is done. These two values are compared to each other to ensure an exact duplicate copy was made of the original before analysis is performed on the copy. The probability of two different files having the same hash value is 2×10^{128} th power, or less than the calculated probability of duplicate fingerprints or DNA of two different people.

REPORTED BY: (b)(6), (b)(7)(C) INVESTIGATIVE COMPUTER SPECIALIST
OFFICE: CBAW NORFOLK, VA

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

15AUG12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF CONTACT/KALACH ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. As background, U.S. Navy SEALs were accused of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (aka Oruzgan) Province, Afghanistan. Interviews revealed that, on 31MAY12, a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees to VSP Kalach after an IED detonated at a nearby ALP checkpoint (Chapari Checkpoint), killing one ALP. During questioning, several of the SEALs allegedly assaulted some of the detainees. The ALP assaulted most of the detainees as well. U.S. Forces withdrew from VSP Kalach on 03JUN12 and returned to FOB Ripley. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain of command. All U.S. personnel present at VSP Kalach on 31MAY12, were identified and interviewed.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were identified as being involved in the abuse. Additionally, a report prepared (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) concerning to the IED blast near VSP Kalach was reviewed; however, no mention of the ALP detainees or their reported physical abuse was contained in the report. On 26JUN12, the four titled subjects were re-deployed to (b)(3)-10 USC 130b

(b)(3)-10 USC 130b

2. On 13AUG12, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) traveled to the former VSP Kalach with the assistance of SOTF-SE personnel. Upon arrival to the site, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USA made contact with the Afghan National Army (ANA) and the new ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). The ANA personnel occupied the VSP after the U.S. personnel had departed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) advised that several ALP have abandoned their post due to pay and danger issues including the former

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stated (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) is possibly in Herat (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and was recently wounded and taken by helicopter to a hospital for treatment (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) did not know the name or location of the hospital or a way to contact them (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) agreed to locate any remaining ALP personnel or Afghan locals that might have been present on 31May12, regarding the aforementioned incident.

REPORTED BY: (b)(6), (b)(7)(C) SPECIAL AGENT
OFFICE: NCISRA CAMP LEATHERNECK, AFG

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

15AUG12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF FORMER VSP KALACH SITE SURVEY

1. As background, U.S. Navy SEALs were accused of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (aka Oruzgan) Province, Afghanistan. Interviews revealed that, on 31MAY12, a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees to VSP Kalach after an IED detonated at a nearby ALP checkpoint (Chapari Checkpoint), killing one ALP. During questioning, several of the SEALs allegedly assaulted some of the detainees. The ALP assaulted most of the detainees as well. U.S. Forces withdrew from VSP Kalach on 03JUN12 and returned to FOB Ripley. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain of command. All U.S. personnel present at VSP Kalach, on 31MAY12, were identified and interviewed.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were identified as being involved in the abuse. Additionally, a report prepared by (b)(3)-10 USC 130b, (b)(6) pertaining to the IED blast near VSP Kalach was reviewed; however, no mention of the ALP detainees or their reported physical abuse was contained in the report. On 26JUN12, the four titled subjects were re-deployed to Naval Special Warfare Group 2 (NSWG-2), Little Creek, VA.

2. On 13Aug12, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) traveled to the former VSP Kalach with the assistance of SOTF-SE personnel. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USA, a witness of the alleged assaults, was also present and pointed out the roof of SEAL barracks and roof of Shura room where personnel were positioned on 31May12. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also provided the approximate ridgeline site where the abuse occurred. Enclosures (A) through (K) document the SEAL barracks roof and Shura room roof vantage points. Enclosures (L) to (N) provide an overview of the VSP site and Enclosure (O) demonstrates the locations on overhead imagery with approximate distances from a range finder. The approximate distance from the SEAL barracks roof location to the ridgeline where the alleged abuse occurred is 123 meters. The approximate distance from the Shura room roof to the ridgeline is 56 meters.

ENCLOSURE (S)

- (A) Photograph of Seal barracks roof in south corner of VSP/13Aug12
- (B) Photograph of Seal barracks roof/13Aug12
- (C) Photograph from Seal barracks roof to east ridgeline/13Aug12

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(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

- (D) Photograph from Seal barracks roof to east ridgeline/13Aug12
- (E) Photograph from Seal barracks roof to east ridgeline with notation of approximate location of assault/13Aug12
- (F) Photograph from Seal barracks roof to ridgeline/rest of VSP/13Aug12
- (G) Photograph from Seal barracks roof to rest of VSP to the south/13Aug12
- (H) Photograph of Shura building in north east corner of VSP/13Aug12
- (I) Photograph from Shura building roof to east ridgeline/13Aug12
- (J) Photograph from Shura building roof to east ridgeline with notation of approximate location of assault/13Aug12
- (K) Photograph from Shura building roof to east VSP wall/13Aug12
- (L) Photograph of east VSP wall/ridgeline/13Aug12
- (M) Photograph from north west corner of VSP to Shura room/east wall/13Aug12
- (N) Photograph from north west corner of VSP to south/13Aug12
- (O) Overhead Imagery of VSP with alleged location of incident and distances from vantage points/13Aug12

REPORTED BY:

(b)(6), (b)(7)(C)

SPECIAL AGENT

OFFICE:

NCISRA CAMP LEATHERNECK, AFG

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Page 1 redacted for the following reason:

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C), (b)(7)(F): Pages (25) - (39), Enclosures (a) - (o) to Exhibit (30)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

15AUG12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF INTERVIEW (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. As background, U.S. Navy SEALs were accused of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (aka Oruzgan) Province, Afghanistan. Interviews revealed that, on 31MAY12, a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees to VSP Kalach after an IED detonated at a nearby ALP checkpoint (Chapari Checkpoint), killing one ALP. During questioning, several of the SEALs allegedly assaulted some of the detainees. The ALP assaulted most of the detainees as well. U.S. Forces withdrew from VSP Kalach on 03JUN12 and returned to FOB Ripley. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain of command. All U.S. personnel present at VSP Kalach, on 31MAY12, were identified and interviewed.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were identified as being involved in the abuse. Additionally, a report prepared by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) pertaining to the IED blast near VSP Kalach was reviewed; however, no mention of the ALP detainees or their reported physical abuse was contained in the report. On 26JUN12, the four titled subjects were re-deployed to (b)(3)-10 USC 130b

(b)(3)-10 USC 130b. On 13Aug12, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) traveled to the former VSP Kalach with the assistance of SOTF-SE personnel. Upon arrival to the site, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USA made contact with the Afghan National Army (ANA) and new ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) agreed to locate any remaining ALP personnel or Afghan locals that might have been present on 31May12, for the aforementioned incident.

2. The first individual located by ALP as being present on 31May12, was (b)(6), (b)(7)(C) son of (b)(6), (b)(7)(C). HAQ was interviewed by RA and PA with the assistance of (b)(6), (b)(7)(C), Category 2 interpreter. (b)(6), (b)(7)(C) provided the following information: (b)(6), (b)(7)(C) is a local shopkeeper near the bazaar (b)(6), (b)(7)(C) stated he recalls an explosion at a checkpoint near the bazaar and came out of his house to see what happened. About two hours after the explosion, (b)(6), (b)(7)(C) was detained by local ALP and brought back to the VSP site and placed just outside the east wall (b)(6), (b)(7)(C) had his hands tied behind his back and was told to face the ground (b)(6), (b)(7)(C) recalls approximately (11) people being detained outside the VSP to include (b)(6), (b)(7)(C) (his brothers son), another subject named (b)(6), (b)(7)(C) (storekeeper), (b)(6), (b)(7)(C) (farmer), two "Moleher" individuals from the district of Ajiristan dressed in all black and

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15AUG12

SUBJ: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

possibly others (b)(6), (b)(7)(C) stated these individuals were not available to come to the VSP for questioning. (b)(6), (b)(7)(C) stated the ALP assaulted him and the other detainees severely with stones and one of the Moleher died. (b)(6), (b)(7)(C) stated he observed the dead body after the assault but did not know where the body was taken. (b)(6), (b)(7)(C) stated the U.S. personnel did not assault him and he did not observe them assault any of the other individuals. (b)(6), (b)(7)(C) stated he could not see the other detainees during the assault. (b)(6), (b)(7)(C) did not observe any U.S. personnel near him during the assault. (b)(6), (b)(7)(C) recalls at some point meeting four Americans at the VSP site and stated they were always very nice. (b)(6), (b)(7)(C) recalls observing the American translator, but stated he was not visible during the assault.

3 (b)(6), (b)(7)(C) stated the ALP did not question him about the explosion, only assaulted him. (b)(6), (b)(7)(C) describes the specific ALP members as the ones that speak Farsi and felt the assault was due to religious or tribal reasons. (b)(6), (b)(7)(C) stated the ALP constantly beat people and now that the U.S. personnel have left there is no longer peace in the area.

REPORTED BY: (b)(6), (b)(7)(C) SPECIAL AGENT
OFFICE: NCISRA CAMP LEATHERNECK, AFG

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

15AUG12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF INTERVIEW (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. As background, U.S. Navy SEALs were accused of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (aka Oruzgan) Province, Afghanistan. Interviews revealed that, on 31MAY12, a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees to VSP Kalach after an IED detonated at a nearby ALP checkpoint (Chapari Checkpoint), killing one ALP. During questioning, several of the SEALs allegedly assaulted some of the detainees. The ALP assaulted most of the detainees as well. U.S. Forces withdrew from VSP Kalach on 03JUN12 and returned to FOB Ripley. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain of command. All U.S. personnel present at VSP Kalach, on 31MAY12, were identified and interviewed.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were identified as being involved in the abuse. Additionally, a report prepared by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) pertaining to the IED blast near VSP Kalach was reviewed; however, no mention of the ALP detainees or their reported physical abuse was contained in the report. On 26JUN12, the four titled subjects were re-deployed to (b)(3)-10 USC 130b (b)(3)-10 USC 130b. On 13Aug12, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) traveled to the former VSP Kalach with the assistance of SOTF-SE personnel. Upon arrival to the site, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USA made contact with the Afghan National Army (ANA) and new ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) agreed to locate any remaining ALP personnel or Afghan locals that might have been present on 31May12 for the aforementioned incident.

2. The second individual located by ALP as being present on 31May12, was (b)(6), (b)(7)(C) was interviewed by RA and PA with the assistance of (b)(6), (b)(7)(C) Category 2 interpreter, and provided the following information. (b)(6), (b)(7)(C) is an ALP member typically assigned to the "Wata" checkpoint. On the day of the explosion, (b)(6), (b)(7)(C) came by VSP Kalach and the other ALP members had eight to nine people detained with their hands tied behind their back outside the east wall for questioning. (b)(6), (b)(7)(C) described three of the individuals as "Moleher." (b)(6), (b)(7)(C) observed U.S. personnel questioning the individuals as well. (b)(6), (b)(7)(C) did not have permission to see what was going on up close, but observed the detainees being assaulted by ALP and U.S. personnel. (b)(6), (b)(7)(C) distinguished between the ALP assaulting the individuals with stones and sticks, and the U.S. personnel yelling, slapping and

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15AUG12

SUBJ: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

kicking. (b)(6), (b)(7)(C) also recalls hearing gunshots in the air. (b)(6), (b)(7)(C) stated the U.S. personnel told the ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to assault the detainees. (b)(6), (b)(7)(C) thinks (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) is in Kabul, but might be returning because he has a house in the area. (b)(6), (b)(7)(C) recalls three Americans being present for the detainee questioning and only questioning the Moleher detainees. (b)(6), (b)(7)(C) was only in the area of the VSP for approximately three to four minutes at approximately 1000 before having to travel to the bazaar to stand guard. After leaving the area of the VSP, (b)(6), (b)(7)(C) learned that one of the Moleher died as a result of the assault. (b)(6), (b)(7)(C) does not know exactly who caused the death, but suspects it was from being assaulted with stones and a gun. (b)(6), (b)(7)(C) does not think the U.S. personnel caused the death based on the ALP assaulting the individuals with more force than the U.S. personnel. (b)(6), (b)(7)(C) does not know the exact name of the U.S. personnel present that day and is unable to locate any ALP that were there including (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

3. (b)(6), (b)(7)(C) stated additional fighting with the Taliban has occurred after this event and he suspects it is retaliation. The district governor is also from Moleher, there were Taliban in the area from Moleher at the time and Nasari-Seranova is linked to the Taliban in this area.

REPORTED BY: (b)(6), (b)(7)(C) SPECIAL AGENT
OFFICE: NCISRA CAMP LEATHERNECK, AFG

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

16AUG12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF INTERVIEW (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. As background, U.S. Navy SEALs were accused of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (aka Oruzgan) Province, Afghanistan. Interviews revealed that, on 31MAY12, a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees to VSP Kalach after an IED detonated at a nearby ALP checkpoint (Chapari Checkpoint), killing one ALP. During questioning, several of the SEALs allegedly assaulted some of the detainees. The ALP assaulted most of the detainees as well. U.S. Forces withdrew from VSP Kalach on 03JUN12 and returned to FOB Ripley. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain of command. All U.S. personnel present at VSP Kalach, on 31MAY12, were identified and interviewed.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were identified as being involved in the abuse. Additionally, a report prepared by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) pertaining to the IED blast near VSP Kalach was reviewed; however, no mention of the ALP detainees or their reported physical abuse was contained in the report. On 26JUN12, the four titled subjects were re-deployed to (b)(3)-10 USC 130b (b)(3)-10 USC 130b. On 13Aug12, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) traveled to the former VSP Kalach with the assistance of SOTF-SE personnel. Upon arrival to the site, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USA made contact with the Afghan National Army (ANA) and new ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) agreed to locate any remaining ALP personnel or Afghan locals that might have been present on 31May12, for the aforementioned incident.

2. The third individual located by ALP as possibly being present on 31May12, was (b)(6), (b)(7)(C) was interviewed by RA and PA with the assistance of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Category 2 interpreter, and provided the following information (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) is a mechanic for the ALP in Kalach. During the morning of the IED explosion he was repairing a car (b)(6), (b)(7)(C) stated he heard that people were tied up and assaulted, and one of the individuals died, but he does not know who specifically was responsible (b)(6), (b)(7)(C) walked past the VSP on the way to the bazaar, but did not see anything. (b)(6), (b)(7)(C) stated some of the local shop owners know the names of the people that were assaulted, but are not present or available for interview at the VSP. (b)(6), (b)(7)(C) suspects the Taliban retaliated for this event.

REPORTED BY: (b)(6), (b)(7)(C) SPECIAL AGENT
OFFICE: NCISRA CAMP LEATHERNECK, AFG

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

16AUG12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF INTERVIEW (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. As background, U.S. Navy SEALs were accused of physically abusing detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (aka Oruzgan) Province, Afghanistan. Interviews revealed that, on 31MAY12, a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees to VSP Kalach after an IED detonated at a nearby ALP checkpoint (Chapari Checkpoint), killing one ALP. During questioning, several of the SEALs allegedly assaulted some of the detainees. The ALP assaulted most of the detainees as well. U.S. Forces withdrew from VSP Kalach on 03JUN12 and returned to FOB Ripley. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain of command. All U.S. personnel present at VSP Kalach, on 31MAY12, were identified and interviewed.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were identified as being involved in the abuse. Additionally, a report prepared by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) pertaining to the IED blast near VSP Kalach was reviewed; however, no mention of the ALP detainees or their reported physical abuse was contained in the report. On 26JUN12, the four titled subjects were re-deployed to (b)(3)-10 USC 130b

(b)(3)-10 USC 130b. On 13Aug12, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) traveled to the former VSP Kalach with the assistance of (b)(3)-10 USC 130b personnel. Upon arrival to the site, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USA, made contact with the Afghan National Army (ANA) and new ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) agreed to locate any remaining ALP personnel or Afghan locals that might have been present on 31May12, for the aforementioned incident.

2. The fourth individual located by ALP as possibly being present on 31May12, was (b)(6), (b)(7)(C) was interviewed by RA and PA with the assistance of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) category 2 interpreter, (b)(6), (b)(7)(C) provided the following information (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) is a local landowner that lived the area for seven years, but returned when U.S. personnel arrived in Afghanistan. (b)(6), (b)(7)(C) owns the land the former U.S. occupied VSP is located on. (b)(6), (b)(7)(C) recalls an explosion near the bazaar, but stated he was not in the province at the time. (b)(6), (b)(7)(C) heard that someone died from the explosion and people were tied up and brought to the VSP, but that is all he knew. (b)(6), (b)(7)(C) stated he does not have any other information about that event.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

13JUL12

SPECIAL INQUIRY (II)

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

COMMAND/DOD-INTEREST/00000

MADE AT/CRAF/CAMP LEATHERNECK AFG/

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCE

(A) NCISRA Afghanistan ROI (INTERIM)/21JUN12 (Contains Exhibits 1-27)

EXECUTIVE SUMMARY

1. Investigation was initiated on 03JUN12, after receiving notification that U.S. Navy SEALs were accused of physically abusing, and possibly killing, detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (aka Oruzgan) Province, Afghanistan. Agents deployed to FOB Ripley, Tarin Kowt, Uruzgan Province, and Advance Operating Base Tycz, Uruzgan Province, to meet with Command and conduct interviews. Interviews revealed that, on 31MAY12, a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees to VSP Kalach after an IED detonated at a nearby ALP checkpoint (Chapari Checkpoint), killing one ALP. U.S. Navy SEALs and support personnel exited the VSP and assisted the ALP in questioning the detainees. During questioning, several of the SEALs allegedly assaulted some of the detainees. The ALP assaulted most of the detainees as well. After the questioning was complete, the detainees were released by the ALP and all were observed walking away from the VSP, towards Chapari. In total, the detainees were held outside VSP Kalach for approximately 2-2.5 hours. In the following days (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (NFI), the ALP (b)(6), (b)(7)(C), (b)(3)-10 USC 130b at VSP Kalach, mentioned one of the detainees died; however, he could not answer how, when, or describe the circumstances under which the detainee died. U.S. Forces withdrew from VSP Kalach on 03JUN12 and returned to FOB Ripley. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain of command. All U.S. personnel present at VSP Kalach, on

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SUBJ: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

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31MAY12, were identified and interviewed. Additionally, a report prepared by (b)(3)-10 USC 130b, (b)(6) pertaining to the IED blast near VSP Kalach was reviewed; however, no mention of the ALP detainees or their reported physical abuse was contained in the report. Investigation remains open pending forensic analysis of digital media and attempts to locate/interview ALP as potential witnesses.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the DoD Law of War Program, as prescribed in DoD Directive 5100.77, and violations of Articles 128 (Assault) and 92 (Failure to Obey an Order or Regulation) of the Uniform Code of Military Justice (UCMJ).

2. Since the submission of Reference (A), on 26JUN12, the four titled subjects were re-deployed to (b)(3)-10 USC 130b. Moreover, the convening authority for this investigation has been identified. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, has been identified as the General Courts Martial Convening Authority. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b has been identified as the Special Courts Martial Convening Authority.

3. On 11JUL12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b were briefed on the status of this investigation. Investigation is pending the forensic analysis of digital media and attempts to locate/identify Afghan witnesses and ALP members.

4. Due to the redeployment of RA, this investigation is being reassigned to SA (b)(6), (b)(7)(C) NCISRA Camp Leatherneck, Afghanistan.

DISTRIBUTION

NCISHQ: 023B (DSI)

INFO: CREG/002G (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (E)

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PAGE 2 LAST (b)(6), (b)(7)(C)

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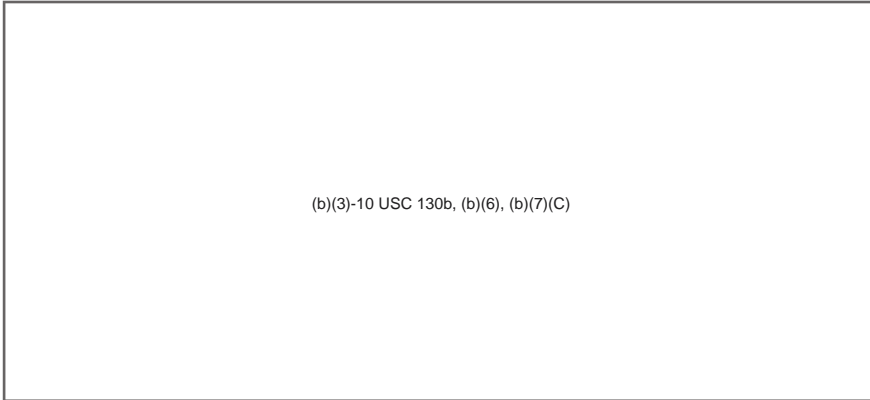
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

21JUN12

SPECIAL INQUIRY (II)

CONTROL: 03JUN12-CRAF-0050-7XNA



(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

COMMAND/DOD-INTEREST/00000

MADE AT/CRAF/CAMP LEATHERNECK AFG/

(b)(6), (b)(7)(C)

SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Interview of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 06JUN12... (Copy all)
- (2) Sworn Statement of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) SA/05JUN12... (Copy all)
- (3) Sworn Statement of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 05JUN12... (Copy all)
- (4) Sworn Statement of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) JUN12... (Copy all)
- (5) Sworn Statement of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 05JUN12... (Copy all)
- (6) Sworn Statement of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 07JUN12... (Copy all)
- (7) Sworn Statement of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 08JUN12... (Copy all)
- (8) IA: Results of Permissive Search of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 08JUN12... (Copy all)
- (9) Sworn Statement of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN/09JUN12... (Copy all)
- (10) IA: Results of Permissive Search of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 09JUN12... (Copy all)
- (11) Sworn Statement of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN/09JUN12... (Copy all)
- (12) IA: Results of Permissive Search of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 09JUN12... (Copy all)
- (13) Sworn Statement of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN/10JUN12... (Copy all)
- (14) IA: Results of Permissive Search of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 10JUN12... (Copy all)
- (15) Sworn Statement of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN/11JUN12... (Copy all)
- (16) IA: Results of Permissive Search of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 11JUN12... (Copy all)
- (17) Sworn Statement of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN/12JUN12... (Copy all)
- (18) IA: Results of Permissive Search of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 12JUN12... (Copy all)
- (19) IA: Results of Interview of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 12... (Copy all)
- (20) IA: Results of Interview of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) 13JUN12... (Copy all)

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- (21) IA: Results of Interview of [redacted] 3JUN12... (Copy all)
 (22) IA: Results of Interview of [redacted] 13JUN12... (Copy all)
 (23) IA: Seizure of Evidence/15JUN12... (Copy all)
 (24) IA: Results of Service Record Review, [redacted] 2... (Copy all)
 (25) IA: Results of Service Record Review, [redacted] JUN12... (Copy all)
 (26) IA: Results of Service Record Review, [redacted] 8Jun12... (Copy all)
 (27) IA: Results of Service Record Review, [redacted] 12... (Copy all)

EXECUTIVE SUMMARY

1. Investigation was initiated on 03JUN12, after receiving notification that U.S. Navy SEALs were accused of physically abusing, and possibly killing, detainees near Village Stability Platform (VSP) Kalach, Chora District, Uruzgan (aka Oruzgan) Province, Afghanistan. Agents deployed to FOB Ripley, Tarin Kowt, Uruzgan Province, and Advance Operating Base Tycz, Uruzgan Province, to meet with Command and conduct interviews. Interviews revealed that, on 31MAY12, a large group of Afghan Local Police (ALP) brought six to eight (6-8) detainees to VSP Kalach after an IED detonated at a nearby ALP checkpoint (Chapari Checkpoint), killing one ALP. U.S. Navy SEALs and support personnel exited the VSP and assisted the ALP in questioning the detainees. During questioning, several of the SEALs allegedly assaulted some of the detainees. The ALP assaulted most of the detainees as well. After the questioning was complete, the detainees were released by the ALP and all were observed walking away from the VSP, towards Chapari. In total, the detainees were held outside VSP Kalach for approximately 2-2.5 hours. In the following days, an ALP officer mentioned that one of the detainees died; however, he could not provide any details regarding the death. U.S. Forces withdrew from VSP Kalach on 03JUN12 and returned to FOB Ripley. After returning to FOB Ripley, U.S. Army personnel reported the detainee abuse through their chain of command. All U.S. personnel present at VSP Kalach, on 31MAY12, were identified and interviewed. Additionally, a report prepared by [redacted] concerning the IED blast near VSP Kalach was reviewed; however, no mention of the ALP detainees or their reported physical abuse was contained in the report. Investigation remains open pending forensic analysis of digital media and review of the investigation by Command for judicial merit.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the DoD Law of War Program, as prescribed in DoD Directive 5100.77, and violations of Articles 128 (Assault) and 92 (Failure to Obey an Order or Regulation) of the Uniform Code of

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Military Justice (UCMJ).

2. On 03JUN12, at 2149, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b - (b)(3)-10 USC 130b contacted NCISRA Afghanistan and reported the suspected abuse of detainees by U.S. Navy SEALs stationed near Tarin Kowt, Uruzgan Province, Afghanistan.

3. On 04JUN12, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) deployed to Forward Operating Base (FOB) Ripley, Tarin Kowt, Uruzgan Province, Afghanistan. Upon arrival at FOB Ripley, RA and PA met with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Combined Joint Special Operations Task Force - Southeast (CJSOTF-SE), and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) SJA, CJSOTF-SE. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) provided an overview of the allegations, VSP operations, and personnel assigned to VSP Kalach. VSP Kalach was a joint compound consisting of personnel from the Afghan Local Police (ALP), one platoon of U.S. Navy SEALs (Foxtrot Platoon, SEAL Team 2), U.S. Army soldiers from 2nd Battalion, 3rd Infantry Regiment (2/3), and a Category II linguist. At the time of the incident, CJSOTF-SE personnel were in the process of withdrawing from VSP Kalach and the final group of personnel returned to FOB Ripley on 03JUN12. After returning to FOB Ripley (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) fully identified infra, reported he and the other 2/3 soldiers witnessed U.S. Navy SEALs abuse ALP detainees on 31MAY12. The reported abuse consisted of physical and psychological abuse. After making the reports, the 2/3 soldiers were moved to Advance Operating Base (AOB) Tycz, Uruzgan Province, and Command reported their allegations.

4. Following the brief (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) provided a roster of U.S. personnel stationed at VSP Kalach on 31MAY12. According to the roster, there were a total of 15 U.S. personnel at VSP Kalach on 31MAY12: Ten personnel from (b)(3)-10 USC 130b (Six SEALs and four USN support personnel), four U.S. Army infantry soldiers, and one linguist. The current whereabouts of all personnel was also established. (b)(3)-10 USC 130b personnel were located at FOB Ripley and 2/3 personnel were at AOB Tycz. Arrangements were made to travel to AOB Tycz. While awaiting transportation to AOB Tycz, RA and PA (b)(6), (b)(7)(C) located the linguist assigned to VSP Kalach and conducted a brief interview.

5. On 04JUN12, RA and PA (b)(6), (b)(7)(C) interviewed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (AKA (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) linguist (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding the events of 31MAY12 (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) reported he was sleeping in his room on the morning of 31MAY12, and was awakened by the ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (last name unknown) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) requested investigative assistance from the SEALs regarding an IED explosion that killed one ALP officer. (b)(6), (b)(7)(C) stated (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked to the front of VSP Kalach and offered advice regarding how to question the ALP detainees. AZ claimed they assisted

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the ALP for approximately 15 minutes, at which point (b)(3)-10 USC 130b, (b)(6) claimed the detainees were lying. During the 15 minutes (b)(3)-10 USC 130b, (b)(6) witnessed the ALP strike the detainees with their hands, feet, and with pieces of wire; however, at no time did U.S. personnel have any physical contact with the detainees. After approximately 15 minutes (b)(3)-10 USC 130b, (b)(6) claimed the ALP walked the detainees away from the VSP, towards the Chapari checkpoint, and all U.S. personnel returned to the VSP. Exhibit (1) provides additional details.

6. On 04JUN12, following the interview of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) RA and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) PA, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) traveled, via helicopter, to AOB Tycz in order to interview 2/3 soldiers who reportedly witnessed the abuse of detainees by U.S. Navy SEALs.

7. On 04-05JUN12, RA and PA (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) interviewed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) U.S. Army (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding reports of detainee abuse (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) provided a sworn statement in which he alleged, on 31MAY12, U.S. Navy SEALs assigned to VSP Kalach physically abused ALP detainees. According (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) IED detonated near the Chapari Checkpoint at approximately 0600 on 31MAY12. After the explosion, ALP went to the area to investigate and returned to VSP Kalach, about an hour later, with several detainees (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) posted on top of a building in the northeast corner of the VSP compound when the ALP returned with the detainees (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) watched as U.S. personnel exited the VSP and assisted the ALP question the detainees (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) witnessed the ALP strike several of the detainees. Additionally (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) observed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) kick a detainee in the stomach and step on a detainee's head. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also witnessed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) place a pistol near the head of a detainee (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) remained at his post until (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told him his assistance was no longer needed and instructed him to leave his post. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) climbed down from the roof and returned to his room. Later that day (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) advised he walked into the Joint Operations Center (JOC) and overheard a conversation in which (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) discussed whether to report the existence of ALP detainees to their chain of command (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also claimed he was later approached by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and instructed to tell his soldiers not to discuss what happened to the ALP detainees with anyone. Exhibit (2) provides additional details.

8. On 05JUN12, PA (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) interviewed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) U.S. Army (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding alleged detainee abuse (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) reported that, on 31MAY12, he manned a security post inside VSP Kalash after an IED detonated near the VSP. While at the post (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) observed the ALP beat several detainees. In addition, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) reportedly witnessed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) kick and step on a detainee's torso as well as drag a detainee (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) by using a scarf that was around the detainee's neck (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) witnessed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) drop a large rock on a detainee and saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) brand

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(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) fire pistols near the heads of detainees being questioned. Exhibit (3) provides additional details.

9. On 05JUN12, RA interviewed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) U.S. Army (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding alleged detainee abuse. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) provided a sworn statement in which he claimed to have witnessed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and several detainees with large rocks during questioning. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also reported (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stood on the heads of several detainees and drug a detainee using a scarf that was around the detainee's neck. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) witnessed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) draw his pistol and fire it next to the head of a detainee. Exhibit (4) provides additional details.

10. On 05JUN12, PA (b)(6), (b)(7)(C) interviewed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) U.S. Army (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding alleged detainee abuse. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) reported he was posted on a roof inside VSP Kalach after an IED explosion at a nearby checkpoint. While posted on the roof (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) observed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) kick a detainee, hit a detainee with large rocks, and step on a detainee. Additionally (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) witnessed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) fire his weapon near the face of a detainee. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also claimed he observed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) kick a detainee. Exhibit (5) provides additional information.

11. On 06JUN12, subsequent to the interviews of 2/3 personnel, RA and PA (b)(6), (b)(7)(C) returned to FOB Ripley.

12. On 07JUN12, RA and PA (b)(6), (b)(7)(C) reinterviewed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding the events of 31MAY12. During this interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) provided information that differed significantly from his previous interview. During this interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) provided a sworn statement wherein he advised SEALs from VSP Kalach directly questioned detainees brought to the VSP by ALP after an IED blast on 31MAY12. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) advised he witnessed the ALP abuse most of the detainees; however, the only questionable act he witnessed by U.S. Forces was when (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stepped on the stomach of one of the detainees. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) reported the detainees were released by the ALP after questioning; however, several days later (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) informed him one of the detainees died. During the interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) expressed general concern for his safety, but claimed he had not been threatened by anyone. Due to concerns for his safety (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was sent to Kandahar Air Base (Mission Essential Personnel) and reassigned. Exhibit (6) provides additional details.

13. On 08JUN12, RA and PA (b)(6), (b)(7)(C) interviewed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) concerning allegations of detainee abuse. On the morning of 31MAY12 (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) reported he was awakened by the sounds of people retrieving radios from a charging station outside his room. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) went outside to investigate and was informed of an IED blast nearby. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) then climbed onto the rooftop of their barracks in order to get a better view. Once on the rooftop (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) joined (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) who

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had already taken up security positions on top of the barracks. While posted on top of the barracks, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) advised he witnessed several detainees being questioned near a ridgeline/cliff approximately 500 yards to the northeast of his position. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) witnessed ALP abusing the detainees during questioning. Additionally, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) witnessed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) fire his pistol near the head of one of the detainees during questioning. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also recalled hearing two additional instances of pistol fire during detainee questioning. Exhibit (7) provides additional details.

14. Subsequent to his interview, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) authorized a search of his personal belongings via an NCIS permissive authorization for search and seizure (PASS) form. No items of evidentiary value were seized during the search. Exhibit (8) pertains.

15. On 09JUN12, RA and PA (b)(6), (b)(7)(C) interviewed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding allegations of detainee abuse. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) advised he stood a security watch during the early morning hours of 31MAY12. After his shift ended, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) advised he returned to his barracks room and slept. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) when (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) woke, he did not observe anything unusual. Later that day, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) heard about the IED and the detainees the ALP brought back to VSP Kalach. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) heard the ALP abused some of the detainees; however, he was not aware of any detainee abuse committed by U.S. personnel. Exhibit (9) provides additional details.

16. Subsequent to his interview, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) authorized a search of his personal belongings via an NCIS PASS form. No items of evidentiary value were seized during the search. Exhibit (10) pertains.

17. On 09JUN12, RA and PA (b)(6), (b)(7)(C) interviewed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding allegations of detainee abuse. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) reported an IED detonated near VSP Kalach on the morning of 31MAY12, which resulted in one ALP casualty. Following the IED blast, the ALP returned to VSP Kalach with several detainees. While the detainees were outside VSP Kalach, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) witnessed the ALP physically abuse several of the detainees. Additionally, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) witnessed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) grab a scarf that was around the neck of a detainee and use it to pull the detainee nearer to the edge of a ridge where he was being questioned. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) returned to the VSP and was later instructed to go to bed. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) did not observe any additional abuse of the detainees by U.S. service members. Exhibit (11) provides additional details.

18. Subsequent to his interview, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) authorized a search of his personal belongings via an NCIS PASS form. No items of evidentiary value were seized during the search. Exhibit (12) pertains.

19. On 10JUN12, RA and PA (b)(6), (b)(7)(C) interviewed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN,

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SUBJ: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

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(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding allegations of detainee abuse (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) provided a sworn statement wherein he advised he (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) interpreting) questioned detainees that were brought to VSP Kalach, by the ALP, after an IED blast at a nearby checkpoint (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) claimed he (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were the only U.S. Forces involved in questioning the detainees (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) witnessed the ALP abuse several of the detainees; however, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) never observed any inappropriate contact between U.S. personnel and the ALP detainees (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) reported he instructed the ALP to take the detainees to Chora (the nearest Afghan prison) or to release them. Afterwards, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) returned to the VSP, briefed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and then went to bed. Exhibit (13) provides additional details.

20. Subsequent to his interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) authorized a search of his personal belongings via an NCIS PASS form. No items of evidentiary value were seized during the search. Exhibit (14) pertains.

21. On 11JUN12, RA and PA (b)(6), (b)(7)(C) interviewed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding allegations of detainee abuse (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) reported that, on 31MAY12, the ALP brought a group of 7-8 detainees to VSP Kalach after an IED exploded at a nearby checkpoint (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) provided general descriptions of the detainees and the actions taken by U.S. personnel and the ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also provided the general locations of personnel throughout the incident (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) reported the majority of detainees were questioned by U.S. personnel near a ridgeline to the southeast of the VSP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) witnessed two instances in which detainees were abused by the ALP; however, he did not witness any U.S. personnel engage in detainee abuse (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) advised he and the other SEALs remained outside the VSP until the ALP instructed them to release the detainees (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stated he helped remove flex cuffs from the detainees and watched the detainees walk away. Exhibit (15) provides additional details.

22. Subsequent to his interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) authorized a search of his personal belongings via an NCIS PASS form. No items of evidentiary value were seized during the search. Exhibit (16) pertains.

23. On 12JUN12, RA and PA (b)(6), (b)(7)(C) interviewed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding allegations of detainee abuse (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) reported he was sleeping in his room on the morning of 31MAY12 and was awakened (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told him he was needed out front (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked outside and learned the ALP brought detainees to the VSP after an IED blast in nearby Chapard (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) witnessed several detainees being abused by the ALP; however, he never witnessed any mistreatment of the detainees by U.S. personnel. Exhibit (17) provides additional details.

24. Prior to his interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) authorized a search of his

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SUBJ: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

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personal belongings via an NCIS PASS form. No items of evidentiary value were seized during the search. Exhibit (18) pertains.

25. On 12JUN12, RA obtained a copy of an email chain that included a classified report (CCIR) pertaining to the 31MAY12 IED blast near VSP Kalach. The report was submitted by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) at approximately 0747, 31MAY12. To surmise the pertinent unclassified information for this captioned investigation, the report did not mention the ALP detainees or that U.S. Forces were involved in their questioning. According to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) follow up reports were submitted from VSP Kalach regarding the incident. A copy of the classified CCIR will be maintained in a separate file.

26. On 12JUN12, RA and PA (b)(6), (b)(7)(C) attempted to interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding allegations of detainee abuse. Prior to questioning, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was advised of his rights in accordance with Article 31b of the UCMJ. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) invoked his right to counsel and the interview was terminated. Exhibit (19) provides additional details.

27. On 13JUN12, RA and PA (b)(6), (b)(7)(C) attempted to interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding allegations of detainee abuse. Prior to questioning, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was advised of his rights in accordance with Article 31b of the UCMJ. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) invoked his right to counsel and the interview was terminated. Exhibit (20) provides additional details.

28. On 13JUN12, RA and PA (b)(6), (b)(7)(C) attempted to interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding allegations of detainee abuse. Prior to questioning, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was advised of his rights in accordance with Article 31b of the UCMJ. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) invoked his right to counsel and the interview was terminated. Exhibit (21) provides additional details.

29. On 13JUN12, RA and PA (b)(6), (b)(7)(C) attempted to interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) regarding allegations of detainee abuse. Prior to questioning, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was advised of his rights in accordance with Article 31b of the UCMJ. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) invoked his right to counsel and the interview was terminated. Exhibit (22) provides additional details.

30. On 15JUN12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, advised (b)(5).
(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)
(b)(5)

31. On 18JUN12, RA reviewed the service records of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) No pertinent information was identified. Exhibits (24)-(27) pertain.

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SUBJ: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

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32. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b has been briefed on the status of this investigation. Investigation remains open pending forensic analysis of seized evidence and review by the Command for judicial merit. All witnesses were provided Victim Witness Assistance Program pamphlets. Investigation continues.

PARTICIPANT

(b)(6), (b)(7)(C) Special Agent, NCISRA Afghanistan

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INFO: CRFG/002G/ (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b (E)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

06JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C), (b)(3)-10 USC 130b

1. On 04JUN12, Reporting Agent (RA) and SA (b)(6), (b)(7)(C) NCISRA Afghanistan, interviewed (b)(6), (b)(7)(C), (b)(3)-10 USC 130b CIV, (b)(6), (b)(7)(C) regarding allegations that U.S. Service Members abused detainees near Village Stability Platform (VSP) Kalach on 31MAY12. Prior to the interview, RA and (b)(6), (b)(7)(C) identified themselves to (b)(6), (b)(7)(C), (b)(3)-10 USC 130b verbally and by display of NCIS Credentials. The interview was conducted aboard FOB Ripley, Tarin Kowt, Uruzgan Province, Afghanistan.
2. (b)(6), (b)(7)(C), (b)(3)-10 USC 130b advised he is employed by Mission Essential Personnel (MEP), as an interpreter (Pashtun), and was assigned to VSP Kalach from MAR12 through 03JUN12, when U.S. Forces vacated the VSP. VSP Kalach is a joint compound consisting of U.S. Navy SEALs, support personnel, and Afghan Local Police (ALP) officers.
3. When questioned about the events of 31MAY12, (b)(6), (b)(7)(C), (b)(3)-10 USC 130b stated he was sleeping in his room when he was awakened by (b)(6), (b)(7)(C), (b)(3)-10 USC 130b (last name unknown). (b)(6), (b)(7)(C), (b)(3)-10 USC 130b identified (b)(6), (b)(7)(C), (b)(3)-10 USC 130b as the local ALP Commander. (b)(6), (b)(7)(C), (b)(3)-10 USC 130b stated (b)(6), (b)(7)(C), (b)(3)-10 USC 130b woke him up and requested assistance regarding their detainees. According (b)(6), (b)(7)(C), (b)(3)-10 USC 130b needed guidance concerning how to question their detainees and how to investigate the detainees' relationship to the (b)(6), (b)(7)(C), (b)(3)-10 USC 130b. (b)(6), (b)(7)(C), (b)(3)-10 USC 130b reported he, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, walked to the front gate of the VSP and observed 25-30 ALP personnel and between 3-7 detainees. At the front of the VSP, (b)(6), (b)(7)(C), (b)(3)-10 USC 130b claimed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) never had any direct contact with the detainees and never asked them any direct questions. All contact with the detainees was conducted through ALP personnel. After a brief period of questioning, (b)(6), (b)(7)(C), (b)(3)-10 USC 130b determined the detainees were lying. After (b)(6), (b)(7)(C), (b)(3)-10 USC 130b made his determination, he and other ALP personnel left the VSP and escorted the detainees back towards the Chapari Checkpoint/Bazaar.
4. (b)(6), (b)(7)(C), (b)(3)-10 USC 130b was also questioned detainee abuse he may have witnessed. (b)(6), (b)(7)(C), (b)(3)-10 USC 130b stated he observed ALP personnel hit the detainees with their hands, feet, and whip them with (b)(6), (b)(7)(C), (b)(3)-10 USC 130b reported no U.S. personnel had any direct contact with the detainees and never touched any of them. Furthermore, (b)(6), (b)(7)(C), (b)(3)-10 USC 130b stated the U.S. personnel's involvement in the situation lasted only 10-15 minutes. After the detainees were escorted away, all U.S. personnel returned to the VSP and (b)(6), (b)(7)(C), (b)(3)-10 USC 130b returned to his room.

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SUBJ: [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) [redacted] returned to the VSP a few days later and reported one of the detainees died and they let the other two go. [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) did not provide any details about the circumstances of the detainee's death.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) [redacted] reaffirmed the U.S. personnel had no physical contact with the detainees and that all detainees appeared to be in good health and walked away from the VSP under their own power.

REPORTED BY: [redacted] (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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STATEMENT

Place: Tycz, Afghanistan

Date: June 5, 2012

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) make the following free and voluntary statement to (b)(6), (b)(7)(C)

whom I know to be a representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of possible detainee abuse (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) For identification purposes, I am (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) years old and was born on (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). My social security number is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and my race and sex are (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) male. I am approximately (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) inches tall and I weigh approximately (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) pounds. I have (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) eyes and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) hair. I currently reside at Joint Base Lewis-McChord, Washington, 98433, and my phone number is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I am a member of the United States Army currently assigned to Alpha Company 2nd Battalion, 3rd Infantry Regiment, 3rd Brigade(SBCT), 2nd Infantry Division, and my rank is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I have the following security clearance: SECRET (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I am attached to Alpha Company 2nd Battalion, 3rd Infantry Regiment, 3rd Brigade(SBCT), 2nd Infantry Division, and deployed to Afghanistan in December of 2011. After initial arrival and in-processing, my squad was sent to VSP Kalach, Uruzgon Province, and attached to ODA 1331 sometime mid December. At the time my squad consisted of nine Soldiers. During our time spent with ODA 1331, they pretty much gave us the ins and outs of the camp (i.e. how things are done, and the best way they work). My squad also conducted weapons training, and patrol SOP's with the ODA. The time with ODA was mostly area familiarization, and shadowing them during ALP training. For the most part the ODA was prepping for the R.I.P. with SEAL Team Two. As the ODA began sending personnel off the camp, my guys began taking over the camp duties (i.e. cooking, generator maintenance, and vehicle maintenance issues). Around late February is when (b)(3)-10 USC 130b arrived at the camp, and the last of the ODA had left. I immediately noticed a difference in the experience level of the SEAL's versus the ODA team with this type of mission. The 90-day CONOP that they briefed would have taken an act of God to accomplish, and despite the day to day activities of the locals that the ODA briefed, the SEAL's assumed anyone near the base was or linked to the Taliban. During the familiarization time, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) sat down with me and discussed what I expected, and the (b)(3)-10 USC 130b Keys to Success (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) made it a point to distinguish the difference between aggressiveness, and recklessness. My initial thought of the SEAL's was that I thought they were disciplined professionals. As time went on it seemed the SEAL's became bored. They started throwing grenades off the roof of the camp, shoot at local nationals that were on the ridgelines, most of the time they would do it without warning. When they did shoot warning shots at the locals it was for no reason, they were no threat. The SEAL's would say they are "spotters," but there isn't much you can do about that. This didn't happen everyday, but it was often. Because (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

he SEALs were acting this way more frequently, I brought my squad together and told them to not fall in line with them, and went over the R.O.E. with them again. Me and my guys witnessed all sorts of inappropriate behavior by the SEALs. I personally witnessed them throwing grenades over the wall of the compound for no particular reason. I saw them shoot at random vehicles with the .50cal and I also saw one of the SEAL's shoot an Mk-13 grenade launcher towards an Afghan male as a warning shot. They didn't kill anyone, but it was all very excessive. There was also an incident one of my guys told me about [redacted] ended up helping locals with medical issues sometimes and there was one occasion when an Afghan father that lost a child to leukemia that we tried to help. The father would keep coming back to the clinic fearful his other kids would have the same sickness. So one day he came back to the VSP and one of the SEALs [redacted] yelled at him and punched him in the face, knocking out a few of his teeth. Also, something else I witnessed several times was during OPS the SEAL's would sometimes use a sling shot to shoot children in the face with hard candy. It got to the point where none of my squad wanted to go on OPS with the SEAL's. [redacted]

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

in APR12, the chain of command made the decision to leave VSP Kalach. The reason being the SEAL's said, "because there was no action and no Taliban." This again showed me their inexperience, because that is not focus of the VSO mission. As we got closer to leaving, [redacted]

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

left the VSP, which left [redacted] in charge and [redacted] as the senior enlisted advisor. At this point, I noticed a significant increase in the reckless incidents by the SEALs. Security also dropped off on their end. [redacted]

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

on the morning of 31MAY2012, I and [redacted] were working out in the gym. Around 0620hrs, I heard an explosion, and went out to the front gate to check. I saw a dust cloud to the east over by the Chapari checkpoint. I ran to the front gate and asked the ALP at the gate if it was an IED, and he said, "yes." I also noticed the ALP were already getting on their motorcycles and heading off towards the explosion. Because we didn't know what was going on, I decided to increase our security posture. At this time, I had [redacted] take security at the gate and prep a litter by the front gate. I then woke up my two Team Leaders [redacted] and told them to get on the roof and pick up security to the south. I then notified [redacted] about the IED, and went back to the front gate to assist with security. After Five minutes had past [redacted] came and met up with us at the front of the camp, and asked me a barrage of questions that I had already answered when I briefed him about the explosion. While at the front gate, I learned the ALP had one ALP KIA. About maybe 45 minutes to an hour went by when the ALP returned with six detainees. Some of them were on foot and some were on motorcycles. The ALP sat the detainees down just outside our VSP, on the east side. At this time all the SEAL's were awake and at the front of the camp. I had sent [redacted] on the roof of the Shura room, and I joined him once the SEAL's came to the front of the VSP. Once I got on top of the Shura room, I could clearly see everything that was going on with the detainees. There were about 10-15 ALP with the detainees and most of the SEALs. I watched the SEAL's walk over to where the detainees were and saw them arrange the detainees north to south on the east of the camp. The SEAL's weren't doing anything unusual at first, but the ALP were pretty rough with the detainees, hitting them with sticks, antennas, and kicking them in the back. Then, the SEAL's began to encourage it, and [redacted] yelled out, "Enjoy the show!" and at one point asked [redacted] and I if we had a camera. Me and [redacted] position was about 30-50 meters away and we could clearly see what was going on. After the SEAL's [redacted]

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

appeared to have control of the detainees, the ALP stopped hitting them so much and seemed to calm down a bit. I recall watching as one of the detainees kept lying on his side and an ALP guy would pick him back up. As soon as he sitting back up, the detainee would lay back down again. After this happened a few times, I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) grab the detainee by the throat with both hands and pick him up to his feet. After that, the detainee stopped lying down. After things settled down and the detainees were under control (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) started talking to the detainees. They were using the term (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) for all of the questioning. I did not observe (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) act inappropriately towards any of the detainees at that time (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also had an ALP with them while they were questioning. I'm not sure whether (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) talked to all of the detainees or not. I did see though that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) left the group and walked back into the VSP around the same time the last 3 or 4 detainees were separated from the group and walked to the cliff. There was no ALP involvement with the separation. The SEAL's picked the detainees up and walked them to the cliff. One of the ALP guys did follow the SEALs with the detainees to the cliff though, but he did not appear to be running the show. He only appeared to act after the SEALs would say something to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) who would translate and then the ALP guy would do something, like pick the detainees up or something (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) at this time, I climbed down from the room security position because I was still in my pt gear. I went to my room and put on my uniform and then returned to the room security position with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). After I got back on the roof, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me about what he had seen.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me that he saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) do a type of jump kick to the side of one detainee that had already been questioned. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also informed me that he thought the group of SEAL's may have been "water boarding" the detainee, but he didn't see anything. He told me that he saw them carry a case of bottled water towards the detainees and he assumed the purpose was to waterboard them. That's all (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said happened while I was gone. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) After I got back on the roof, I observed the group of SEAL's consisted of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and one ALP. The questioning was being conducted to the southeast of the camp where the ground runs down into the valley. I saw that the detainee that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was questioning started getting "noodle legs" and continued to try and lay on the ground. I didn't think much of it and figured the detainee was doing some acting. After a few minutes of some "in your face questioning" I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) kick the detainee in the stomach, shortly after (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) then stepped on the detainee's head. The questioning continued and after about 10 minutes or so, that is when I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) fire about 3-4 rounds from his pistol near the head of the detainee without any warning or regard for any locals that may have been in the valley below. At the time (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) fired his pistol, the detainee was laying on his left side and his hands were bound behind his back with zipcuffs. The group of SEAL's continued the questioning, for a few more minutes, and then (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) fire his pistol in the same fashion as (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) did. The same detainee was laying on his side with his hands still bound behind his back. Once that took place the SEAL's eased off the detainee for a bit and that is when (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) turned to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I and said, "hey, you guys are good!" I said, "what?" (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) then replied, "you can get down, you're good, we got it!" So (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I came down off the roof and returned to our rooms. I did however keep (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) in their positions. From the time I first saw the SEALs engage the detainees until I was told to get off the room was approximately 2 hours. I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) the tarp, with them the entire time. I returned to my room by myself and approximately 30-45 minutes later, I heard about 6 rounds of pistol fire. I have no idea where it came from and I didn't think much of it at the time. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) about an hour or so after (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I came off of the roof I went into the JOC to grab some coffee. That is when I overheard (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) discussing what to send up for the report. They talked about whether or not to say they had detainees. That is when (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said, "no don't." Later that evening I went and talked with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to find out what happened with the detainees. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) had told me that the ALP and SEAL's had let them go. When I asked about it (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) looked unsure and uncharacteristically nervous, and was quick to change the subject. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) The following day around 1100hrs, prior to my guard shift, I was notified by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (who is ALP 2nd in command) had told him of hostile icom chatter from the Taliban. I grabbed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and pulled (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) aside to ask him what exactly was said over the icom. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said (with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) interpreting) "the Taliban said you will pay for what you did. Those men were innocent, and to be ready for a mortar attack." I then asked (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) "why are the Taliban mad? We let those guys go." (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said, "because of what we did." I then asked, "what did we do?" (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) replied, "because the ALP and SEAL guys beat that guy and he died." I then looked at (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and asked, "I thought they let them go?" (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) then with a nervous look avoided my question, and asked, "what should the ALP do?" So I went to the JOC where (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were and notified them of what (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said regarding the hostile icom chatter. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me to tell (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to send a patrol to the north and south of the camp. I went back out of the JOC and relayed the instructions to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and took my position on the roof for guard. While I was on guard (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came up to talk about the icom chatter. I asked him about why they let the detainees go. He responded along the lines of, "I don't know man, we just don't want to give the SOTF any reason for us to stay here." At the end of my shift (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came up and told me to meet him in the JOC because him and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) wanted to "rap" with me about the upcoming OP. In the JOC (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) lead most of the conversation, with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) sitting next to me (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) talked to me about the incident the other day and said, "tell your guys not to talk to anyone about what happened outside of this camp." (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also said, "you know, no one needs to know we were involved, just say an IED went off, and one ALP guy died, we sent ALP to check it out, but they didn't find anything." (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) continued saying, "no one needs to know what happened, or that two guys died, or none of that." When (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said that he looked at (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) gave (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) the "you shouldn't have said that" look. I then questioned, "two guys died? I thought you let them go?" Then (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) interrupted and said, "just make sure your guys are tracking." After that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) showed me pictures of the IED last. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said, "yeah, they put it right on the checkpoint." Then (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) followed with, "if anyone asks it wasn't at the checkpoint, the IED went off because the ALP was conducting a patrol nearby, you know what I mean." So I agreed and played the part, knowing that while at the camp I couldn't take any action regarding the incident. I then brought in my guys and told them of the conversation that took place. I told my guys to go along with it and play dumb, I let them know that while we were still at the camp we couldn't do anything about it. The next few days became very uncomfortable. It was difficult to get any type of privacy on the phone, and on the computers. During this time my squad and I had a lot of the SEAL's that were involved in the incident come up to us during guard and ask, "are you guys (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) good? If you need to talk about anything, even about what happened the other day, let us know." I told my guys that the SEAL's were pretty much feeling us out, trying to see if we were against what they did, and if we were ok with not saying anything. I did notice most of the SEAL's attention and question occurred when my Soldiers had guard and were alone. They did talk more often to my guys rather than with me. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) On 02JUNE2012, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) notified me that we will only be getting one bird to assist with the retrograde. (We originally were expecting 3 turns for 03JUNE2012). (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me that they were going to send the remaining 4 of us (Infantrymen) to Tarin Kot. Once I heard that I felt a little relief, that way I can now get a hold of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and inform him of what took place on 31MAY2012. Then later that night (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came up to me to inform me that we got extra birds, and that all of us will be in Tarin Kot the next day. That is when I decided to send the e-mail tonight while one of my Soldiers were on guard. So around 0030-100hrs I went up to the roof, to find (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) At this time most of the SEAL's were up and about packing their gear prepping to leave. I asked (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to go and grab his laptop and bring it up to me. Once I got (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) laptop, I told him to make sure none of the SEAL's were around, and if anyone asks what we are doing, I told him to tell them, "I needed to tell (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (my (b)(3)-10 USC 130b) that I was going to be in Tarin Kot, to take care of some inventory issues." So, I got on my hotmail account and e-mailed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I sent him a message along the lines of, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I need to talk to you about an incident that took place at my site. I need to talk to you FACE to FACE. Please do not call or e-mail me, I will not talk to anyone. I will only discuss this when I see you." After my message was sent I went back to my room to get some sleep. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) The day of 03JUNE2012, not much happened regarding the incident, and the SEAL's continued to be unusually nice to my squad. I was set to leave on the first turn which arrived at the camp at 1030hrs. Upon my arrival at Tarin Kot, I was told by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) that I needed to find a tent for all of us, which made the situation even worse. That is when I decided to go to the MWR and check on my e-mails. I received an e-mail from (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) in response to my e-mail sent earlier that morning. It read, "not going to TK. Once you get to TK either call or e-mail me." I then responded to the e-mail saying something along the lines of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) my squad is being involved in a cover up regarding the possible killing of detainees." After that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) notified me that I needed to call my (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I did, but I couldn't talk at the time because there wasn't any privacy. Before I could call (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) back, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) found me and had me inform leadership about what happened at the VSP. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) this statement, consisting of this page and 5 others was prepared by me and SA (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) as we discussed its contents. I have read and understand the statement above. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Signature: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Sworn to and subscribed before me this 5th day of JUNE in the year 2012 at 1405 hrs

(b)(6), (b)(7)(C)

Witnessed: _____

Representative NCIS

AUTH: DERIVED FROM ARTICLE 136, UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

ALSO AFTER THE TALK IN THE JOC, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) TRIED TO EXPLAIN TO ME THE DIFFERENCE BETWEEN TACTICAL QUESTIONING AND INTERROGATING. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) TOLD ME THAT HE KNEW THAT IN THIS ENVIRONMENT HE WASN'T ABLE TO DO EITHER. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

ON THE NIGHT OF 02 JUNE 12, I NOTICE (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) PULL ASIDE WITH (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) TO TALK. SHORTLY AFTER THE TALK I SAW (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) ON THE ROOF OF THE SHURA ROOM WITH 4-5 OTHER ALP SITTING IN A CIRCLE HAVING A MEETING. THIS I THOUGHT WAS UNUSUAL, BECAUSE THE ALP HAVE NEVER DONE THAT. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

ON 03 JUNE 12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) INFORMED ME THAT HE WENT LOOKING FOR (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) THE OTHER NIGHT, AND COULD NOT FIND HIM IN HIS ROOM. WHEN (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) TRACKED HIM DOWN, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) INFORMED ME THAT (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) TOLD HIM THAT HE STAYED IN THE SEALS LIVING AREA. I ASKED (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) HOW LONG WAS THIS GOING ON BUT HE DID NOT KNOW. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Place: AOB Tycz , Urzgan province AF

Date:05Jun12

I (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) make the following free and voluntary statement to Special Agent (b)(6), (b)(7)(C) whom I know to be a representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of

For identification purposes, I am (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) years old and was born on (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) My social security number is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and my race and sex are (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) male. I am approximately (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) inches tall and I weigh approximately (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) pounds. I have (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) eyes and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) hair. My home of record is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

I am member of the United State Army, currently assigned to Alpha company, 2nd Infantry Battalion, 3rd Infantry Regiment, and my rank is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I have a secret security clearance. This is my third deployment. My two previous deployments include Ramadi Iraq from Jan07 to Mar 08 and Baghdad, Iraq Dec09 to Dec10. My current deployment began on 20Feb12.

On 17 March 2012, I arrived at VSP Kalach, I was given a tour of the camp (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I was also introduced to the OIC of the camp (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and the NCOIC (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) They sat down and briefed me of the VSP and my duties while I was there, which where to help (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) with the kitchen, get water from the river, driver or gunner for OP's and help with fuelling the ALP motorcycles. Some of the SEAL's where nice and helpful and others had bad attitudes.

On 31 MAY 2012, we had an IED go off in the Shappari Bazaar. I was woken along with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to pull security on the roof on top of the SEAL's barracks, we also had (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) up there as well (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came up to the roof and give me sector of fire which was to the south east and instructed me to shoot anyone in that area. I heard a gun shot but there was no one around. I went down to get some water and that's when (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) informed me that it was ALP who did the shooting of happiness, because they found the trigger man. About 15 minutes later I saw the ALP bring a detainee along with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) outside of the compound next to a cliff. The ALP hit him in the head with some sort of stick, the detainee fell to the ground at this point (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) put his right foot on his upper torso and step on him putting all his weight on him. He did that repeatedly, while also kicking the detainee (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) picked up a rock from the ground and dropped it on the detainee's body at this point (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) left from the area and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) left then came back with a bottle of water and threw it at the detainee (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) picked it the bottle and it looked like they were pouring water on the detainee, near his mouth as the detainee was lying down. The detainee's body looked like he

was choking (b)(3)-10 USC 130b, (b)(6), then fired his pistol next to the detainee's head. (b)(3)-10 USC 130b, (b)(6) Then (b)(3)-10 USC 130b, (b)(6) grabbed the detainee's scarf, put it around his neck and dragged him three times. The ALP grabbed him and took him back to the ALP compound and brought another detainee. The ALP hit him in the head and the detainee was being forced to take a knee. The detainee was resisting to take a knee and was pulled by his arm until he was forced to lie on his back. (b)(3)-10 USC 130b, (b)(6) started stepping on the detainee while putting all his weight, somewhere on his upper body, closer to his head. He continued to kick him (b)(3)-10 USC 130b, (b)(6), (b)(7) fired his pistol next to the detainee's head on the right side. (b)(3)-10 USC 130b, (b)(6), (b)(7) left and came back with a case of water and he poured water on the detainee while he was lying on his back. The detainee looked like he was also choking from the water. They did the same water pouring to the other four detainees in the same manner except for one, which looked like they had a piece of clothing in the detainee's mouth while pouring water near his face. I could not see the water going into their mouths from where I was standing. All of my observations were from my security post on the southeast side of VSP, which is a straight line of sight, about 120-180 meters from the cliff.

The next day the linguist (b)(3)-10 USC 130b, (b)(6), translated for (b)(3)-10 USC 130b, (b)(6), and I as we were putting fuel in the ALP motorcycle. The ALP second in command (b)(3)-10 USC 130b, (b)(6), told us that ICOM chatter from the Taliban saying the American's killed an innocent person and to be prepare for a mortar attack. The next day I was pulling security on the roof. I saw a local national coming down from the valley to the south east and a couple others around that area. I informed (b)(3)-10 USC 130b, (b)(6), (b)(7) (and also informed him that they were no threat to us. When I went back on guard (b)(3)-10 USC 130b, (b)(6), came up to the roof and grabbed the .50 cal and asked me where they were. He said he wanted to shoot at them. I informed him they were gone and not a threat to us. He got mad because I didn't shoot at them or inform the SEALs about it. I advised him that I informed (b)(3)-10 USC 130b, (b)(6), (b)(7) about it.

After the detainee situation our squad was feeling uncomfortable around the SEALs and the way they were acting and the fact that they constantly asking us if everything was ok. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, (b)(6), (b)(7) told all of us that the SEALs asked him to lie about the situation. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told us to wait until we got to TK to inform our chain of command about the situation. We were already feeling uncomfortable and we didn't know what where they were capable of doing to us if we tried to say something about it. None of us in my squad took any pictures or video of the incident. The VSP was going through retrograde and all of the video recording and sensor equipment had already been sent to another location.

This statement, consisting of this page and (2) other pages was prepared by me as a we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or changes. This statement is the truth to the best of my knowledge and brief.

Signature (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Sworn to and subscribed before me this 5th day of June in the year 2012 at AOB Tycz.

Witnessed:

NCIS Representative:

(b)(6), (b)(7)(C)

1840 HCS

AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

STATEMENT

Place: Tycz, Afghanistan

Date: June 5, 2012

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) make the following free and voluntary statement to (b)(6), (b)(7)(C) whom I know to be a representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of possible detainee abuse (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) for identification purposes, I am (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) years old and was born on (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) My social security number is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and my race and sex are (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) male. I am approximately (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) inches tall and I weigh approximately (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) pounds. I have (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) eyes and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) hair. I currently reside at Joint Base Lewis-McChord, Washington, 98433, and my phone number is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). I am a member of the United States Army currently assigned to Alpha Company 2nd Battalion, 3rd Infantry Regiment, 3rd Brigade(SBCT), 2ND Infantry Division, and my rank is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). I have the following security clearance: SECRET (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) deployed to Afghanistan in DEC11. After arriving, I was assigned to Village Stability Platform (VSP) Kalach, Uruzgon, Afghanistan. In FEB12, Seal Team 2 (ST2) replaced an ODA unit that was there and I have worked with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) since that time (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) On the morning of 31MAY12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) woke me up in my room around 0630 and told me to get on top of the roof and pull guard. He told me there was an IED, but he didn't give me any specifics. I woke up, got dressed, and then got on top of the roof where we pull guard duty. The roof I am talking about is the top of the Seals barracks roof, which is the main building on the south of the compound. I complied and got on top of the roof within 5-10 minutes. When I got on top of the roof, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were up on the roof already. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) is the communications guy for (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). While we were up on the roof, we got updates on the situation and I learned that an IED exploded at the Chapari Checkpoint, near the bazaar, to the east of the VSP. During one of the updates, I also learned that an Afghan Local Police (ALP) was killed and that the ALP might have caught the IED trigger man. I don't know how long for certain it was, but approximately 30-45mins after I got on the roof, I saw a group of ALP come back to the VSP. Some of the ALP were walking and some of them were riding motorcycles. When they got back to the VSP, they entered through the main VSP ECP and then they walked in the direction of their portion of the compound. Around this time, I also learned they had six detainees with them. I did not see the detainees at this point. From my position, I could only see rooftops in the ALP part of the compound, I couldn't really see anything inside it. I maintained my position and saw a group of SEAL's walk towards the ALP compound. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was with the group, but he was only over there for a few minutes and then I saw him return to our side of the compound. About 10-15 minutes after that, I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and the interpreter (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walking outside the compound. I saw them walk along the east side of the compound. They walked as a group and stopped near the edge of the ravine that dropped into the "Green Zone." The edge itself isn't a straight drop. The first 5 feet or so is pretty much a vertical drop, but after that, the terrain slopes downward at a moderate angle until it bottoms out about 50-60 feet below. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were standing near the edge when I spotted an ALP guy walking a detainee out towards them. I assumed he was a detainee because his hands were flex-cuffed behind his back. I think the ALP guy brought the detainee from inside their compound, but I can't be certain because my position didn't allow me to see into their compound. After the ALP and detainee reached our folks, the ALP put the detainee down on his knees in front of them. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) started to question the detainee and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) appeared to be translating for (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). My position was too far away so I couldn't hear what was being said, but it was close enough that I could clearly identify the U.S. Personnel involved. Shortly after (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) started questioning the detainee, I saw the ALP guy hit the detainee between his shoulder blades with the butt of his rifle. The ALP guy was carrying an AK-47. After that, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) continued to question the detainee and, every once in a while, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) would push the detainee to the ground (on his stomach) and then I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) step on the detainee's face. That continued for a little while. I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) step on the guys head maybe 8-10 times. When he would step on the guys head, I could see the detainee's legs move a little. I could also tell (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was putting his full weight on the detainee's head when he stepped on it. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was "interrogating" this detainee for approximately 10-15 minutes. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was there the entire time, just standing near them. I'm not sure if (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was done talking or what, but I saw an ALP guy pick the detainee up off his knees and walk him away, back towards the main ECP to the VSP. I don't know where he took him exactly because my view was blocked. A couple of minutes later, I saw an ALP guy walk another detainee out to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). I know this was a different detainee because he was wearing completely different clothes. This guy was wearing a dark colored man-dress. The first guy was wearing a dingy white man-dress with a grey vest. After the ALP walked the second detainee out to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) the same thing happened. The ALP guy put the detainee onto his knees (his hands were also flex-cuffed behind his back) in front of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was standing in front of him and looked like he was talking to the detainee. More of the same happened. I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) put this guy onto his belly too and also step on his head a few times. I think it was at this time that I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walking towards (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and the detainee. As they approached the detainee, I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) pick up a good size rock (maybe the size of your fist) and throw it at the detainee, hitting him in the chest. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was maybe 10-15 feet away from the detainee when he threw the rock. The new group walked all the way up to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and the detainee. It looked like they talked amongst themselves for a minute and then I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walk away. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked all the way back into the compound. I know this because I saw him in the compound within a couple of minutes. At this point, there was (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) with the detainee. There was also somebody from the ALP, but the ALP guy didn't seem to be next to them all the time. He might have been walking around during the questioning. After (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) left the group, it looked like the U.S. personnel were questioning the detainee as a group. I think they were all talking to the detainee because I could see different people talking to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and then (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) would face the detainee. This is the point where things appeared to escalate. I saw both (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) put the detainee on his back and drop large rocks (maybe 2x the size of a softball) on the (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) detainee's chest. I saw both (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) drop several rocks onto that detainee. In addition to dropping the rocks on him, I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) get the detainee up onto his knees and move him over to the edge of the dropp off. They put him on his knees, maybe 1-2 feet from the edge. At that point in time, it appeared mostly (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was doing most of the questioning. And then I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) draw his pistol and squat down behind the detainee. Then (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) put his pistol next to the right side of the detainee's head and I saw him shoot off 2-3 rounds. After that, all of them (except for (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)) yelled at the detainee some more and then the ALP guy showed back up and took the detainee away. A few minutes later, the ALP brought another detainee out to the ledge. I could tell this guy was different because I could see he had grey in his beard. The other two guys looked younger. The ALP put him on his knees too. Our guys started questioning this detainee too. With this detainee, I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) dropping large rocks on the detainee's chest like they did with the other guy. I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) shoot his pistol next to this detainee's face too. I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stand on this detainee's head too. After (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stood on his head a couple times, I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) take the detainee's scarf off of his head and then put it around the detainee's neck. The detainee was sitting on the ground at this point. Then (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) use the scarf to drag the detainee around by the neck. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) dragged him several feet at a time. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) continued to drag him around for several minutes. After that, the ALP took that guy away and then returned with a fourth. The fourth detainee had a dark brown man-dress without a hat or scarf on his head. I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) start asking him questions too, but I decided to get off the roof at this time. I was tired of watching what they were doing to the detainees. I got down off the roof and went to my room and dropped off my weapon. Then I went over to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) room and told him what I saw. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me to steer clear of those guys and not to get caught up in what they were doing. After that, I went up and told (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) he could get off the roof. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was still on top of the roof at that time. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stayed up on the roof. While we were on the roof, nobody really said anything about what they had seen. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) got down from the roof and we went back to our room (roommates) and hung out for awhile, maybe 2-3 hours. We talked a little about what happened, but not too much. By the time I came out of my room (around noon), everyone was back inside the VSP. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) After that night, I asked (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) about what happened to the detainees. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me they released them. I told him that I heard that one of them died. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) didn't respond to my question or anything. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) didn't seem like he wanted to talk about it, so I didn't ask any more questions. Over the next few days, there was a tension between us and the SEALs. Nobody threatened me or tried to get me to cover for them. We closed the VSP on Sunday, 03JUN12 and returned to Tarin Kowt. There are no U.S. forces left at the VSP. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) This statement, consisting of this page and 3 others was prepared by me and SA (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) as we discussed its contents. I have read and understand the statement above. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Signature: _____

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Sworn to and subscribed before me this 5th day of June in the year 2012 at 1625 hrs

Witnessed: (b)(6), (b)(7)(C)

Representative NCIS
AUTH: DERIVED FROM ARTICLE 136, UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

Place: AOB Tycz , Uruzgan province AF

Date:05Jun12

I [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) make the following free and voluntary statement to Special Agent [redacted] (b)(6), (b)(7)(C) whom I know to be a representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of

For identification purposes, I am [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) years old and was born on [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). My social security number is [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and my race and sex are [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) male. I am approximately [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) inches tall and I weigh approximately [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) pounds. I have [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) eyes and [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) hair. My home of record is [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). I am member of the United State Army, currently assigned to 2nd Infantry Battalion, 3rd Infantry Regiment, and my rank is E-[redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). I have a secret security clearance.

On 16 December 2012, I arrived at Kalach, VSP to conduct Village Support Operations with the Operational Detachment Alpha (ODA)-US ARMY. This mission includes training Afghan Local Police (ALP), supporting and building betterments in the surrounding villages, i.e. Wells, schools and repairing roads.

While at the VSP one on my primary duties included provided medical training to ALP and also VSP security shifts. The Sea, Air and Land Teams (SEALs), arrived in January 2012 and replaced the ODA, which was there before. Approximately, one week after the ODA left the VSP I noticed a significant change in the tactics and the direction of the VSO mission. These activities changed to SEALs randomly shooting and throwing grenades off the SEAL barracks to the south. The SEALs would also shoot 40mm M203 grenade launchers and "punt gun" toward the hillside. This occurred so frequently that the Army personnel assigned to 2nd Bat/3rd Infantry (2/3), could not determine whether the explosions or firing was from the SEALs or enemy activity.

At the end of March 12, [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) began making trips to the Chora District center with other SEALs. At this time we were told preparations would begin to be made for retrograde and closure of VSP Kalach. During this time frame I remember when a local national, whom we knew to frequent the VSP for medical concerns he had for his children. One day the local national (LN), male in his 50s (NFI), came in and [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) a SEAL medic/sniper who was working the medical clinic, became angry with the LN and punched him in the face. I did not see this, however; the following day I treated the LN and he told me he was punched in the face by [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). The LN had a visible contusion underneath his left eye down to this jaw. He was also missing two teethe, and an abrasion on his lip. [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also told me [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) hit the LN when he came to visit.

On 31 May 12, I finished my security shift, which was from 0330 to 0500. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I were preparing to go to the gym when we heard a loud explosion and then saw ALP personnel running around frantically outside the VSP. I went to go retrieve our weapons as (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) went to notify the SEALs of what was happened. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was advised of an IED explosion at Chapari checkpoint. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I took a security position at the front gate, while (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) went to the post security on the roof at the north end of the VSP. ALP notified us they had a casualty from the IED. They brought the casualty in through the front gate. I asked the SEALs if he was searched for an explosive device before allowing him in the front gate and they said yes, but I watched the body get taken out of the truck and no one searched it. When I went to examine the body the SEALs moved back as if not wanting to be around it in case there was an explosive attached to it. It was immediately apparent the ALP soldier was killed. Shortly after, I took a security position on the Shura roof (north end of VSP).

From the roof I observed ALP bring five detainees to the VSP from the east. Their hands were tied behind their backs. The ALP made the detainees squat. At this time the (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (SEAL) was outside the compound taking pictures of the detainees with a small digital camera. The ALP were questioning the detainees and beating them with sticks, rocks and AK-47 rifles. A sixth detainee was escorted to where the five detainees were squatting. The ALP focused on the sixth detainee and beat him as well. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and linguist (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) took a detainee to the a nearby area and questioned him with no issues. A second detainee was taken to the cliff area (east of VSP) by ALP personnel and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). At the cliff the detainee refused to walk and layed down. They placed the detainee next to the edge of the cliff. The cliff has a drop off of 35-40 feet.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) asked for water. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) brought 2-3 bottles of water over to him. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked to the detainee at the cliff. I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) straddling the detainee over his upper torso area and pouring water on the detainee's head area. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stood the detainee up and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) then fired 2 rounds from his handgun, approximately one foot from the detainees head on the right side. The detainee layed back down. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) picked up a rock the size of a peewee football, and dropped it on the detainee's upper torso. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) picked up another rock, spread the detainees legs open and straddled the left leg. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) straddled the right leg and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) dropped the rock on the detainee's groin. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) continued questioning the detainee. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stepped on the detainees head and shoved his head in the ground. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) kicked the detainee's upper torso area. This continued for a few minutes. The ALP picked up the detainee and escorted him back to where the other detainees were squatting.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) called next detainee to the cliff's edge. ALP escorted him there and made him lay down on his back. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) asked for more water, which (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (SEAL) brought over to him. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) kicked and stepped on the detainee. At this time I left my security position on the shura room to use the bathroom and grab some gear. I returned to the roof five minutes later. When I returned I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) fire two

rounds, one foot above the detainee's face. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) left the roof for about five minutes. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) continued to kick and step on the detainee at the cliff. I also observed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) with another detainee, who he kicked in the right shoulder, causing him to lay on the ground. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) picked up the detainee and took him to where the other detainees were being held in the squatting line and tied a scarf around his whole face, including mouth, nose and eyes. The other detainees faces were then also covered. When (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) returned, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told us "Don't worry you guys can get off the roof, we have it covered." At this point approximately an hour and a half has passed since the detainees were first escorted to the VSP by ALP.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) returned to our barracks room and discussed the situation. We discussed how to report the incident without causing problems while residing at the VSP site with the SEALs. At about 1230 I grabbed an Meal Ready to Eat (MRE) from the kitchen, when I returned my barracks I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) who was looking for (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). I found (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) in his room. He translated for (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) the fact that one of the detainees died and rest were let go. I went back to my room and briefed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) the information I found out. At 1300 I went to the top of the SEAL barracks roof to stand guard. While up I was at the roof, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) asked why we (the Army personnel) stand guard. I explained to him for security and peace of mind. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) left and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came up to the roof 10 minutes later and asked what I knew of the incident that happened earlier "with those guys". I understood that to mean the detainees. I told him I was not out there, so I don't know. I told him this because I did not want any problems.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me that if anyone were to ask I was to say "none of us were out there." (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also asked me if had taken any pictures and if so I needed to delete them. He also told me that if I had any questions to ask regarding the upcoming mission or incident I could come and talk to him about. About 20 minutes later, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (SEAL) came on the roof and basically stated the same thing (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) had told me. He said I could come and talk to him about any questions I may have. I was relieved from guard by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and spoke to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) the conversation I had on the roof with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). The following day both (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came up to me at separate times and repeated to me what was said on the roof the day before. They also told me they were excited to go onto the next VSP mission with our team.

On 02Jun12, at about 1400 I was on guard on the SEAL barracks. A black Toyota hilux was on the SE ridgeline. I passed the information to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and he came up to the roof and fired warning shots near the Hilux with the 50 caliber mounted weapon. The noise caused the other (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to come and see what was going on. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) went to the other 50 caliber mounted weapon and also fired shots next to the Hilux. The vehicle had already stopped and was not advancing before (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) started shooting. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came up and told (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to have ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to check out the Hilux. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) took his SCARS rifle and aimed through his long scope, laughed and made the comment have you ever seen the back of a truck get shot off. He began firing a few shots using the truck as a target to dial in his scope. The driver had already been out of vehicle at this point and standing near the

passenger side door [redacted] on the 50 caliber and [redacted] with the SCARS continued to fire closer and closer to the truck. They seemed to get closer and closer with the shots. [redacted] was looking through his scope and told [redacted] "I think that one skipped off the ground and hit the truck." He was referring to [redacted] 50 caliber shot. The camp Navy Seabee came up to me and said "isn't it cool how they are shooting at the truck. I think it's exciting." I said "no it's fucking stupid, because they going to end up killing and innocent civilian." I left the roof and asked [redacted] to relieve me early because I did not want to be around it. It was my last guard shift and stayed in my room for the rest of the day. We left VSP Kalach the next day.

This statement, consisting of this page and two (3) other pages was prepared by me as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or changes. This statement is the truth to the best of my knowledge and brief.

Signature

[redacted]
(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Sworn to and subscribed before me this 5th day of June in the year 2012 at AOB Tycz.

Witnessed:

NCIS Representative:

[redacted]
(b)(6), (b)(7)(C)

1841 HRS

AUTH: DERIVED FROM ARTICLE 136,

UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

Place: FOB Ripley, Tarin Kowt, Afghanistan

Date: June 7, 2012

I, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) make the free and voluntary statement to (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), whom I know to be representatives of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand this statement is given concerning my knowledge of suspected detainee abuse.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) For identification purposes, I am (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) years old and was born on (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). My social security number is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and my race and sex are (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) male. I have (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) eyes (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) hair. I am currently employed by Mission Essential Personnel as an interpreter (Pashtun) and am (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stationed in Tarin Kowt, Afghanistan. I have a SECRET security clearance (b)(3)-10 USC 130b, (b)(6), (b)(7)(C).

This is my first deployment to Afghanistan. I arrived in country on 21FEB12 and was assigned to Village Stability Platform (VSP) Kalach, Chora District, Uruzgon Province, Afghanistan. I arrived at VSP Kalach in early March 2012. When I got there, I joined a Special Forces team that was already stationed there in Kalach. When I got there, there was another interpreter named (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). We were both there for a little while, but then (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) left VSP Kalach two weeks ago. The VSP compound had two different compounds inside. One of the compounds belonged to the U.S. Navy SEAL team that was there and the other compound belonged to the Afghan Local Police (ALP). The SEAL's had complete freedom of movement within the two compounds, but only one ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was allowed to come aboard our compound. That ALP was named (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). He was the second in charge of the ALPs. His boss' name was (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). I don't know either of their last names. My job was pretty simple. I translated for the U.S. forces anytime they needed translation. I also translated for (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) a lot too. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) would come to our compound all the time asking for stuff. Because he can't speak English, he would always find me first and then tell me to translate for him. After he got me, then we would go find whoever he needed to speak to and I would translate as long as they needed me. When I wasn't translating, I pretty much stayed in my room. I wasn't allowed to leave our side of the compound without an escort from the U.S. forces who were there.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) On 31MAY12, I was asleep in my room when one of the SEAL's knocked on my door. It was early in the morning, I believe it was sometime around 5am. I don't remember which SEAL it was, but he told me to get up and to follow him to the front gate. We went to the front gate and asked the ALP guard what was going on. The ALP guard told us (I think I was with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) there was an IED that exploded at the Chapari Bazaar/Checkpoint. The ALP guard also told us that somebody got hurt and they were bringing him to the clinic at the VSP. We waited at the front gate of the VSP for awhile and we kept talking to the guard trying to get updates. We told him they needed to hurry up and get the injured guy back if they wanted him to live. The guard again told us they were on their way to the VSP. We kept waiting and waiting and after awhile the ALP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came out of the ALP compound and told us there was no point in waiting anymore because the ALP guy was dead. After that, we kept waiting at the front gate and were trying to decide what to do. Whether we should go back inside our compound or what. While we were making the decision, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came back out and told us they were bringing prisoners back to the VSP. We kept waiting in the same spot.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) joined up with us while we were waiting at the front gate. After awhile longer, we could see the ALP coming down the road towards the VSP. There were a lot of ALP in the group, I think there were about 30 of them in total. Some of them were on (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

motorbikes and some of them were walking. They arrived at the VSP sometime around 7am. We were all still standing there at the time they arrived.

The ALP were escorting prisoners when they arrived. I think there were about six prisoners, but I don't know for sure. There were so many ALP around that I could never get a good count on the prisoners, plus I never really tried to count them. The ALP gathered with the prisoners just outside the front of the VSP. After they were all there, they came to us and told us they knew those were the guys who put the IED in the checkpoint and killed one of our buddies. I could see the prisoners at this point and I could tell they had been beaten by the ALP. I could tell this because their faces were red, their clothes were ripped, and some of them were missing their shoes. I also saw that the ALP guys were still hitting some of the prisoners. They were hitting them with rocks, wires, hitting them, kicking them, slapping them, and then I saw one of the ALP hit one of the guys in his back with the butt of his AK-47. After that, they told me to ask how they knew those were the guys who planted the IED. They responded they knew because those guys were new to the area and we had never seen them before. They also told us three of the prisoners were Pakistani's too. I remember a fourth prisoner was an old guy who was a guard for the bazaar. They said they took the old guy because the Pakistani's paid him some money to get them a room at the bazaar and to get them supplies (like food).

After he told us about the prisoners, he told us he was sure those guys were lying because they were all telling different stories. Then, he advised us to separate the prisoners and then to question them again about who they are and where they came from. After that, the ALP separated all of the prisoners and put them about 15 feet from each other, in front of the VSP. They made the prisoners sit down on the ground. I also recall seeing their hands were behind their backs. I don't know if they were tied or what, I could just see all of the prisoner's hands were behind their backs. At this time, and me walked out of the VSP to help ALP with questioning. Our guys didn't talk to the prisoners directly at this point. Our guys were telling the ALP what questions to ask and then the ALP would ask the prisoner the question. The questions were where they came from and what they were doing here. The ALP seemed to be focused on three of the detainees, which are the same prisoners they said were from Pakistan. All three of the prisoners said pretty much the same thing. They said they were from Ghazni and they were in town to buy scrap metal. The ALP asked more details about their business in town and the prisoners started telling different stories. After they started telling different stories, they told the ALP to separate these three prisoners even farther. At this time, and one of the ALP picked up one of the prisoners (prisoner#3) and walked him over near the drop-off area that goes down to the "Green zone" along the right side of the VSP. At this point, and I started questioning one of the other prisoners (prisoner#1) right where he was sitting. The third prisoner (prisoner #3) was about 15 feet away from us, to the south, between prisoner#1 and prisoner#3. He was doing the questioning for us and was watching our backs. He was the only one with a rifle, but all of the guys had the pistols. We asked prisoner#1 the same questions that we asked and he told us the same thing he told us. After we asked our guy questions, then we all walked over to where prisoner#3 was with prisoner#3. When I got to that prisoner, he was laying down on his back. The ALP guy had his foot on the prisoner's stomach and was standing next to him. He asked this prisoner the same questions and he gave us slightly different answers. So then, we picked this prisoner up and walked him back to where the other prisoners were and he sat down on the ground. There were a lot of ALP around the main group of prisoners and they were still hitting the prisoners. Then, we decided to separate prisoner#2 and talk to him some. He was sitting on the ground and the ALP guy picked him up and walked him back to where he was still standing. Me, and I walked with the ALP and the prisoner. When he got back to where he was, the ALP guy and I grabbed the prisoner by his shirt and layed him down on his back. The ALP guy was kicking the prisoner and put his foot on the

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) prisoner's stomach. I can't tell how much weight (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) put on the prisoner, but it looked like it hurt. The prisoner didn't make any noise, but he looked like he was taking shallow breaths. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) asked this prisoner the same questions and he replied with another, slightly different, story. After this prisoner's story, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) started walking back and forth between the prisoners asking one or two questions at a time. This time, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stayed with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). Then we asked the prisoners where they were when the IED exploded. Prisoner#1 said they were all drinking tea together. Then we went back to prisoner#2 and asked him. #2 said he was in the hotel room talking to someone in the hotel. Then we went to prisoner#3 and he said he was standing outside the hotel talking to an employee. After we got these different stories, then we told (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) about them and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said he thinks they are lying.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said he knew they were lying and that he knows are the guys who put the IED that killed one of my buddies. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also said he was going to take care of them.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) then we shifted our focus to the old guy who watches the bazaar. It was just me and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) who talked to the old guy. At first, the old guy told us that he didn't know the prisoners. We walked away and talked to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and told (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) what the old guy said. Then (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) me, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and the ALP guy went back to the old guy. This time, he said they prisoners gave him 500 Pakistani Rupees to use his shop for storage. Later on, the ALP guy asked him again how much money he took from the prisoners. This time, the old guy said he took 2,500 Pakistani Rupees from the guys. Then we watched the ALP guy take 2,500 pakis from the old man's pocket. They old man still had his hands tied behind his back. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) There were also one hotel guy being held as a prisoner. The ALP said they took the hotel guy prisoner because the three pakistaini guys said they all knew him and because they were staying at his hotel. The hotel guy said he didn't have any idea who the Pakistani prisoners were and they were not staying at his hotel. Then after that, nothing happened. We told the ALP guys they were already lying to both of us, so we are done with them. Specifically, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told them they were ALP prisoners, not ours and we were done with our investigation. At that point, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and all of the checkpoint commanders had a meeting outside the VSP. I was too far away to hear what they were saying. We started to head back into the VSP, but before we got back inside one of the ALP said they were going to figure out what do with the prisoners. Also, on the way back inside, one of the prisoners said they were thirsty, so we (me and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) gave a case of water to the ALP to give to the prisoners. At that time, we all went back into the VSP. As we walked back into the VSP, the ALP let all of the prisoners go except for the three Pakistani's. From the time we walked out of the VSP until the time we got back inside was about 2.5 hours. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Except for the one instance when I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) put his foot on one of the prisoner's stomach, I did not witness any mistreatment of the prisoners by any U.S. forces. I saw plenty of abuse by the ALP, but not by any of our guys. I cannot say that it did not happen though because I was with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) pretty much the entire time and we were walking back and forth between the prisoners while were questioning them. The prisoners were spaced out pretty far too. I never heard any gunshots and none of the prisoners ever complained to me that they were being hit or abused by the U.S. forces. I did observe water bottles out near the cliff where (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) had been standing. I saw empty water bottles in other places too, where ALP guys had been standing. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) When we were all walking back into the VSP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked back in too. A few minutes later (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked back outside the VSP and I watched as he and four other ALP guys walked the three Pakistani prisoners towards Chapari checkpoint. Two of the prisoners were walking just fine. The third prisoner looked dehydrated. He wasn't walking and the other two prisoners had to help him walk. By this time, all of the prisoners' hands had been freed and they were no long tied. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to the best of my recollection, I never saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) outside the VSP during this period of time. Of the people I saw outside the VSP, here is what I remember about the U.S. forces I saw outside. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) the VSP that day (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was with me and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) in the beginning, but then he separated from us and stood with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) for a while. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was outside, standing near the cliff with

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was outside with us in the very beginning for only a few minutes. I don't recall seeing him after that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was standing near the cliff most of the time (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was standing along the wall of the VSP, between the two southernmost prisoners

About 1.5 hours after (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked away with the prisoners, he returned to the VSP (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) knocked on my door and told me to come with him to the ALP side of the compound. I

went with him and he had a meeting with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) During the meeting (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was telling

the ALP guys to make sure they passed the word to the other checkpoint commanders to never leave a checkpoint vacant (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) had this meeting because he was in charge of the ALP checkpoints and also to

pass along his condolences (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) didn't say anything about the prisoners at this time. I went back to

my room after the meeting was over. The meeting took about 15 minutes (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

The day after the incident, I recall that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) had approached me and asked about what

we did outside the base the other day. I told him that we helped the ALP with the investigation and that

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) had let some of the prisoners go and walked away with some (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said okay and that was

it. The day after that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) showed up and said he needed the interpreter (me). I could hear him

yelling, so I stepped out of my room. When I stepped out, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) saw me and told me to ask

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) what was up with the prisoners. I did and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) responded that one of them died and they

let the other two go. I told (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) what he (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said and then (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) got mad at me. He asked

me why I didn't tell him about the dead prisoners yesterday. I told him because I didn't know anyone

die yesterday. This was the first time I heard about it (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) seemed mad again and walked away (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Previously, on 04 Jun 12 at about (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I told Special Agents (SAs) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) a

different version of the IED incident that happened on 31 May 12. I told them the SEALs never

questioned the prisoners directly. I also told them the total time of questioning of the prisoners only

lasted 10-15 minutes. I told the SAs, that none of the SEALs were over by the drop or cliff during

questioning. These inconsistencies with what I later related today are because I was afraid of getting

hurt from the guys on the SEAL team (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

This statement, consisting of this page and 3 other page(s) was prepared by SA (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) as

we discussed its contents. I have read and understand the above statement. I have been given the

opportunity to make any changes or corrections I desire to make and have placed my initials over the

changes or corrections. This statement is the truth to the best of my knowledge and belief (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Signature

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Sworn to and subscribed before me this 7th day of June in the year 2012 at 1943 HCS.

Witnessed:

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service

AUTH: DERIVED FROM ARTICLE 136, UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

STATEMENT

Place: FOB Ripley, Tarin Kowt, Afghanistan

Date: June 8, 2012

I, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) make the free and voluntary statement to (b)(6), (b)(7)(C) whom I know to be representatives of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand this statement is given concerning my knowledge of suspected detainee/prisoner abuse. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

For identification purposes, I am (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) years old and was born on (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Mv social security number is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and my race and sex is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) male. I have (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) eyes and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) hair. I am a member of the United States Navy, currently assigned to (b)(3)-10 USC 130b and my rank is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). I have a TOP SECRET/SCI security clearance. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

I deployed to Afghanistan on January 6, 2012. I was assigned to Village Stability Operations with (b)(3)-10 USC 130b in support of SOTF-SE. On January 11, 2012 I arrived at VSP Kalach where my duties included being the (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) equipment. On January 17, 2012 ODA 1331 turned over operations to (b)(3)-10 USC 130b. From that point until May 31st nothing of significance occurred regarding my knowledge of any suspected detainee abuse. From the time I arrived at VSP Kalach, I had the opportunity to accompany the SEALs out on several missions, 14 to be exact. During these missions, I witnessed all of the SEALs interacting with multiple local nationals. I never witnessed any inappropriate or questionable acts by the SEALs towards any of the local nationals. They always carried themselves professionally and treated the locals they met with respect. On 11APR12, the chain of command issued orders prohibiting non-operators from accompanying the operators on missions. I think the rationale was that it was an unnecessary risk. From that point forward, I stayed inside the VSP. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

On May 31st, at approximately 0600 I was woken by the noise of people getting radios from the charging station outside my room. I went outside to see what was going on and was told by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) that an IED had went off, but he didn't have any details. At that time I went to the rooftop above our berthing area at the southern end of the compound to get a better view of what was going on. Already on the rooftop were (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) who were up there because they had been told to stand guard after the IED. Both the (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were standing in the shade under the platform that previously held our Scan Eagle antenna. I approached them and they told me that the IED that went off was north of us at the Chapparri ALP Checkpoint. I told them that I would stand guard with them. They were told to watch for secondary attacks, and our vantage point gave us a view of everything from the south to the northeast of our compound. The only areas that were obstructed from our view were to the direct north of our compound, close to the wall of the ALP compound. Our primary area of coverage was east to south, specifically along a high ridgeline. The ridgeline started approximately 600 yards from our position. The peak of the ridgeline was about one kilometer from our position. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6) Approximately 30 minutes to one hour after taking my position on the rooftop I was able to see three detainees being brought to the cliff line approximately 500 yards to the northeast of our compound from a position to the north of our compound that was outside of my field of view. These detainees were brought to the cliff line individually over the course of 30 to 45 minutes. The first detainee was accompanied by at least seven persons to this position. These individuals were our interpreter (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and 3 ALP personnel. The detainee was questioned for approximately 10 to 15 minutes (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6) Due to my guard position and my primary duty of watching for secondary attacks I was unable to maintain constant watch on the detainee being questioned, but during this time frame I observed the detainee being escorted to the position near the cliff, at which time he was put into a seated position. At the time he was placed into the sitting position, the detainee was no more than two yards from the edge of the ridge. The detainee was facing east, towards the cliff. I observed the group of seven previously mentioned surround the individual and they began to question him. I was unable to hear any of the conversation between this individual and the questioners because of the distance, but I could infer that it was hostile because of the body language of the detainee. I could see him, from his seated position raising his hands in a defensive posture during questioning. During this interrogation the detainee was forced to go to a prone position. This was accomplished by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) shoving him to the ground with the sole of his foot. Shortly after being forced prone, I couldn't tell if he was face up or down, one of the ALP dropped a rock on the individual. The rock looked like it was approximately 10 to 15 pounds, and appeared to land on the upper torso or head. After the ALP dropped the rock, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) moved in between the ALP and the detainee. The detainee was then brought back to a seated position, I don't know by whom, and more questions ensued. I could see (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) laying information back and forth from the ALP and the detainee, and also the U.S. personnel present (the same guys I named above) and the detainee. At this point I witnessed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) standing directly behind the detainee, who was sitting on the ground. I then saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) draw his pistol and fire a shot in the air. At the time of the shot, the pistol was positioned approximately one (1) foot above and behind the detainees head. The weapon was pointing straight up when fired. After this shot there was more questioning. This all occurred within a 10 to 15 minute time frame. They then moved this first detainee back to the point outside my field of view and brought the second detainee out to the same place that the first one was questioned. ALP escorted the detainee back to the position to the north. The detainee was definitely walking under his own power. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6) With the change in detainee also came one additional U.S. personnel accompanying him. After this detainee was escorted to the cliff, there were now five U.S. personnel at the cliff. The same four that were with the first detainee were still at the cliff and now (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was there too. They also brought a case of water, to the cliff line during the questioning of the second detainee. I do not recall who carried the water, but the water was used to pour onto the detainee's head. The detainee was in a seated position while the water was being poured. I don't know how much water was poured on him or who did the pouring. I am sure he was in a seated position at the time. After the water was poured on his head, he was put into a laying position. I did not witness the ALP drop a rock onto this detainee. During questioning, the detainee was moved from laying to sitting, and the group again engaged him with questions. During this bit of questioning, I turned my attention to scan the ridgeline. While scanning the ridgeline, I heard another gunshot from where the detainee was being questioned. I scanned back in the direction of the gunshot, but I couldn't tell who had fired the shot. The gunshot I heard was definitely a pistol shot. None of the ALP I could see had any rifles or pistols. Shortly after I heard this shot, there was another change in detainees. During this change I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

approach the U.S. personnel from the obscured view to the north and then walk back to where he came from. The third and final detainee was moved to the same place as the previous two, and I believe that two additional U.S. personnel, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were present for the third. The group of now at least 10 individuals began to question the detainee. I did not see any water being poured on this detainee or a rock being dropped onto him, but I did hear another gunshot being fired. Like the last time, I was looking in a different direction when the shot was fired. This shot too, was from a pistol and came from where the detainee was being questioned. Again, I looked in the direction of the shot, but couldn't tell who shot. I didn't see anyone with a drawn pistol at that time. After the questioning he was moved back to the north of our compound out of my view (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Approximately 30 minutes after the last detainee was questioned U.S. personnel began returning to the compound. Shortly after the return of U.S. personnel, both (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) left the roof. Another 15 minutes after they left the roof, I was told that I could stand down the watch. Before I left my post on the roof, I could see the three detainees had moved to the hillside to the north of our compound. I did not see anyone with them and I don't know how they got there. They were only a few hundred yards to the north of the compound. After I got off the roof, I would periodically check the hillside to see if they were still there, and maybe an hour or so later two of the three were gone. I did not see when the third left. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

After the incident I was informed that the ALP commander released the detainees. There was great debate on the part of both the ALP and U.S. personnel as to whether this was the correct move. It was the opinion of most of the ALP that they should have killed the detainees. This opinion was shared by some of the U.S. personnel also. In response to the debate over the actions that had been taken or not taken, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) met with me and asked me if I had any questions or concerns about what had occurred. I believe he had the same discussion with everybody. At the same time, I started to hear things about what happened. I believe the Army guys (either (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) mentioned to me that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) had choked one of the detainees, that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) had fired one of the shots I heard, and that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) had straddled on the back of the neck of one of the detainees. I didn't witness either of those three events. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

During the timeframe between when I got on the roof and when I got down, I don't recall seeing (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). I think (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was inside the JOC and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) may have been sleeping in his room. I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were posted on top of the shura room, closer to the northeast corner of the compound. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) should have had a much better view of everything, including the areas obscured from my view. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

In the days that followed, we were retrograding the VSP and I was busy breaking down the communications equipment. The commo equipment kept me busy until we left the VSP on 03JUN12. On 30APR12, I took down the (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) equipment and packed it up for shipment back to Tarin Kowt. The (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) provided video and ballistic detection as part of security for the VSP. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

This statement, consisting of this page and 3 other page(s) was prepared by myself and SA (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Signature: _____

(b)(6)-10 USC 130b, (b)(6), (b)(7)(C)

Sworn to and subscribed before me this 8 day of JUNE in the year 2012
at 1715

Witnessed: _____

(b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service

(b)(6), (b)(7)(C)

AUTH: DERIVED FROM ARTICLE 136, UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

08JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF PERMISSIVE SEARCH (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 08JUN12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, was interviewed regarding suspected LOAC violations that occurred near Village Stability Platform (VSP) Kalach, Uruzgan Province, Afghanistan, on 31MAY12. Subsequent to his interview, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) authorized a search of his personal belongings via an NCIS Permissive Authorization for Search and Seizure Form (PASS); Enclosure (A) pertains.

2. On 08JUN12, Reporting Agent (RA) and SA (b)(6), (b)(7)(C) NCISRA Afghanistan, conducted a search of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) personal belongings. The search, which commenced at approximately 1719hrs, was conducted aboard Forward Operating Base Ripley, Tarin Kowt, Afghanistan. The search concluded at approximately 1726hrs. No items of evidentiary value were located during the search and no items were seized.

ENCLOSURE

(A) Permissive Authorization for Search and Seizure Form/08JUN12

REPORTED BY: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

FOR OFFICIAL USE ONLY

PAGE 1 LAST (b)(6), (b)(7)(C) V2 LNY

WARNING
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WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : 6/8/12

I, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), after being advised by (b)(6), (b)(7)(C) that the Naval Criminal Investigative Service is conducting an investigation into POSSIBLE PRISONER/DETAINEE ABUSE, have been requested to permit a search of my PERSONAL BELONGINGS consisting of 1 pelican case, 1 backpack + Stanley Box.

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 6/8/12 by NCIS and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

Signed:

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service

(b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH

Start : 151 (b)(6), (b)(7)(C) 1719 hrs
End : 1726 (b)(6), (b)(7)(C) 1726 hrs

Place: FOB Ripley, Tarin Kowt, Afghanistan

Date: June , 9 2012

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) make the free and voluntary statement to (b)(6), (b)(7)(C) whom I know to be representatives of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand this statement is given concerning my knowledge of suspected detainee abuse (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) for identification purposes, my full name is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) My social security number is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and my race and sex are (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) male I was born on (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I was born in (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I have (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) eyes, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) hair I am currently enlisted in the USN and my rank is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I have a TS/SCI security clearance (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Sometime in late January I arrived at Kalach VSP and was assigned to (b)(3)-10 USC 130b as a (b)(6), (b)(7)(C). On 31 May 12, I finished my security shift on the SEAL barracks, at 0500 or 0530. I'm pretty sure that was my watch for that night, but there is a slight chance I actually stood the watch right before that one. Either way, the watch was only 1.5 hours and I am certain I went to bed shortly after my watch ended. Sometime after 0600 hrs and before 0700 hrs, I was sleeping in my berthing space (five rooms down from the JOC) when (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) voice woke me up. He was inside the SEAL barracks building yelling about something, which was not unusual. He was loud enough that it woke me up, but I could tell whatever he was yelling about and didn't concern me. I went back to sleep pretty fast and did not get up until several hours later. I'm not sure what time I woke, but I left my room around noon. From the time I woke up until the time I left my room, I didn't hear anything unusual. When I left my room, I noticed it was unusually quiet. I kind of moped around for a bit outside and then I decided to climb up on the roof of the barracks. I went up to the roof and noticed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was up there. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I talked for a little while and he provided me a brief, regarding an IED explosion at the bazaar checkpoint earlier that morning. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me the ALP brought three prisoners back to the VSP, who were involved with the IED. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also told me the IED also killed one ALP. After he told me about the IED, I started asking him questions. I'm not sure what questions I asked him, but I know (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me the three prisoners involved were brought back to the VSP near the front of the compound. After the ALP brought the prisoners back to the VSP, he said ALP personnel were assaulting the prisoners. He said some our guys were down there as well. He said (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was down there and brought the IED casualty into the camp. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said he remember all the prisoners were dressed the same (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and the tarp all went outside the VSP to deal with the ALP and the prisoners. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) pointed over towards a check point north east of the VSP and said the prisoners were released after questioning and left the area in a car. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also mentioned one of the prisoners was on a stretcher. My conversation with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) last about 10 minutes. Sometime later that day I started my day with my CM duties. I am the one who was responsible for all camp maintenance and facilities. About an hour after I started my duties, I spoke with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) who was in shock over what happened and said he never seen anything like it. He told me what the ALP guys were doing to the prisoners. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) described the situation as a mob. I didn't ask him about our guys (US personnel) actions with the prisoners and he did not provide any details regarding their actions. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) wasn't even specific about what the ALP did, he just said that he couldn't believe what went down. I didn't talk to him for very long because I had a lot of work to do getting the camp ready for retrograde. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Later the same evening I went to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) room and spoke to him about what happened. My trip to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) room was pretty routine. He is probably the guy in camp that I hang out with the most. After I got inside his room, we started talking about the IED that morning. He explained the IED casualty was brought in and he showed me some pictures of the casualty. He explained the IED contained .50 caliber rounds. I asked him what else happened and if he saw the prisoners the ALP brought to the VSP, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said he did go outside the VSP and was out there with the prisoners. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) described the whole situation as hectic and crazy. I don't recall whether (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) mentioned how many prisoners there were, but I did recall he said one prisoner was detained and beaten. When he explained what he meant by detained, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) demonstrated (with his body) the prisoner was sitting or squatting with his hands tied behind his back. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) mentioned our guys were also out there with him and the prisoners. We talked for about the incident for about 15 minutes and then changed topics. I stayed talking to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) for about another hour. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) seemed matter of fact about the incident and did not seem bothered by it. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were the only guys I interacted with that day. The rest of the day was normal. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) On 01 Jun 12, I woke up sometime in the morning and saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) on the roof of the SEAL barracks, standing watch. I asked them what they were doing, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said they were standing day watch. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) didn't say a word. He was smoking and leaning on the west wall. I noticed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was different than before; he was quieter than before. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I only made small talk. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I believe two days later (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came up to me while I was on a night watch. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) recounted the incident with the prisoners and ALP. He explained the prisoners were getting poked with muzzles of the ALP AK-47 rifles. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said he would try to intervene and keep the ALP from attacking the prisoners. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said an ALP dropped a rock on one of the prisoners but did not specify where exactly. He said prisoners would try to run and ALP would chase them down. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) said the ALP eventually let the prisoners go. I asked (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) why didn't the ALP or us detain the prisoners and take them to jail. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me he could only advise the ALP what to do, but he could not make them do anything. I asked (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) what he suggested to the ALP regarding the prisoners. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me the situation was getting out of hand and he was most concerned with getting the prisoners and the ALP away from the VSP. During our talk, I asked (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) why the ALP didn't kill these guys. He didn't really say anything about that. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also told me the three prisoners left. He didn't mention anything else about how they left or if anyone took them away. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) After that it was just normal life at VSP until we fully retrograded. I didn't hear anything else regarding the incident and we returned to FOB Ripley on 03 Jun 12. The following day, I was in the gym with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) come in and have a conversation with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) seemed like he was pretty hot about something and the two of them left the gym together. I finished my workout and headed back to my tent. Command staff came into the tent and advised us of an investigation. Everyone was trying to figure out what was happening and why our weapons were being taken away from us. We were advised we could only go to chow, MWR and the gym. They took us to the equipment yard, where the "kickers" are and collected all the serialized gear. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Sometime later the guys got together and asked what was going on. Guys were brain storming. Eventually we began thinking the actions of the SOTF-SE command at FOB Ripley was a result of what happened on 31 May 12. SEAL team guys would tend to have their own circle when brain storming. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

mainly stayed by myself trying not to get involved. [redacted] was stressed out. Conclusions were also made the Army guys had something to do why there was an investigation since they left. The group would discuss how much I had to say when I would have to talk to eventually talk to investigators. Guys were pissed off and wondering if they should get a lawyer. [redacted] mentioned his girl went to law school. [redacted] None of the guys I was with at VSP Kalach ever told me to tell the investigators a story that was not true or suggested I withhold information from the investigators. No one threatened me or suggested I did anything else other than tell the truth. [redacted]

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) This statement, consisting of this page and 2 other page(s) was prepared by SA [redacted] as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. [redacted]

Signature

[redacted signature box]

Sworn to and subscribed before me this 9 day of JUN in the year 2012 at 1536.

Witnessed:

[redacted witness name]

[redacted witness signature]

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136, UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

09JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF PERMISSIVE SEARCH/ (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 09JUN12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, was interviewed regarding suspected LOAC violations that occurred near Village Stability Platform (VSP) Kalach, Uruzgan Province, Afghanistan, on 31MAY12. Subsequent to his interview, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) authorized a search of his personal belongings via an NCIS Permissive Authorization for Search and Seizure Form (PASS); Enclosure (A) pertains.

2. On 09JUN12, Reporting Agent (RA) and SA (b)(6), (b)(7)(C) NCISRA Afghanistan, conducted a search of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) personal belongings. The search, which commenced at approximately 1540hrs, was conducted aboard Forward Operating Base Ripley, Tarin Kowt, Afghanistan. The search concluded at approximately 1550hrs. No items of evidentiary value were located during the search and no items were seized.

ENCLOSURE

(A) Permissive Authorization for Search and Seizure Form/09JUN12

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : 6/9/12

I, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), after being advised by (b)(6), (b)(7)(C) that the Naval Criminal Investigative Service is conducting an investigation into possible detainee/prisoner abuse, have been requested to permit a search of my personal belongings consisting of one backpack, one toiletry backpack, one RUC bag, one 16 liter bag.

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 6/9/12 by NCIS and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

Signed: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
Representative, Naval Criminal Investigative Service

Representative, Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH
Start : 1540
End : 1550

STATEMENT

Place: FOB Ripley, Tarin Kowt, Afghanistan

Date: June , 9 2012

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) make the free and voluntary statement to (b)(6), (b)(7)(C) whom I know to be representatives of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand this statement is given concerning my knowledge of suspected detainee abuse. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

For identification purposes, my full name is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) My social security number is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and my race and sex are (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) male. I was born on (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I was born in (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I have (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) am currently enlisted in the USN and my rank is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I have (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) /SCI security clearance (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) sometime in late January I arrived at Kalach VSP and was assigned to (b)(3)-10 USC 130b Village Stability Operations (VSO) as an Independent Duty Corpsman. My job was to see local patients and ensure good health of TRI2236 personnel. I arrived at VSP Kalach around the end of January. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) On 31 May 12, I had duty during the early morning hours approximately 12-130. I went to Joint Operations Command (JOC) after watch and made personal phone calls then I went to my room and tried to sleep but was unable. At approx 0615 (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came into the barracks and yelled there has been an explosion. I made my way from my room to go out front to the gate to see what was going on. A few guys (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I believe I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) out there as well along with our troops (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) along with some ALP. I asked what was going on and where was the patient (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was on the Radio with the ALP at Chapari check point and they were uncertain if he was dead or alive. So I go to Medical and start prepping for a trauma patient that was possibly soon to arrive. After I prepared Medical to receive the patient I walked over to the gym to see if I could see anyone out front of the VSP in which I did not. I did this a few times and no one was out there. Time kept passing by and I was just waiting on the patients to arrive, if there were going to be any. Finally, I see a few ALP on their motorcycles leave the base. About 15 minutes later a truck arrived and parked approx 200 yards from gate with several ALP and they said they had a body with them and called me up to the gate. I went back to my room to grab my weapon (9mm) and then returned to the gate. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came out of the JOC and walked with me to the main gate. I got to the main gate and walked about 3-4 feet in front of the gate and met the group carrying the body. I led the group back inside and pointed them to where I wanted them to put the body. The body was wrapped in a blanket of some sort and was being carried on a stretcher. I pointed to where I wanted them to put the stretcher down and they did. After putting the stretcher on the ground, they unwrapped the blanket exposing the body. I could immediately tell the guy was deceased. The patient had multiple injuries and many of them were fatal. I took five (5) or so pictures, as I do with all of my patients, to show the wounds and then instructed the ALP to cover him up. After that I walked back to the JOC with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I was approximately in there five (5) minutes and then I walked back into the Barracks and noticed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) door was still closed so I yelled for him and he answered and I told him that an IED had went off at Chapari bazaar and he would probably be needed out front. I went out front with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and noticed the body was still inside the VSP. As I walked out the gate, two (2) of the ALP guys came to me and asked if they could take the body and I said that they could. Two (2) ALP carried the body out with many ALP following I believe (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked with them to the truck but I'm not for sure. Once they passed me I turned and walked (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) towards the LATV that was parked just outside the main gate, approximately 80 yards to the east. As I walked, I noticed a group of prisoners sitting out front. Pretty much at the same time, I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (the ALP) and I asked him if anyone needed medical aid. He told me no and then I continued towards the LATV. To my left, approximately 20-30 yards, I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) questioning a fourth detainee. The detainee was wearing dark clothing. He was standing up. I did not notice any visible injuries. My view then focused back to the 3 detainees grouped together. They were sitting down on the ground with their hands restrained behind their backs. I believe they were dressed in green. I know for sure one had Zip cuffs on his hands behind his back. One of the three had a piece of fabric draped over his head, covering his whole face. The detainee in the middle was fat and kept falling down to a laying position from the squatting position. The detainee to the right was skinny and did not have any visible injuries. They were eventually separated about 20 yards apart. As I was looking towards the detainees, I saw an ALP kick a detainee and butt stroke him in the lower back. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was standing nearby and I saw him step in and tell the ALP to not to touch the detainee any further. I see another ALP strike a detainee with some type of rope or something similar, across his back. At that time, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) fired two shots up in the air and told them not to touch them. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was approximately 30 yards away from the detainees when he fired the two shots. A moment later (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came over and questioned the furthest right of the three detainees who were separated. This detainee was approximately five (5) feet from the drop off (ridge). The detainee was squatting then lying on his side from time to time. His hands appeared to still be restrained behind his back. The detainee had a scarf around his neck. I observed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) use a water bottle to squirt water down the detainee's mouth. I also (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) grab the detainee's scarf and use it to pull the detainee a short distance, closer to the edge of the drop. At this point I walked back over to the area of the LATV and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) ked back to the JOC.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) addition to the group of three detainees, I also noticed a much older detainee (the fifth detainee) who was being held by the ALP. This detainee was sitting down with his hands restrained behind his back. I also saw a sniper type rifle on the ground front of him, which I assumed was confiscated from him. I was close enough to see that he had a bruise on his right eye consistent with an assault injury. I then observed an ALP soldier, I recognized as someone nicknamed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) stand behind the old detainee, pointing an AK-47 at him. The ALP soldier switched the safety mechanism on the AK-47 off of SAFE to the FIRE position. At that time another ALP soldier intervened by pushing the muzzle of the AK-47 away from the detainee. Something that really stood out for me was that I see (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) all the time and he is usually in a great mood. I've never seen him without a smile on his face and when I saw him this time, his eyes were swelling with tears and we was very upset.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) nce I got back into the VSP, I walked into the JOC and saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was in there too. At the time, he was the only one in there. I sat at the CPU and reviewed some award information I was responsible for. From the time the IED casualty was brought to the VSP to the time I returned the VSP JOC was approximately 15-20-25 minutes. While I was outside the VSP, I know there were at least 40 ALP personnel, who approached and remained in front of the VSP. I was in the JOC approx 30-45 minutes. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) While I was in the JOC, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came in and said those guys are shit heads and should be sent to Chora (the nearest Afghan Prison). Shortly after that, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) asked me if I was ok and I said yes. He said I looked like shit! I told him I had not been to bed yet, so he instructed me to go to sleep and he would come and get me if needed. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

POST INCIDENT- On 03 Jun 12, we returned to FOB Ripley. Shortly after, SOTF-SE command staff advised our team we would be involved in an investigation, regarding an incident which occurred during our time at VSP Kalach. Since I arrived back here at FOB Ripley, I've heard the incident on 31May12, involving the detainees and our guys lasted for hours. While still in Kalach, I also heard (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) say three (3) were released by the ALP. I recently deleted the pictures I took of the IED casualty. I deleted the pictures because I was tired of looking at them and did not want them anymore. It's hard to described, but the dead guys eyeballs were all burnt up and the photos bothered me. Just thinking about the guys face still bothers me. I did not take any pictures of the detainees during the VSP incident on 31May12. I am also not aware of any pictures that exist of the detainees or anyone who may have taken any pictures. None of the guys I was with at VSP Kalach ever asked me to tell the investigators a story that was not true or suggested I withhold information (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) gation. No one threatened

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I did anything else other than tell the truth (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) statement, consisting of this page and 2 other page(s) was prepared by me, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) or corrections. This statement is the truth to the best of my knowledge and belief (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Signature: _____

Sworn to and subscribed before me this 9 day of JUNE in the year 2012
at 1042 PM

Witnessed: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136, UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

09JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF PERMISSIVE SEARCH/ (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 09JUN12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, was interviewed regarding suspected LOAC violations that occurred near Village Stability Platform (VSP) Kalach, Uruzgan Province, Afghanistan, on 31MAY12. Subsequent to his interview, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) authorized a search of his personal belongings via an NCIS Permissive Authorization for Search and Seizure Form (PASS); Enclosure (A) pertains.

2. On 09JUN12, Reporting Agent (RA) and SA (b)(6), (b)(7)(C) NCISRA Afghanistan, conducted a search of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) personal belongings. The search, which commenced at approximately 2245hrs, was conducted aboard Forward Operating Base Ripley, Tarin Kowt, Afghanistan. The search concluded at approximately 2250hrs. No items of evidentiary value were located during the search and no items were seized.

ENCLOSURE

(A) Permissive Authorization for Search and Seizure Form/09JUN12

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : 09 JUN 12

I, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), after being advised by (b)(6), (b)(7)(C) that the Naval Criminal Investigative Service is conducting an investigation into POSSIBLE DETAINEE ABUSE, have been requested to permit a search of my PERSONAL BELONGINGS CONSISTING OF A BACKPACK AND DEPLOYMENT BAG.

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 09 JUN 12 by NCIS and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

Signed: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
Representative, Naval Criminal Investigative Service

Representative, Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH

Start : 2243 HRS

End : 2250 HRS

STATEMENT

Place: FOB Ripley, Tarin Kowt, Afghanistan
Date: June, 10 2012

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) make the free and voluntary statement to (b)(6), (b)(7)(C) whom I know to be representatives of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand this statement is given concerning my knowledge of suspected detainee abuse. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) For identification purposes, my full name is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) My social security number is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and my race and sex are (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) male. I was born on (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I was born in (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I have (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) eyes and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) hair. I am currently enlisted in the USN and my rank is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I have a TS/SCI security clearance. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I arrived at Kalach VSP on 10Jan12 and was assigned to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Village Stability Operations (VSO) as an 3913 MSO/CI. My job was to conduct HUMINT operations. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) On 31 May 12, I woke up to a commotion in the barracks, regarding an IED blast. I walked out to the area in front of the barracks. I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and heard guys talking about a tactical ground movement to the location of the IED blast. I told him my opinion was that nobody should Tactical Ground Movement (TGM) anywhere because there could be additional IED threats and all we had was one LATV. At this point, I was in front of the barracks, so I walked up on the roof of the barracks to see what was taking place in the area. I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I didn't really speak to them other than saying what's up. I looked out into the area in front of the VSP and noticed 30 to 40 ALP members and almost all of our guys in the area as well. I thought to myself this is stupid just another ALP problem that was not going to be resolved. I walked back down into the barracks after about 5 minutes and went back into my room. I then decided I should probably go talk to the individuals out there in order to determine if there was an additional threat. I walked out to the front of the VSP and noticed to my right side, inside of the common area a dead body from an IED blast. I then proceeded to walk out to the area where the ALP checkpoint commander (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were standing. I noticed the remainders of the SEALs were pulling security in the area to include (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) at this time was standing in front of the VSP behind the wall observing the situation. I also noticed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walking back into the VSP towards the deceased ALP guy (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were standing on top of the SHURA building in the front of the VSP pulling over watch security. I approached the ALP and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I asked them to explain the situation (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and the Chapari check point commander, with the assistance of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) explained to me the situation at hand. The commander explained to me that he was at the site of the blast when the IED exploded. He also explained to me that the three detainees to my left, dressed in all black, were also at the blast site and ran away from the ALP. I asked him who the other two detainees who were to the right of the three mentioned above. The two detainees were wearing brown garb. One of them was fat and the other was skinny. I recognized the fat detainee as the (b)(6), (b)(7)(C) from the Chapari bazaar and the skinny detainee was identified as the (b)(6), (b)(7)(C) for the bazaar. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) then told (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to come with me to tactically question the three detainees who were to my left and dressed in all black. I wanted to assess any threat that may still exist. I asked the closest ALP if it was ok to remove the restraints and HE said no because they were bad guys. I did not argue with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

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(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) the ALP because they were the ones in charge of the area now. We were in the processing of retrograding and authority was completely turned over to the ALP by this time. I proceeded with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to the first of the three detainees. The detainee was sitting down and I noticed he had a bruised eye. I separated him approximately 15 feet from the other two detainees. I had the ALP member leave so I could begin questioning the detainee. As I was questioning him, I scanned around and noticed the hotel owner and bazaar security detainee being beat by the ALP. The ALP were striking both detainees with rubber hoses on their backs. I noticed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) noticed the beatings and I saw them step in and attempt to stop the beatings from continuing by the ALP. They were also pulling security in the area. Then I re-focused on the individual I was asking questions to. I asked him if it was ok to ask him a few questions. He responded yes. I always ask the individuals before questioning them if they are willing to answer (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) watched my back for any other immediate threat. I asked the detainee quick tactical questions and his story. The story in short was that he was from Ghazni and was just working in the bazaar collecting and selling scrap metal. I continued to question the first individual and just got basic background and situational information. During that time (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) had taken pictures of the other two individuals (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also asked the detainees to identify the pictures with a name in order to validate their claimed identities. I watched (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) six of clock security area and continued to assess the other detainee's demeanor. Based on my training and experience, at no time during (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) questioning did I see any inappropriate questioning tactics or observe him strike any of the detainees. He took only a few minutes and we moved on. I spoke with the other detainees one at a time. Prior to questioning each detainee, I separated them. The three detainees, who were in all black, had never been seen before in the Chapari area and each of them had different stories. None of their stories made sense. I had come to a quick conclusion that they were more than likely involved in the IED strike. I took approximately 10 to 15 minutes with each of them and also assessed there were no other immediate threats in our vicinity (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I noticed that several ALP were still randomly beating the detainees that I was not questioning, as they had a chance. I had never seen that many ALP at the VSP and that was the angriest I had ever seen the ALP. I moved on to the other two detainees, the (b)(6), (b)(7)(C) and bazaar (b)(6), (b)(7)(C) detainee. I separated the Bazaar (b)(6), (b)(7)(C) detainee from the (b)(6), (b)(7)(C)-10 USC 130b, (b)(6), (b)(7)(C) and I brought him over to the ridgeline, northeast of the front gate. I instructed the detainee to sit. This detainee's hands were restrained, behind his back, like the others. I had him sit down approximately two feet from the edge line of the rock ridge. He was facing me and his back was toward the edge. I selected this spot for questioning because it was the closest area to separate him based on the available terrain. I asked him several questions, including the amount he was paid to let the three detainees in black stay at the bazaar. The amount paid did not add up. It was a red flag to me however the guy could have been coerced by the three guys in black and I had seen him in the past. I assessed he was probably part of the operation, but didn't really know anything about what they planned to do. I decided to move onto the hotel owner, the ALP had detained (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) moved the security bazaar detainee and swapped his position with the hotel owner. I believe (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) sat the security detainee down where the hotel owner was originally sitting. He was really short with his answers and said he did not want to speak to me. I came to a quick conclusion that the (b)(6), (b)(7)(C) was the last guy I was going to interview. At that point, I knew I could only tactically question him without detaining him ourselves so I moved on (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) During this time I also noticed the ALP bring in two other people into the area as their detainees. I asked one of the ALP about the detainees being brought. One of the ALP members told me they were bad guys and said bad things about them. One of the two detainees was an old man and another younger male, who I assume was his son. Personally, I believed the ALP were just bringing in (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

random people they did not like from nearby areas and I was irritated by that fact. I was finished with my questioning and I approached [redacted] and the ALP commander to give my assessment. I told [redacted] and the ALP commander the three detainees dressed in black were the only ones I assessed as being directly involved with the IED strike. While I was explaining my opinion to [redacted] and the ALP commander, I saw another ALP begin chasing one of the detainees. They were chasing the detainee who I described as the son of the old man. The detainee appeared to have been trying to get away. I don't know if he was running, or just trying to sneak away. All I really saw was the ALP swing his rifle (by the barrel) the like a bat, striking the detainee on his lower back. As I was watching this, I heard three shots get fired. I turned around and saw [redacted] had his pistol drawn and pointing into the air. [redacted] fired his gun to bring the chaotic situation to a halt. I know this because as soon as he fired the shots, he yelled for everybody to calm down. [redacted] was only 5-6 feet behind me and we were standing approximately 20 meters north east of the front entrance to the VSP. He was approximately 10-15 feet away from the detainee who was being struck by the ALP with the AK-47. The shots fired brought some calm to the chaos. I then continued to tell [redacted] and the ALP commander my assessment. I told the ALP commander they could either take the guys to Chora or let them go, but we could not hold them or detain them at our compound. I then went back into the VSP. I had been out in front of the VSP, tactically questioning individuals, for approximately an hour to an hour and a half. At no point did I observe any U.S. personnel punch, kick, strike, or act inappropriately towards any of the detained persons. Since that time, I have not heard of any such acts either [redacted].

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) When I got back into the VSP, I walked straight back into the VSP JOC and saw [redacted]

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told [redacted] the situation that I observed and gave him the same assessment I had told [redacted] and the

ALP commander. I then went back to my room and went to sleep. I was tired because I had been on night shift for a while due to air lifts and watch standing. I woke up several hours later. I am not really sure what time it was. After I got up, I proceeded to walk up on the roof real quick. When I looked around, I noticed the detainees wearing black were walking towards the Chapari check point. One of them was on a stretcher and the other two carried him. There is another checkpoint that doesn't have a name that was between us and the Chapari checkpoint. When the three detainees reached the unnamed checkpoint, the individual on the stretcher got off the stretcher and then I saw all of them continue walking towards the Chapari checkpoint. I watched them walk until they were out of sight.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) [redacted] was still on the roof and [redacted] was somewhere nearby. I recall asking either [redacted] or [redacted]

what the hell took so long and the response was that [redacted] had a Shura to decide the guys' fates. It looked to me like they let the guys go, which is exactly what I thought was going to happen all along. I don't know what happened to any of the other individuals the ALP had detained. After that, my day continued as usual. I went about my day and packed the remainder of my room for the next air movement [redacted].

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) The next day, mid afternoon I was walking out of the shower and [redacted] approached me.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) [redacted] told us one of the detainees had died. I asked several follow up questions to include how, what, where and when. [redacted] stated he didn't know any answers to my questions. He said the information was through hearsay. I reported it straight to [redacted] who was in his room at the time. I had no other involvement with the situation and didn't hear anything else about it while I was in Kalach. We left Kalach and returned to FOB Ripley on 03 Mar 12 [redacted].

POST INCIDENT-

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) On 03 Jun 12, after I got back to Ripley, I was doing something and saw the Army personnel who were at Kalach with us, carrying their gear. I asked them what was up and they said they were moving [redacted].

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) into their own barracks. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were with them at the time, which I thought was a little weird. Later that evening the SOTF-SE command came into our tent advised us of an ongoing investigation, which we're all involved in and told us we were restricted and where we could go. Since that time, I have heard various rumors from random US personnel on the FOB regarding what the command investigation was about. We have talked amongst ourselves trying to figure out what was going on and the only two things we could come up with was that the investigation had something to do with the ALP situation on 31May12 or about a smoke grenade that was used for crowd control on the day we were leaving Kalach. Since the time we were informed of an investigation, nobody has threatened me, asked me to lie, or suggested I withhold information regarding any actions taken at Kalach or elsewhere. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) This statement, consisting of this page and 3 other page(s) was prepared by me, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Signature:

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Sworn to and subscribed before me this 10 day of JUNE in the year 2012
at 1630.

Witnessed: _____

Representative, Naval Criminal Investigative Service (b)(6), (b)(7)(C)
AUTH: DERIVED FROM ARTICLE 136, UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

10JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF PERMISSIVE SEARCH/

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 10JUN12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, was interviewed regarding suspected LOAC violations that occurred near Village Stability Platform (VSP) Kalach, Uruzgan Province, Afghanistan, on 31MAY12. Subsequent to his interview, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) authorized a search of his personal belongings via an NCIS Permissive Authorization for Search and Seizure Form (PASS); Enclosure (A) pertains.

2. On 10JUN12, Reporting Agent (RA) and SA (b)(6), (b)(7)(C) NCISRA Afghanistan, conducted a search of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) personal belongings. The search, which commenced at approximately 1636hrs, was conducted aboard Forward Operating Base Ripley, Tarin Kowt, Afghanistan. The search concluded at approximately 1655hrs. No items of evidentiary value were located during the search and no items were seized.

ENCLOSURE

(A) Permissive Authorization for Search and Seizure Form/10JUN12

REPORTED BY: (b)(6), (b)(7)(C) Special Agent

OFFICE: NCISRA Camp Leatherneck, Afghanistan

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PAGE 1 LAST (b)(6), (b)(7)(C) V2 LNY

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WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : 10 JUN 12

I, [redacted], after being advised by [redacted] that the Naval Criminal Investigative Service is conducting an investigation into SUSPECTED [redacted] have been requested to permit a search of my PERSONAL BELONGINGS TO INCLUDE THREE BASS.

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 10 JUN 12 by NCIS and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

Signed: [redacted]

[redacted] Representative, Naval Criminal Investigative Service

Representative, Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH

Start : 1630 End : 1655

STATEMENT

Place: FOB Ripley, Tarin Kowt, Afghanistan

Date: June, 11 2012

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) make the free and voluntary statement to (b)(6), (b)(7)(C) whom I know to be representatives of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand this statement is given concerning my knowledge of suspected detainee abuse. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) For identification purposes, my full name is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) My social security number is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and my race and sex are (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) male. I was born on (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I was born in (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I have (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) eyes and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) hair. I am currently enlisted in the USN and my rank is (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I have a SECRET security clearance. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) arrived at Kalach VSP around 28Jan12 and was assigned to (b)(3)-10 USC 130b and our primary mission was Village Stability Operations (VSO). (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) On 31 May 12, I was awoken around 0600 and told about an incident in Chapari involving an IED blast. Originally we were told that one ALP member was injured in the blast and may need medical treatment. At that point I began to get my portion of the 9-line MEDEVAC together in order to expedite the process if it was needed. Details began to come back about the individual and it was not clear on his status. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I decided to get in the LATV and drive to a nearby checkpoint (it was the checkpoint for the VSP that is between the VSP and the Chapari checkpoint). The VSP checkpoint a spot where we thought we might be able to see what was going on in Chapari. Before we left the VSP, we got a good comms check with the VSP and then drove our side by side to gain a better point of view. Once we arrived to the VSP checkpoint we saw people moving from the Chapari checkpoint toward the VSP, so we turned around and returned to the VSP. The group of Afghans coming from Chapari made it to the VSP a few minutes after us. Once the group got to the VSP, they unloaded their casualty from the back of a pickup truck and brought it in to the VSP. The IED casualty was checked out by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and determined to have been deceased. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) After the group arrived at the VSP, I recognized just about all of them as ALP. A few of the 7-8 people turned out to be detained by the ALP in connection with the IED blast. I recall the situation was chaotic and there seemed to be no order to how people were situated in front of the VSP. The US personnel advised the ALP to separate the suspects, which seemed to bring some order to the situation. The US personnel with me in front of the VSP were (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) At this point some of the suspects had their hands tied with what appeared to be clothing. Some had their hands tied behind their backs, front and some not tied at all. The ALP commander (Ibrahim) went into the ALP compound and brought out Zip-cuffs. We had to explain how to use the zipcuffs. Afterwards, the ALP secured all of the suspects' hands behind their backs. All of the suspects were in a seated/squatting position at this point and they were lined up, North to South, about 15-20m apart. I recall the order the suspects' were positioned. The first suspect (the one farthest to the north) was in all black clothing and a prayer hat. He was also the shortest of the three suspects who were wearing all black and lighter skinned than the rest. The first guy also had a very short beard. The second and third individuals were the other two men in black clothing. They both had green head wraps/scarf things (some type of fabric). One of these two guys had his head wrap draped over his head. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Page 1 of 4

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and face. I also observed that these two suspects had longer beards than the first guy. After the first three, there was an older guy with a grayish beard. He was dressed in all white and had on a white turbin. There was a fifth guy, but I don't recall anything about him. The sixth guy was an older guy with a long, white beard and a shaved head. The sixth guy was also wearing all white. The seventh guy was a fat guy. The fat guy didn't have anything on his head. I believe he was wearing green clothes and had on a light colored vest. The last guy (#8) was a younger guy with black hair. I think he was wearing green too and he had a scraggly, thin kind of beard. I think he was the last suspect. After the suspects were lined up, a single ALP guard was posted with each of them. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) After the suspects were separated and lined up, it was at this time that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and our interpreter began questioning the first suspect. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I were on security from this point on until the end of the situation. As security, most of my focus was directed at the areas I felt most threatened by. These being the ALP themselves, the mountain ridges to our north and south, and finally the suspects with the ALP guarding them. Mainly, I was scanning between these threats. Although not my primary focus, I did see some of what the other guys were doing while I was looking around. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) The first individual questioned by (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was the suspect positioned to the farthest north. They stood him up and took him a little farther north, approx 100m from my position, for questioning. When they got him to where they questioned him, I saw that all of them were standing. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were in front of this individual and the interpreter was more to the individual's right hand side. I kept scanning and don't recall anything else significant about them. After they were finished talking with him, they returned him to his position at the north end of the line. None of the others were questioned up to the north. The rest were moved to the southeast, one at a time, for questioning. All of the questioning that took place to the southeast appeared to happen in pretty much the same spot. The sequence of questioning appeared to be from north to south. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) The area where they were questioning to the southeast was about 150-200 meters. I looked in that direction from time to time as I was providing security, so I didn't see everything that happened. I remember the general positioning of everyone and also have a few specific recollections. The general positioning of everyone was that the main body of the ALP was about 50 meters to the northwest of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I in front of the VSP. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I were between the main body of the ALP and the line of suspects (each of whom had one ALP guard with them). The suspects were fairly close to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). About 75-100 meters beyond the suspects was the spot where all but one of the suspects were talked to. As I recall, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were at the southeast spot where the majority of the questioning took place. The guys doing the questioning appeared to be in the same general positions/order as they questioned each suspect. The only real difference I recall was that sometimes (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) would switch positions. I also recall that (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) seemed to walk around some. More general observations were that the some of suspects were squatting during questioning and some were lying down. All of the suspects I saw who were lying down were either on their back or on their side. I never saw anyone face down in the dirt. A specific thing I recall, although I don't know why it sticks out, In one instance I saw one suspect lying on his back (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was straddling the suspect near his abdomen bent over somewhere between 45 and 90 degrees so his head was over the suspect's head as though talking to the suspect. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was standing to the left of the suspect. The interpreter was kneeling on the individuals left more toward his head. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were standing to the individuals right more toward his feet. I do not remember specifically which suspect this was. Again, I do not know why this stood out but I only noticed this for a moment while I was scanning. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Other specific things I recall are that the ALP were visibly upset over the death of the ALP member. I also witnessed two separate instances that the ALP beat the suspects. Both of the incidents I observed happened after the suspects had been separated and were lined up. The first of the two incidents I saw involved the fat guy and one of the guards. While I was looking in the direction of the suspects, I saw one of the guards walk over to another guard and say something to him. After the two guards spoke for a second, I saw the guard who walked over poke the fat suspect in the back with the muzzle of his AK47. When I saw that, I started walking in their direction to tell them to stop and then I saw the same guy grab his rifle by the barrel and swing back like he was going to hit the fat suspect. I was close enough so I grabbed the AK and told the ALP member to move back to the main group and switched him out with someone who was calmer. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) The second instance was with what appeared to be a rubber hose. The ALP member was smacking one of the suspects in the back. The suspect getting hit was one who was wearing green clothes (I think it was the eighth guy). I told him to stop and switched him out too. During both of the instances I removed the ALP member from the suspect and replaced him with one that appeared calm. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I also recall hearing shots fired at one point. The shots (one, maybe two) sounded like pistol shots and were fired sometime around the third or fourth suspect who was being questioned. The warning shots were fired from the group doing the questioning (still (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I never saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) with a gun that day (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I yelled over to the guys and made sure it was them that fired and that we were not receiving fire. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) responded and said "we are good," which I understood to mean they were not receiving fire and it was one of them who fired the shot. Nothing had changed about the situation at that point. The main body of the ALP was still to our northwest and the only people between us and the guys doing the questioning were the suspects and their ALP guards. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) After the questioning was done, I recall hearing (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) yell and then Ibrahim started walking towards them. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came from the direction of the main nobody of the ALP and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked out towards where the suspects were being questioned. I remember seeing (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) talking to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were nearby, but I don't recall seeing them in the conversation. After they talked with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walk back to the front of the VSP and go back inside. This was the last time I observed (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) outside. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Very soon after (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) talked with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and approximately 4-5 other individuals, who I am not sure if they were ALP or not held a "shura" to discuss what they should do. After the shura, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) talked to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and then (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told us they were cutting the suspects loose. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I cut the suspects loose because we didn't want the ALP doing it with their bayonets. After we cut everyone loose, I went to the side by side vehicle and retrieved two cases of water.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I gave the freed suspects some bottles of water. Some of them drank the water and some just held on to the bottles. The suspects walked away from the area in ones and twos, walking toward Chapari. Some of the freed suspects looked confused so we pointed towards Chapari. At this point we began walking back inside the VSP. At this point, about four hours had passed since the first suspects arrived at the VSP. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) The only other time I gave water to any of the suspects was about half way through the incident. I gave some water to the fat suspect, who had asked me for water. He asked me by saying "Au" which I think means water in Pashtun. I then used my hands and motioned like I was drinking water and he (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

confirmed he wanted water by shaking his head up and down. I sat him up and poured, one sip at time, until he indicated he was done. He probably drank about 3/4 of the bottle (.5ml bottle)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Throughout the entire situation, I saw [redacted] maybe twice. The times I saw [redacted] he would be standing inside the VSP looking over the northeastern corner of the stone wall. The wall was approximately five feet tall. I only saw [redacted] for a few moments each time. I think [redacted] might have updated him on the situation the first time I saw him. The second time I saw him, he wasn't there long enough for [redacted] to come over and brief him.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

I never saw [redacted] the entire time. I saw [redacted] on the roof of the Shura room. They got off the roof after [redacted] told them that we were good on security. Also [redacted]

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

were on the roof of our barracks near the southern end of the VSP. The first time I actually saw them was after the incident was over and I was walking back into the VSP. They were walking off the roof.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

no time did I witness any US forces mistreating any of the detainees in a way that would be against US policies.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

This statement, consisting of this page and 3 other page(s) was prepared by me, SA [redacted] and SA [redacted] as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Signature:

Sworn to and subscribed before me this 11 day of JUNE in the year 2012 at 1715.

Witnessed:

(b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service

(b)(6), (b)(7)(C)

AUTH: DERIVED FROM ARTICLE 136, UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

11JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF PERMISSIVE SEARCH/ (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 11JUN12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, was interviewed regarding suspected LOAC violations that occurred near Village Stability Platform (VSP) Kalach, Uruzgan Province, Afghanistan, on 31MAY12. Subsequent to his interview, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) authorized a search of his personal belongings via an NCIS Permissive Authorization for Search and Seizure Form (PASS); Enclosure (A) pertains.

2. On 11JUN12, Reporting Agent (RA) and SA (b)(6), (b)(7)(C) NCISRA Afghanistan, conducted a search of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) personal belongings. The search, which commenced at approximately 1720hrs, was conducted aboard Forward Operating Base Ripley, Tarin Kowt, Afghanistan. The search concluded at approximately 1730hrs. No items of evidentiary value were located during the search and no items were seized.

ENCLOSURE

(A) Permissive Authorization for Search and Seizure Form/11JUN12

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

~~FOR OFFICIAL USE ONLY~~

PAGE 1 LAST (b)(6), (b)(7)(C) V2 LNY

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WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

6/11/12

Date : 5/19/12

(b)(6), (b)(7)(C)

I, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), after being advised by (b)(6), (b)(7)(C) that the Naval Criminal Investigative Service is conducting an investigation into POSSIBLE DETAINEE ABUSE, have been requested to permit a search of my PERSONAL BELONGINGS.

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 6/11/12 by NCLS and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

Signed:

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service

Representative, Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH

Start : 6/11/12 @ 1720

End : 1730

STATEMENT

Place: FOB Ripley, Tarin Kowt, Afghanistan
Date: June 12, 2012

[redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) make the free and voluntary statement to [redacted] (b)(6), (b)(7)(C) whom I know to be representatives of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand this statement is given concerning my knowledge of suspected detainee abuse. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

For identification purposes, my full name is [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) My social security number is [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and my race and sex are [redacted] (b)(6), (b)(7)(C) male. I was born on [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I was born in [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I have [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) eyes and [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) hair. I am currently enlisted in the USN and my rank is [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I have a SECRET security clearance [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

[redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) I arrived at Kalach VSP around Jan 12 and was assigned to [redacted] (b)(3)-10 USC 130b and our primary mission was Village Stability Operations (VSO) [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

On 31 May 12, I was sleeping in my room and heard some people talking, in the hall, outside my room. They were loud enough to wake me up for a second, but then I just fell back to sleep. At the time, I had no idea what they were talking about. The next thing I remember is hearing [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) calling for me from down the hallway. He was saying that they needed me outside. I didn't know what he was talking about at that time either, but I put on my clothes, grabbed my rifle, and headed outside. I walked to the front of the VSP and walked through the main gate. I was the last SEAL to arrive out front. When I got out front, I saw around 40 ALP personnel and I was told an IED went off and one ALP was killed as a result. [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

In addition to the ALP personnel, I saw six guys detained (detainees) to my right, squatting in a half circle. ALP had one of their personnel next to each detainee. In front of the detainees, I saw a pile of items that I believed were taken from the detained personnel when the ALP searched them. I saw [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) start searching the detainees too. When he started searching them, I decided to fall in behind [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to watch his back. Before [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was finished searching all the detainees, something happened and he stepped away. When [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) left, I saw [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and went over to him and asked him what was going on. [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me about the IED at the Chapari checkpoint/bazaar and told me about the ALP who died. [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) also told me that the dead ALP was inside the VSP, so I walked over to check it out. The body was just inside the VSP, to my left as I was walking in through the front gate. The body was covered by a blanket. As I was looking at the body, a small group of ALP guys walked in and picked the body up and started walking it towards an SUV parked a few hundred meters to the north of the VSP. I recall the ALP guys were chanting/singing as they carried the body towards the SUV. I followed the ALP, from a distance, as they were carried the body from the VSP. When they got near the SUV, I saw them put the body down on the ground. Then they started talking to each other and I quit watching them after a few minutes. At some point, they must have loaded the body in the SUV. They drove off around 10 minutes after the time they got there. After that, I decided to take up a security position approximately 30 meters north of the VSP gate. At this point, [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was to the left (southwest) of my position and he was also providing security. [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) While I was in my security position, I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) talking to detainees. Initially the detainees were in a half circle, but they were later separated and placed in a straight line, running southwest to northeast, just to the northeast of the VSP. The first three detainees on the northern end of the line were detainees dressed in black. After them there was an old man with short buzz type hair, a fat detainee, and a middle aged skinny detainee. I think the last two guys were wearing green man jams. Sometime later, the ALP showed up with two more detainees and placed them between the last two detainees (the fat guy and the detainee to his south). One of the two new detainees looked like a village elder. He had a white beard and was wearing a turbin. I don't recall what his clothes looked like. The other new detainee looked like a teenage boy, who I thought was probably his son. The son was wearing green man jams (Shamir Kameez). The ALP brought an old looking rifle they claimed belonged to the village elder and put it in the pile of things that belonged to the detainees (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) As the detainees were being lined up, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) started questioning them. They separated each detainee from the line as they were questioned. The first detainee questioned was one of the guys wearing black and he was questioned somewhere near where he was already standing. After the first guy was talked to, they moved the questioning to an area near the ridgeline, south of detainees' line and that's where the others were questioned. They talked to the rest of the detainees in the order, from north to south. While providing security, I looked around constantly. Sometimes I scanned over towards where the guys were questioning the detainees, but I didn't pay much attention them. I definitely don't recall seeing anything that struck me as inappropriate during the times I did look over in their direction. I never saw any of our guys punch, kick, hit, shoot, or strike the detainees in any way. I never saw them do anything that could even be misinterpreted as inappropriate (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Throughout the time I was providing security, I witnessed random points when the ALP would begin striking the detainees, including kicking them. I saw an ALP beat a detainee on the back of his head with the back of his knife and then he tried to hit the detainee with his AK-47. Lots of times I saw ALP kick or punch a detainee. Each time I witnessed the ALP mistreating the detainee, one of us (SEALs) would intervene and stop whatever was going on. The two guys who I personally saw intervene were (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) is the SEAL who has the best relationship with the ALP. They seem to respect and listen to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). Because (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) has the best relationship with the ALP, he is the one who was dealing with them the most. Several times, I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) talking with the ALP to stop hitting the detainees and to calm down in general (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Another specific thing that I recall is the time when (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I went over to check on the fat detainee. I'm not sure what was going on at the time, but I believe it was at the time when (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked back inside the VSP for a few minutes. I recall that the ALP guard who was with the fat guy disappeared and the fat guy was lying on the ground, on his side. Me and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked over to check on him and to tell him to get up and sit/squat like the others. When I got to him, I shoved him with my foot to get his attention, so he would sit back up (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and I had to use hand signals to communicate that we wanted him to sit up. He would comply each time, but he would only stay squatting until we started walking away before he would lay back down. Then we would go back and do it all over again. This happened five or six times in a row and then we just quit dealing with him and returned to our (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Another thing I recall was that, at one point I walked over to where (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) were questioning the detainees to see if they needed anything. I was mainly just checking on them though. I purposely waited until the detainees were being switched out before I approached them because I did

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) not want to bother them while they were with a detainee. They told me they were ok and didn't need anything from me, so I turned around and walked back to my security position. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) left during a detainee switch out went with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to talk to the ALP. I don't know what they talked about, but I saw this happen a few times. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Another thing I observed was that the ALP were putting small rocks on the backs of the necks of the detainees. I have never seen this before. The rocks were small and it looked like the ALP put them there so the detainees would stay still. I didn't see anyone throwing rocks at any of the detainees though, but they would yell at the detainees if the rock fell off their neck. If the rock fell, the ALP would just replace it. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Another thing I remember was the first time I heard a shot that day. I was looking in another direction at the time I heard the shot go off. I turned around and saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) holding his pistol, pointing it in the air. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was between me and the line of the detainees at the time. He was approximately 30 meters from me and about 10-15 feet from the nearest detainee. When I looked back, it looked to me like two of the detainees were getting up. It looked to me like they had been knocked down, but I can't say for sure. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Approximately 10 minutes after (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) shot the first shot, I heard a second shot. When I looked in the direction of the shot, I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) with his pistol up in the air like he had just fired. He was about 5-10 ft south of the line of detainees. I didn't see anything going on with the detainees or their ALP guards this time. I heard a third shot about ten minutes after the second one. Again, after I heard the third shot, I looked to see what's going on. I believe it was (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) who shot this time, but I don't know for sure. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was in the same general area that he was before, between the line of detainees and where they were being questioned. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was in the same general area too. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) About half way through the situation I recall (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) speaking to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (this was at the same time when (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) went into the VSP for a few minutes). I later learned (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was telling (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) to send some ALP to the chapari bazaar and make sure it was clear of any further threats. I learned (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) wanted to send the ALP to the bazaar just to get some of them away from the VSP. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Sometime in the middle of the situation, I recall (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) used our LATV to bring out water to everyone. I know there were several cases of water that were and set down on the ground. I saw several ALP guys pick up bottles of water and some of our guys picked up bottles of water too. I have no idea if any of the detainees got any water. I did not give them any and I didn't see anyone give them any water. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Somewhere towards the end, I remember that I glanced over towards where our guys were questioning the detainees. I saw (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) standing there with no detainee near them. I saw them call (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) over and they all had a talk. Then (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) came out of the VSP and joined them. After that, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and some of the other Afghans walked a little farther east and had a meeting of their own. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked back towards the line of detainees and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) walked back inside the VSP. The rest of us (me, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)) stayed outside the VSP until the (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was done with his meeting. No other detainees were questioned. After (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) meeting, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) told me to get the LTATV, which parked right in front of the gate to the VSP. I walked to the LTATV and drove it over to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) by the detainees. When I got to him, I saw the detainees walking away and I heard (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) telling the ALP to leave. I left the LTATV with (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and walked back into the VSP. Once I got inside, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

walked to our barracks and walked up onto the roof to have a look around the area. I was the only one on the roof at this point. [redacted] joined me on the roof maybe five minutes later. By this time, all of the detainees were out of view, except for the three guys who were wearing black. They were together, several hundred meters in front of the compound. I recall two of them were standing and one was kneeling or squatting. There were also 2-3 ALP standing near them and they all appeared to be talking. I'm assuming they were ALP because I could see they had rifles. I'm guessing the guys in black were the same guys who were detained because they were the only ones I saw who were wearing all black. I also noticed a dark colored SUV was parked on the road just to the west of the VSP. [redacted] told [redacted] to yell to the guys at the checkpoint to our west and to ask them about the truck. They ALP at the checkpoint yelled back that the owner of the truck was with them and that the SUV had run out of gas. I stayed up on the roof about 15 minutes and I shot about one magazine through my M4, at the 200 yard target (I shoot my M4 about 2x per week because I'm practicing for sniper school). I got down and went back to my room. The guys in the black were still with the ALP in front of the VSP when I got down. About one hour later, I went back on the roof to look around and because I was curious if anybody was still around. I didn't see anybody. The SUV that was out of gas was still there. [redacted]

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) At no time did I witness any US forces mistreating any of the detainees in a way that would be against US policies. [redacted]

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) This statement, consisting of this page and 3 other page(s) was prepared by me. [redacted] and [redacted] as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. [redacted]

Signature: [redacted]

Sworn to and subscribed before me this 12 day of JUNE in the year 2012 at 1518.

Witnessed: _____

Representative, Naval Criminal Investigative Service [redacted]
AUTH: DERIVED FROM ARTICLE 136, UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) As I was shooting my M4 [redacted] was shooting his rifle at the same and further shooting targets to our west. [redacted]

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

12JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF PERMISSIVE SEARCH/ (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 12JUN12, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) USN, was interviewed regarding suspected LOAC violations that occurred near Village Stability Platform (VSP) Kalach, Uruzgan Province, Afghanistan, on 31MAY12. Subsequent to his interview, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) authorized a search of his personal belongings via an NCIS Permissive Authorization for Search and Seizure Form (PASS); Enclosure (A) pertains.

2. On 12JUN12, Reporting Agent (RA) and SA (b)(6), (b)(7)(C) NCISRA Afghanistan, conducted a search of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) personal belongings. The search, which commenced at approximately 0901hrs, was conducted aboard Forward Operating Base Ripley, Tarin Kowt, Afghanistan. The search concluded at approximately 0915hrs. No items of evidentiary value were located during the search and no items were seized.

ENCLOSURE

(A) Permissive Authorization for Search and Seizure Form/12JUN12

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : 6/12/12

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

I, _____, after being advised by _____ that the Naval Criminal Investigative Service is conducting an investigation into POSSIBLE DETAINEE / PRISONER ABUSE, have been requested to permit a search of my PERSONAL BELONGINGS.

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 6/12/12 by NCIS and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

Signed: (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service

Representative, Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH

Start : 9:01 AM

End : 9:15

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

12JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF INTERVIEW (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 12JUN12 Reporting Agent (RA) and Special Agent (b)(6), (b)(7)(C) NCISRA Camp Leatherneck, Afghanistan, attempted to interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) concerning the events of 31MAY12. Prior to the interview, RA and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) identified themselves (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) verbally and by display of NCIS Credentials. Basic biographical data was obtained (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) from (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Afterwards, and prior to questioning (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was advised of his rights in accordance with Article 31b of the Uniform Code of Military Justice. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) invoked his right to counsel and the interview was terminated. A copy of the rights advisement provided to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) is appended as Enclosure (A).

ENCLOSURE

(A) Military Suspect's Acknowledgement and Waiver of Rights Form/Unsigned/12JUN12

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: FOB RIPEJ, TARIN KOWT, AFGHANISTAN

Date: 12 JUN 12

I, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), have been advised by (b)(6), (b)(7)(C) that I am suspected of VIOLATING UCMJ ARTICLES 92 (FAILURE TO OBEY AN ORDER / REGULATION), 107 (FALSE OFFICIAL STATEMENT) 133 (CONDUCT UNBECOMING AN OFFICER + GENTLEMAN) + 134 (33- MISPRISON OF SERIOUS OFFENSE / 3A- OBSTRUCTION OF JUSTICE).

I have also been advised that:

- (1) I have the right to remain silent and make no statement at all;
- (2) Any statement I make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (4) I have the right to have my retained lawyer and/or appointed military lawyer present during this interview; and
- (5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

1643-

INVOKED RIGHT TO COUNSEL

Signature : _____

Date & Time: _____

Witnessed: _____

At this time, I, _____, desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

13JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF INTERVIEW OF (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 13JUN12 Reporting Agent (RA) and Special Agent (b)(6), (b)(7)(C) NCISRA Camp Leatherneck, Afghanistan, attempted to interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) concerning the events of 31MAY12. Prior to the interview, RA and (b)(6), (b)(7)(C) identified themselves to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) verbally and by display of NCIS Credentials. Basic biographical data was obtained from (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) afterwards, and prior to questioning (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was advised of his rights in accordance with Article 31b of the Uniform Code of Military Justice (b)(3)-10 USC 130b, (b)(6), (b)(7)(C). (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) invoked his right to counsel and the interview was terminated. A copy of the rights advisement provided to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) is appended as Enclosure (A).

ENCLOSURE

(A) Military Suspect's Acknowledgement and Waiver of Rights Form/Unsigned/13JUN12

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: FOB RIPLY, TARIN KOWT, AFGHANISTAN

Date: 13 JUN 12

I, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), have been advised by (b)(6), (b)(7)(C) that I am suspected of VIOLATING UCMJ ARTICLES 92 (FAILURE TO OBEY AN ORDER/REGULATION), 128 (ASSAULT), & 134 (MISPRISON OF A SERIOUS OFFENSE + OBSTRUCTION OF JUSTICE).

I have also been advised that:

- (1) I have the right to remain silent and make no statement at all;
- (2) Any statement I make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (4) I have the right to have my retained lawyer and/or appointed military lawyer present during this interview; and
- (5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

0908 - right to
coun.

Signature : _____

Date & Time: _____

Witnessed: _____

At this time, I, _____, desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

13JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF INTERVIEW OF (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 13JUN12 Reporting Agent (RA) and Special Agent (b)(6), (b)(7)(C) NCISRA Camp Leatherneck, Afghanistan, attempted to interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) concerning the events of 31MAY12. Prior to the interview, RA and (b)(6), (b)(7)(C) identified themselves to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) verbally and by display of NCIS Credentials. Basic biographical data was obtained from (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Afterwards, and prior to questioning (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was advised of his rights in accordance with Article 31b of the Uniform Code of Military Justice. (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) invoked his right to counsel and the interview was terminated. A copy of the rights advisement provided to (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) is appended as Enclosure (A).

ENCLOSURE

(A) Military Suspect's Acknowledgement and Waiver of Rights
Form/Unsigned/13JUN12

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: FOB RIPLEY, TARIN KOWT AFGHANISTAN
Date: 13 JUN 12

I, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), have been
advised by (b)(6), (b)(7)(C) that I am
suspected of VIOLATING UCMJ ARTICLES 92 FAILURE TO OBEY AN ORDER/
REGULATION), 12B (ASSAULT), +134 (MISPRISON OF A SERIOUS
OFFENSE + OBSTRUCTION OF JUSTICE).

I have also been advised that:

- (1) I have the right to remain silent and make no statement at all;
- (2) Any statement I make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (4) I have the right to have my retained lawyer and/or appointed military lawyer present during this interview; and
- (5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

SEEK COUNSEL - 1306 HRS

Signature : _____

Date & Time: _____

Witnessed: _____

At this time, I, _____, desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

13JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF INTERVIEW OF (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 13JUN12 Reporting Agent (RA) and Special Agent (b)(6), (b)(7)(C) NCISRA Camp Leatherneck, Afghanistan, attempted to interview (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) concerning the events of 31MAY12. Prior to the interview, RA and (b)(6), (b)(7)(C) identified themselves (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) verbally and by display of NCIS Credentials. Basic biographical data was obtained from (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) Afterwards, and prior to questioning, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) was advised of his rights in accordance with Article 31b of the Uniform Code of Military Justice (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) invoked his right to counsel and the interview was terminated. A copy of the rights advisement provided (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) appended as Enclosure (A).

ENCLOSURE

(A) Military Suspect's Acknowledgement and Waiver of Rights Form/Unsigned/13JUN12

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: FOB RIPLEY, TARIKOWT, AF

Date: 13 JUN 12

I, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C), have been advised by (b)(6), (b)(7)(C) that I am suspected of VIOLATING UCMT ARTICLE(S) 92 (FAILURE TO OBEY AN ORDER OR REGULATION), 134 (MISPRISON OF SERIOUS OFFENSE), 134 (OBSTRUCTING JUSTICE), 128 ASSAULT

I have also been advised that:

- (1) I have the right to remain silent and make no statement at all;
- (2) Any statement I make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (4) I have the right to have my retained lawyer and/or appointed military lawyer present during this interview; and
- (5) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

SEEK COUNSEL - 1342 HRS

Signature : _____

Date & Time: _____

Witnessed: _____

At this time, I, _____, desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

15JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

SEIZURE OF EVIDENCE

1 On 15 JUN 12 Reporting Agent (RA) seized a Canon digital camera from

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C) (b)(3)-10 USC 130b
Southeast (CJSOTF-S) (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C), (b)(5)

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C), (b)(5)

Item	Description
A	One Canon Digital Elph Camera containing an 8GB memory card

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

18JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF SERVICE RECORD REVIEW (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 18JUN12, a review of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) service record was conducted. The review revealed the below listed biographical information as well as (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) military experience.

2. Personal information:

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Active Duty Date: May 15, 2008

3. Experience:

Former duty stations:

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Formal Education:

Virginia Military Institute, Bachelor of Science- Engineering

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

18JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF SERVICE RECORD REVIEW (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 18JUN12, a review (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) service record was conducted. The review revealed the below listed biographical information as well as (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) military experience.

2. Personal information

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

3. Experience

Former duty stations:

(b)(6), (b)(7)(C), (b)(3)-10 USC 130b

Formal Education: n/a

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SUBJ: [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

4. [redacted] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

5. Awards [redacted] (b)(6), (b)(7)(C), (b)(3)-10 USC 130b

REPORTED BY: [redacted] (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

18JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF SERVICE RECORD REVIEW, (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 18JUN12, a review of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) service record was conducted. The review revealed the below listed biographical information as well as (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) military experience.

2. Personal information:

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Active Duty Date: 31MAY05

3. Experience:

Former duty stations:

(b)(6), (b)(7)(C), (b)(3)-10 USC 130b

Prior Rating: ET

Formal Education: n/a

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

18JUN12

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

RESULTS OF SERVICE RECORD REVIEW (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

1. On 18JUN12, a review of (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) service record was conducted. The review revealed the below listed biographical information as well as (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) military experience.

2. Personal information:

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

Active Duty Date: July 2003

3. Experience:

Former duty stations:

(b)(6), (b)(7)(C), (b)(3)-10 USC 130b

Prior Rating: PR

Formal Education: n/a

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISRA Camp Leatherneck, Afghanistan

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CHANGE)

16JUN12

SPECIAL INQUIRY (II)

CONTROL: 03JUN12-CRAF-0050-7XNA

(b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

COMMAND/DOD-INTEREST/00000

MADE AT/CRAF/CAMP LEATHERNECK AFG/ (b)(6), (b)(7)(C) , SPECIAL AGENT

REFERENCE

(A) CRAF ROI (OPEN)/06JUN12

NARRATIVE

1. Since the submission of Reference (A), (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) have been identified as the logical subjects of this investigation.

ACTION

0023: Update title block to reflect (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) and (b)(3)-10 USC 130b, (b)(6), (b)(7)(C) as the subjects/co-subjects of this investigation.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (OPEN)

06JUN12

SPECIAL INQUIRY (II)

CONTROL: 03JUN12-CRAF-0050-7XNA

I/ORUZGAN PROVINCE, AFGHANISTAN/REPORT OF ALLEGED DETAINEE ABUSE BY
USN SPECIAL WARFARE FORCES IN THE ORUZGAN PROVINCE

COMMAND/DOD-INTEREST/00000

MADE AT/CRAF/CAMP LEATHERNECK AFG [REDACTED] SPECIAL AGENT

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the Law of Armed Conflict as in prescribed in DoDD 5100.77, the Uniform Code of Military Justice (UCMJ) Article 128 (Assault), and UCMJ Article 92 (Failure to Obey Order or Regulation).

2. On 03Jun12, at 2149, [REDACTED] USN, Deputy Staff Judge Advocate, Combined Forces Special Operations Component Command - Afghanistan (CFSOCC-A), [REDACTED]

[REDACTED] (b)(3)-10 USC 130b, (b)(6), (b)(7)(C)

(b)(5)

3. CRAF responded to Forward Operating Base (FOB) Tarin Kowt and FOB Tycz to conduct witness and subject interviews and seize evidence. An assessment will be made to verify the safety of travel to the scene of the suspected incident. Since 31May12, U.S. Forces have vacated VSP Kalash.

4. On 05Jun12, [REDACTED] USN, Commanding Officer, Special Warfare, Team 2, and [REDACTED] USMC, SJA, I MEF were briefed. On 06Jun12, [REDACTED] USN, CFSOCC-A, was briefed. CFSOCC-A is working to identify the convening authority.

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