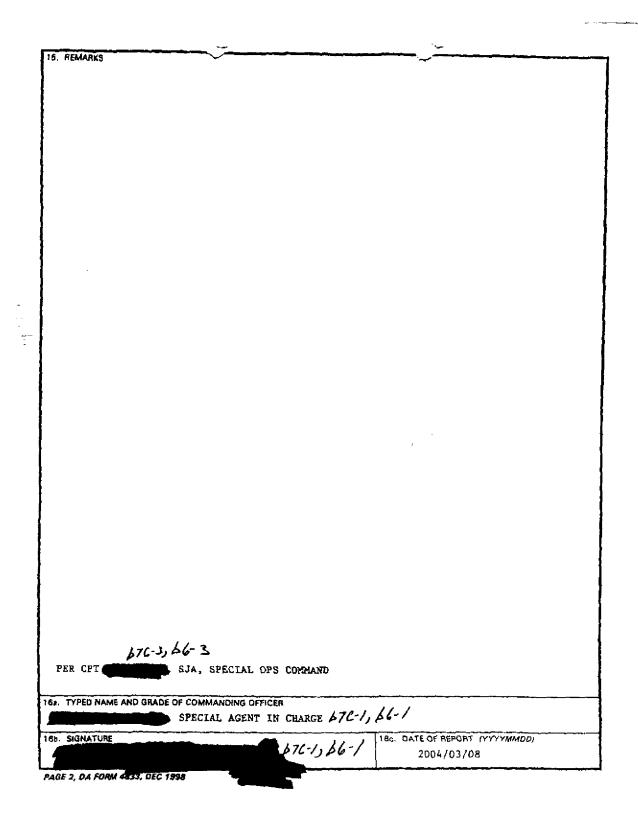
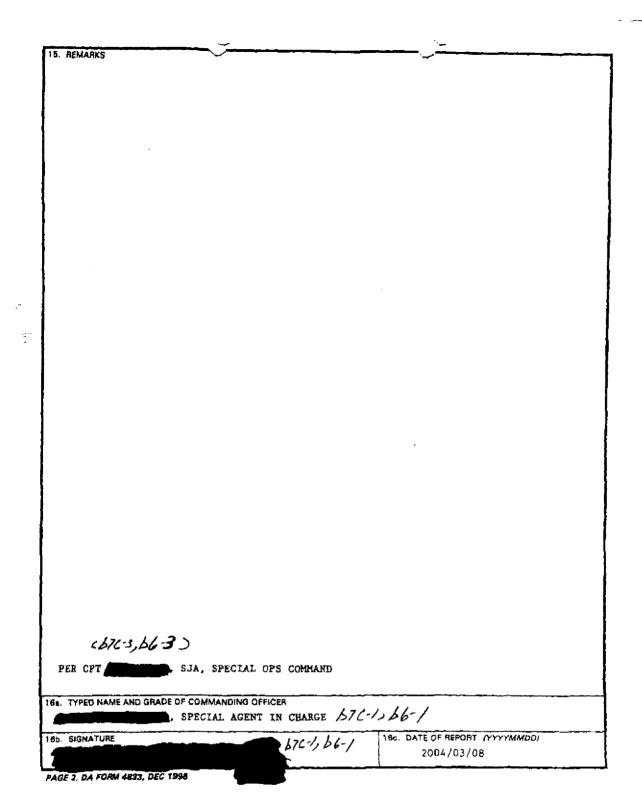
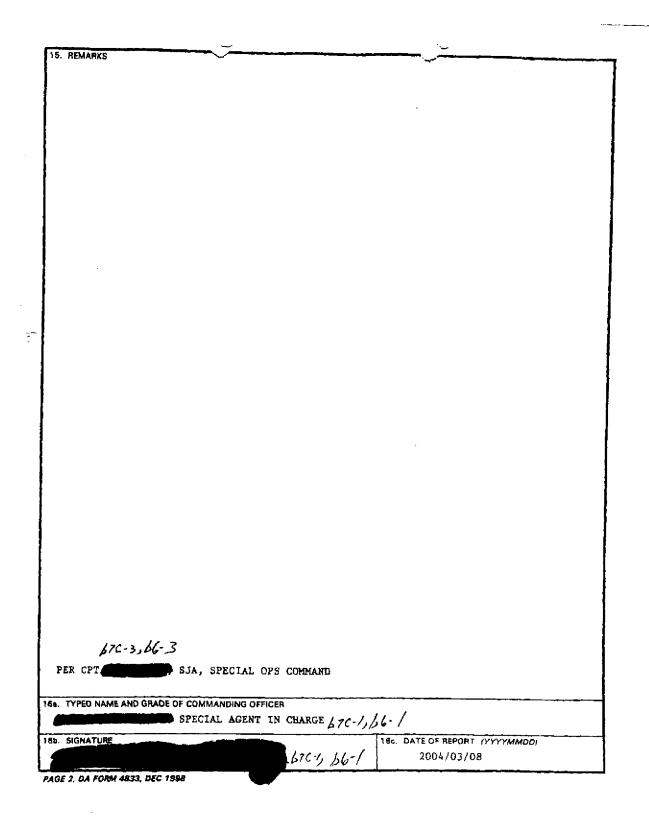
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1. THRU Commander 2/3rd Special Forces (Fort Bragg, NC 2831)	Огр	2. TO Special Agent in 87th MP Det (C Port Bragg.NC	ID) Č	3. FROM Comman Opn Det Fort Bra	der Alpha, 2/3rd Special Forces Grp gg, NC 28310
4. USAGRE CONTROL NUMBER 1130-02-		6. MP REPORT NUMBER 0114-0	R 2-CID369-23525	a. Sub-Mist	ALLATION IDENTIFIER
Nocks. For multiple effecties m	ه مولا) ومه مسرر زدون مر قبرابط	(gelien taken ar actica ta	erresponding MP/CIO report. Check a ken for offerens net listed in the repo dresses indicated in "TO" block on co	ri, sopi sin in bio c	2. Briefly applete chromatianne not covered by t 15. Remarks, which offenses apply to blacks action. 676-5-6-5
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016-3706	7-5 11a, 05	FB(\$Ett)	b76-5166-5		11b. OATE OF OFFENSEL)
Conspiracy, Derelictic	on of Duty, Murder,	Obstruction of Ju-	stice		2002/08/28
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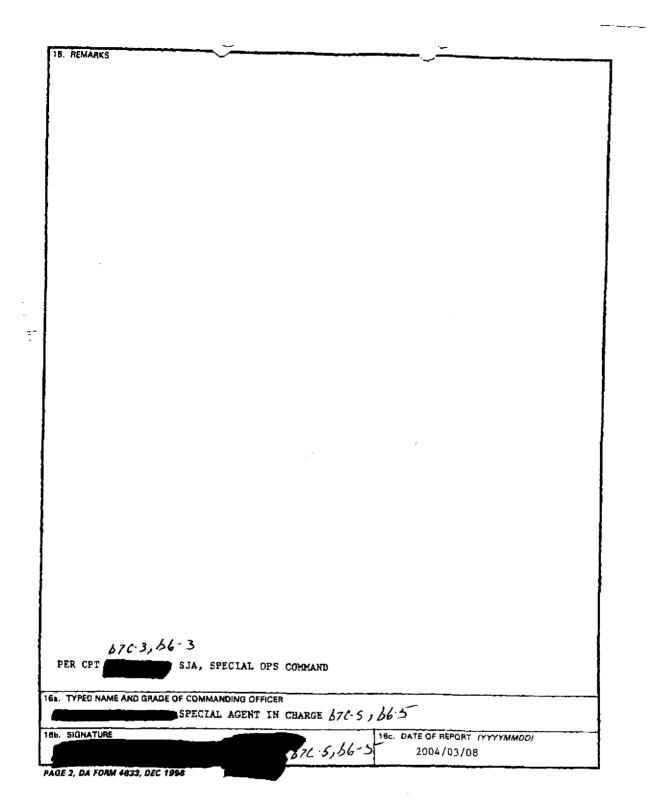
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	· <del></del>	SAVIN	Y ACT STATEMENT		
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Fort Bragg, NC 2831	0	Fort Bragg.NC 2	<b>2</b> 310	Port Bra	gg, NC 28310
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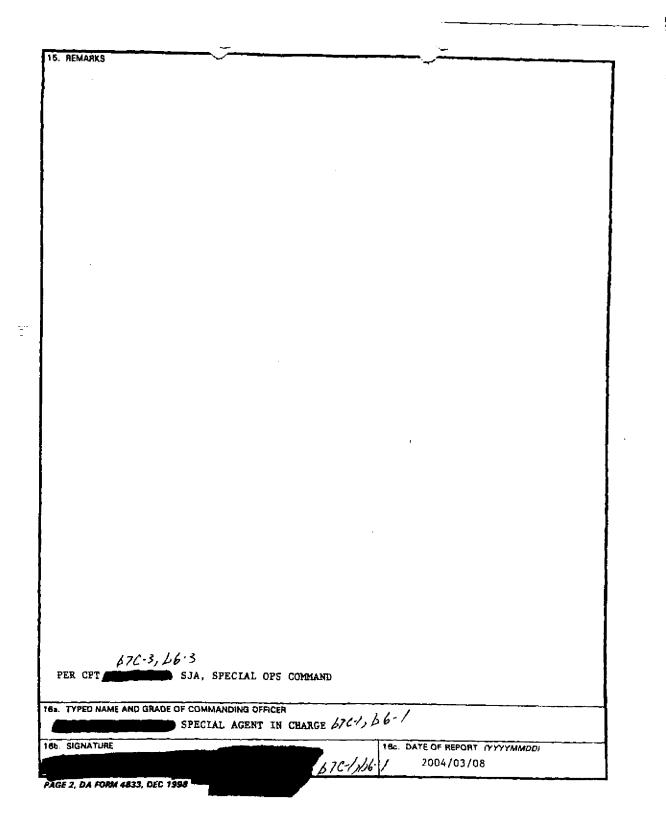
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COMM	ANDER'S REPORT OF D	ISCIPLINARY OR A	DMINISTRATIVE ACT	101	SUSPENSE DATE (1777) (SUSPENSE)
	For use of this foots, say i	us 190-45; dus proposant a	pency is ODCSOPS		2003/10/23
		PARTA	CY ACT STATEMENT		
AATYHONITY;	Title 18 680 Section 301; To	ide 6 USC Section 2951; E	D. 0307 dated November 22,	1843 /SSE/.	
PRINCIPAL PERPOSE	To provide commenders and	lane automatement officials t	aith manns by width inforces	tion may be accountable leb	anifest
MOUTURE WARE	Your social security random		•		
CRECLOSION-			ROOM MANUAL SI MANUAL CANA	to recording small and use	1478L
	Declarate of year social sec				
1. Tatu Commander		2.70		3. FROM	.4
2/3rd Special Forces	C-n	Special Agent in   87th MP Det (C		Comman	
Fort Bragg, NC 283	in	Port Bragg.NC	.[ <i>[]</i> 19310	Post Des	Alpha, 2/3rd Special Forces Gr sg, NC 28310
		<u> </u>			
4. USACRE CONTROL MANGE I 130-02	# !-CID023	5. NA REPORT NUMBER 0114-0	я 2-CID369-23525	a. Sub-rest	ALLATION (DENTIFIER
blocks. For multiple offenses checked and extign taken for		of action taken ar action to	itus for elfonnes not listed in	the report, explain in black sch an completion of final (	n. Briefly explois cisconsutences not corrunal by it 16, Romerics, which effections apply to blocks action.  67C-516G-5
7. NAME OF SUBJECT	T Ann First MD	8. GRADE	1. 850		BIRTH MYTHANDO
		SSG	المستقر		
	I la. 0	FFEMSELL)	<del>-</del>		THE DATE OF OFFENSELS
Conspiracy, Murder,	Dereliction of Duty				2002/08/28
LAW AR 190-45 DIP Report	a'though no setion was taken, t up or AR 195-2 (CID Reports).	·			arrection, or arpungement may be submitted
Subject was advised that UAW AR 180-45 CMP Report  B. AUMINISTRATIVE  REF	a'though no action was taken, t up or AR 1952 (CIO Reports). ERRED TO (Chack appropriets)	he report would be retained	in Army records and that cut DATE REFERRED	quests for ersendinate), co	
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E - NOME  Subject was advised that the taw at 190-45 all frapert  b. Administrative  F = FAMIL  D = DRUG  S = SPECI  E = EQUIA  L = LEGAL  M = MENT  R = RELIE  COMPANY  GCM AUY  C. JUSCAL of subject  SUMMARY	athrough no action was taken, to a AR 1852 (CE) Reports).  ERRED TO (Chack appropriate if Y ADVOCACY  (ALCOHOL ABUSE AL REFERRAL LOPPORTUNITY OFFICE  FAL HEALTH FAGENCY To A SECULIAR SEC	he report would be retained  MacAM  FIELD GRAD  GENERAL O	DATE REFERRED  DE FFICER full dieler giving Fadings and s OURT-MARTIAL	PURSTS for estain diment, co	arrection, or arpungement may be automitted
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E - NOME  * Subject was advised that JAW AR 190-45 BM* Report  B - ADMINISTRATIVE  F - FAMIL  D - DRUG  S - SPECI  L - LEGAL  M - MENT  R - RELIE  C - KORLODITAL BASI  COMPANY  GCM A UTH  4. JUSCAL B MANNE  SPECIAL C.  1. JUDICIAL FIREDINGS  GUILTY  NOT GUILTY	athrough no action was taken, to or AR 185-2 (CER Reports).  ERRED TO (Chart appropriate it Y ADVOCACY  Y ADVOCACY  I/ALCOHOL ABUSE  AL REFERRAL  L OPPORTUNITY  OFFICE  I/AL HEALTH  F AGENCY  To the 16 (CEMI)  GRADE  (ORITY  I was oried by cont-martiel sitte  COURT MARTIAL  OURT-MARTIAL	FIELD GRAD GENERAL O GENERAL C CIVIL COUR DISMISSED OTHER (FO	DATE REFERRED  DE FFICER ful under giving Fadings and s OURT-MARTIAL T	puests for elimination, co	arrection, 4f Arpungement may be authorited
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COMM	ANDER'S REPORT OF DI	isciplinary or adi	MINISTRATIVE ACTION		SUSPENSE DATE (?????MMPD)
	For our of this facts, san Al	R 19045: the proposess age	rity is OOCSOPS		2003/10/23
	<del> </del>	PRIVACI	ACT STATEMENT		
LETRORITY:	Title 10 USC Section 301; Tir	the E. USC Section 2051; E.D.	8387 datad Narramber 22, 1943 /553	W.	
MINIPAL PROPOSE			th mages by which information may b		ráfiad.
PONLEE PRESS:			esto cuesano at Mandification en facility		
NACLOSCIE:	Displayers of your social secu				
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Commander	_	Special Agent in		Comman	
2/3rd Special Forces		87th MP Det (CI		Opn Det	Alpha, 2/3rd Special Porces G
Port Bragg, NC 2831	10	Fort Bragg.NC 2	8310	Fort Brag	Ig. NC 28310
L USACRC COSTROL NAMES 1130-02	# -C1D023	5. MP REPORT NUMBER 0114-02	-CID369-23525	4. SUB-POSTA	ALLATION IDENTIFIES
blocks. For multiple ultimates	resulting in copes then non-type a	if action taken ar action take	responding MATION report. Check all a un far effectes out listed in the report, ressue indicated to "TO" black on cam	, explain in black	
7. NAME OF SUBJECT		8. GRADE CW2	9. S3N	10. DATE OF	ERTH CYCHAROL 676-5/66
B7C-5,b		FEMSE(a)	67C-5,66-5		ttb. OATE OF OFFENSEW)
Accessory After the I	fact				2002/08/28
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2. ACTION VAREN  Subject was advised that a		CIENT EVIDENCE a report world be retained in	· · ·	THER (Explain	in Promotical processor, or expunyement may be submitted
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## DEPARTMENT OF THE ARMY 87TH MP DETACHMENT (ABN) (CID) (FWD) CAMP STRONGHOLD FREEDOM APO AE 09311

CICR-EF

23 May 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL - 0114-02-CID369 -23525 - 5H1A / 5X4 / 5Y2 / 7X2 / 7X6 / 9G2A / 9G2C / 9G2E

DATES/TIMES/LOCATIONS OF OCCURRENCES: 1. 28 Aug 2002/1500 - 28 Aug 2002/1800; ROAD ADJACENT TO U.S. ARMY FIRE BASE, LWARA, Afghanistan

b7C-/) b6·//

DATE/TIME REPORTED: 25 Sep 2002.

INVESTIGATED BY:

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676-5,66-5 SUBJECT: M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP, BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354; [CONSPIRACY], [DERELICTION OF DUTY], [MURDER], [OBSTRUCTION OF JUSTICE] .

6765766-5 676-5,66-5 b765,6652.1 SFC ; M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP, BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354; [CONSPIRACY], [DERELICTION OF DUTY], [MURDER].

67C5166-5 616-5,66-5 *6165,46:5*3. • SSG M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP, BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354; [CONSPIRACY], [MURDER]

6765,66-5 610-5,66-5 🖷 SSG ; 🐗 M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP, BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354;

[CONSPIRACY], [DERELICTION OF DUTY], [MURDER]. 1765,66-5 クピッムにり CW2 M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP, BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354; [ACCESSORY AFTER THE FACT].

VICTIM: 1. SAYARI, MOHAMED [DECEASED]; CIV; Afghanistan; MORGAH, Afghanistan; M; OTHER; LWARA, Afghanistan; [NFI]; [CONSPIRACY], [MURDER].

US GOVERNMENT (2/3RD SF GROUP) BAF, APO AE 09354; [ACCESSORY AFTER THE FACT], [DERELICTION OF DUTY], [OBSTRUCTION

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OF JUSTICE].

## INVESTIGATIVE SUMMARY:

"This is a Camp Stronghold Freedom Investigation."

This investigation was initiated upon notification from SSG A Co, 519th Military Intelligence Battalion, Bagram Air Field, Afghanistan, APO AE 09354 (BAF), that he was suspicious of the shooting death of Mr SAYARI by a Special Forces team.

Investigation established probable cause to believe SFC 1676-5,655 SSG and Committed the offenses of Murder and Conspiracy when they conspired to lure Mr SAYARI c-5,5,66-55-into an ambush to murder him. SFC and SSG shot and killed Mr SAYARI upon detaining him.

Investigation established probable cause to believe CPT committed the offenses of Dereliction of Duty and Obstruction of Justice when he violated the unit standard operating procedures (SOP) for detaining captives and instructed SFC (formerly SSG) to not forward certain incriminating photographs of SAYARI's body, and to destroy them. SFC and SFC committed the offense of Dereliction of Duty when they violated SOP for detaining captives. SSG and did not commit the broshles offense of Dereliction of Duty as he was not directly involved in handling a detained captive.

Investigation established probable cause to believe CW2 committed the offense of Accessory After the Fact when he took the weapon that Mr. SAYARI allegedly had prior to the shooting and lost it.

## STATUTES:

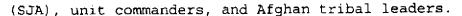
ARTICLE 92, UCMJ: DERELICTION OF DUTY ARTICLE 81, UCMJ: CONSPIRACY ARTICLE 118, UCMJ: MURDER ARTICLE 78, UCMJ: ACCESSORY AFTER THE FACT ARTICLE 134, UCMJ: OBSTRUCTION OF JUSTICE

#### EXHIBITS/SUBSTANTIATION:

## Attached:

Agent's Investigation Report (AIR) of SA 7 Nov 02, detailing the initial notification; receipt of original results of Commanders Inquiry; interviews of SFC SSG-674-5766-5 SFC SSG SPC CW2 Afghan Commander CPT SPC collection of evidence; canvass interviews;-111-3,14-3 and coordinations with the Office of the Staff Judge Advocate - 67C-573,574,3,66-5,3,54,3 676.3,3,3,3,7, 61.3, 3,3 3,3 4 676-4, 3,5,5,5,66-4,3,555

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- 2. Copy of Request for and Results of Commanders Inquiry, which included Request for Commanders Inquiry, 29 Aug 02, requested by BG MIXON; Results of Commanders Inquiry, 10 Sep 02, completed by CPT Results of Commanders Inquiry, 24 Sep 02, completed by LTC Results of Commanders Inquiry, 24 Intelligence) to Command Inquiry; Sworn Statement of SSG Sworn Statement of SFC Sworn Statement of CPT Sworn Statement of SSG Sworn Statement of CPT Sworn Statement of SSG Sketch prepared by ODA 343 depicting death scene; and (10) photographs supplied by ODA 343 for the Commanders Inquiry.
- 3. Sworn Statement of SFC (Sep. 02, in which he detailed the shooting of Mr. SAYARI.
- 4. Rough Sketch by SFC 26 Sep 03, of the death scene.
- 5. Sworn Statement of SSG 27 Sep 02, in which he detailed his knowledge of this investigation.
- 6. Waiver Certificate and Sworn Statement of SSG 30 Sep 02, in which he denied being involved in the shooting of Mr. SAYARI.
- 7. Waiver Certificate and Sworn Statement of CPT 30 Sep 02, in which he denied being involved in the shooting of Mr. SAYARI.
  - 8. Non-Waiver Certificate of SFC 30 Sep 02.
  - 9. Non-Waiver Certificate of SSG 30 Sep 02.
- 10. Sworn Statement of CW2 100 1 Oct 02, in which he detailed his knowledge of this investigation.
- 11. Sworn Statement of SPC 2 Oct 02, in which he detailed his knowledge of this investigation.
- 12. Sworn Statement of SSG 2 Oct 02, in which he detailed his knowledge of this investigation.
- 13. Rough Sketch of death scene completed by Mr. 3
- 14. Rights Non-Waiver Certificate of CPT 602.
  - 15. Rights Non-Waiver Certificate of SSG 6 Oct 02
- 16. Sworn Statement of SFC 9 Oct 02, in which he further detailed his knowledge of this investigation.

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- 17. Rough Sketch by SPC 11 Oct 02.
- 18. Sworn Statement of 2LT 20 Oct 02, in which he detailed his knowledge of this investigation.
- 19. Sworn Statement of SFC 20 Oct 02, in which he detailed his knowledge of this investigation.
  - 67.53,66-5 20. Handwritten Statement of PFC not dated.
  - 21. Handwritten Statement of SSG 20 0ct 02.
  - 22. Handwritten Statement of SSG 200 20 Oct 02.
  - 23. Handwritten Statement of SPC 21 Oct 02.
  - 24. Handwritten Statement of PFC 21 Oct 02.
  - 25. Handwritten Statement of PFC 21 Oct 02.
  - 26. Handwritten Statement of PFC ______, 21 Oct 02.
  - 27. Handwritten Statement of SPC 21 Oct 02.
  - 28. Handwritten Statement of PFC 21 Oct 02.
  - 29. Handwritten Statement of PFC , 21 Oct 02.
  - 30. Handwritten Statement of PFC 21 Oct 02.
  - 31. Handwritten Statement of PFC 21 Oct 02.
  - 32. Handwritten Statement of CPL 21 Oct 02.
- 33. Canvass Interview worksheet, 22 Oct 02, of personnel assigned to A Co, 1/505th Parachute Infantry Regiment (PIR), 82D Airborne Division, Kandahar Airfield, APO AE 09355 (KAF).
- 34. Canvass Interview worksheet, 22 Oct 02, of personnel assigned to A Co, 1/505th PIR, 82D Airborne Division, KAF.
- 35. Crime Lab Examination Request, 27 Oct 02, requesting the examination of collected evidence. (USACIDC and file copies only)
- 36. Sworn Statement of CPT 7 Nov 02, in which he detailed his knowledge of this investigation.
- 37. Sworn Statement of SPC 7 Nov 02, in which he detailed his knowledge of this investigation.
- 38. Sworn Statement of SGT 7 Nov 02, in which he detailed his knowledge of this investigation.

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176-4-1-6-4 Sworn Statement of PFC 7 Nov 02, in which he detailed his knowledge of this investigation. this office, 2 Oct 02, detailing the AIR of SA interview of SSG 676-3,66-3 Rough Sketch of the death scene, by SAI 5Ta/566/ 2 Oct 02, detailing the interviews 42. of SPC Sworn Statement of SPC 1 Oct 02, in which he 43. detailed his knowledge of this investigation. <u>610-3,66</u>-3 44. Rough Sketch of the death scene, by SPC 02. Sworn Statement of SFC 1 ( 1 Oct 02, in which he detailed his knowledge of this investigation. 18 Oct 02, detailing the interviews 46. AIR of SA of Mr. Mand Dr. 67C-3/66-3 ر المارات الم AIR of SA Commanders Inquiry; collection of evidence; coordination with US Army Criminal Investigation Laboratory; receipt of Laboratory SSG 🚾 CW2*り*(ころりょう) しょうしょう Results; interviews of MSG SSG 🗱 SFC SSG 🌉 CPT SSG47653346.6334.63 SSG SPC W. SILVER COLLEGE SSG SSG SSG 🛚 SFC 🚾 SPC CPT : CW3 LTC maintenance records; and coordinations with SJA. Commanders Inquiry, 10 Jun 02, consisting of the following documents: Memorandum for Communication, Special Operations Task Force-Afghanistan (CJSOTF-A), Bagram, Special Operations Task Force-Afghanistan (CJSOTF-A), Bagram, Special Operations Task Force-Afghanistan (CJSOTF-A), Bagram, Personal Operations of the Communication (CJSOTF-A), Bagram, Special Operations of the Communication (CJSOTF-A), Bagram, Personal Operations of the Communication (CJSOTF-A), Personal Operation (CJSOTF-A), following documents: Memorandum for Commander, Combined Joint Afghanistan, signed by LTC Seminary Semorandum for 17:3, Commander, CJSOTF-A, Bagram, Afghanistan, signed by MAJ DA Form 1574 (Report of Proceedings by Investigating 676-3, 166-3) Officer/Board of Officers); Memorandum for Commander, 2d Battalion, 3d SFG, signed by CPT Memorandum 576-5,56-3 XO, FOB 32, Kandahar, Afghanistan, signed by Kit-3/6-2

AAR documenting the incident on 2 Jun 02; statement in the statement of SFC 17-2/6-3

statement of SSG Statement of SFC 17-2/6-3

statement of SFC 17-2

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Commander, CJSOTF-A, signed by CPT Memorandum for 576-3,64-3 Commander, CJSOTF-A, signed by CPT Memorandum for 576-3,64-3 Commander, CJSOTF-A, signed by CPT Memorandum for 576-3,64-3

Commander, CJSOTF-A, signed by CPT ; Intelligence 67.3663 background pertaining to SAYARI; sworn statement of SSG 24 Sep 02; sworn statement of SFC 24 Sep 02; sworn statement of SFC 24 Sep 02; sworn 57.50653

statement of SSG 12 24 Sep 02; sworn statement of CPT 6765645

Commander, CJSOTF-A, signed by BG MIXON; Memorandum for

b7C-5b6-5

24 Sep 02; statement detailing actions of SF personnel on 28 Aug 02 (appears to be statement of CW2 (managed by COI and a sketch of the death scene/pertaining to SAYARI. 67C3-16-3

- 49. FB Form 2488-1, Weapons and Ammunition Control Sheet/Log, pertaining to members of ODA 343 on which they signed out their weapons from the unit arms room.
- 50. DA Form 5990-E, Maintenance Request, 29 Oct 02, pertaining to 2/3d SFG.
- 51. (12) DA Form 2404, Equipment Inspection And Maintenance Worksheet, 28 Oct 02, pertaining to M-4 weapons assigned to 2/3d SFG personnel.
- 52. Weapons assignment sheet, 26 Feb 02, pertaining to 2/3d SFG personnel.
- 53. DA Form 3655, Crime Lab Examination Request, 6 Nov 02, requesting the examination of the weapons assigned to 2/3d SFG personnel. (USACIDC and file copies only)
- 54. U.S. Army Criminal Investigation Laboratory (USACIL) Examination Report, 2002-CID131-2225, 2 Dec 02, reporting that an examination of the submitted 5.56mm caliber cartridge and full metal jacketed bullet were identified as having been fired in and through the M-4, serial number W339108, assigned to SFC 67C-4, 664
- 55. Sworn Statement of SSG 7 Nov 02, in which he detailed his knowledge of this investigation.
- 56. Waiver Certificate and Sworn Statement of SSG Nov 02, in which he detailed his knowledge of this investigation.
- 57. Waiver Certificate and Sworn Statement of CW2
  12 Nov 02, in which he detailed his knowledge of this investigation.

  67. Waiver Certificate and Sworn Statement of CW2
  12 Nov 02, in which he detailed his knowledge of this investigation.
- 58. Sworn Statement of SSG 14 Nov 02, in which he detailed his knowledge of this investigation.
- 59. Waiver Certificate and Sworn Statement of SFC Nov 02, in which he detailed his knowledge of this investigation.
- 60. Sworn Statement of SSG 5 Nov 02, in which he detailed his knowledge of the incident in Jun 02.
- 61. Sworn Statement of SSG 5 Nov 02, in which he detailed his knowledge of the incident in Jun 02.

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- 62. Sworn Statement of SFC 14 Nov 02, in which he detailed his knowledge of this investigation.
- 63. AIR of SA 17 Dec 02, detailing the interview of Local Land the receipt of USACIL Examination Report 2002-CID131-2225.
  - 64. Photographic packet comprised of 15 photographs.
  - 65. AIR of SA 10 Apr 03, detailing Other Significant Interviews.
  - 66. AIR of SA 23 May 03, detailing the receipt of the USACIL Report, Other Interviews, and Final SJA Coordination.
  - 67. USACIL Laboratory Examination Report, 2002-CID131-2225, 22 Jan 03
  - 68. Compact disc 02-CID131-2225, containing all photographic images and originals of Exhibit 64. (USACRC copy only)
  - 69. (1-6) DA Form 4137, Evidence/Property Custody Documents, Document Numbers (DN) 046-02, 047-02, 048-02, 049-02, 650-02, and 651-02, various dates. (USACIDC and file copies only)

### Not Attached:

Retained in the evidence depository, Ft Bragg, NC:

- 70. One zip disc (SFC 677.66.4), Item 1, DN 046-02.
- 71. One Sony laptop computer (US Government), Item 1, DN 047-02.
  - 72. One bead necklace (SAYARI), Item 1, DN 048-02.
  - 73. One shell casing, Item 1, DN 049-02.
  - 74. One expended bullet, Item 2, DN 049-02.
  - 75. One piece of metal, Item 3, DN 049-02.
- 76. Twelve M-4 rifles (US Government), Items 1 through 12, DN 650-02.
- 77. FB Form 2488-1, Weapons and Ammunition Control Sheet/Log (US Government), Item 13, DN 650-02.
- 78. Twelve 9mm M-9 pistols (US Government), Items 1 through 12, DN 651-02.

The originals of Exhibits 1, 33, 34, 40, 42, 63, 65 and 66 were forwarded with the USACRC copy of this report. The originals of Exhibits 2, 17, and 48 through 52 were maintained in the files

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of 2/3rd SFG, Fort Bragg, NC. The originals 3 through 16, 18 through 32, 36 through 39, 41, 43 through 45, 54 through 62, and 68 were maintained in the files of this office pending adjudication. The originals of Exhibits 35, 53, and 63 were maintained in the files of USACIL, Forest Park, GA. The originals of Exhibit 69 were maintained in the files of the evidence depository, Fort Bragg, NC.

STATUS: This is a final report. Commanders Report of Disciplinary Action Taken (DA Form 4833) is pending.

Report Prepared By
b7C'166'162

Special Agent,

Report Approved By

6701/66-/

Special Agent in Charge

DISTRIBUTION:

- 1 Director, US Army Crime Records Center, USACIDC, ATTN: CICR-CR, 6010 6th Street, Fort Belvoir, VA 22060 (original)
- 1 Commander, 3rd Military Police Group (CID), Fort Gillem, GA 30297 b/C366->
- 1 Commander, 3d Military Police Group (CID)(FWD), ATTN: SA
  Camp Doha, Kuwait (e-mail only/less exhibits)
- b7t/b6-/ 1 - Office of the Staff Judge Advocate, CJTF-180, ATTN: LTC Bagram Air Field, APO AE 09354
- 1 Office of the Provost Marshal, ATTN: CPT Bagram Air Field, APO AE 09354 (e-mail only/less exhibits)
- 1 Commander, Task Force Dragon, CJTF-180, ATTN: COL Bagram Air Field, APO AE 09354 (e-mail only/less exhibits)
- 1 Chief of Staff, 82nd Airborne Division, ATTN: COL Bagram Air Field, APO AE 09354 (e-mail only/less exhibits)
- 1 Commander, 2/3rd SFG, ATTN: LTC Fort Bragg, NC 28310
- 1 SJA, 3rd SFG, Fort Bragg, NC 28310
- 1 Commander, HQ USACIDC, ATTN: CIOP-COP-CO, 6010 S. 6th Street, Fort Belvoir, VA 22060-5505
- 1 Director, Armed Forces Institute of Pathology, AFIP Annex Bldg 102, 1413 Research Blvd, Rockville, MD 20858
- 1 File

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All times indicated are in Zulu (Z). Local time is 4-1/2	hours plus
67C-4, bry	pos.
At 1200, 25 Sep 02, SFC	A Co, 519 th Military Intelligence (MI)
Battalion, Bagram Airfield, Afghanistan, APO AE 0935 members of the 3 rd Special Forces Group (SFG) assigne Lwara, Afghanistan.	d to Operational Detachment Alpha (ODA) 343 in
after his arrival at Firebase (FB) Lwara, his team was ca shooting death of a local Afghan known as Mohammed exposed digital photographs of the scene, collected DNA from the body of SAYARI. SFC stated and did not feel as though their story was consistent with	elligence Agent on 28 Aug 02. Approximately one hour led out to a road adjacent the FB to document the SAYARI (NFI). SFC stated he samples (hair and blood), and obtained fingerprints he asked the members of ODA 343 what had occurred the evidence at the scene. Additionally, CPT
provide certain photographs he selected, by BG Benjamin R. MIXON, Director, Combined/Joint (CJTF)-180, BAF. SFC stated the photographs exposed at the scene. CPT delete all records of the photographs from his computer and made a copy of the zip disk and had	ographs selected were vague and did not include then instructed SFC and took the zip disk containing all photographs. SFC
Form 4137, Evidence/Property Custody Document, Doc	ument Number (DN) 046-02.
Staff Judge Advocate (SJA), Combined Joint Special Option Conducted a Commander's Inquiry and was satisfied that therefore, no charges would be made against any of the Staff his paperwork to COL Charles, Chief Legal, SJA, MCNEIL, Commanding General, CJTF-180, BAF.	the shooting of Mohamed SAYARI was justified, and SF personnel. CPT stated he turned over CJTF-180, BAF, in order to be briefed to LTG Dan
At 1630, 25 Sen 02, SA Second and SA South brie COL Second Sen 02, SA Second	was warranted. Additionally, COL
questionable photographs had not been included in the p	iry. A review of those photographs revealed the 476366
provided copies of the request for Commander's Inquiry submitted with the Commander's Inquiry, and Sworn St.	from BG Benjamin R. MIXON; photographs
SA SIC-1, 62.	ORGANIZATION 37th MP Det (CID), Bagram Airfield, Afghanistan APO AE 09354
1571.1, bb-/	7 Nov 02 EXHIBIT
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	AGENT'S INVESTIGATION REPO	ORT	ROINUMBER	
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	17.54			Page 2 of 7 Pages
	DETAILS 12/136-5 57C-516-5 and	d SSG	b70.5166	all assigned to
•	ODA 343, 3rd SFG. (See attached documentation for deta	ails)		
	At 1135, 26 Sep 02, SA and SA and SA interstatement in which he detailed his knowledge of this incident	viewed C	BICYB6-	<del>/</del>
	statement in which he detailed his knowledge of this incid	dent. (Se	e Sworn Staten	who rendered a sworn
	for details)			676-47 26-4
	At 0745, 27 Sep 02, SA coordinated with LTC	3763/	63 SIA CI	SOTE A BAE who stated he
	would coordinate getting all ODA 343 team members to l	BAF for i	nterviews. Ad	ditionally, LTO
=	stated he would attempt to locate and fully identify all the	team me	mbers prior to	their arrival at BAF, to bic 3,66
	include SFO (NFI) and SPO NFI).  176-3/66-3 b7C-1/66-1 676-3, 66-3	6763,6	6.5	
	At 0820, 27 Sep 02, SA coordinated with COL	010-10	and requeste	d coordinations be completed
	for the exhumation of SAYARI's remains.	1 -21		
	At 0934, 27 Sep 02, SA interviewed SSG		- 66	A Co, 519 th MI Bn,
	BAF, who rendered a sworn statement in which he detailed	ed receivi	ng evidence an	d original photographs from
	SFC (See Sworn Statement of SSG		details)	
	At 0940, 27 Sep 02, SA interviewed SFC			CJSOTF-A, BAF, who
142	stated he attempted to track down the documents SAYAR had asked him if he could obtain them for h	U had on	him at the time	of the shooting, as CPT 62.3, 46
•	said he knew the documents had been sent to the Docume	nt Exploi	tation (DOCE)	X), cell at BAF, as it was
	said he knew the documents had been sent to the Docume standard routine to do so. He spoke with SFO	wh	o told him SPC	(NFI) had taken
43	everything to the Bagram Collection Point (BCP), BAF, a attempted to collect the documents from SSG	ng nag ti h	imed everythin owever SSG	g over to SSG SFC SFC
	had been turned over to the Defense Investigative Agency	(DIA) D	OCEX BAE	Once SEC 476-3.42-3
67	coordinated with the DIA DOCEX. (NFI) informed stated he was never able to locate any of the documents.	ed him the	ey had never re ad had never lo	eceived the documents. SFC
	DNA evidence as he was only trying to locate the docume	,	476.4176.4	
	stated SFC NFI) and SPC	(N	FI) were part of	of his unit and had been
	attached to ODA 343 in Lwara; however, SFC both returned to their home station, 3D SFG, Fort Bragg,		SPULLIN	ad replaced them both. They
	b7C136-1 b76-56	-5		
	At 0845, 30 Sep 02, SA advised SSG sworn statement denying his team murdered SAYARI. (5	f his lega. See Swor	I rights, which	he waived and rendered a
	the statement deliving his team market ed six 1.224 (c	300 311011	. otalement of	W-5, 66-5
	TYONG A CONTRACT AND SECURISE WILLIAMS	OCANIZATIO	· · · · · · · · · · · · · · · · · · ·	
	SA 6761,66-1,62 8		et (CID), Bagra	am Airfield, Afghanistan
	h7(d/b/a-1 A	PO AE 0		EXHIBIT
	Signature :		Vov 02	1
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DETAILS BICI, bb./ BTC.	5166-5		
At 1008, 30 Sep 02, SA	of h	is legal rights, v	which he waived and 370 50
rendered a sworn statement denying his team murdere	ed SAYARI.	(See Sworn St	atement of CP1
for details)			
At 1245, 30 Sep 02, SA advised SFC counsel. (See Non-Waiver Certificate of SFC	<u>66-3</u>		
At 1245, 30 Sep 02, SA	of his leg	al rights, which	he invoked requesting legal
counsel. (See Non-Waiver Certificate of SFC	for details	67C-57 \$600	
676166-1 B76-			
At 1300, 30 Sep 02, SA additional advised SSG	of his l	egai rights, which	ch he invoked requesting legal
counsel. (See Non-Waiver Certificate of SSG		(S) \$76.3 106-3	
b70166-1 p76-1,66-1	/		ooth variable of the
At 0700, 1 Oct 02, SA and SA	Ope	rations Officer,	87 Military Police
Detachment, Camp Stronghold Freedom, Uzbekistan,	APU AE 09	311, briefed L1	and MAJ
Additionally, MAJ Stated he would coordin	Co, 2/3rd Sl	G, BAF, on the	status of this investigation
Additionally, MAJ stated he would coording	ate with the	Mullah from Ly	vara on obtaining consent
from SAYARI's family on the exhumation of his rem	ains and trat		mins to Lwara.
6701,66-1		676366-3	
At 0835, 1 Oct 02, SA interviewed SSG			ODA 343, 2/3 rd
SFG, BAF, who stated he was within the compound f			
Aug 02, and did not leave the compound. He stated h			ly or the scene SSG
could provide no further information to assist with thi	_	_	pr> D + 2
b76466-1		67651665	OD : 212 Diard
At 1010, 1 Oct 02, SAMMent interviewed CW2			ODA 343, 2/3 rd
SFG, BAF, who rendered a sworn statement in which	he detailed	ns knowleage o	or this incident. (See Sworn
Statement of CW2 for details)			
b76/66-1		76-76-4	A C. GIOHAGA
About 0800, 2 Oct 02, SA		1.1	A Co, 519 th MI Bn,
BAF, who rendered a sworn statement in which he de	tailed his kn	owledge of this	incident. (See Sworn
Statement of SPC for details) 476-4,664	171	311.2	-
MC-1,66-1	p/L	3,66-3	ODA 343, 2/3D SFG, who
At 1100, 2 Oct 02, SA interviewed SFC	2	Samu Planatatio	
stated he was in the ODA 343 living tent on 28 Aug 0			
told him about the shooting. SFC		-	•
was needed for anything. Once he was informed ever	-	•	
to playing the video game. He said he never saw the	_	_	·
transferred from the truck used to transport his remain	is to the loca	AIVIF Comman	ider at the FB. SFC
said he was not informed as to what happened as CPT shooting to go to the Operations tent to document wha	475-5-1A6	ad asked eve	eryone involved in the
surrounding the shooting once he arrived at Kandahar	•	_	
TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATI		m Airfield Afahanistan
SA 676-166-1			m Airfield, Afghanistan
b7 C-1/66-1/62 SUBNATURE	APO AE (	17334	EXHIBIT
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stated he had no idea who SAYARI was prior to the shoot to the team. SFO	ting, and was never told, or perceived, him as a threat tion to provide regarding this investigation.
At 1100, 2 Oct 02, SA  DDA 343, 2/3 rd SFG, BAF. SSG  when the shooting occurred. SSG  was present	stated he was not present on the mission for the After Action Review (AAR) at the Team Op as discussed at the AAR in reference to the shooting
(See Sworn Statement of SSG	_
At 0515, 3 Oct 02, SA and SA interv	iewed Commander Afghanistan Military
Forces (AMF), and interpreter with the was with SAYARI had since quit the AMF and was currently	
According to SAYARI was utilizing his truck as were his customers and were being transported to different	t locations. Additionally the road on which SAYARI
traveled and was detained by ODA 343 had been in the dhe had been at the front gate of the FB at the time SAYA	irection the AMF soldier wanted to go. stated RI was conversing with CW2
renting his truck. According to SAYARI did no	t immediately follow the ODA 343 patrol when it left still trying to get CW2
when CW2 very angrily told SAYARI to re FB after the QDA left, but CW2 angrily ins	sturn in the morning. SAYARI still wanted to enter the
morning and according to them had not sympathiz	I had previously shown no acts of aggression toward
they stated SAYARI hated the Taliban and had gone again heard of him placing a hit on CW2.	nst their rules and ways. They also stated they never
threatened and and stated SAYARI has moved to the Lwara area due to him killing a relative dur	id previously lived in Morgah, Afghanistan, but had
prior to the Americans' arrival, and prior to the shooting.	xes from people traveling on the road adjacent the FB, They stated SAYARI was sort of a businessman,
utilizing his truck as a taxi and being involved in the harvalso stated SAYARI, although not an elder of the tribe, w	esting and selling of fruit during the fall season. He
collecting, which he pocketed, and because of his security	or bodyguards stated he was called to the
	to the chest as elliptical in shape. The drew the
area and two representations of the wounds he saw on SA for details)	YARI's chest. (See attached rough sketch of
	RI's tribal elders and his father (NFI), who would not
allow SAYARI's body to be exhumed due to religious be TYPED AGENT'S NAME AND SEQUENCE NUMBER	RGANIZATION
SA 670,66452 8	7 th MP Det (CID), Bagram Airfield, Afghanistan PO AE 09354
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SAYARI's body prior to his burial and could possibly of SA	describe the wo	ounds. The elders stated they would meet
676-7, 66-7		676466-1
Agent's Comments: Due to time constraints of awaiting	g travel from t	he FB the meeting between SA
and the elders was short and no definite matters were di	scussed. It wa	as agreed to discuss matters further when
At 0620, 3 Oct 02, SA coordinated with LTC had re-deployed to Fort Bragg, along with SS and SPC	676766.3	670/66-1
At 0620, 3 Oct 02, SA coordinated with LTC	wh	o informed SA that MSG
had re-deployed to Fort Bragg, along with SS	G	emergency leave. Additionally, SPC
and SPC	ith support pen	sonnel at FB Lwara and were possibly ned, and stated they had no interaction
mechanics. LTC did not know to what unit the	ney were assigi	ned, and stated they had no interaction
with ODA 343 other than to other support when needed	in regard to in	nechanical problems. LTC
no idea as to why their names were added to the team ro	oster.	
11 0320 ( 0 - 03 SA B76 B6	11th MD Day (1	CID), Fort Hood, TX, advised CPT
At 0320_6 Oct 02, SA Polygrapher, of his legal rights, which he invoked require	esting legal co	upsel (See Pights Non Waiver
Certificate of CPT	csting legal co	unser. (See Aights 11011-Walver
476.66.	5	
At 0335, 6 Oct 02, SA advised SSG of	his_legaLrights	which he invoked requesting legal
counsel. (See Rights Non-Waiver Certificate of SSG	for deta	ils)
At 1205, 9 Oct 02, SA interviewed SFC	wh	no rendered a sworn statement further
detailing his knowledge of the death of SAYARI and th	e actions of th	e SF Team, ODA 343. (See sworn
statement of SFC for details)		
b761,66-1		
		rial number 28318330 3621694, as
Pocument, DN 047-02.	nted on a DA F	Form 4137, Evidence/Property Custody
1		
At 1203, 10 Oct 02, SA collected beads, which	h were in the r	ight hand of SAYARI at the time of his
death, as evidence from LTC. The evidence was		
Custody Document, DN 048-02.	···us document	of a Diff of it wis 7, Evidence Troperty
At 1200, 18 Oct 02, SA and SA brief	67	7:3,66-3
At 1200, 18 Oct 02, SA and SA brief brief investigation. LTC opined there was insufficient	efed LTC	Deputy SJA, to date on this
investigation. LTC opined there was insufficient	ent evidence at	
any offense; however, a suspect interview should be con	nducted to asce	ertain his involvement with the recently
developed information pertaining to the acts of the subj	ects of this inv	estigation. There may possibly be two
other members of the ODA involved in the conspiracy t	o kill SAYAR	I LTC opined to obtain ODA
TYPED AGENT'S NAME AND SEQUENCE NUMBER  676-162	ORGANIZATION	C(C) D
371		CID), Bagram Airfield, Afghanistan
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	that a partial bullet wa	as recovered from the c	rime scene, and	submit items to USACIL for
examination.	676-1,66-1	L77	3.26-3	
At 0330, 22 Oct 02,	SA coordina	ated with CPT	who s	tated he had interviewed
members of 1 ST Plate	oon, A Co, 1/505 TH Pa	arachute Infantry Regin		Airborne Division, Kandahar
Afghanistan, APO A	E 09355 (KAF). CP	T provided	statements he o	btained from 2LT
1922	3FV ,//	CPL	( ) SS (	PEC
PFC	1/4276 1/4	SPC		PFC
A.C. TONE	PEC	6760318/03	SPC	67
PFC	P1C-7-16-5	PFC	763, 44-3	PFC
	and PFC	2LT		and SFO stated they
ad attended an AAF	with members of OI	DA 343 on the day of th	ie shooting in wh	nich CPI
and SI		out the shooting. (See s	worn statements	of 2LT and
676-5766-3	b76-1166-1			
At 0545, 22 Oct 02	S.A. conduct	ed canvass interviews o	of nersonnel from	n 1 ST Platoon, A Co, 1/505 TH
11 05 15, 22 00, 02,	or i conduct			1 1 11110011, 11 00, 17 303
PIR. 82D Airborne D	Division KAF (See C	Canvass Interview World	ksheet for details	(3)
	Division, KAF. (See (	Canvass Interview Worl	ksheet for details	5) 6762,66-3
	Division, KAF. (See (	Canvass Interview Worl	ksheet for details	5) 6762,66-3
At 0625, 22 Oct 02, 5	Division, KAF (See ( b76/b6/ SA conduction on the second conduction of the second conduction o	Canvass Interview World ed canvass interviews consigned to 1 ST Platoon,	ksheet for details	670,66-3
At 0625, 22 Oct 02, 5	Division, KAF (See Conduction of the Conduction	Canvass Interview World ed canvass interviews consigned to 1 ST Platoon,	ksheet for details	5) 6762,66-3
At 0625, 22 Oct 02, 32 PFC XAF (See Canvass	Division, KAF (See Conduction of the Conduction	Canvass Interview World ed canvass interviews consigned to 1 ST Platoon, for details)	ksheet for details of CPL A Co, 1/505 TH P	and IR, 82D Airborne Division.
At 0625, 22 Oct 02, 3 PFC KAF (See Canvass At 0720, 27 Oct 02, 3	Division, KAF (See Conduction), both as Interview Worksheet 170/16-/	Canvass Interview World ed canvass interviews of ssigned to 1 ST Platoon, for details)  DA Form 3655, Crime 1	ksheet for details of CPL A Co, 1/505 TH P Lab Examination	and and Report, for evaluation by the
At 0625, 22 Oct 02, 3 PFC KAF (See Canvass At 0720, 27 Oct 02, 3 J.S. Army Criminal	Division, KAF (See Conduction), both as Interview Worksheet 170/16-/	Canvass Interview World ed canvass interviews of ssigned to 1 ST Platoon, for details)  DA Form 3655, Crime 1	ksheet for details of CPL A Co, 1/505 TH P Lab Examination	and IR, 82D Airborne Division.
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AGENT'S INVESTIGATION RE	PORT	ROI NUMBER	4-02-CID369-23525	
CID Regulation 195-1			. 02 02000 23323	
			Page 7 of 7 Pages	
At 0703, 7 Nov 02, SA interviewed SPC		6 66-4	Mortar Platoon, H	HC,
1/505th PJR, 82D Airborne Division, KAF, who rende			Y*/	66-4
			r. SAYARI. (See swom	
statement of SPC for details)	, , , , , , , , , , , , , , , , , , ,			
67-1,66-/			14 . DI . TH	
At 0712, 7 Nov 02, SA interviewed SGT 1/505 TH PIR, 82D Airborne Division, KAF, who render	ered a sworn	statement in w	Mortar Platoon, Hi-	IC, edge
of this incident. SGT performed duties as	Sergeant of	the Guard while	e at Lwara Fire Base. (See	cugo
sworn statement of SGT for details)			•	
At 0730, 7 Nov 02, SAME interviewed PFC	620	C-4,66-4	Mortar	1
Platoon, HHC, 1/505 PR, 82D Airborne Division, K	AF, who re	ndered a sworn		ed
he observed CW2 at the front gate to Lv	vara Fire Ba	se conversing w	rith SAYARI. PFC	l
then observed an SF patrol leave the F	B after SAY	'ARI left the ga	te. (See sworn statement o	of
PFC for details)	ENTRY////	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!	111111
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TYPED AGENT'S NAME AND SEQUENCE NUMBER 6767652	S7th MD D		am Airfield, Afghanistan	
675Ub6-1	APO AE	лег (Ст <i>о),</i> вадгі 09354	am Ammeio, Aignanisian	
SIGNATURE	DATE		EXHIBIT	
		Nov 02	L	
CID FORM 94 FOR OFFIC	IAL USE O	NLY	1	25

# Page(s)

26-56

## Referred to:

U.S. CENTRAL COMMAND
7115 SOUTH BOUNDARY BLVD
ATTN: CCJ6-DM
MACDILL AIR FORCE BASE
FLORIDA 33621-5101

MS. JACQUELINE SCOTT scotti@centoom.cml.ml (813) 827-5341/2830

## Sworn Statement

0114-02-610569-23525

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354

DATE: 26 SEP 02 576.766.4

TIME: 1135 Zulu 676486 - 4

NAME:

SSAN: RANK: SFC

ORGANIZATION: A CO, 519TH MILITARY INTELLIGENCE BATTALION,

BAGRAM AIRFIELD, AFGHANISTAN APO AE 09354

b7C4)b6-4
want to make the following statement under oath:

I am currently serving as a Counterintelligence Special Agent with Company A, 519th Military Intelligence Battalion located at Bagram Airfield, Afghanistan. On or about 28 Aug 02, I was transferred to Firebase Lwara, Afghanistan in support of the Combined Joint Special Operations Task Force as the Counterintelligence Special Agent in Charge. I arrived at Firebase Lwara at approximately 1400 hours local time on or about 28 Aug 02. At approximately 1500 hours local time on or about 28 Aug 02, a member of Operational Detachment Alpha (ODA) 343 approached myself and SPC and along with the outgoing Counterintelligence team, SFC and along with the outgoing Counterintelligence team, SFC

NFI), and told us that we needed to get our gear to process a suspected aggressor that had just been shot. I secured my digital camera, notebook and pen, and left Firebase Lwara in a government vehicle along with and Approximately one half mile south of the firebase there were approximately eight members of ODA 343 situated in a circular defensive perimeter approximately fifty meters in diameter around an individual lying prone on the west side and approximately fifteen meters from the center of the riverbed that is also used as a road. The individual was oriented with his head farthest away from the road or riverbed, lying prone with the left side of his head against the ground and face oriented to the right. In his right hand, clenched in a fist, was a string of beads. His right arm was bent and oriented toward his head and shoulders, his right forearm had brain matter and skull fragments splattered on it. His left arm was lying to his side and his left hand was empty. After an initial visual inspection of the body I took several pictures of the body in its undisturbed state. I then pulled the shirt of the body toward the head in order to expose the posterior of the torso because I had noticed several holes in the shirt. I took a picture of approximately five punctures in the back of the body. I then rolled the body over and took additional pictures. I then instructed SPC to search the body and collect DNA samples from the body. While SPQ

taking the DNA samples, an unknown individual said to me that was the one that did the shooting. I asked the unidentified person who was and was directed to a soldier that was on the East side of the perimeter farthest from the body. I asked what had happened and he told me that the person that had been shot was, on several occasions, suspected of following Special Forces soldiers out of Firebase Lwara on their patrols. ODA 343 left the firebase in order to observe the subject's actions. ODA 343 traveled south from the firebase down the riverbed to a location where a hasty defense could be set and a roadblock established. This action was termed a Crazy Ivan by the Subject along with approximately five local persons that were riding in the subject's truck entered the perimeter and ODA 343 initiated the stop of the vehicle.

67646.4

Page 1 of 6 Pages

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Exhibit: 3

Statement of SFC

0114-02-610369-23525

The five passengers in the vehicle were instructed to leave the area immediately, which they did. The subject was the driver of the vehicle and was taken to the West side of the road, his weapon taken from him and placed approximately ten feet from him. The person that took the weapon from the subject left the subject to return to a M-1025 High Mobility Multipurpose Wheeled Vehicle to radio the firebase and have the counterintelligence team dispatched to the location of the detention. When the person left the subject to call the firebase. individual named tired on the subject. I was told by he subject lunged for his weapon, picked up his weapon, turned and pointed the weapon at the Special Forces soldiers. I then returned to the body and loaded the body into the back of the deceased truck. The body was driven back to Firebase Lwara by one of the contract Afghanistan Military Force (AMF) soldiers in the truck that belonged to the deceased. The body was fingerprinted by SPC then the body and truck were released to the family. I placed the DNA evidence that had been collected at the scene in a freezer that was located in my tent and had SPCI have a category (NFI), that was assigned to the signals intercept section of the II interpreter, named firebase look over the documents that were collected from the body. nothing significant to report about the documents. I transferred the digital photographs that I had taken with my camera to my laptop computer and then to a zip disk. Approximately 3 Sep 02, left Firebase Lwara under normal conditions leaving the evidence at Firebase Lwara. I instructed SPC that he would travel to the Bagram Collection Point on the next available aircraft in order to hand carry the evidence there and to personally hand the disk of digital pictures to \$50 turned the evidence and photographs over to SPC approximately the week of 15 Sep 02. On 24 Sep 02, CPT 343's Team Commander, approached me and told me that a member of the Judge Advocate General's Corps would be arriving on the 0800 Zulu aircraft in order to secure statements from several of the team members that were involved in the shooting incident and that he needed the pictures that I had taken. I still had all of the pictures I had taken of the incident on my computer and I took the computer into the briefing room in order to transfer the pictures to a zip disk. CPT reviewed the pictures with me and indicated the photos he wanted me to transfer to the zip disk. He did this by having me enlarge the pictures so he could look at the pictures. CPT old me, while viewing the picture of the body that shows brain and skull matter on the forearm and the beads clinched in the fist, that he did not want that picture on the disk. Additionally, CPT told me that he did not want the picture showing the holes in the instructed me to not transfer several other back to be transferred to the disk. CPT pictures to the disk and identified the pictures to transfer. I transferred the pictures to the zip disk told me that he wanted me to delete the pictures that were not transferred and CPT from my computer. I deleted the pictures and then CPT pictures from the recycle bin of my computer, which I did. I left CPT disk and returned, with my computer, to my quarters. I returned to Bagram Airfield at approximately,1800 hours Zulu on 24 Sep 02. At approximately 0500 hours Zulu, 25 Sep 02, NFI) from the intelligence section of the Special Combined Joint Special Operations Task Force (CJSOTF) called me and said that he needed to collect the evidence that I had sent to the Bagram Collection Facility for exploitation. SFC went with me to colle the evidence. SSG programmes from commissioned officer in-charge (NCOIC), turned the went with me to collect I then asked SSO for the disk of pictures I had sent by evidence over to SFQ 524,66.1 Page 2 of 6 Pages

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**5**8

Exhibit: 3

b7C.4) \$ 6-4	
Statement of SFC by Color of taken at Bagram, Afghanistan	, on 26 Sep 02, continued: 0114-02-410369 - 23529
way of SPC I took the disk of pictures to the Bagram Crimi (CID) for processing.	nal Investigative Detachment
Q: SA 6-1	
A: 550	4h
<ul> <li>Q: How many ODA 343 members were present when you arrived of</li> <li>A: Four that I know of, and several AMF soldiers.</li> </ul>	on the scene?
Q: Who were the four? 676766-5	
A: A	
Q: Do you know their full identification?  A: No, I know a set last name is the solution.	
Q: Who went with you to the scene? 670.4/66-4	
A: SPO SFO SFO (NFI).	
Q: Who else was present at the scene when you arrived?	
A: CPT along with the AME soldiers.	
Q: Do you know or did you see SSG at the scene?	
A: I can't recall 62.4564 676,66 3 670,663	
Q: Did SPC SFC spread of express any concerns as to	what they saw?
A: Yes, SFC and addition of another one.	
Q: Were any of them upset? A: Yes, SFC was unhappy about it.	
Q: Can you describe unhappy about the situation?	
A: He seemed disgusted about it.	
Q: Did he say anything to you at the scene, or later, that would lead	you to believe that the
shooting was not justified? 676366-3	b1C3,66.5
A: I don't think it was SFO but I overheard someone say tha	t had previously stated
that he was "going to get one before I leave." I believed that it mean	
someone before he left, a Alex	b765.66-5
Q: Did SFO ever tell you anything about prior experiences w A: SFC old me that anything about prior experiences w	ith or any SF soldiers?
A: SFC old me that an Afghan before. I rem	ember SFO
"not again" before we left from the Firebase.	676-3,06-3
Q: What type of weapons did the ODA 343 soldiers have with them	?
A: M-4's, all of them had M-4's.	
Q: Where was the AK-47 when you arrived?	
A: It wasn't even at the scene.	
Q: Did you ever see it?	
A: No.	
Q: How long after the shooting were you notified?	
A: Approximately 10 minutes, and we responded right away.  Q: Did anyone attempt to contact a MEDEVAC, that you know of?	
A: Not that I know of.	
Q: Do you know whether or not its procedure for someone to contact	t a MEDEVAC?
A: The teams have SF trained Medics and it would be their determine	
676466-4	<del>-</del> -
	. 3 ./ -
(Name of the control	Page 3 of 6 Pages
FOR OFFICIAL USE ONLY	Exhibit: 3

6764,66.4 Statement of SFC , taken at Bagram, Afghanistan, on 26 Sep 02, continued: 0114-02-610369-23525 Q: Do you know who their Medic was? A: I think it was 70.5 165 Q: When you arrived, was SAYARI fully clothed? A: He was fully clothed and his body was returned to his family. Q: Were there any powder burns on his clothes that you noticed? A: I can't remember. O: Who moved the body and myself. Q: Had the body been moved prior to that? A: I don't know. Q: Where were the ODA 343 personnel when you arrived? A: They were still established in a perimeter pulling security. Q: Do you remember who was where? A: Manual were on the eastern edge of the riverbed opposite the body. CPT was to the south, and was in the center with the body. Officer with the team. He's the one who notified us of the shooting. Q: Where was SAYARI's body in relation to his truck? A: It was about 15 meters north of the back of his truck. Q: Did it appear as if the body had been moved? A: No. DICSIBLES 6765,665 Q: Did you notice any changes in personalities after the shooting? A: I had never met any of those guys before I got there. I did notice that kind of quiet and reserve. They were away from the body. Q: Do you know whether or not anyone took any type of "war trophy" from the body? A: No. O: Do you know who the individuals with SAYARI were? A: No. Q: Do you know if anyone else does? A: I'm sure the AMF would. Q: Was SAYARI a suspected Taliban or al-Quaida that you know of? A: SAYARI was suspected of following the convoys leaving Firebase Lwara, but was not a suspected Taliban or al-Quaida that I know of. The folks around that area are not Taliban or al-Quaida, they are more soldiers of the local warlords. O: Do you know who he worked for? A: No, but I did think he was an AMF soldier. Q: Did you notice any blood splatter on any of the ODA 343 personnel?

A: No.

Q: Why was the U.S. M-16 placed in some of the photographs?

A: For reference, it was my M-16.

O: What was the mood or atmosphere in the firebase after the shooting?

A: Normal.

Q: When you saw the body, did you notice any apparent stomach wounds?

A: No.

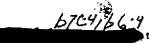
Q: Were there any apparent gunshot wounds to the front of the body?

676-466-4

Page 4 of 6 Pages

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Exhibit: 3



taken at Bagram, Afghanistan, on 26 Sep 02, continued:

0114-02-610369-23525

- A: Not that I saw.
- Q: What did the gunshot wounds to the front of the body look like?
- A: I saw an exit wound to the top right front of the head. I didn't lift the shirt up on his chest,

but I did see blood and what I thought to be exit wounds to the front of the body.

- Q: Why didn't you lift the front of the shirt?
- A: I was scared to raise the shirt up as they were watching me at this time.
- Q: Did anyone tell you what you could and could not do while you were out there?
- A: No, they didn't know me, I had just gotten there.
- Q: Was there any intelligence information on SAYARI?
- A: There was nothing of intelligence value collected from SAYARI.
- Q: Did you completely delete the pictures from your computer?
- A: Yes.
- Q: Is the pictures by chance still on your cameras memory stick?
- A: No, they were deleted as well.
- Q: What other events transpired after you arrived, aside from you examining the body?
- A: Upon my arrival, I placed my truck adjacent to SAYARI's body in order to block the view of the body from any persons walking or driving by. While we were there, there were three trucks full of local nationals that passed by. My tan colored truck was the truck in one of the photographs that was near SAYARI's body.
- Q: Did the SF soldiers say why the other occupants of SAYARI's truck were let go?
- A: They stated that they had no reason to detain them, that they were only after SAYARI.
- Q: How did you know that the material on SAYARI's shirt was brain and skull fragments?
- A: The same fragments and material that was on his arm was the same fragments and material that was coming from the wound in his head.
- Q: Is this statement is your own words?
- A: Yes.
- Q: Do you have anything further to add to your statement?
- A: No ///End of Statement///



Page 5 of 6 Pages

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Exhibit: 3



ken at Bagram, Afghanistan, on 26 Sep 02, continued: Statement of SFC

0114-02-610369-23525

**AFFIDAVIT** 

HAVE READ OR HAD READ, TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE SET FULLY CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR 676-4,66-4 UNLAWFUL INDUCEMENT,

170h 16-1 WITNESSES: 8 TH WA DET (COO) Afenan Ismi BAGRAM AIRFYELD APO AE 09354

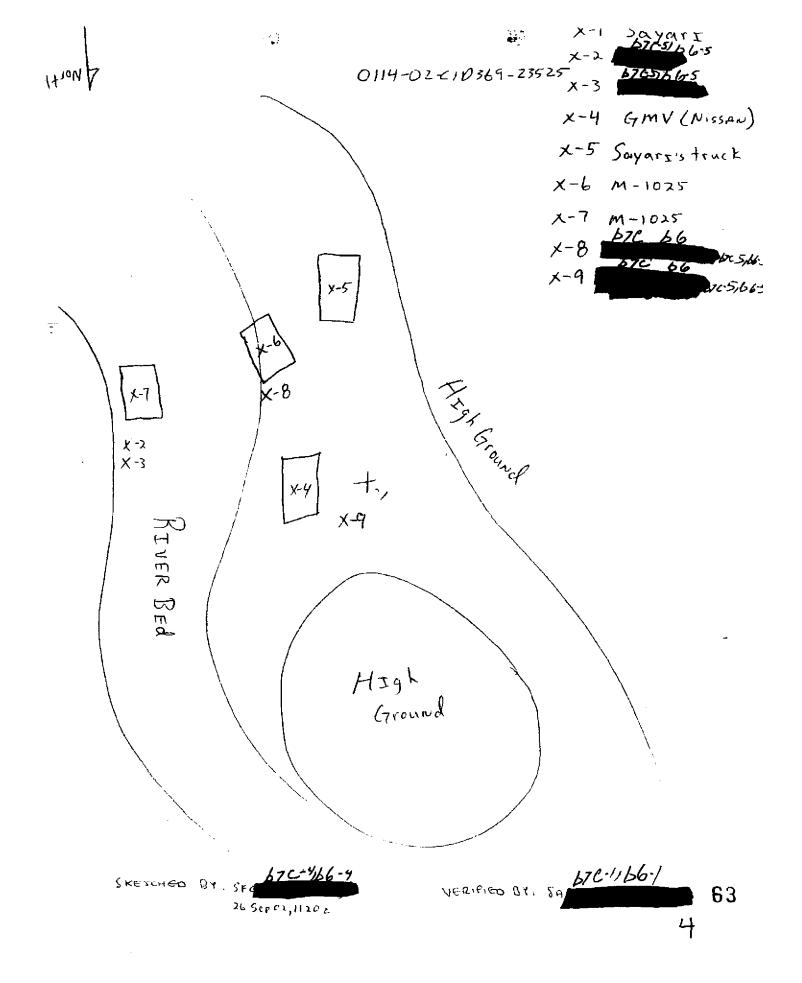
ORGANIZATION AND ADDRESS

67C9B6.4 Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of September, 2002, at Bagram, 67C1166-1 (Signature of Person Administering Oath) らりじり ム6ー (Typed Name of Person Administering Oath) Article 136, UMCJ

(Authority to Administer Oaths)

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Page 6 of 6 Pages Exhibit: 3



Sworn Statement LOCATION: Bagram Airfield, Afghanistan, APO AE 09354 DATE: 27 Sep 02 676-866-4 TIME: 09347 NAME SSAN RANK: SSG/Active ORGANIZATION: A Company, 519th Military Intelligence Battalion, Bagram Airfield. Afghanistan, APO AE 09354 67C-466-4 4,6441. SSG! want to make the following statement under oath: Sometime in early September, I received as the Noncommissioned Officer in Charge of the Bagram Collection Point (BCP) two Persons Under United States Control from an Operational Detachment Alpha Team in Lwara. SSG(P) who was attached to the ODA in Lwara sent accompanying information and documents on these two persons. Approximately one week one of SSC soldiers working in Lwara, returned to Bagram AF with a package of forensic evidence and documents. I incorrectly assumed these documents and evidence to be from the same raid in Lwara. In the package was human tissue from a deceased local national, fingerprints from the same local national, assorted documents and a zip disk. Upon inspection of the zip disk, I found pictures of the deceased local national. Later that day, I signed over the forensic evidence (including the human tissue and fingerprints on an index card), and copies of the pictures from the zip disk (burned onto a CD) to SA Criminal Investigative Task Force (CITF). As a matter of practice all forensic evidence is turned over to CITF upon arrival at the Bagram Collection Point for proper documentation to ensure proper chain of custody. A DA From 4137 was signed from myself to SAI evacuated the tissue, fingerprints, and copies of the pictures. I maintained the zip disk I received from SPC in my office in the BCP until 25 SEP 02. The documents received from SPC were evacuated through Document Exploitation (DOCEX) channels to Defense Intelligence Agency DOCEX. This is the normal procedure for documents brought into the BCP. On 24 SEP returned from Lwara on a routine resupply mission. In the evening of 24 asked me if I still had the zip disk SPC asked had given me. He said 02, SSG I SEP 02, SSG that he wanted to take possession of the disk because the zip disk was the last copy of the pictures from the shooting and there were people who may want those pictures destroyed. He further explained that the Staff Judge Advocate had initiated an investigation into the shooting that resulted in the death of the individual. The forensic evidence was from the individual who

contained on the zip disk that he had forwarded to me with SPC. Of 25 SEP 02, SSG found me at approximately 1100Z in the MWR Room of the BCP where I was sleeping. He woke me and told me that SFC was was in my office and wanted to take possession of all of the property that came in with SPC and SSG was also told me no to give the zip disk to SFC was and not to mention the existence of the pictures. I recovered the zip disk from my office and checked with my DOCEX team to learn the location of the documents that came in with SPC was My DOCEX Chief informed me that the documents

died. He also stated that the Staff Judge Advocate was not given copies of all of the pictures

Page 1 of 3 Pages

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Exhibit: 5

tatement of SSG Table 1988, taken at Bagram Airfield, Afghanistan, on 27 Sep 02, continued:

were at DIA DOCEX being scanned into the Harmony Database. I instructed my DOCEX Chief to wait until DIA DOCEX was done scanning the documents and then turn the documents over to SFO After about 20 minutes, SFC and said that he would recover the documents himself from the pictures at DIA DOCEX personally. SFC that I fee facility and I then passed the zip disk to SSG the pictures over to SA the pictures over to SA the pictures and to seek his counsel regarding the events surrounding the shooting in Lwara. SA the picture and to seek his counsel regarding the events surrounding the shooting in Lwara. SA the picture and to seek his counsel regarding the events surrounding the shooting in Lwara.

Q: SA 676-166-1

A: SSG 57c-4, 66.4

67641664

Q: Is SSG the same as SFC

A: Yes he was promoted in September.

Q: Did SFC

A: I was present when he told SA about the incident.

Q: Have you ever, or were you present at Lwara at the time of this incident?

A: I have never been to Lwara 4,66-4,

Q: Prior to SFC telling you about this incident, have you heard anything about ODA 343?

A: Not to my knowledge. I have had extensive contact with personnel from the Forward Fire Bases, but I never really knew from what Fire Base they were from.

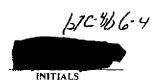
Q: Is this statement is your own words and typed by this agent?

A: Yes

Q: Do you have anything further to add to your statement?

A: No ///End of Statement///

676-4,56-4



Page <u>각</u> of <mark>길</mark> Pages

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Exhibit: 5

**AFFIDAVIT** 

WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS

HAVE READ OR HAD READ TO ME THIS STATEMENT

TRUE. I HAVE INITIALE	D ALL CURRECTIONS AND HAVE INTTIALED THE
<b>BOTTOM OF EACH PAGE</b>	CONTAINING THE STATEMENT. I HAVE MADE THIS
STATEMENT FREELY WI	THOUT HOPE OF BENEFIT OR REWARD, WITHOUT
THREAT OF PUNISHMEN	T, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR
UNLAWFUL INDUCEMEN	IT.
	676-4, 66-4
WITNESSES:	(Engnatury of Person Making Statemen)
	Subscribed and sworn to before me, a person authorized by law
	to administer oaths, this 27th day of September, 2002, at Bagram Airfield,
	Afghanistan, APO-AE 09354
	676-1,66-1

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Article 136, UMCJ (Authority to Administer Oaths)

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ORGANIZATION AND ADDRESS

Page 3 of 3 Pages

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Exhibit: <u>5</u>

			EDURE/WAIVER CERTIFIC TE  30; the proponent agency is ODCSOPS	
		DATA REQUIRED	BY THE PRIVACY ACT	
AUTHORITY: RINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	To provide commar Your Social Security		ent officials with means by which information may be accurate additional/alternate means of identification to facilitate filing ar	,
LOCATION Bagram Airfield, Afgh	anistan. APO AE 0	9354	2. DATE 3 TIME 4 FILE 1 0114-0	no. )2-CID369-
NAME (Last, First, M.				525
i. SSN	78 P. 1 P	7. GRADE/STATUS SSG/AD	Bagram Airfield, Afghanistan APO AE 09354	es Group
	•		R/NON-WAIVER CERTIFICATE	
Section A. Rights				
Before he/she asked me any I. I do not have to enswei L. Anything I say or do ca B. (For personnel subject of	piracy and Murder// questions about the offer r any question or say anythin be used as evidence ag- othe UCMJ is have the right	hse(s), however, he/she made thing, jainst me in a criminal trial, ght to talk privately to a lawyi	e it clear to me that I have the following rights:  ver before, during, and after questioning and to have a fawyer present w pense to the Government or a military lawyer detailed for me at no expe	ith me
. COMMENTS (Continue	e on reverse side)	within the last 30 days	BICIDE	36-5
action B. Waiver		<u>_</u>		
understand my rights as sta eving a lawyer present with			under investigation and make a statement without talking to a lawyer for	
w		1.5166-5	L71.5.1.1.5	rst and withou
	ITNESSES (If available	4.0166-5 4.016-5	3. SIGNATURE OF MITERYIEWEE	rst and withou
a. NAME (Tune or Prin	VITNESSES (If available)	566-5	6703,1263	ist and withou
a NAME ITAGA OF PRIN	VITNESSES (If available)	546.5	3. SIGNATURE OF MITERYIEWEE  4. SIGNATURE OF INVESTMENTOR	rst and withou
NAME TIME OF PRIN	NET (AGN)(0	546.5	3. SIGNATURE OF WITERVIEWEE	rst and withou
OHGANIZATION OFFERS	DET (ABN)	546.5	3. SIGNATURE OF INTERVIEWEE  4. SIGNATURE OR INVESTMENTOR  7C-1, 66-1	
ORGANIZATION OF A	DET (ABN)	546.5	3. SIGNATURE OF MITERYIEWEE  4. SIGNATURE OF MITERYIEWEE  7. 7. 1, 6-1  5. TYPED NAMEOF INVESTIGATOR  8. OHGANIZATION OF INVESTIGATOR  87th Military Police Det (CID), Bagran, Afghanisian,	
ORGANIZATION OF A	DET (ABN)	546.5	3. SIGNATURE OF MITERYIEWEE  4. SIGNATURE OF MITERYIEWEE  7. 7. 1, 6-1  5. TYPED NAMEOF INVESTIGATOR  8. OHGANIZATION OF INVESTIGATOR  87th Military Police Det (CID), Bagran, Afghanisian,	
URIGANIZATION OR.  87 L MP  A60 A62  Ta. NAME (Type or Print)  ORGANIZATION OR A  Section C. Non-waiver	DORESS AND PHONE	546.5	3. SIGNATURE OF INTERVIEWEE  4. SIGNATURE OF INVESTIGATOR  5. TYPED NAME OF INVESTIGATOR  SA. 7C-1, 66-/  6. OHGANIZATION OF INVESTIGATOR  87th Military Police Det (CID), Bagra 1, Afghanisian, APO AE 09354	
ORGANIZATION OR AL  ORGANI	DORESS AND PHONE	(1D)	3. SIGNATURE OF INTERVIEWEE  4. SIGNATURE OF INVESTIGATOR  5. TYPED NAME OF INVESTIGATOR  SA. 7C-1, 66-/  6. OHGANIZATION OF INVESTIGATOR  87th Military Police Det (CID), Bagra 1, Afghanisian, APO AE 09354	

Exhibit 6

## Sworn Statement

LOCATION: Bagram Airfield,	Afghanistan, APO AE 09354	
DATE: 30 Sep 02 6705/66	·5	
TIME: 09392		
NAME:		
SSAN: 670.5766-	5	
RANK: SSG/Active		
ORGANIZATION: Operationa	l Detachment-Alpha 343, 3 rd Special Fo	orces Group, Bagram
Airfield, Afghanistan, APO AE		
672:5166-5		
I, SSG want to	make the following statement under or	ith:
	0z, on a patrol designed to capture an al-0	
	the FB's patrols. We left in a 2 vehicle co	
	CPT were tasked with flar	
	of the hill to give me the best view of the	
	later, I heard shots, I ran back to where th	
	ground. Also at the time, I saw SSG	
	After determining my team mates were fr	
posted myself back on security.		,,
Q: SA 670-1, 66-1		
A: SSG byc-5, 16-5		
Q: On what date did this occur?	<u>.</u>	
A: 28 August 2002.		
_	m members to shoot and kill Mohammed	SAVARI?
A: No.	III members to shoot and kin Monamined	SATAIG:
	um members wanted to shoot and kill SAY	/ A P 12
A: No, none of my team members		nau.
	d SAYARI detained, did you see anything	o in his bands?
A: No, I was on security behind th		g in my nanas.
Q: Did you see SAYARI in posses		
	en we initially stopped him. When he ste	nned outside of the
vehicle, he had it in his hands. I th		pped oddide of the
	nembers take SAYARI's weapon and place	re it anywhere?
A: SEC	and placed it on the ground, about 10 feet	away from
SAYARI's truck.	and placed it on the ground, about to rect	away nom
	ithin SAYARI's truck have any weapons?	•
A: One of the AMF soldiers had a		
		here or attempt to
•	esent any threat to you or your team mem	bers, or attempt to
resist you moving them away from	the scene?	
A: No.	1 . CANABIS L. D. O	
Q: After the shooting, were you at		L.: C d
	ible to see the body from a distance. He v	
on the ground. I could not see how	v his arms, legs and head were positioned	
170x. 16-5		Page L of 4 Pages
MITTALS		
bic 5, 66-5  Dix Form 2823	FOR OFFICIAL USE ONLY	Exhibit: 6

## Statement of SSG

## taken at Bagram Airfield, Afghanistan, on 30 Sept 02, continued:

- Q: Where on his body were his injuries?
- A: I could not tell from the distance.
- Q: Did he have anything in his hands?
- A: I could not tell from the distance.
- Q: What happened with the weapon confiscated from SAYARI?
- A: After the incident occurred, I believe it was placed inside one of our trucks.
- Q: What weapons did your team carry with them to the roadblock?
- A: All U.S.
- Q: Did any of your team members carry any non-U.S. issued weapons?
- A: No.
- Q: What happened after the shooting?
- A: SFC could not get communications with the Fire Base, so he and I drove one of our vehicles back. At that time, we also notified Counter-Intelligence about the shooting.
- Q: After Counter Intelligence arrived on the scene, were you able to see SAYARI's body?
- A: Yes. I saw a wound to his head and abdomen.
- Q. Describe those wounds?
- A. The head shot looked like a small hole in the center of the forehead about as big around as my pinkie size I guess. The stomach wound just looked like an entrance wound, a pinkie sized wound, about center on the abdomen.
- Q. When you say pinkie, what are you referring to with that term?
- A. My pinkie finger.
- Q. Did you see any other wounds on the head?
- A. No.
- Q: Did you see anything in his hands?
- A: No.
- Q: Did any of your team members ever tell you what to say to the Commander's Inquiry Investigating Officer?
- A: No.
- Q: Did any of your team members ever tell you what to say to USACIDC?

67C5 p6-5

- A: No. 6765/66.5
- Q: Did CPT ever tell you to leave out certain information to the Investigating

Officer, or USACIDC?

- A: No
- Q: Did you know if CPT every ever left out any information, or withhold evidence to the Investigating Officer, or USACIDC?
- A: No
- Q: Did any of your team members mention, or state to you that they had lied to the Investigating Officer?
- A: No.
- Q: Did you know if SAYARI had ever presented a direct threat to U.S. Forces?
- A: Before the incident, not that I know of.
- Q: Before the 28th of August, had SAYARI ever presented a direct threat to any Special Forces unit?
- A: Before the incident, not as far as I know.

676-5, 66-5

Page 2 of 4 Pages

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 6

1.1

### Statement of SSG

## taken at Bagram Airfield, Afghanistan, on 30 Sept 02, continued:

- Q: Do you know if any of the other local nationals with SAYARI, observed the shooting?
- A: Not that I know of.
- Q. Near which hand of SAYARI was the AK-47 after he was dead and you saw SSG kicking it away?
- A. It was near his right hand on his right side.
- Q. Who checked SAYARI for signs of life?
- A. I don't know.
- Q. How many rounds did you hear fired?
- A. Between 5 to 8 shots.
- Q. What was the position of SAYARI's body in relationship to the road?
- A. The road ran in a SW to NE direction and SAYARI's body was laying in a SE to NW west direction with his head facing towards the NW. He was face down about four feet from where the hill started to rise.
- Q. What would you do if a member of your team shot an unarmed captive/detainee?
- A. If he was unarmed and they were wrong. Then they were wrong. Turn 'em in I guess. If it needed to be brought to attention, bring to attention.
- O. Did you see the actual shooting?
- A. No.
- Q. Did anything about the shooting of SAYARI look odd to you?
- A. No.
- Q. Have you been involved in any shootings?
- A. Yes. We were fired upon by Al Qaeda fighters and we returned fire.
- Q. Were you ever involved in an incident similar to this one?
- A. No.
- Q. If SAYARI was shot and killed in cold blood, what should happen to the person(s) that shot him?
- A. Whatever the legal people feel fit to do.
- Q. If you had the say, what would you say should happen to them?
- A. They should be dealt with according to the law.
- O: Is this statement is your own words and typed by this agent?
- Q: Do you have anything further to add to your statement?

A: NO DE STATEMENT

6705,66-5 DA Form 2823

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Page 3 of 4 Pages

Exhibit: 6

めたうりょう AFFIDAVIT

I, SSG HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

67C-1 66-1

WITNESSES.

87th Military Holice Detachment (CID)

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of September, 2002, at Bagram Airfield. Afghanistan, APO AE 09354

67415 BG-1

(Signature of Petron Administering Oath)

SA 5/6/1861

87th Military Police Detachment (CID) Bagram Airfield, Afghanistan APO AE 09354 (Name of Person Administering Oath)

Article 136, UMCJ (Authority to Administer Oaths)

10.5,66.5 INITIALS DA Form 2823

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Page 4 of 4 Pages Exhibit: 6

:		TS * ARNING PROCE			
' <del></del>	<u> </u>	DATA REQUIRED E	Y THE PRIVACY ACT		· <del></del>
PRINCIPAL PURPOSE:	Fo provide comma Your Social Securi	tates Code, Section 3012( anders and law enforcementy Number is used as an ac Social Security Number is	it officials with means b dditional/alternate mean		•
1. LOCATION Bagram Airfield, Afghan	istan, APO AE (	09354	2. DATE 30 Sep 02	3. TIME	4. FILE NO. 0114-02-C1D369 -
5. NAME (Last, Fust, MI)	5705 26.5		8. ORGANIZATION O	<del></del>	23525
6. SSN 67C5 46-5 7. GRADE/STATUS CPT/AD			Bagram Airfield, A APO AE 09354		pecial Forces Group
		PART I - RIGHTS WAIVER	/NON-WAIVER CERTIFIC	CATE	
Section A. Rights			· · · · · · · · · · · · · · · · · · ·		
Before he/she asked me any que  1. I do not have to enswer an  2. Anything I say or do can be  3. IFor personnel subject othe	acy and Murder/ stions about the offer y question or say and s used as evidence a  UCMU I have the r	/// ensė(s), however, he/she made	it clear to me that I have the	questioning and to have a la-	wyer present with me
will be appointed for me be	fore any questioning ss the offense(s) und er before answering preverse side!	der investigation, with or withor further, even if I sign the wave	out a lawyer present, I have er below. 676-56-5		b7C5Jb6-5
Section B. Waiver	17:5 p6				7
I understand my rights as stated having a lawyer present with me	above, I am now wi		ender investigation and mak	e a statement without talkin	g to a lawyer first and without
la.	RESS AND PHONE		3. SIGNATURE OF IN	TERV/EWEE	
5 ORGANIZATION OR ADDI 87+L MP DE		<i>(</i> ه)	57C	166-1	
2a NAME (Type or Print)	<u>, </u>		5. TYPED NAMED L	D7C-/, b	6-1
b. ORGANIZATION OF ADDI	RESS AND PHONE		6. ORGANIZATION OF 87th Military Police APO AE 09354	FINVESTIGATOR Det (CID), Bagram,	Afghanistan,
Section C. Non-waiver					
1 I do not want to give up n	ny rights		l do not want to t	oe questioned of say anythin	ng
SIGNATURE OF INTERVIE	WEE			-	<del></del>
ATTACH THIS WAIVER CERTIF	CATE TO ANY SWO	IRN STATEMENT (DA FORM 2	2823/ SUBSEQUENTLY EX	ECUTED BY THE SUSPECTA	ACCUSEO PO
DA FORM 3881, NOV	89	EDITION OF NO	OV 84 IS OBSOLETE		USAPA 2

/

## Sworn Statement

	LOCATION: Bagram Airfield	d, Afghanistan, APO AE 09354	
	DATE: 30 Sep 02 6765/66	•5	
	TIME: 1202 Z	c5, 865	
	NAME	27,803	
	SSAN: 676-5)66	-5-	
	RANK: CPT/Active		
		nal Detachment-Alpha 343, 3 rd Sp	ecial Forces Group, Bagram
	Airfield, Afghanistan, APO A		
	676.5166-5		
	I, CPT	want to make the following s	tatement under oath
		at a local national was following ou	
		gathered enough information to know	
-		a local sub-elder. My unit had deci	
		s to why he was following our patrol	
1	Total has CAVAL	RI was at the Fire Base, and the dete	emination was made to
- 14-	Stated that SATA	was to san if SAVADI would follow	was lines his arrival SEC
د ورارد ا		was to see if SAYARI would follow	
	SSC and SSG	got their equipment on a	and were getting ready to
	move out. SSG our C	ommo NCO was originally suppose	ed to go, but he had to do
	sometime else, so i decided to g	go. On our way out of the gate, we s	aw Cw2
	talking with SAYARI. We told		oving out on a hot mission,
		ool SAYARI and see if he was follo	J. A
	away from the Fire Base, we set		nyself were tasked with
	_ · · · · · · · · · · · · · · · · · · ·	ARI arrived, there were four other o	•
		what was going on, but a few minu	
	nationals left, I heard shots from		were standing. 1 67-5/365
		hing was ok, and called out to SFQ	and SSC
		c. After about a few minutes and I v	N/ 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	going to approach our position, l	1// 4 18/	and SSG was was.
	asked them what had happened:		d attempted to shoot SFC
	SAVADI (SSG	) had fired on SAYARI. SFC	then fired upon
		he ground. SSG said that	
		much of the body when Loriginally	
			returned back to the
		get communications, and at that tim	
	_	When CI arrived at the scene, I or	ily saw the body a little bit
	more, but could not really tell his	s injuries.	
	A. 011		
	A: CPT 676-5366	<b>3</b>	
	Q: On what date did this occur?		
	A: 28 August 2002.		
		eam members to shoot and kill Moha	ammed SAYARI?
	A: No. 676 166-5		
			Page 1 of 4 Pages
	INITIALS		
	DA Form 2823	FOR OFFICIAL USE ONLY	Exhibit: 7

# Statement of CPT and the Company of the Company of the CPT and the

- Q: Do you know if any of your team members wanted to shoot and kill SAYARI?
- A: No.
- Q: At any time, while your unit had SAYARI detained, did you see anything in his hands?
- A: No I could not see his hands.
- Q: Did you see SAYARI in possession of a weapon?
- A: No I did not.
- Q: Did the other local nationals within SAYARI's truck have any weapons?
- A: One of them was an AMF soldier, so I believe he had a weapon.
- Q: Did the other local nationals present any threat to you or your team members, or attempt to resist you moving them away from the scene?
- A: No they did not.
- Q: After the shooting, were you able to see SAYARI's body? Can you describe?
- A: I saw what looked like a head wound and what appeared to be a center mass wound.
  - Q: How was his body positioned?
  - A: Face down and generally away from me when I arrived at the scene.
  - Q: Where on his body was the center mass wound?
  - A: I didn't go close enough to verify.
  - Q: Did he have anything in his hands?
  - A: I did not see anything at the time.
  - Q: When did you see something in his hands?
  - A: When I reviewed the pictures with CI.
  - O: What did you see in his hands?
  - A: I believe they were stress beads.
  - O: What happened with the weapon confiscated from SAYARI?
  - A: After the shooting, it was put into one of our trucks and at some time brought back to our Fire Base. I can only assume that it was destroyed.
  - O: What weapons did your team carry with them to the roadblock?
  - A: We do carry AK-47's in order to appear to be local nationals when we are out on some of our patrols. The AK-47's were inside of our vehicles, but none of my tram members had them during this incident. My team members carried M-4's.
  - Q: After CI arrived on the scene, what other injuries did you see on SAYARI's body?
  - A: Nothing definite. I could see a head wound, which looked pretty bad, but I could not see anything else.
  - Q: Did you ever tell any of your team members what to say to the Commander's Inquiry Investigating Officer?
  - A: No I did not.
  - Q: Did you ever tell any of your team members what to say to USACIDC?
  - A: No I did not.
  - Q: Did you willfully leave out any information, or withhold evidence to the Investigating Officer, or USACIDC?
  - A: No I did not.
  - Q: Did any of your team members mention, or state to you that they had lied to the Investigating Officer? 676566-5



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Page F of H Pages

## taken at Bagram Airfield, Afghanistan, on 30 Sept 02.

### continued:

- A: No they did not.
- Q: Did you ever tell any of the CI personnel not to download certain pictures to be presented to the Investigating Officer?
- A: CI had taken all of the pictures and decided what pictures were to be downloaded.
- Q: Did you ever tell any of the CI personnel to download certain pictures and then delete all of the rest of the pictures on file?
- A: No I did not. They chose what pictures were to be downloaded.
- Q: Who was present when the pictures were downloaded?
- A: I only know his name was
- Q: Prior to this incident, did you know if SAYARI had ever presented a direct threat to U.S. Forces?
- A: No.
- Q: Do you know if any of the other local nationals with SAYARI, observed the shooting?
- A: I don't think so.
- Q: How long and how far away were the local nationals when the shooting occurred?
- A: Five minutes. They were about a couple hundred meters away. The road took a turn and a dip, and I saw them go that way.
- Q: How much time transpired between the time you stopped SAYARI's vehicle, and when you heard the shooting?
- A: About 8-10 minutes.
- Q: Near which side of SAYARI was the AK-47 after he was dead?
- A: SSG had picked up the weapon and cleared it by the time I got up to the scene.
- Q: How many rounds did you hear fired?
- Q: How many rounds and you near med:

  A: I heard about 4 or 5 shots, but after counting the brass on the ground, we counted about 10-12

  A: I heard about 4 or 5 shots, but after counting the brass on the ground, we counted about 10-12

  A: I heard about 4 or 5 shots, but after counting the brass on the ground, we counted about 10-12

  A: I heard about 4 or 5 shots, but after counting the brass on the ground. rounds. That kind of supprised us about how many rounds were actually fired. SFC
- Estimented that they did not realize that they had fired that many rounds.
- Q: What was the position of SAYARI's body in relationship to the road?
- A: Laying on the side of the road. His head was facing away from me. I would say that he was at an angle from the road.
- Q: Did you see the actual shooting?
- A: No.
- Q: Did anything about the shooting of SAYARI look odd to you?
- A. No.
- Q: Have you been involved in any shootings?
- A: Yes. While attempting to detain al Qaeda fighters we were fired upon. I was with the middle team, and did not fire, but saw the front team fire.
- O: Were you ever involved in an incident similar to this one?
- A: Nothing like it.
- Q: Is this statement is your own words and typed by this agent?
- A: Yes 576.5, 66.5
- Q: Do you have anything further to add to your statement?

END OF STATEMENT . 126-5,16-5 A: 100

Page 3 of 4 Pages

DA Form 2823

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Exhibit: 7

A - Who said Me was	Bullshit?
END OF	STATEMENT -
•	
	ļ
<u>.</u>	,
6763,46.5	
	AFFIDAVIT
BY ME. THE STATEMENT IS TRUE, I HAVE INITIALED CONTAINING THE STATEMENT. I HAVE MADE THIS S	HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT  THE FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE  ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE  STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT  UNLAWFUL INFLUENCE OF UNLAWFUL INDUSEMENT.
	(Signature of Person Making Statement)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer paths, this 200 day of October 19200
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer paths, this 200 day of October 19200
ORGANIZATION OR ADDRESS	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of October 1920
	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of October, 192002
	Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2pt day of October, 192002 at Afghanister Afghanister brush br

continued:

b7C:51b6-5 AFFIDAVIT

, HAVE READ OR HAD READ TO ME THIS I, CPT STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. 1 HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT

b1C-1,b6-1 WITNESSES. 87th Military Police Detachment (CJD) 67C5 Jb 6:5

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of September, 2002, at Bagram Airfield,

(nistering Oath)

87th Military Police Detachment (CID) Bagram Airfield, Afghanistan APO AE 09354

(Name of Person Administering Oath)

Article 136, UMCJ (Authority to Administer Oaths)

**DA Form 2823** 

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Page of Pages

Exhibit: 7

	RiGHT For a	SARNING PROCE			
		DATA REQUIRED	BY THE PRIVACY A	<del></del>	
AUTHORITY: )RINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	To provide comma Your Social Securi		nt officials with meal additional/alternate m	ns by which information ma eans of identification to fac 6705/61	cilitate filing and retrieval.
1 LOCATION	<del></del>	-,	2. DATE	3. TIME	4. FILE NO.
Bagram Airfield, Afgh	anistan, APO AE (	9354	30 Sep 02	1245	0114-02-CID369
5. NAME (Last, First, MI)	45 b705,66	, 5 - 5		on on address achment-Alpha 343, 3rd	23ダモケ Special Forces Group
6. SSN		7. GRADE/STATUS SFC/AD	Bagram Airfield APO AE 09354		,
		PART I - RIGHTS WAIVE	R/NON-WAIVER CER	TIFICATE	
Section A. Rights					
As a Special Agent 1.7 suspected Const Before ha/she asked me any ii 1. I do not have to answer 2. Anything I say or do car 3. IFor personnel subject of	piracy and Murder/ questions about the offer any question or say any to be used as evidence as the UCMJ I have the r	inse(s), however, he/she mad /thing. gainst me in a criminal thal, ight to talk privately to a lawy	and wanted to q e it clear to me that I ha ver before, during, and a	inal Investigation Communication me about the following we the following rights:  fter questioning and to have a last or a military lawyer detailed f	offensa(s) of which I am
3/06-5			- or ·		
speak privately with a la	scuss the offense(s) und wyer before answering	fer investigation, with or with further, even if I sign the war	b7C566.5	nave a right to stop answering o	b705/6.5
Section B. Waiver					
l understand my rights as sta having a lawyer present with		lling to discuss the offense(s)	under investigation and	make a statement without telk	ing to a lawyer first and without
w	ITNESEES NF availabl	elii e	3. SIGNATURE O	F INTERVIÈWEE	
b. ORGANIZATION OR AL 87th Military Police De	DORESS AND PHONE	6-1	4. SIGN	b76-1,66-1	
b. ORGANIZATION 87th Military Police De			6. ORGANIZATIO 87th Military Po	ON OF INVESTIGATOR lice Det (CID), Bagram,	Afghanistan,
APO AE 09354			APO AE 09354		
Section C. Non-waiyer	<del></del>				
I want to give u	p my rights	b765,66-5	☐ I do not wan	t to be questioned or say anyth	ing
SIGNATURE OF INTER	VIEWEE				······································
ATTA	TO BATT SWE	FORM	28231 SUBSEQUENTLY	PEXECUTED BY THE SUSPECT	
DA FORM 3881, NO	V 89	EDITION OF N	IOV 84 IS OBSOLETE		USA ACO1

## RIGHTS - ARNING PROCEDURE/WAIVER CERTIFIC TE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

## DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

Title 10. United States Code, Section 3012(a)

PRINCIPAL PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified							
ROUTINE USES: DISCLOSURE:		Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  Disclosure of your Social Security Number is voluntary.						
LOCATION Bagram Airfield, Afgl	panietan ABO AE	00254	2.	DATE 20.50	3.	67656 TIME	4.	FILE NO.
5. NAME (Last, First, M			+-	30 Sep 02		500 Z		0114-02-CID369 23525
		b76.5,66.5		onganization e erational Detach	ment	-Alpha 343, 3re	d Specia	
6. SSN	165/65	7. RADE/STATUS		gram Airfield, A O AE 09354	fghar	nistan		
		PART I - RIGHTS WAIVE	R/NON	-WAIVER CERTIF	CATE			
Section A. Rights								
The investigator whose name As a Special Agent Manager Cons	L.5761-5	s that he/she is with the United		s Army <u>Crimina</u> and wanted to quest		estigation Comp		s) of which I am
Before he/she asked me any	questions about the off	ensa(s), however, he/she made	e it clea	n to me that I have t	ne folio	wing rights:		
1. I do not have to answe	r any question or say an	ything,						1
		gainst me in a criminal trial.	b	an distance had char-	a .aet	uning and to have a	Insuran an	seent with ma
		right to talk privately to a lawy n lawyer I arrange for at no ext						
W 5 both.						-		,
will be appointed for mi If I am now willing to di speak privately with a li	s before any questioning scuss the offense(s) uni	wyer can be one that I afrange begins der investigation, with or witho further, even if I sign the waiv	outala:	wyer present, I have				
10.5/16-5			1	105,66-5				570165
<ol> <li>COMMENTS (Continue Have you been advised</li> </ol>		s within the last 30 days	? ~	Do yo	ս շսր	rently have a la	wyer?	No
Section B. Waiver								
l understand my rights as sta having a lawyer present with	ted above. I am now wi me.	ling to discuss the offense(s) to	under in	vestigation and mak	c a stai	tement without talk	ing to a la	wyer first and without
W	ITNESSEE THE model		3.	SIGNATURE OF IN	TERVIE	WEE		
1a. NAME (Type or Prin	71			<b>67</b> C-7	is bl	0-1		
o. Organization or al 87th Military Police De	et (CID)		4.	SIGNATURE OF	POTIC	TOR .		
2a, NAME (Type or Print SA			5. SA	TYPED NAME OF I	VEST	GATOR BTC// b6	/	,
organization or at 87th Military Police De APO AE 09354	DORESS AND PHONE II (CID), Bagram, a	Afghanistan,		organization of Military Police AE 09354	Det (	stigator CID), Bagrai i	. Afghan	istan,
Section C. Non-waiver	p my rights							

**DA FORM 3881, NOV 89** 

EDITION OF NOV 84 IS OBSOLETE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECTIACCUSED

USAPA 2 01

## Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354

DATE: 1 Oct 02 1763/06-5	
TIME: 18/82 67C-51 665	
NAME:	
NAME: SSAN: 62:516-5	
RANK: CW2/Active	
ORGANIZATION: Operational Detachment-Alpha, 2/3rd Special Fo	orce Group, Bagram
Airfield, Afghanistan, APO AE 09354	
b765,66.5	
My unit had information that a local national was following our patrols intelligence and identify the individual as Mohammed SAYARI. I was a description and what kind of vehicle he drove. On 28 Aug 02, he arrived asked if we wanted to rent a truck. I told him we did not want to rent one he could come back later on. I informed my team, and the plan was to see follow the patrol, and if so, to stop him and ask him why he was following SAYARI arrived, which was about 1030Z, we launched two government that they were going out on a mission. SAYARI stated that he had to go, About 1100Z, SFO and SSG returned to the Fire Base at the shooting. SFC also turned in SAYARI's AK-47. I am not s SAYARI's weapon. We contacted Counter-Intelligence, and along with Military Forces Commander, I went to the scene. Upon my arrival, I saw ground with what appeared to be a head wound. I cannot remember what was in. The CI examined the scene, took some photos and notes. I coord Commander, who made arraignments to have SAYARI's hody turned ov spoke with the AMF Commander. The stated that SAYAI and had been extorting money from the local people. SAYARI had kille in Margah and was living in Lwara for fear of retribution.  Q: SA	I was able to gather also able to gather a lat our Fire Base and at present, but asked if a if SAYARI would ag our patrols. Just after vehicles in the rouse, and left the base, and informed me about ure what happened to them and the Afghan SAYARI lying on the t exact position his body dinated with the AMF are to his family. When I RI was a thug in the area
O: Do you know if any of your team members had murdered SAYARI?	
A: No they did not.	
Q: Did anything seem odd to you about the shooting?	
A: No.	
Q: When you arrived on the scene, did you see anything in SAYARI's ha	ands?
A: No, I could not see. 676-566-5	
Q: Did you know if CPT told CI what pictures to download	d to be presented to the
Commander's Inquiry Investigating Officer?	
A: I have no idea.	
Q: Did you see the photos which CI had taken?	
C DEIL	Page $\frac{1}{2}$ of $\frac{3}{2}$ Pages
INITIALS  FOR OFFICIAL LISE ONLY	Exhibit: 10
DA Form 2823 FOR OFFICIAL USE ONLY	Exminu: 1.0

A: No I never saw the photos. We were informed prior to coming into the country, that any photos we had of Afghani's that were either blindfolded, captured, shot, or dead, were to be reviewed for intelligence purposes. After the photos were reviewed and whatever information gathered from them, that we were not allowed to hold on to the photos.

Q: Why were you not allowed to hold on to them?

A: It was not meant to cover-up any situations we were involved in, it was meant to insure that nothing was construed from the photos. And also that no photos were to end up being sent by email, or end up in some newspaper or magazine.

email, or end up in some newspaper or magazine.

Q: Did SSG SFC SFC ever say that SAYARI's hands were over his head?

A: No they did not. They said that while they were shooting him, his body turned and then fell on the ground.

Q: Prior to this incident what contact did you have with SAYARI?

A: Prior to our arrival to Lwara, SAYARI had set up a checkpoint near where the Fire Base was. He used the checkpoint in order to extort money from the local people. SAYARI was considered a sub-elder. Many of the elders did not like him, but respected him because he always had some security with him. When we arrived, we essentially knocked down his checkpoint, and he tried to get any jobs on the installation, which we refused. I had spoken with him several times, whenever he tried to get a job on post. On the day of the incident, he was trying to rent us a truck.

Q: Describe how you came to know that it was SAYARI that was following your patrols?

A: We had heard information that somebody was following some of our patrols, but we did not know who it was. A few weeks prior to the incident, told me that SAYARI was the one that was following our patrols, but that he currently was not in the area. Up until the morning of the incident, none of my unit members knew about SAYARI. On the 28th, SAYARI came up to our compound, at which time I informed my team.

Q: Did you ever find out why SAYARI was following your patrols?

A: The had informed me that it was to inform personnel, whether it be Taliban or al-Quaeda, that we were coming. An early warning for them.

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Q: Is this statement in your own words and typed by this agent?

A: Yes.

Q: Do you have anything further to add to your statement?

A: No. ///End of Statement//

67C5166.5

DA Form 2823

Page 3 of 3 Pages

Exhibit: 10

____

67C3	166-5		Al	FFL	DA	VIT	•

676.5/66.5
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of September, 2002, at Bagram Airfield, Afghanistan, APQAE 09354

(Signature of Person Administering Oath)

SA 67011661

87th Military Police Detachment (CID) Bagram Airfield, Afghanistan APO AE 09354 (Name of Person Administering Oath)

Article 136, UMCJ (Authority to Administer Oaths)

67*C*5/66-5

INITIALS
DA Form 2823

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Page 3 of 3 Pages

Exhibit: 10

## Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354 **DATE: 2 Oct 02** 670966.4 TIME: 58002 ( NAME: SSAN. PLC-4, 16-4 RANK: SPC/Active ORGANIZATION: A Company, 519th Military Intelligence Battalion, Bagram Airfield, Afghanistan, APO AE 09354 want to make the following statement under oath: 61.3663 I, SPO On the first day of work at FB Lwara, were discussing a continuity change over, in a tent within the compound on FB Lwara when ODA 343's team Chief came to the tent we were in. Chief something serious had happened, someone has been shot. He then asked if we would come and and myself all rode in a Nissan pickup truck down to take a look at the body. the location of the shooting. The shooting had taken place about 1500m to the south, from the Fire Base, in a riverbed, one of the common roads in the area. When we arrived at the shooting site ODA 343 had set up a security perimeter around the body. The man was approximately 72" tall and weighed approximately 145lbs he had dark brown to black hair slightly curly, with the same colored mustache. The man was lying in a face down position with his legs slightly bent. The man's right arm was extended above his head on the ground with a set of prayer beads clenched in his closed fist. Photographs were taken, and I conducted a full search of the body. During the search I found many various things to include three small bottles of cologne, a wooden toothbrush, a hair comb, a few small pieces of paper, a mirror, and an undetermined amount of Pakistani rupees. The man was wearing a white knee length shirt, a dark red vest and a white pair of pants, common clothing in the area. The man wore a wristwatch on his left hand, and a pair of sandals. Also at the shooting location was the dead mans vehicle. The vehicle was a slate blue, or gray Hilux pickup truck. The vehicle was also searched although nothing of value was found. After completing the vehicle search approximately ten AMF soldiers who work at FB Lwara to include their commander, came to the shooting location. The commander was 178566.5 asked to inform the elders of the dead man's tribe in order for them to retrieve the body (NFI) and (NFI) were team members from ODA 343 who had shot the man. When asked to explain the sequence of events leading up to the shooting, they explained what had happened. said that the man had been following them as they left the FB for a patrol. They stated that this was not the first time this man had been seen following them, and that he was wanted for questioning. They had set up a vehicle checkpoint, and when the vehicle was stopped, they had removed the man wanted for questioning from the yehicle and allowed the other three passengers to proceed down the river bed on foot. and and said they had removed an AK47 from the vehicle and placed both the man and the weapon against a hill, near to the location of where the body of the man was found. They stated that when back in order to radio in a report of what was happening, the man got the AK47 from the bank fired at the man and hit him in the lower abdomen or in the and was aiming it at Page ⊥ of 5 Pages INITIALS Exhibit: FOR OFFICIAL USE ONLY **DA Form 2823** 

#### Statement of SPC aken at Bagram Airfield, Afghanistan, on 2 Oct 02, continued:

tated that he quickly turned to see the man still standing and fired at the man stated that the man then fell to the ground dead. When asked where the AK47 was located now, they said that it had been taken to the FB. No weapon was or myself at or near the location of the body. After questioning the body was then placed in the back of his Hilux, and driven back to FB Lwara in su ever seen by where fingerprints were taken. A short time later the tribal elders arrived to remove the body from FB Lwara. Upon arrival of the elders at the FB, they did not seem to saddened by the death of one of there tribe members, in fact they thanked and and for shooting the man. It was later determined that the man that was killed was considered a bad man within the tribe. The tribal elders claimed that the man had previously been banned from returning to his original tribe because he had murdered many of his fellow tribesmen.

676406.4

Q: The man that was killed was his name SAYARI?

A: Yes. bc. 16:5 6705 16:5

Q: Did per ever tell you what hand SAYARI had his weapon in?

A: No they did not ..-

stated he was the first person to shoot SAYARI, correct?

A: Correct, had his back to him.

tell you where he hit SAYARI?

A: No. 72.5/65

A: No he did not. We didn't ask any of these questions at that time, because we didn't think the shooting was odd. But, after viewing the photos, we noticed that SAYARI had brain matter on his right arm and was also elenching a set of prayer beads in his right hand. We thought that odd since it was stated that SAYARI had picked up his AK47. We did not ask further questions, because we sent our photos up higher to be analyzed.

Q: Who else saw the photos?

A: The Commander and other members of ODA 343 had seen then, as well as

Q: What were the comments from the members of ODA 343 when viewing the photos?

A: Pretty much "we did a good job with that guy, because he pointed a weapon at us", that sort of thing was said.

Q: Did anyone comment about the brain matter on SAYARI's sleeve or the prayer beads in his hands? 4763166-3

A: No. and I never brought it up, except between us.

O: How did you and refer feel after seeing the brain matter and prayer beads?

A: I was sent up to Bagram with all of the evidence and pictures. We are not trained on this matter, but we found it suspicious, and that is why I hand-carried the items to Bagram.

Q: How many photos were taken at the scene?

A: I am not sure.

Q: Did any of the SF personnel, at the scene, tell you what pictures not to take? 676.55, 66-5.

A: No. The team of 343, in especially was upset about the shooting.

commented that he felt that the Detention Facility was not keeping suspects long enough. An

DA Form 2823

Page 6 of 5 Pages

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Exhibit:

Statement of SPC taken at Bagram Airfield, Afghanistan, on 2 Oct 02, continued; Afghan in particular who was making timing devices for rockets to fire at our Fire Base was sent back to Lwara after only being in the Detention Facility for three weeks. Q: How was proper about the shooting? A: He was saddened about the shooting. But, he was mad that the Government was investigating the shooting. Q: Who had seen the photos and thought that they were odd? and nivself. HC-5, 16-5 ever say that SAYARI had his hands over his head? Q: Did A: No. Q: Did anyone in your unit, in Bagram comment on the photos? A: No. When I came back to Bagram I turned them over to the Detention Facility in order to be turned over to SSG 67C-96C-9 67C-96C-5 6703,66.3 Q: Did you overhear, or know of, CPT the ODA Commander, instructing delete certain pictures and not to present them to the Commander's Inquiry Investigating Officer? A: No I never heard of this. I knew something was wrong when the had told me to take the pictures to Bagram myself and not send them through distribution, or to drop them off at CJSOTF. Q: Did you know of any other Commander's Inquiry Investigation looking into other shootings? A: No. I know that has shot someone else prior to this. Q: Do you know when the other shooting occurred? A: No I do not know the date. Q: Do you recall the circumstances behind the other shooting? A: No I do not know. Q: Did any of the members of ODA 343 threaten you? A: No one had threatened me. Although I was asked many probing questions about the investigation by Q: What did say? A: When ODA 343 and myself were recalled back to Bagram, the general consensus of the team was that the shooting incident was no big deal, and that the team might get an ass-chewing from the CG and then sent back to the US. Thad asked me how serious was the investigation, or how serious did it seem. He also commented that if they were going to do something to him, then they would have escorted him back to Bagram when he was initially interviewed by the Investigating Officer. Q: Did you feel threatened by the members of ODA 343? A: No. 67051665 stated in his statement that CI had made the determination which photos Q: CPT were to be sent to the Investigating Officer and what photos were to be deleted. Do you know if this is true? A: There may have been photos that were taken at the scene that were messed up, such as, not enough light, too much light, a shot of the dirt, ect. The had pulled me aside and to d me that there was an investigation going on and that the disk that he gave to me needed to be taken to Bagram. He had a sense that many people on the Fire Base did not want all of the photos to be sent to Bagram. I was not there when CPT and the had discussed with the sense of what

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Page of S Pages

DA Form 2823

## Statement of SPC

### taken at Bagram Airfield, Afghanistan, on 2 Oct 02, continued:

photos to give to the Investigating Officer, and I was not on the Fire Base when the Investigating Officer was there.

- Q: How soon after the incident did you come back to Bagram with the photos?
- A: About two weeks after the incident is when I returned back to Bagram.
- Q: Did ever tell you that he was threatened?
- A: No. 476366.3
- Q: Did ever tell you that he felt threatened?
- A: No. Although, his departure from Fire Base Lwara was kind of unexpected. I kind of suspected that the reason why was because of this incident. I was asked several times by several persons where was a Tcommented that he had to go back to Bagram in order to take care of personal problems.
- Q: How do you feel about the shooting?
- A: Pretty impartial. He didn't point the weapon at me.
- = Q: After being with ODA 343 for awhile, do you believe that any members had murdered SAYARI?
  - A: I had no indications that they had murdered SAYARI. There were a few things, which were odd, such as the elders thanking and and for shooting SAYARI. I was there at the time and overheard the elders thanking the SF team for shooting SAYARI.
  - Q: Did you overhear any persons say that they felt the shooting was wrong?
  - A: No, I know that the ODA teams were very tight lipped.
  - Q: Do you know if the team members of ODA 343, knew the individual following the patrols was SAYARI?
  - A: I know that they knew the description of the person and the vehicle, but I don't know if they knew that it was SAYARI, by name.
  - Q: Is this statement in your own words?

  - A: Yes 676-4, 1564
    Q: Do you have anything further to add to your statement?
    A: NO Encl Of Statement 676-69

67046-4 **DA Form 2823** 

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Page 4 of 5 Pages Exhibit:

67C-966-4 AFFIDAVIT

I, SPC HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

67C-4166-4
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd day of October, 2002, at Bagram Airfield, Afghanistan, APO AE 99354 676-/ 36-/

(Signature of Verson Administering Oath)

87th Military Police Detachment (CID) Bagram Airfield, Afghanistan

APO AE 09354

(Name of Person Administering Oath)

Article 136, UMCJ (Authority to Administer Oaths)

INITIALS DA Form 2823

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Page 5 of 5 Pages

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## Sworn Statement

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354	
1.4DATE: 2 October 2002 62-166.4	
"400 TIME: 1247 ZULL	
NAME 375-4, 66-4	
SSAN: \$76-4-66-4	
RANK: SSG / E-6	
ORGANIZATION: , Bagram Airfield, Afghanistan, APO AE 09354	
7(-4)66-4 B7C-466-4	
I, want to make the following statement under oath:	
On the same day of the shooting of SAYARI we had a team meeting after the shooting when	
everyone returned back to the fire base. It was in the evening some time that we had a Team	
AAR in reference to the shooting in the Team Op Center. During the AAR it was put out in	
reference to the days events that the team (CPT) and and and had gained 17.516-5	
information that there was intelligence that SAYARI had put a hit out on Chief	
that he was following the team on missions. The team as mentioned above was assembled to	
conduct a vehicle stop on SAYARI. The plan was to stop him and have the interpreters come	
and talk to him. The team got the vehicle stopped, 2 of the team members were sent out on	
security and the rest of the team got everyone out of the vehicle. They checked the vehicle and	
the people and then sent the other (possibly 4) vehicle occupants away.	
toward the vehicle that was standing in the .50 caliber gun turret. That is when SAYARI	
grabbed his AK 47 and fired two shots to the abdomen of SAYARI and then turned	
and fired a good number of rounds unknown how many. Then stated that he fired again and the last round hit SAYARI in the head. This information was put out during the AAR by	 >
Chief Chief CPT and Care Control of the Control of	
4,64 Q: SA 67C-1, 66-1	
A: SSG 67C-4, 66-4	
Q: Is this statement in your own words and typed by this agent?	
A: Yes.	
Q: Do you have anything further to add to your statement?	
A: No.///END OF STATEMENT//	

L7C966-9
INITIALS
DA Form 2823

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Page 1 of 2 Pages
Exhibit: 12

B 15-4, 66.4	AFFIDAVIT
	LEAD OR HAD READ TO ME THIS STATEMENT
VHICH BEGINS OF PAGE 1 A CONTENTS OF THE ENTIRE S	ND ENDS ON PAGE 2. I FULLY UNDERSTOOD TH STATEMENT MADE BY ME. THE STATEMENT IS
	L CORRECTIONS AND HAVE INITIALED THE
	NTAINING THE STATEMENT. I HAVE MADE THI
	OUT HOPE OF BENEFIT OR REWARD, WITHOUT TITHOUT COERCION, UNLAWFUL INFLUENCE, O
INLAWFUL INDUCEMENT.	6764/ b 6:4
/ITNESSES:	(Signature of Person Making Statement)
	gradus of Fundaming Statement
	Subscribed and sworn to before me, a person authorized by law to
	administer paths, this 2nd day of October, 2002, at Bagram Airfield,
	Afghanistan APO AE 09354 B7C-1 D6-1
	(Signature of Person Administering Oath)
	b1C-/, b6-/
	SA
	87th Military Police Detachment (CID)
	Bagram Airfield, Afghanistan
	APO AE 09354 (Name of Person Administering Oath)
	(Name of Ferson Administering Oath)
	Article 136, UMCJ
	(Authority to Administer Oaths)

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Page 2 of 2 Pages

Exhibit: 12

**DA Form 2823** 



MR: A OC

Exhibit 13

# RIGHTS WARNING PROCEDURE/WAIVER

AUTHORITY:

Title 10, United States Code, Section 3012(g)

PRINCIPLE PURPOSE:

To provide commanders and law enforcement officials with means by which

ROUTINE USES:

information may be accurately identified.

Your Social Security is used as an additional/alternative means of identification

to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

LOCATION: BAGRAM AIRFIELD, AFGHANISTAN DATE: 6 Oct 02 TIME: 0750 FILE NUMBER: 0114-02-CID369-5HIA - 23525 676566

SPECIAL FORCES GRP, BAGRAM AIRFIELD AFGHANISTAN, APO AE ORGANIZATION OR ADDRESS: 31 09311. 176-5166-5

### RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accesed: CONSPIRACY; MURDER; OBSTRUCTION OF JUSTICE; ACCESSORY AFTER THE FACT.

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

1. I do not have to answer questions or say anything.

2. Anything I say or do can be used as evidence against me in a criminal trial.

3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

Corcivilians not subject to the UCMI) I have the right to talk privately to a lawyer before, during, and after excessioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS:

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

Witness#	b7G166-1
Shinging of shiness	Signature of Interviewee
61 mp Dat (cip), FT. Loumpy so	
Witness# 2	
Signature of Witness	Supplied to of Investigator/Special Agent
	11th MP Det CID DIC1/ 16-/
BIC NON-WAL	Fort Hood, TX 76544
F 11011 112	do not want to be questioned or say anything:
Signature of Interviewee	07512 CCON 02 16-5
DA Form 3881-E. 676	5,66-5

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91 Fx5, b. + 14

# RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

AUTHORITY:

Title 10, United States Code, Section 3012(g)

PRINCIPLE PURPOSE:

To provide commanders and law enforcement officials with means by which

information may be accurately identified.

ROUTINE USES:

Your Social Security is used as an additional/alternative means of identification

to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

LOCATION: BAGRAM AIRFIELD, AFGHANISTAN DATE: 6 OCTO2TIME: 0805

FILE NUMBER: 0114-02-CID369-5H1A 235

ORGANIZATION OR ADDRESS: 3RD SPECIAL FÓRCES GRP. BAGRAM AIRFIELD AFGHANISTAN, APO AE

09311. *b7C-5) b6-5* 

## RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accepted: CONSPIRACY; MURDER;

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

1. I do not have to answer questions or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.

3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer! arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

(Der civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a

5. COMMENTS:

statement without talking to a lawyer first and without having a lawyer enature of Wife Signature of Interviewee 157C-126-1 Witness# 2 Signature of Witness Signature of Invisingator/Special Age I Ith MP Det CHE Fort Hood, TX 76544 ON-WAIVER CERTIFICATE lawver: 😿 I do not want to be questioned or say anything: 🗗 I do not want to give up my rights Signature of Interviewee DA Form 3881-E

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Exhibit 15 92

#### SWORN STATEMENT

File Number: 0114-02-CID369-23525-5H1A
Location: Camp Stronghold Freedom, APO AE 09311
Date: 09 Oct 2002 67C766 Time: 1735

Statement Of:
SSN : Grade/Status: E7/SFC
Org/Address : A CO, 519TH MI BN, FORT BRAGG, NC 28310

b1C# b6-4 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: About 29 Aug 02, I was transferred to Fire Base (FB) Lwara from Bagram Airfield in order to operate as the FB Lwara CI SAIC. I Bagram Airfield in order to operate as the FB Lwara CI SAIC. I arrived approximately 1400 hrs local and was orienting myself to the fire base. Approximately 1530 hrs, I believe came to the tent I was in and said that he needed the CI team to respond to a shooting incident that had just happened. I believe the first thing said was by and were the team that just arrived, and and (Last name unknown [LNU]) the team we were replacing left FB Lwara for the shooting scene. We were led by, I believe, to the location that was approximately a quarter of a mile south of the FB. On arrival, I noticed several US Special Forces (USSF) soldiers set in a defensive perimeter securing the scene. There were approximately defensive perimeter securing the scene. There were approximately 2 or 3 GMV s and a gray 4 door Toyota Hilux. One of the GMV's was located close to a small hill that was on the inside turn of the river to the north of the body and was at a blind spot that couldn't be seen from the FB or from either direction of the river bed. One GMV, I believe, was on the east side of the river close to the vertical embankment and had approximately 2 USSF standing near the front of it. A Hilux was on the opposite side of the river bed and was oriented south with 1 USSF soldier standing next to it and it was approximately 25 to 30 feet south of the body. The other GMV was parked on the same side of the river bed as the Hilux and was 10 or 15 feet north and to the left of the Hilux. The vehicle we traveled in was initially parked to the north of the body, but was moved in order to block the view of the locals traveling on the road. The river, also used as a road by the local people, was approximately 10 meters wide with a vertical embankment on the east side and a steep embankment on the west side. The part of the river in which we were located formed a bend to the west, and on the west or north west side of the river was a gradual slope where silt and sand had been deposited that eventually rose to a hill. On this slope, approximately 10 to 15 feet from the west edge of the river, was a body laying prone with the head turned to the right. His feet were closest to the river, and his head was closest to the steep embankment. His right hand and arm were near his head and in his right hand, clenched in a fist, were prayer beads. His left arm was at his side and his legs were generally straight. It was obvious that the man was dead. There was massive trauma to his head that appeared to be the exit wound caused by a bullet. Covering his right forearm and on the ground on both sides of his forearm was material that included brain matter, skull fragments, and hair. All of which came from the head wound. This splatter pattern, I felt, was consistent with the person laying in the prone and the bullet path coming from an angle that was slightly behind and from the left side of

the body. Additionally, I noticed approximately 5 small bullet

Exhibit: | INITIALS | b7C-406-4 PAGE 1 OF 6

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Exh, b, + 16

100 March

STATEMENT OF TAKEN AT Camp Stronghold Freedom, APO AE 093 DATED 09 Oct 2002 CONTINUED.

entry holes on the back of the shirt. I did not notice any blood or body fluid surrounding the the holes on the shirt and I believed these holes to be bullet entry holes. I took several pictures with my digital camera of the body as I had found it. These pictures included close up pictures of the head wound with the matter on the forearm and the prayer beads in the clenched fist, wide area pictures, and situational pictures of the body in relation to the surroundings. I then raised the shirt of the man and took a picture of the holes in his back. I noticed approximately 5 holes in the victims back, one of which had a small trickle of blood coming from it. small trickle of blood coming from it. The other holes were clean. I became nervous at this time realizing that the man had been shot in the back and felt uncomfortable taking pictures, because I did not know any of the USSF soldiers at the scene and felt they would question my actions of taking pictures of the man's back. I felt all of the pictures that needed to be taken had been, so I instructed to search the body. When the body to the left. I took pictures of the body including close up pictures of the head and face. During the course of close up pictures of the head and face. During the course of taking pictures, I overheard one of the USSF soldiers say that was the shooter. When I had taken enough pictures, I instructed to help collect, the DNA samples and I asked to point to me pointed to who was and standing next to a person I later identified as the part to the part of the river hed part to the far side of the river hed part to the were located on the far side of the river bed next to the vertical embankment. I walked up to them and asked what happened told me that the man was stopped by USSF and was separated from his AK-47 and vehicle. There were 5 additional persons in the truck that were told to hurry up and leave. SAYARI, the driver, was the only person left from the truck. SAYARI had an AK-47 that was taken by USSF and placed 10 feet SAYARI had an AK-47 that was taken by USSF and placed 10 feet away from him. The person that was dealing with SAYARI left to call the FB from the GMV. When that person left SAYARI, SAYARI grabbed his weapon and turned to fire on USSF and that's when he was shot told me that SAYARI was suspected of following USSF, from the fige base and the team wanted to find out why. Both and the fire is sent talking with them. I returned to the body and CPT told firmed with me that I was, finished and we had a local Afghan back SAYARI's truck up and local sayari's truck up and local afghan back sayari's truck up and local sayari's truck would tell me that he wanted to go with me on any field interrogations and that he would drive told me of a mock INITIALS BACK BACK PAGE 2 OF _6_

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Exhibit: _ <u>16</u>__

STATEMENT OF TAKEN AT Camp Stronghold Freedom, APO AE 093 DATED 09 Oct 2002 CONTINUED.

execution where the first person in the group was taken behind a wall, the person was not honest with and and fire round from his service weapon and kept the person out of the sight of the rest of the people that were to be questioned. We'll back, got another detainee and the person started giving up all kinds of information. Although I never heard derogatory information come from members of ODA 343 about each other, I did hear comments from other persons at the fire base to the effect. "Well said he wanted to get one before he left." I believe this meant that he wanted to kill a local Afghan before he left Afghanistan to return to the US. The attitudes and actions that I observed while at the fire base described ODA 343 as a group of USSF out operating without any oversight. Incidents also included a rocket attack around the 21st of Sep, 2002 that had 4 rockets impact in and around the fire base around 1200z hours. The previous day a cache of captured mortar rounds and 12.7mm ammunition was destroyed by USSF at the range co-located with the FB using high explosives. Approximately 0400z hours, I heard another explosion, but it sounded different from a rocket attack. The explosion was more muffled and didn't have the distinct metallic crack associated with the rockets. I went to the roof of the TOC and noticed a gathering of local people at a house approximately 150 meters to the northeast of the FB. I asked one of the local hire interpreters what was going on and he told me that a child was playing with some UXO and it detonated. This incident I later read on the intelligence summary, was reported that the child was injured in the rocket attack and not by the UXO that the child was playing with. Generally missions and actions of ODA 343 were kept to the team members and when the missions were conducted, rarely were outside elements used. ODA 343 and ODA 341 were described to me as completely different in nature. Additionally ODA 343 was described to me as the door kicker Additionally ODA 343 was described to me to the types and ODA 341 was described as the civil affairs types types and ODA 341 was described by and was approached by Approximately 24 Aug 02, I was approached by told that JAG was flying in and needed to collect sworn statements from team members and also wanted pictures that I took. I told that the pictures were on my computer and that they could be transferred to a zip disk. I took my computer into the briefing room and set the computer up to transfer the files was at the computer with me. I pulled up all of the pictures and said something to the effect of let's see what you got. I maximized the pictures individually so the pictures saying was or no as to transferring the comment on the pictures saying yes or no as to transferring the pictures from the computer to the disk. The pictures that wanted me to transfer to the disk were pictures that were vague and showed little if any detail. I remember one picture that I had short titled as splat for splatter that commented on that he definitely didn't want that picture on the disk. I believe that 9 or 10 out of approximately 15 of the pictures that I had taken eventually besides were transferred onto the disk that took then asked me if I had a need for the pictures on the computer and I told him that I didn't and he asked me if I would delete them off of the computer. When I deleted the pictures he asked 6764664 Exhibit: 16 PAGE 3 OF 6 INITIALS 3

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. . . . .

STATEMENT OF TAKEN AT Camp Stronghold Freedom, APO AE 093 DATED 09 Oct 2002 CONTINUED.

me if the pictures were completely gone and I had a feeling he meant from the recycle bin so I then emptied the recycle bin. gave the disk to and disconnected my computer. I was scheduled to return to BAF to return evidence from another case that same, day. The next day when I got to the OMT, SFC Mily of the called and told me that he needed the evidence and pictures I had turned over to the little that he knew of the disk containing all of the pictures, and knowing that deleted the questionable pictures, I felt that the disk I had turned into the BCP was at risk of destruction. I went with the other evidence over to the disk, but had turned over the disk.

O. Do you know how well or if SAVARE spoke English? Q. Do you know how well, or if, SAYARI spoke English?
A. No. 676366.5 Did CPT instruct or ask you to delete those pictures? He asked me to delete the pictures. Did he say why he made that request?
No, but it was obvious to me that he didn't want the pictures to exist. That was his way of insuring they didn't exist. Q. Can you tell the difference between an AMF soldier and a local Afghan? To me they're the same. They're dressed the same. Did anyone from ODA 343 threaten you over this incident or

imply a threat to you?

A. Not directly; however, their actions led me to believe that

they would not threaten me, they would just kill me. What made you believe they were capable of killing a US soldier over this incident?

Special Forces have the training, equipment and motivation to protect themselves from anyone that threatens their circle. What do you think were the circumstances of SAYARI's death?

I believe SAYARI to have been executed.

Q. Why do you think they executed SAYARI? A. How do you say just for the fun of it? I think that members of the team felt that the Afghan life was less than human. What indicators did they exhibit that led you to believe

they looked at Afghans as less than human?

A. I was told by members of ODA 343 that after the incident villagers came to the gate and said that SAYARI was a thorn in the villagers' side and that his life was of no value. No one came to claim his body and they had a general feeling of disgust toward the Afghans working on base. I think they had almost alienated themselves from the AMF and that they failed to train and work with the AMF.

O. What members of ODA 343 said this?

A. Said that people came to the gate saying, "Thank you for killing SAYARI", but their actions separating themselves from the AMF was what led me to make the other comments. Who were the 8 members for ODA 343 that were at the scene

when you arrived?

A. I thought the whole team was out there, since I had only been on the ground about 90 minutes at that time. I didn't know who was who, and there may not have been 8, but there were

Exhibit: 16

1576.4p6.4 INITIALS_

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0114-02-CID369-23525-5H1A

STATEMENT OF TAKEN AT Camp Stronghold Freedom, APO AE 093 DATED 09 Oct 2002 CONTINUED.

several USSF and Afghan nationals there. They may have been interpreters, they may have just been someone to drive SAYARI's truck, they may have been AMF, but I don't know. My focus was on SAYARI. Sort of a tragic experience.

Q. Which SJA did CPT say was enroute to the scene to investigate? b7c-5,66-5

A. didn't say SJA, he said JAG was enroute. He made no mention of an investigation at that time by JAG. Only that

they were to collect statements from the team members and pictures. I believe the name of the JAG officer was Q. Why did tell you he needed the evidence? 676-3,66.3

A. Said he needed all of the evidence for the case. When he said case he meant the commander's inquiry.

Q. Why did you feel the pictures would be destroyed even if

handled by your own people?

A. He was a 97B, but he worked for CJSOTF. He was SF in my mind. I didn't know if he had been tasked to look for all the evidence.

Is there anything further you wish to add to this statement? Yes. I am seriously concerned with my life with these guys. I feel that they will have nothing to lose with their training and experience and access to specialized weapons. I could be killed with little or no evidence.

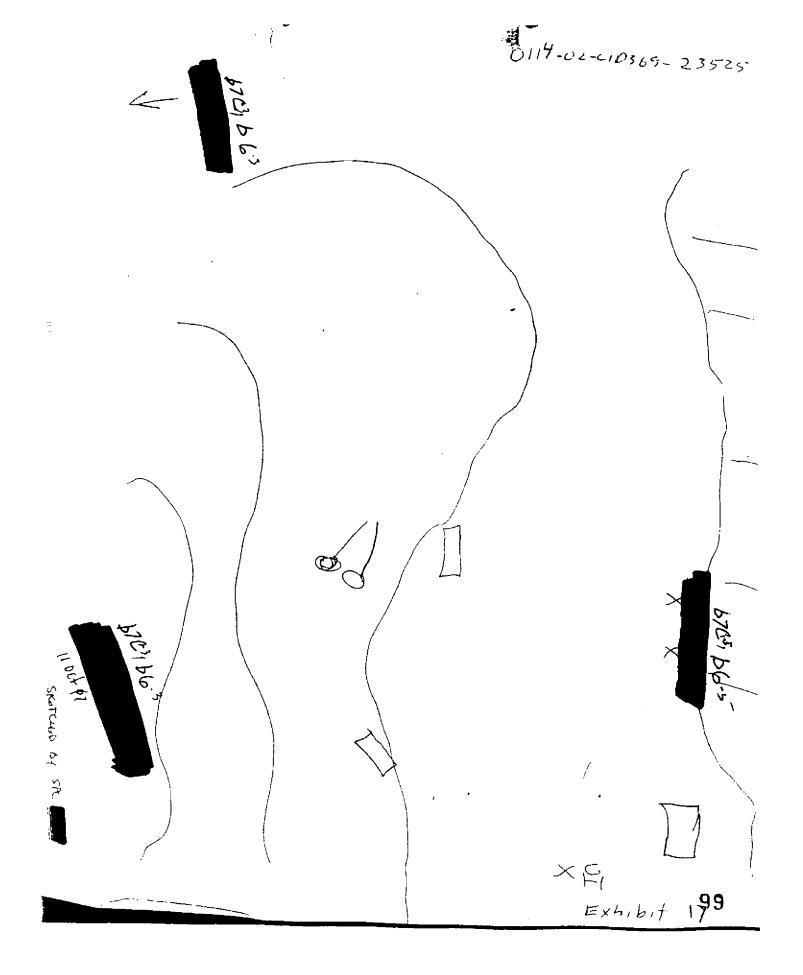
Q. Is there anything further you wish to add to this statement? A. No.////////END OF STATEMENT////////

Exhibit: 16



PAGE 5 OF _6_

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# Page(s)

100-132

# Referred to:

U.S. CENTRAL COMMAND
7115 SOUTH BOUNDARY BLVD
ATTN: CCJ6-DM
MACDILL AIR FORCE BASE
FLORIDA 33621-5101

MS JACQUELINE SCOTT

3cott)@centcom smu mu
(813) 827 5341/2830

	Mark .			LAR USE ONLY			
CRIME LAB EXAMINATION REQUEST For use of this form, see AR 195-5; the proponent agency is the			REFERRA	LAB USE ONLY REFERRAL NUMBER			
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	10. EVIDENCE SUBMITTED (Continued)
a EXHIBIT	b DESCARPTION OF EXHIBIT
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XAMINATION(S) REQ	UESTED (Briefly furnish any information or instructions that might assist the laboratory in examining, evaluating or returning evidence and/or report )
attached wo	rd document, 2nd Status report and CD containing images of SAYARI's body.
ociated with the emistry Div: SAYARI's security Div: Earms Div: Itstic info, called it. All small	8 Aug 02, and 24 Sep 02. Please provide images of all photos to include a log of dates/times and activity those images. CPT ordered the images of Mr SAYARI's body deleted during a Cdr's inquiry.  Examine Ex 3 and determine if any blood or human tissue are on them. The beads were still clutched tightly in strong hand (Right) after the shooting and blood and tissue were spattered on his right arm.  Examine Ex 4-6 and determine any information pertaining to the type of ammunition or weapon firing them, any liber, manufacturer (US or foreign), and examine Ex 5 for marks suitable for comparison with the weapon that all arms utilized by the entire ODA 343 team are being obtained at Ft Bragg, NC, and will be forwarded for
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duct any oth	er examinations deemed appropriate.
	Evidence above has not been examined by another expert in the same scientific field.
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	Exhibit 35

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A I'm not sure who they were.	676-4,66-4		
EXHIBIT 3 INITIALS	OF PERSON MAKING STATE	PAGE 1 0	FPAGE
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATHE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE AS "PAGE OF PAGES" WHEN ADDITIONAL PAGES A STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF	INITIALS OF THE PERSON M RE UTILIZED, THE BACK OF	PAGE 1 WILL BE LINED	T AND BE INITIAL

Exhib;+ 36

they dravery "?	a reterning to when you should "they said that
A the special Forces DIC-4, 66-4	
<del></del>	121:41
and you have any thing have	DC-4,66-c1
A POHIENCE & STATEMENT IN ACE FO	-L 67C-4/16-4
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A. CHIRF PARIS SETON OF THE SETON OF	(only member from 343 I can recull)
Q Do you have anything else to aDD	
A: No. 111 - END OF Statement	<del></del> ///
	676-4,66.4
The same of the sa	
	AFFIDAVIT
15764,16-4	HAVE READ OR HAVE HAD READ TO ME THIS STAT
MENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE	
	TAED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAC
CONTAINING THE STATEMENT. I HAVE MADE THIS ST THREAT OF PUNISHMENT, AND WITHOUT COERCION,	TATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT
THREAT OF FORISHINGST, AND WITHOUT COLINOIST,	
	- B7C-4,16-4
WITNESSES:	(Signature of Peson making Statement)
	Subscribed and sworn to before me, a person authorized by Lev
	administer oaths, this 7 day of November 2002, 19
The state of the s	rson 6 dministering Oath
ORGANIZATION OR ADDRESS	
ORGANIZATION OR ADDRESS	SA 67C1, 66-1
DRGANIZATION OR ADDRESS	(Typed waite of Person Administering Oath)
ORGANIZATION OR ADDRESS	-
	ARC 136 UCM 3  (Authority to Administer Oaths)

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44 1

SWOR	N STATEMENT 0114-00-CID369-23525
LOCATION For use of this form, see AR 13	DATE TIME FILE NUMBER
DAE- ROLDO FIRE BASE, AF GHON SOME	TIME FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER GRADE/STATUS
OPC ANIZATION OR APPRECE	6x-4,66-4 37c / R.A
ORGANIZATION OR ADDRESS  HHC 1/505 PIR MMP	
I was on Front Gote Grand  With 3 when 2 men part  The 2 men parted in Front  got out and we could  Sully so SGT bit is bles  An interpreter and Cheir	Med up in a blue to yota.  not of the Front Grate. They  not understand what they wore  left to get an interpreter.  Lane down. Cherry  Chare down.
shoot the tall many hand	and asked to see the
Fire base They lifted the	hood and they were checking huppened and Chief becaping
out the toyota. Something	happened and Chief Just
Started going back up the	compound. I asked him it bics, blog 3 come up and chere soid
no. They he told the in	terpreter to tell then te
get out of here. The	dmen quickly lett as it
they were scared They he	aded toward the river of
and then out of sight. C	hier lane back coops
buck up and came do.	n with 2 hunvers and
went down the riverbed. Ab	out 5 to 10 minutes later
we heard the shots fired.	Another to yota with one
asked him it he was said yes but I don't the	the one shooting and he ink he understood us.
EXHIBIT INSTIALS O	F PERSON MAKING STATEMENT  A71-4, 66-4  PAGE 1 OF 2  PAGES
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DA FORM 2823, JUL 72

SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

Exh. b. + 37

676-4,66-4	
STATEMENT (Continued) After that the 2  with a toyote behind them  me to let those guys in  hater on chief can  were leaving to pay them.  to explain to the workers to  pulled a weapon out on h  that never to roint a  Then he part them and  Quintity bb-1  A. Did the local national in the Hillian  base?  A: Pes bic-4, bb-4  O: Was Cu2 bic-510 to one of the 10  Ai Yes. Bic-4, bb-4	and chert to the without the workers the teld the interpreter hat the man that was shot is men. He told the workers we pon at his men. they left the patrol leaving the leave prior to the patrol leaving the lawres as the patrol left the base?  I the patrol, or how many there were as b76-436-4 and to you statement?
A 5"	SDAVIT
1. SPC	TOTALLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE IT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT OIL INFLUENCE, OR UNLAWFUL INDUCEMENT.
ORGANIZATION OR ADDRESS	Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 144 day of 1005 1578.  The same of sam

67(4, 66-4

*U.S. Government Printing Office 1994 — 300 727/10572

Z

(Authority to Administer Oaths)

138

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

SV	WORN STATEMENT 01/4	1-02-C1036	9-23525
For use of this form, see	DATE DEC. 4, 34	TIME	FILE NUMBER
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INGANIZATION ON ADDRESS		. 67C-47 DO	8 3 45,65
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676-1,66-1			
67C-4, 66-4		• .	مانم
Q. Do you know the name of the loc	cal national the	r was along	of the House:
676-4, 66-4			
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For use of this ferm, see AR 190-45: the propose	TATEMENT	4-03-010369-235
OCATION		FILE HUMBER
AST NAME, PIRST NAME, MIDDLE NAME	193575 364	130 bic-4, 66-4
(mm) for-4, b6-4	SOCIAL SICURITY NUM	PFC (ACTIVE
MEANIZATION OR ADDRESS	b76-4,66-	4
HHC 1-505 th PIR, KAHON HAR AILFIELD, AFG.	BUILLEY FEE G	59354
	W14/5 75 141 49	
676-4, 56-4	MANT TO MAKE THE F	OLLOWING STATEMENT UNDER OA
b76-4, 56-4 On Arg. 23th 2002 There were two men in a gt 19-4, 16-4 EPC BT-4166-4 and myserf were on A	tuyota come up to	our Arebere, "Lung" by
, , , , , , , , , , , , , , , , , , ,	translator Alons w	ith the translatur
1 Chief the sward post so he can get a bic-476.4 bic-476.4 bic-476.4 come to the sward sould be come t		harbod ballion office
104) bbit the guys and the translator, and loc	thing under He	hand of the polotic
from my understanding they were trying to bit 4 bl-	rent out Heir to	yoth to the fixeboxe
few minuites passed and Chief	ld the two goys .	to leave. His exact
words were "seticable of here", Go. " The s	uve left in a hu	rry. About 5 minuites
ster chief fromes back down to	the front cate an	ush galka "
iter Chief comes back down to	ion of the truck, ,	Met \$72.4.66-4
cy to the same of	م کے مصلح میں اور دیال	Chief St. 4, 86 -4, 80 BC-4, 86
act one of the guys were known Ale	the property year	7
the toyota & St. 4. Het SK bound and I	agast & GMO	left in the direction
the popular & Soft State State and I	Her rear 5 mg	SMOTE MOVIES SKY
out 5 to 8 shots. I Han seen one	GMV So By the	Ame a heckpoint
nel they soft a driver from their. Another	toyota. As May Can	u beck up into
to Gastice thus said to let the toyota	MEDIA SHOT OF A-F	Jipp HIML TIKE ON
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1 1/24 30/14 180/	W	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
f or stop you and you had that was it	<b>■</b> 676-47 66-4/	
676-1,66-1		
672-4,66-4	than = ===	
Dayor know the names of the soldiers	were were in Th	re when they
+ the help?		
In not sure who they were . \$ 676-4,6	6-4	
HOLT INITIALS OF PERSON AS 76-4-7	H MAKING STATEMENT	PAGE 1 OF 2 PAGES
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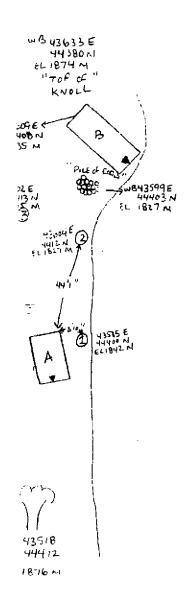
Ex4.6/739 141

Ξ.

ATATEMENT (Continued)  Q. Other than what you already stake	a did you have any thing futher about
the shooting?	•
A: NO 67C-4, 66-4	
Q: Did you can chyone else Set in	the Hills after it left the compound?
A NO 676.4, 66-4	
O. Do you have on thing to add to Ja	our statement?
A LO MIGHO UE STETEMENT " 67-4)	b6-4
	·
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	APPIDAME
676-4, 11.4	AFFIDAVIT  HAVE READ OR HAVE HAD READ TO ME THIS STATE-
MENT WHICH BEGINS ON PAGE I AND ENDS ON PAGE Q .	I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT
MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED	ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE NT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT
OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFL	
	676-466-4
WITHESSES:	(algument of Person meaning-slatement)
	Subscribed and swern to before me, a person sutherized by I w
	to administer eaths, this 1th day of November , 14 2002
	at DAE: BALLOO FIRE BACK AFEHANISTING
ORGANIZATION OR ADDRESS	676-1266-1
	Person Administering Onth)
	100 1 1 1
	(Typed Name of Parson Administering Cath)
ORGANIZATION OR ADDRESS	
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INITIALS OF PERSON MAKING STATEMENT	PAGE G OF 9 PAGES
	el S Government Printing Office: 1989-261-611/0262
	(* 142
C.	

	TROI NUMBE	
AGENT'S INVESTIGATION REPO	ORT   KOLNOMBE	0114-02-CID369-23525
CID Regulation 195-1		PAGE 1 of 1 PAGE(S)
North Carolina, 28310 (FBNC). SSG Was 202. SSG Stated he was not on the miss at the Fire Base in Lwara. SSG Indicates (AAR) that was conducted the same night of the stated fie did not know the team was as SSG further stated during the AAR, CP1 (SSG and Chief and Chief and Chief and the fact of SAYA SSG was not sure which one of the four AAR. SSG was not sure which one of the four AAR. SSG was not sure which one of the four AAR for reference to the vehicles and team ment and the social the interpreters toward the vehicle in the .50 Call gun turret covering (SFC then SSG fired at SAYARI and alle (SFC stated, he then turned and fired a gat SAYARI. SSG fired at SAYARI and alle (SFC stated, he then turned and fired a gat SAYARI. SSG fired at SAYARI prior to this investigation at the Fire Base in Lwara. SS knowledge / intelligence on SAYARI prior to this in	alion, 3rd Special is assigned to the day of the stop was to take information in the lindividuals put of was said that Special that the day of	int for the After Action Review involving SAYARI. SSG in the mission that morning.  SFC station in reference to the ake place on SAYARI's reference to a "hit" being team on various missions. But that information at the AYARI was positioned at the as no sketch drawn at the as no sketch drawn at the spack on SAYARI and was standing then grabbed his AK-47, and the abdomen area.
TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION 87th MP Det (CII	D), Bagram Airfield, Afghanistan
FISTATURE	DATE DEL (CI	EXHIBIT
410-1,66	2 October 02	40
CID FORM 94 FOR OFFICIA	L USE ONLY	142

27



CASE # 0114-02-CID369-23525

"AGIAIN ST WALL" 43417 E 44357 N EL 1873 M

. .

WB 43524 E 44378 N EL 1875 M

### LEGEND

A. Shell Casing

B. Metal

C. Metal

D.

E.

## TITLE BLOCK

Case #: 0114-02-CID369-23525 Offense: Death Investigation Scene Portrayed: River Bed

Bldg: N/A

Location: Outside Lwara Fire Base

Victim: Mr SAYARI

Time/Date began: 0710z, 14 Oct 02 Drawn By: SA 67C-1, 66-1

Verified By: SA

6761,66-1

North

NOT DRAWN TO SCALE For Official Use Only

EXHIBIT: 41

1015-02-CID023-

STATEMENT OF BILLY, 66.4/
TAKEN AT FORT Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED.

were in a more defensive position and were about 25-30 meters apart from each other with the suspect vehicle in between. The HUMMV in the front had a 50 cal mounted on it I believe. There were no doors on the vehicle. The one to the rear had a Mark 19 mounted on it and it also did not have any doors. They were both painted a tan/sand desert color. The suspect vehicle was a dark colored Toyota Hylux pick up truck. It was a bed type pickup and didn't have any type of camper on it and it had four doors. That's the way the trucks are over there, they have four door. When I arrived, the doors to the truck were all closed, all four of them. I only saw the dead guy on the ground. He was laying on his stomach and I think, but not 100% sure, but I think his right arm was under his body and his left arm was above his head. He was wearing local type garb. It was like a long shirt and pants with a vest over the shirt. I think he was long shirt and pants with a vest over the shirt. I think he was wearing a pancake type hat. His head was tilted to the right hand side and his eyes were open. His mouth was slightly opened and there was blood coming from his mouth. He had a couple heads wounds and there were some wounds on his back, but we had to lift his shirt up to see them. We had first asked them what had happened. I spoke to SFC first and he told me that the Afghanistan Military Force (AMF) checkpoint had stopped him first and there were three people in the vehicle. They said the guy had passed through the AMF checkpoint. Then our ODA team chased the vehicle down and stopped the vehicle. The passengers were told to get out of the vehicle and the suspect was told to set his weapon down and step away from it. They said he had an AK-47 assault rifle turned to say something to one of the other team guys and when he turned, the suspect grabbed the rifle and was bringing it up to the firing position and that's when SSG fired into the back of the suspect. The suspect did not go down right away and brishly turned and charged the suspect with I believe a head shot had turned and engaged the suspect with I believe a head shot. Then the suspect went down. That's the story that I got from

Then the suspect went down. That's the story that I got from
I don't remember how many shots he fired the I went
over and I talked to the asked to get out of the vehicle, the
said that when they were asked to get out of the vehicle, the
suspect had set his weapon down and was told to move away from
it. He said had turned away for a second and the suspect
went for the weapon and pointed it towards and that's when
he fired. I am not for sure how many he said he fired right off
the bat. He said the then turned and fired on the suspect.

Said it happened so quickly and could not remember how many
shots the lines of "Did you fire?" and when they said yes

said it happened so quickly and could not remember how many shots fired, but that it was more then one. I didn't specifically ask them how many shots they each fired. It was more along the lines of "Did you fire?" and when they said yes, then we knew who had fired. When we were policing up the scene, after everything was done, we found nine or ten casings. These were M-4 shell cases, 5.56. After we had talked with them, that was when we went over and examined the body. I noticed one head shot. There was a possible entrance and an exit wound. The entrance wound was on his forehead about centered and slightly to the right and was about an inch to an inch and a half about the suspect's right eye. The exit wound was about the center crown area of the back of his head. There were several wounds in the chest area and also several wounds in his back. We had back the context of the context of the chest area and also several wounds in his back. We had back the context of the chest area and also several wounds in his back.

_xhibit: ____

PAGE 2 OF <u>b</u>

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Exh, b, + 43

₩ 67.4,66-4 1015-02-CID023-STATEMENT OF TAKEN AT Fort Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED.

1

to pull his shirt up to see the other wounds. We did roll him over and look at the front of his body also. That was how we saw all of his wounds. There were no wounds on his hands. We did fingerprints on him and didn't notice any wounds on his 10.5,665 hands. I never saw a weapon. I was told by Chief they had brought the weapon to the weapons storage area and put it with all the other weapons. I never saw the weapon at the scene or afterwards. They said they brought the weapon up after they could not get any radio coms with the base and Chief drove up to the base himself with the weapon. The chief came back with the weapon and had stored it and that's when he told me that there had been a shooting. After we photographed the body, we placed the body in the back of the pick up truck (the hylux) and turned the body over to the AMF commander so that he could have the family notified and the body buried as soon as possible. In Islamic law, the body has to be buried before sunset. The AMF commander took it from there. The AMF sunset. Commander took the truck with the body in the back and took them away. We returned to the base to begin the debriefing. The guys that had came in assumed control of the investigation. didn't do any of the debriefing. Chief wrote up a statement. I am not for sure if he was down there when it happened or not. He sent the statement up to his higher ups and gave the statement to the guys who had assumed the investigation. After the statements were done, the CI guys sent up their reports.

Q. Who all was at the scene when you arrived there? 6765,66-5 A. Chief (who was bross) the one who actually came [18- up and got us and had returned to the who was bにちらえち, 66・5,5,5,5 scene with us), and that's it. 110.5/14-5

Q. Was there a person named there?
A. Yes, CPT was also there. He didn't talk much so I didn't really notice him. I can't actually remember if he was actually there or not as I had never talked to him.

Q. Did anyone say what happened to the other two males who were in the vehicle with the suspect when he was stopped?

A. They were released at the scene before the shooting, I believe. I didn't see any other civilians around when I got to the scene.

Q. Prior to your departure from the fire base, did you hear SFC make a comment of something to the effect of "not again"? A. No.

Q. What was your knowledge of ODA 343 prior to the incident? A. I spent four months with those guys in the Lwara there.

didn't know any of them before I got to Afghanistan.

Q Were there any type of religious type beads in the possession. of the suspect?

A. Yes, they were collected with some of the other pocket litter that was on his person.

Q. When you got to the scene, where were the religious beads

A. On the ground right next to the suspect. They were on his right hand side.

Q. Were they in his hand when you saw them? A. Not that I remember.

Q. Did you find an AK-47 casings on the ground after the -b1C-4, b1-4

.xhibit: _____

INITIALS \$376.4, 36.4

PAGE 3 OF 6

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147 Exhibit 43

1015-02-CID023-**1** 676-4,86-4 STATEMENT OF TAKEN AT Fort Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED. b7C-4, 56-4 incident? A. No. Q. Did you find any other weapons on the subject? A. No.  $\,$ Q. Did they tell you the time the shooting actually occurred? Q. What did you do with the shell casings that were from the M-4's that were fired? by 16.4 B76-41 B6-4 and SSG/SFC A. I gave them to SPC and SSG/SFC Q. Where were the shell casings found that you recovered? A. Approximately 20 feet from the body. The body was on the back right of the truck. I found approximately 8 shell casings to the back left of the truck, which probably came from found 2-3 shell casings to the back right of the body and 676-5-166-5 probably came from what I gathered, the weapon was on the back of the truck and when the suspect went for the weapon, shot him and then fired.

Q. Were there any attempts by the SFG guys to cover this up? Q. Was this reported up the chain of command by the normal procedures? A. Yes. Q. Do you know of any other similar type incidents occurring involving this team? A. There was one other shooting in May 2002. It was involving information on a fire base, and when approached him, the guy attempted to fire on him. The guy was killed then also. I believe an SA from CID, was the one who investigated the incident. Q. Did anyone of the parties involved ever approach you after the incident and talk to you about what happened? Q. Did anyone involved in the incident ever ask you not to report the incident? A. No. Q. Was there anyone else involved in the incident that we have

not mentioned as of yet?

A. No more Americans.

Q. We have information there were four people in the truck with the suspect when he was stopped. Have you heard anything different that the two that you listed early as being with the

A. I heard two from the team guys.

Q. Did any ever tell you why they let the other two guys go and keep the suspect detained?

A. Because they were going to detain the suspect and the other two guys were not involved with this or believed to be wanted for anything else. The suspect was going to be sent to Bagram. that was the intent.

Q. Did they ever search the truck? (10.4) 16-4 A. Yes, SPC and searched the truck. Q. Did they find anything significant located within the truck? A. There was a red plastic card that said in Pashtum, "Do Bad Things." We thought that was odd. Nothing else was found in the truck.

_____

INITIALS 676.4, 664

PAGE 4 OF b

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Exhibit 43148

011402-110364-23525 1015-02-CID023-STATEMENT OF TAKEN AT Fort Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED. 67C-45 66.4 Q. Were there any other weapons found in the truck? Q. Did anyone tell you they had searched the truck prior to the shooting? A. No, no one told me. Q. How were they communicating the suspect? A. There was an interpreter. It was a local national. I don't know his name. Q. Was he there when the shooting occurred? A. I believe.

O. Did anyone interview him?

A. SPC and did.

O. Do you know the name of the person who was killed in the incident on 28 Aug? A. Mohammed something. Q. Do you know the name of the person killed in the May incident? A. Wali ki. at now? A. I believe they are all still in Afghanistan. They are all part of one team so they should all be together.

A. Yes, My. NCOIC, who was collaborating the report that was sent up by SPC and SSG/SFC It was nothing formal.

Q. When did you get back from Afghanistan?

the incident that occurred in August?

A. The 16th of September.

Q. Has anyone from your chain of command contacted you about

Q. Do you have anything to add to this statement?
A. Nope.//END OF STATEMENT// B7C-4, 66-4

INITIALS \$ 870-4, 66-4

PAGE 5 OF 6

FOR OFFICIAL USE ONLY

Ex5, b, + 43 149

xhibit: ____

0114-02-610369-235-25

1015-02-CID023-

STATEMENT OF 676-4766-47
TAKEN AT FORT Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED.

4, 664	AFFIDAVIT
I, HAVE ENDS MADE HAVE MADE THRE	READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ON PAGE 06. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT AT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR WFUL INDUCEMENT.
(Sign	nature of Person Making Statement)
admi	Subscribed and sworn to before me, a person authorized by law to nister oaths, this 01 day of OCT, 2002 at Fort Bragg, NC 28310-5000
(Sig	hature of Person Administering Oath)
SA	676.4, 66-4
Typ	ed Name of Person Administering Oath)
ARTI	CLE 136 (b) (4) UCMJ
(Aut	hority To Administer Oaths)
WITN	ESS:

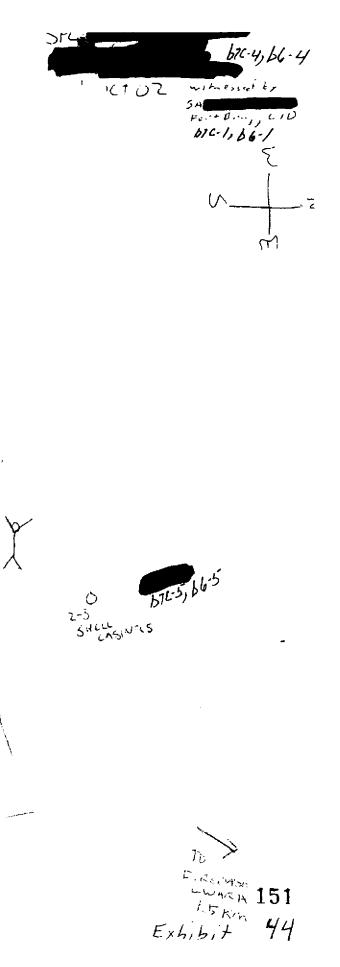
xhibit	;	
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PAGE 6 OF

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Exhibit 43



ACLU-RDI 21 p.88

DOD-DOACID000833

File Number : 1015-02-CID023-

: Fort Bragg, NC 28310-5000

______

: 01 Oct 2002

676-4) 66-4 Time: 1250

Statement Of:

Statement Of:
SSN
Grade/Status: E7/SFC
Org/Address: GROUP SUPPORT COMPANY, 3RD SPECIAL FORCES GROUP, FORT

BRAGG, NC 283105000

676-41 66-4 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: I was assigned to Fort Bragg in Apr 02, and have been assigned to the Group Support Company, 3rd Special Forces Group (SFG), Fort Bragg, the whole time. In the end of Apr 02, I left for Afghanistan on deployment with various elements of the 3rd SFG. My MOS is 97E (Interrogator), and I deployed with 3rd SFG in this capacity. Once in country, I deployed in theater. From 1 May 02 to 7 Jul 02, I was deployed with C Company, 2nd Battalion, 3rd SFG, at various locations throughout southern Afghanistan. About 8 Jul 02, I was deployed to Lwara Fire Base with ODA's 343 and 341. Lwara Fire Base was located on the with ODA's 343 and 341. Lwara Fire Base was located on the eastern border of Afghanistan and Pakistan, between the Paktia and Paktika provinces. There was also an infantry platoon at the fire base with us. My job was to support the ODA's at the fire base by supplementing their patrol strength and provide MI support. About the 28 Aug 02, I was inside the Fire Base support. About the 28 Aug 02, I was inside the Fire Base perimeter, when the ODA 343 executive officer. Chief Warrant Officer came inside the base stating that there was a shooting and that he needed support out at the location. It was that same day that two new Counter Intelligence (CI) Agents arrived to the Fire Base, so myself, SPC and the two new CI guys jumped in a truck and headed out to the location of ODA 343. They were located not far beyond the perimeter of the base, in a deep river bed that was used as the main roadway for the area. When we arrived, CPT (Team Captain), SFC (Team Sergeant), and SSG (Team Medic) were there. We all called SSG (Team Sergeant) doc" as he was MOS 18D. An empty local truck was parked on the right side of the river bed. What appeared to be a local national was lying dead on the ground about 15 feet behind where the truck was parked. I'm pretty sure he was lying on his back with his arms at his side. The sure he was lying on his back with his arms at his side. first thing I noticed about him was that a significant portion of the top of his skull was missing from an obvious gun shot After we searched him, we discovered three or four bullet holes in his thorax area, also obvious gun shot wounds. I could not tell whether the wounds to the front side of his thorax were entrance or exit wounds. Based on information provided by the Warrant Officer at the fire base and CPT once at the scene, the local national was Mohammed SAYARI. He was suspected of gathering intelligence against the fire base, but his credentials were unknown, or the entity he may have been providing the intelligence to. As I said, this information was provided to me through second and third hand knowledge of the situation. I do know that HUMINT and SIGINT up until that incident indicated enemy surveillance was keeping close tabs on the movements and operations of the fire base Just a few days prior to this incident, a local national tribal elder came to the fire base and provided information that SAYARI was in fact collecting intelligence against the fire base. It

xhibit:

L67C-4, 66-4

PAGE 1 OF 4

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Exhibit 45

616-4 16-4 0114-02-CID023-STATEMENT OF TAKEN AT Fort Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED.

was at this time that a picture started to form that SAYARI was most likely conducting these operations. For instance, several local national boys would routinely congregate near the front gate to the fire base; however, after the tribal elder informed us specifically of his suspicions about SAYARI, we identified that the one local national boy who was always watching the front gate was SAYARI's 10 year old son. All this information was evaluated and it was decided that ODA 343 would attempt to detain SAYARI in an effort to determine his intentions. 28 Aug 02, ODA 343 set out from the fire base and set up a vehicle control point in the river bed. I know ODA 343 was looking for SAYARI, but I don't know if that was their sole purpose for the vehicle control point. Vehicle control points were fairly common as a routine team mission. SAYARI's vehicle was stopped by ODA 343 at their control point that day. Again, I witnessed none of this. Upon being stopped, SAYARI and several riders in the back of his Toyota truck got out. The other riders were sent off, as apparently ODA 343 was not looking for any of them. The team searched his truck and discovered his AK-47 rifle, which was then leaned against the truck while the ODA 343 members were talking to SAYARI. At some truck while the ODA 343 members were talking to SAYARI. At some point during this process, SAYARI was informed that he was going to be transported to Bagram for further questioning, after which he remained calm and waited for SFC to turn his back. Once SFC did this, SAYARI went for his weapon leaning against his truck and was able to retrieve his rifle as SAYARI then raised, it, in a threatening manner toward SFC after which SSG shot him (SAYARI). SSG apparently shot SAYARI once in the abdomen; however, hem (SAYARI) was still bots standing and retaining his AK-47. SFC and SSG then shot SAYARI several more times. BCL, don't know who shot SAYARI where on his body after SSG initial shot. When we got to the scene, I helped search SAYARI's body and witnessed the new CI guys collect SAYARI's hair and skull fragments for the new CI guys collect SAYARI's hair and skull fragments for forensic purposes. This was our standard operating procedure for any shooting. I don't recall who took the digital pictures at the scene. I do remember that afterward there was some issue as we did not have the capability to download those pictures, but I don't know what the final outcome of that was. About four or five days later, the sealed box marked for "CID" was released to MP's that were flying to Bagram. That's the last I knew of the box. It was shortly after this, on 14 Sep 02, that I left Afghanistan enroute back to the states. Q: Did you make the remark, "not again," after first learning of the shooting incident? A: T do not recall making that specific remark. But I may hamade some remark to the effect that SFC had been again But I may have involved in a shooting since he had shot the only other person shot from our fire base.

Q: What was that other incident?

A: The other incident happened before my arrival.

Q: Do you know any details?

A: A local national was surveilling US operations with 10-4,46-4 binoculars. He was approached by SFC SFC and SPC and SPC along with some other US and Afghan personnel. The local national went for his weapon, which I believe was a bolt

xhibit: ____

INITIALS 5016-4, bl.4

PAGE 2 OF 4

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Exhi, b; + 45-153

676-4,66-4 0114-02-610364-23525 STATEMENT OF TAKEN AT Fort Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED. 176.5, 1565

action rifle, and SFC ■shot him. Q: Was there an investigation into this incident?

A: I don't believe so. I never heard of anything else about it, not could I think of any reason as to why there would have been. Q: What was your knowledge of ODA 343 prior to the incident with

A: I worked with them on a daily basis for almost two months. would characterize them as aggressive and effective. They were more aggressive than any other unit I have worked with, but I never saw them do anything inappropriate to a combat situation. Q: Did any of the SFG members say anything about the shooting, other than what was described above?

A: I heard no other comments from any other witnesses to the shooting.

Q: At this time, do you suspect that any aspect of this incident, as you know it or have heard, was illegal in any manner?

A: No, I don't and didn't think it was anything other than a righteous shooting. I know myself and others made a few remarks initially after the incident in question as to what occurred; however, this was merely "monday morning quarterbacking," and completed unsubstantiated and unfounded.

Q: Do you know who the local personnel were that were in the

back of SAYARI's truck upon him being stopped? [10.5,16.5]

A: I was told by either SFC or SSG that they were local civilians, and at least one "AMF" (Afghan Military Force) member, who they would have recognized from training him at the

Q: Do you know the AMF member's name?

A: No.

Q: Were there any attempts by members of the fire base to cover this up?

A: None whatsoever. To the contrary, ODA 343 immediately sent for a local tribal leader and expedited the search of SAYARI's person in order to turn over his corpse and possessions to his tribe as soon as possible.

Q: Is there anything else you wish to add to this statement?
A: Yes. After the shooting, there was a marked decline in
SIGINT activity and no further attacks on the base. This
indicates that whatever nemmy activity was going on was directly related somehow to SAYARI. Also, several local national workers expressed thanks to us for killing him. I believe this is due to his (SAYARI's) reputation as a murderer and thug amongst the members of his own tribe. This was unusual in a society in which tribal ties are far more important than legal or national loyalties.

Q: Anything else you want to add?

A: No.//END OF STATEMENT///

xhibit:

INITIALS 41.4,66.4 PAGE 3 OF  $\frac{4}{1}$ 

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Exhibit 45

1015-02-CID023-STATEMENT OF 67-46-4 D/14-02-C10364-235-25 TAKEN AT FORT Bragg, NC 28310-5000 DATED 01 Oct 2002 CONTINUED.

AFFIDAVIT

bx-4, b6-4 HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 04. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Laking Stafflyen

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 01 day of OCT, 2002 at Fort Bragg, NC 28310-5000

676-1 156-1 (Signature of Person Administering Oath) 67C-1 16-/ (Typed Name of Person Administering Oath) ARTICLE 136 (b) (4) UCMJ (Authority To Administer Oaths) WITNESS:

676-4,66-4 .xhibit: _____ INITIALS

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PAGE 4 OF  $\underline{\mathcal{Y}}$ 

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Exhibit 45

AGENT'S INVESTIGATIVE REPORT	0114-02-CID369	-23525	
CID Regulation 195-1	PAGE 1 OF 4 PAGES		]
At 1045, 14 Oct 02, SA  of interpreters, Mr  of interpreters, Mr  Afghanistan. Mr  Asyarl when he was still alive. Mr SAYARI SAYARI could successfully lease his Toyota Hilux, tru SAYARI's death (Mr  SAYARI said that that day. The two of them drove to the gate at Fire Bas Hilux and Mr SAYARI was telling  SF soldiers pulled up in a hurry and were talking excite a hurry and drove off.  SAYARI still wanted to go inside the fire base and talk Base.  They then got into Mr SAYARI's truck and dro house; which was in the opposite direction that the two hill leading away from the fire base gate they stopped a Mr SAYARI to take them to different places up the sam wanting to pay to go to the bazaar at Zangee Adda. Mr and decided they would pick up some tea and sugar fro of the men was an Afghan Military Forces (AMF) soldi know. The AMF soldier's name was up the road toward the Zangee Adda bazaar talking and riverbed they saw one of the SF vehicles blocking their them to stop. Then four SF soldiers made them all get of of the road. Only  SAYARI's truck when they got out of the vehicle. Mr  Knew there was one weapon in the weapon being in the truck at the gate to the fire base. E  SAYARI, he was told to sit on a rock on the far side of and took out  AK-47 rifle, gave it to him and the  "Go" loudly and pointing in the direction of the bazaar explained all of them understood this simple Engl out of sight.  AK-47 rifle from the truck and rem  obtained Mr  AK-47 rifle from the truck and rem  obtained Mr  AK-47 rifle from the truck and rem  obtained Mr  AK-47 rifle from the truck and rem  obtained Mr  AK-47 rifle from the truck and rem  obtained Mr  AK-47 rifle from the truck and rem  obtained Mr  AK-47 rifle from the truck and rem  obtained Mr  AK-47 rifle from the truck and rem  obtained Mr	both assigned as interpretal in Pakistan at the time of I was intending to hire Make to the Lwara Fire Base of SAYARI was hurrying was going to hir e Lwara and met with interior of the truck. About the did to the I have been with his hands, telling about renting his truck to talk about it wanted get there would be an attactive away. They were going to the Afghan checkpoint and the Afghan checkpoint and the bazaar that they never the soldier's brother all his brother's name was all his brother's name wa	of this interview, but he lived as a driver if Mr  e. About 1000, the day of Mr  may because he wanted to the his Hilux and wanted to meet was checking the at that time two vehicles full of a told was come back later. Mr  of the SF soldiers at Lwara Fire of them to leave immediately as from the way was and back to Mr SAYARI's are went. At the bottom of the and some men wanted to pay tone. There were three men 100 Pakistani rupees for the trip eded at their home as well. One and another man they did not 100 (NFI). The men started are drove around a turn in the me if the sat them and motioning in a straight line in the middle fles, but left them in Mr dividuals in the truck did not 100 (NFI) are they searched Mr went into Mr SAYARI's truck oning with his hand and saying y and said "Go quickly!" Mr e and went over a little rise and gave it to 100 (Then).	-3 34-5
	organization 87th Military Police Detachr Camp Stronghold Freedom	nent (ABN)(CID), 3 rd MP Group , APO AE 09311	
SIGNAJORE	18 Oct 02	EXHIBIT 46	
Oct 95 /676/1/66/ PROTECTIVE MARKIN	AL USE ONLY IG IS EXCLUDED FROM FION (Para 13, AR 340-16) a Is Entered)	4615	6

AGENT'S INVESTIGATIVE REPORT	ROI NUMBER 0114-02-CID369-23525	
CID Regulation 195-1	0114 02 010303 23323	
·	PAGE 2 OF 4 PAGES	
DETAILS 676.5		
the chamber took the weapon to his vehicle, wen	t inside the vehicle, and obtained another magazine from	
inside the vehicle. He left Mr magazine in the	vehicle. The magazine got from the vehicle ways	
contained black tipped rounds of the type known to be magazine did not have those type rounds in it	used by Ar Qaeda members in their weapons. Mr	
shambared a round. Market to tested levely asking	not to load his weapon. Mr	
chambered a round. Mr	not want anyone to think he had any hostile intent	
toward the SE coldiers when he left with it. My	not want anyone to think he had any hostile intent	
refused told the other passengers to leave and the	ey went off in the same direction as	
wanted his weapon prior to leaving and when he asked	for it again with mointed the loaded weapon at Mr	
stomach and said, "Go! Hurry!" Mr SAYARI	got up to leave as well and pushed him in the chest	
and directed him to sit back on the rock at the far side of	of the road. Mr became concerned at this threat to	
his person and departed in the same direction as the oth		
could see that Mr SAYARI was very scared and the fea		
	r's was leaning on the front of Mr SAYARI's truck with	
one arm, holding a M4 rifle in the other hand, keeping		
AK-47 rifle on the front of Mr SAYARI's truck		
interpreters, AMF or other Afghans present with the SI	soldiers. Mr SAYARI was seated on the rock, rocking	
back and forth with his head in his hands. About two n	minutes after Manage was out of sight of the SF soldiers	
and Mr. SAYARI over the rise, he heard gunfire. At the	minutes after Market was out of sight of the SF soldiers at point Mr. began to run away from the area. Mr	
thought that he heard one burst of about 3 or 4 ro	unds. Walking in the vicinity of the incident the next	
morning, Muse encountered 3 or 4 young Afghan g	irls who were walking away from where Mr	
saw Mr SAYARI. They had 6 pieces of American bras		
their way to sell the brass after putting it with brass col	No. CAVADI was billed. M. 475-56-34 sheet the patient	
picked up the brass right next to a pool of blood where	Nit SA YARI was killed. Mit advised the entire	
tribe knew of the killing almost immediately. Multiple said he recognized the black tipped bullets as those used by Al Qaeda he saw them at an Al Qaeda checkpoint before the Americans came to Afghanistan, and became		
l' '	_ · · · · · · · · · · · · · · · · · · ·	
familiar with the fact that the Al Qaeda members used that type of ammunition known to them as destructive bullets. It was unclear where that analogy came from and neither Mr. analogy the interpreter could properly		
explain. Mr. Stated Mr SAYARI was definitely not an Al Qaeda member or sympathizer. Mr SAYARI		
and the entire tribe to which Mr and Mr SAYARI belonged, hated Al Qaeda and the Taliban with a		
passion. One time the Al Qaeda burned Mr SAYARI's		
checkpoints. This act assured that Mr SAYARI thereafter considered Al Qaeda a "big enemy". Mr SAYARI		
•	s truck tires and burned it. Mr SAYARI kept him captive	
until Al Qaeda promised to buy him a new truck. Ther	Mr SAYARI let the Al Qaeda member go free. The Al	
Qaeda members did not complete their end of the bargain. Mr SAYARI then sent word to the Al Qaeda		
members that he would shoot at their vehicles whenever he saw them and kill any Al Qaeda members he found		
TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
	87th Military Police Detachment (ABN)(CID), 3rd MP Group	

DATE

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REGTECTIVE MARKING IS EXCLUDED FROM
AUTOMATIC TERMINATION (Para 13, AR 340-16)
(When Data is Entered)

18 Oct 02

Camp Stronghold Freedom, APO AE 09311

EXHIBIT

676-1,156-1

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Special Agent

CID FORM 94-E

1 Oct 95

AGENT'S INVESTIGATIVE REPORT	0114-02-CID369-23525
CID Regulation 195-1	PAGE 3 OF 4 PAGES
in the area controlled by his tribe, the Pepelayu. The Print the vicinity of Schkin and Lwara, Afghanistan. Mratime and the Al Qaeda came and rocketed their homes a separate incident. They then fled to the Lwara area. So Mr SAYARI had a "big quarrel" with the Al Qaeda me this was like a "blood feud" and Mr SAYARI would evenemies. The Al Qaeda and Taliban are the enemies of Lwara/Schkin area of Afghanistan. If the Pepelayu trib or kill them. After the Americans bombed Kabul, Mr SQaeda and Taliban not to come to his area. Mr SAYARI was adamant that Mr SAYARI had no away from the gate at Lwara by Mr SAYARI was picked up paying passengers going in that direction. The leave the gate of the fire base. It was only natural that mr	epplays controlled an area comprised of about 17 villages and Mr SAYARI lived in another area during that and village. The Al Qaeda killed Mr Sayaristan ometime after that the Americans came to Afghanistan ombers. The interpreter explained that Mr Sayaristan of the after consider any Al Qaeda or Taliban his sworn of Mr Sayari, and all of the tribes in the effound any of the Al Qaeda or Taliban they would arrest ayarist up a checkpoint and sent word to the Al Citold them they were his enemy and he would kill intention to follow the SF soldiers after he was forced as going to his house in the opposite direction until he here were only a couple directions of travel right as you many people had to travel the same direction, at least for oldiers very much. He wanted to rent his truck to the SF that than using his truck as a taxi. Mr Sayari's
SAYARI's father and son, and his brother. Drawled after his death and help prepare it for burial. Drawled in as this was the custom of the tribe. Drawled below the bottom edge of Mr SAYARI's throat on the course of the second as his middle finger (appeared to be about whe curled out away from the wound. Drawled in the wound was an exit. The entire tribe knew Mr SAYARI's knew of him bearing any ill will toward them, or Mr SAWARI's very happy that the Americans had come to Afghan Taliban. Mr SAYARI hated them both with a passion.	to 5/8 of an inch in diameter) and had rough edges be and could not remember any other wounds as they did do make it clear that he could not say as an expert that ARI to like the Americans and SF soldiers and no one AYARI wanting to harm them in any way. Mr SAYARI distan and freed it from the grip of Al Qaeda and the
	organization 87th Military Police Detachment (ABN)(CiD), 3 rd MP Group Camp Stronghold Freedom, APO AE 09311
	18 Oct 02 EXHIBIT
1 Oct 95 PROTECTIVE MARKIN AUTOMATIC FERMINAT	AL USE ONLY IG IS EXCLUDED FROM FION (Para 13, AR 340-16) a Is Entered)

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AGENT'S INVESTIGATIVE REPORT	ROI NUMBER 0114-02-CID369-23525
CID Regulation 195-1	PAGE 4 OF 4 PAGES
confirmed Mr account of the incidents with the Abeating him; attacking the village with rockets; their fliging a very deep hatred for both groups. Mr SAYARI's father ago over a dispute for ownership of a field. Both men with the man. Mr SAYARI left the area after that and hunfortunate incident and both men were hot tempered wholdest was a son of 8 years of age. Mr SAYARI just was season. Drawn expressed the tribes belief that it wo SF soldiers and report their activity to the Al Qaeda or the would not harm Americans or seek to cause them harm. Afghanistan and felt the Americans were in Afghanistan government like the Russians did before. Drawn pertaining to this investigation.	Al Qaeda members burning Mr SAYARI's truck and the to the area they now lived; and that Mr SAYARI had a stated that Mr SAYARI did kill his cousin many years were engaged in a heated argument when Mr SAYARI had not murdered anyone since that time. It was an hen younger. Mr SAYARI had 5 children and the nited to make a living and sold fruit when it was in ould be very out of character for Mr SAYARI to follow he Taliban. They were his enemies. Mr SAYARI Mr SAYARI was very happy the Americans were in to help, not to occupy and support a puppet did the tribal elders had nothing further to relate
	RGANIZATIÓN B7th Military Police Detachment (ABN)(CID), 3 rd MP Group Camp Stronghold Freedom, APO AE 09311
	18 Oct 02 46
1 Oct 95 ROTECTIVE MARKIN AUTOMATIC TERMINAT	AL USE ONLY IG IS EXCLUDED FROM TON (Para 13, AR 340-16) a Is Enterad)

101 Official Got Gill	01/4-02 -10369-25525
AGENT'S INVESTIGATIVE REPORT	ROI NUMBER 1130-02-CID023
CID Regulation 195-1	Page 1 of 11 Pages

DETAILS

BASIS FOR INVESTIGATION: On 23 Oct 02, this office received a Request for Assistance from the 87th Military Police Detachment (FWD), Uzbekistan APO AE 09311, pertaining to a murder investigation being conducted by their office.

COORDINATION WITH THE GROUP JUDGE ADVOCATE:

About 1040, 4 Nov 02, SA

CID, Fort Campbell, KY and SA

Me Group Met with CPT

Group Judge

Advocate, 3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, and discussed the pending investigative activity. CPT

was requested to provide all pertinent inquiry documents in his possession.

About 1000, 5 Nov 02, SA and SA met with CPT who provided copies of Commander Inquiry documents pertaining (Enclosure 2) to both shooting incidents in Lwara, Afghanistan.

#### COLLECTION OF EVIDENCE:

Between 1310-1430, 4 Nov 02, SA Coordinated with SGT Armor, and seized as evidence twelve M4 rifles assigned to ODA 343, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310. SA Collected original issue documents (Enclosure 3) pertaining to the weapons. The collection of the weapons and documents was recorded on an Evidence/Property Custody Document, Document Number 650-02 (Enclosure 4).

About 1510, 5 Nov 02, SA coordinated with SGT and seized as evidence the twelve M9 pistols assigned to ODA 343, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC. The collection was recorded on an Evidence/Property Custody Document, Document Number 651-02 (Enclosure 5).

Agent's Comment: The twelve M9 pistols were subsequently returned to the unit. It was determined the pistols would not be needed for laboratory examination.

TYPED AGENT'S NAME AND SEQUENCE NUMBER  610-1,66-1,6 2	organization 87th MP DET (CID)(ABN), USACIDC Fort Bragg, NC 28310	
SIGNATURE	10 December 2002	ENCLOSURE 47

CID FORM 94-E

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	4-0114-02-610369-23525
AGENT'S INVESTIGATIVE REPORT	ROI NUMBER 1130-02-CID023
CID Regulación 193-1	Page 2 of 11 Pages
DETAILS	
COORDINATION WITH THE U.S. ARMY CRIME LABOR	RATORY.

On 8 Nov 02, Mr. Evidence Custodian, this office, delivered the seized firearm evidence to the U.S. Army Crime Laboratory, Forest Park, GA. The evidence was accompanied by a DA Form 3655, Crime Lab Examination Request (Enclosure 6), which was prepared by SA

On 13 Nov 02, SA received confirmation (Enclosure 7) of receipt of evidence from the U.S. Army Crime Laboratory. The submitted evidence was being processed under expedited conditions.

Weshird About 1600, 15 Nov 02, SA and SA were contacted by Mr. Firearms Examiner, USACIL. Same stated SFC weapon was the one that fired the expended bullet and cartridge casing recovered from the crime scene in Lwara. Mr. 171-8,16-6 requested the weapons be retrieved as soon as possible and the Lab Report is forthcoming.

On 10 December 02, SA received USACIL Lab Report (Exhibit 8) which reflected SFC weapon was the one that fired the expended bullet and cartridge casing recovered from the crime scene in Lwara

INTERVIEWS OF ODA 343 PERSONNEL:

ODA 343, A Company, 2/3rd Special Forces Group (Airborne), Fort and SA interviewed MSG Bragg, NC 28310: About 1050, 6 Nov 02, SA who was the Team Sergeant for ODA 343. MSG reported he was present at Firebase Lwara when the first shooting occurred in Jun 02, but was home on emergency leave when the second shooting occurred on 28 Aug 02. Regarding the first shooting incident, MSG that he was on the camp when reports came in that there were three male local Afghans who were observing the activity of the camp using a pair of binoculars. One of the individuals was also carrying a related that a group of soldiers from the camp, including SFC were enroute to the firing range when the notification went out that the camp was being observed. The group of soldiers, all riding in a government vehicle, diverted from the firing range and heard the shots fired from his drove out to where the individuals were reported to be. MSG location and knew they were American by the sound of the shot. He then quickly walked out to the scene on foot after he heard the shots to ensure everyone was all right. When he arrived at the scene, he was told by those there what had occurred. MSG didn't recall who precisely told him, but it

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was reported that the local, who was carrying a weapon slung over his shoulder, would not comply with instructions by the group. As SFC approached the man, the man kept approaching SFC and reached over and began to raise his weapon. When he did, SFC 💆 hitting the man center mass, apparently killing him instantly. SSG, who was the team medic, the man was dead. According to MSG over the incident appearing physically and emotionally distraught. MSG walked SFC away from the scene and consoled him. MSG comforted SFC by telling him he did the right thing under the circumstances. MSC felt this incident was a justified shooting given left Firebase Lwara around 30 Jul 02 and returned to CONUS on the situation. MSG ecalled the first he heard about the second shooting in Aug 02, was emergency leave. MSG through SSG who was still at the Lwara at the time. MSG was unsure when he was notified and only vaguely recalled that it was through SSG that he first learned of it. He recalled being told that the incident was under investigation. MSG related that about a week or two before the team returned to Fort Bragg, he learned that the shooting involved SFQ After the team returned, he learned that the man that was shot had been following the team while they were outside of the camp and that when the team stopped him at a checkpoint, the man raised a weapon towards members of the team. As far as he knew, SEC and SSG and SSG and SSG believed SFC SSC SSC were present when the incident occurred. MSG of anyone else being there. He never asked any of the team members any details of the incident, nor had he asked those involved to "sketch-out" what occurred. MSG had no reason to suspect this incident was anything other than a justified shooting.

About 1015, 7 Nov 02, SA and SA and SA interviewed SSG bit-4, bb-4 and SA on the interviewed SSG bit-4, bb-4 and state bit-4

About 1015, 12 Nov 02, SA Sanda Advised SSG STATE Advised SSG STATE ODA 343, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, of his legal rights, which he waived. SA sand SA sand SA interviewed SSG who provided a sworn statement (Enclosure 10) detailing his knowledge of the shooting incident which took place on 28 Aug 02 in Lwara, Afghanistan.

About 1416, 12 Nov 02, SA advised CW2

ODA 343, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, of his legal

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shooting occurring in Jun 02, but was not present for the second shooting. Regarding the first shooting, recalled that around 1600 local time, he and five others were driving toward the firing camp with a pair of binoculars. He related SSG and two others he believed to be range when they received a call from the camp reporting there was a man, and two others, watching the counterintelligence personnel sat in the back compartment of the vehicle. When they arrived at the scene, they discovered an older man carrying a rifle slung over his left shoulder with the muzzle down. but there was no sign of the binoculars or others. Reportedly, SFC was the first out of the vehicle and began to approach the man. SSG said he called out in Pashtun for the man to put his hands in the air, to which he did not comply. Commands were continued towards the man, including a warning shot in the ground by SFC 🕶 As SSG furned to jump out of the vehicle, the man reached across his chest with his right hand towards his weapon. By the time SSG turned back around, the second shot already rang out. When SSG approached the man on the ground, he noticed the man had a wound to his right arm and a wound around center mass to the front. didn't see the full motion of the man's hand, but maintained that the man was not complying with any of the commands.

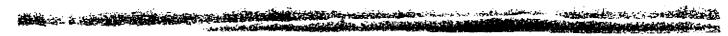
About 1100, 5 Nov 02, SA and SA and SA interviewed CPT ODA 341, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, regarding his knowledge of two shooting incidents which occurred in the vicinity of Firebase Lwara, Afghanistan. related he was one of the individuals which had set up Firebase Lwara and had utilized stated he had read all the Mr. SAYARI on several occasions in completing this task. CPT initial statements of the second shooting as he was the firebase Commander at the time and he was responsible for notifying his Chain of Command of the shooting. CPT further stated he was not at the scene of either incident and could only relate what he had read in the statements. CPT also stated he had not discussed the second incident with CPT the only other 0-3 at the further related on the day of the second incident he spotted Mr. firebase at the time. CPT SAYARI at the front gate of the firebase and radioed this information back to the communications center as his team (ODA 341) was head out on a mission. CPT commented he did not know anything had occurred until several days later when his team returned from their mission.

Agent's Comment: Subsequent coordination with CPT revealed SFC who was at Firebase Lwara at the time of the first shooting, was currently at Walter Reed Medical Center for scheduled surgery. The three remaining members of ODA 341, SFC SSG and SGT were not present at Firebase Lwara during the incidents under investigation.

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About 1405, 5 Nov 02, SA interviewed SSG ODA 341, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who provided a sworn statement (Enclosure 16) regarding his knowledge of two shootings which occurred while he was deployed to Firebase Lwara, Afghanistan.

About 1045, 5 Nov 02, SA interviewed SSG DDA 341, A Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who related all second hand information and had nothing relevant to provide to this investigation.

About 1400, 5 Nov 02, SA Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who related his knowledge pertaining to the shooting of Mr. SAYARI, SSG Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who related his knowledge pertaining to the shooting of Mr. SAYARI, SSG Company, NC 28310, who related his knowledge pertaining to the shooting of Mr. SAYARI SSG Company, NC 28310, who related his knowledge pertaining to the shooting of Mr. SAYARI and only separate them from their weapons. SSG Company not to use "flexcuffs" on detainees, or to not separate them from their weapons. SSG Company related there was no SOP from the unit, only individual team SOPs. SSG Company related Team 343 was known to him to be messed up, and often doing things out of the ordinary. SSG Company related he did not see the body of Mr. SAYARI and only knew what he had heard through others.

676-3166-3 About 1600, 5 Nov 02, SA interviewed SSG Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who related he was deployed to Firebase Lwara, Afghanistan, between May - Sep 02. SSG was present at neither shooting. He advised that he was at the Firebase when the first shooting occurred, but was not present during the recalled there was a man observing the camp with a shooting. Regarding the first shooting, SSG pair of binoculars. A group of soldiers, including two ODA 341 members, were diverted from a firing range to investigate what the man was doing. SSG believed SSG and SSG were the two members from his team that were present at the scene. Except for SFO know who else was part of the party. SSG repeatedly stated he didn't know what occurred because he was not present. However, it was his understanding that the range party traveled to the area alled being told the man would not where the man was spotted and approached him. SSG obey any commands and would not stop moving. Reportedly, the man raised his weapon and SFC shot him once, killing him. SSG did did not recall who told him of the events, but believed it was likely someone on his team. Regarding the second shooting in Aug 02, SSG departed the camp prior to the incident, earlier the same day. He, and his team, remained off the camp for a day or two while they conducted unrelated operations. SSG could not recall who reported the events of the second shooting to him. He was vaguely aware that an Afghan male was suspected to

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have been following U.S. personnel when they left followed him or his team. On the day of the second heard a call go out over the radio that the man ODA	is shooting, as they were departing on 343 were looking for was at the from SSG didn't learn the man was SSG related the only thing and at some point the man raised a warmed, and as a result he was shot, are out there during the incident.  NC 28310, who related he arrived to leated the day following the shooting sk to the fire base, he was told by conter that week, SFC also told ght the events strange, but never do and ODA 343) shared the fire base, en the teams. SFC wasn't	amp, SSG WC3, K-3 ont gate of the was shot by ODA he knew was that veapon to SFC SSG ZZ 3,66-3  A Company, o Afghanistan on g incident, his unterintelligence him the story but remained on
OTHER INTERVIEWS/ACTIVITIES:		
About 0915, 6 Nov 02, SA  Headquarters Support Company, 2/3 rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who reported he was never at Firebase Lwara, Afghanistan, and had no knowledge of either shooting incident.  About 1030, 6 Nov 02, SA  About 1030, 6 Nov 02, SA  Interviewed SPC  Support Company, 2/3 rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who related he was the mechanic at the Lwara Fire Base, Afghanistan. SPC  The shooting was when he was asked to leave the tent by the counterintelligence personnel when they started discussing the incident. SPC  Taliban with the location of some Special Forces Teams was detained, and then shot when he went for his weapon. SPC  The shooting was the body of Mr. SAYARI when ODA 343 transported it to the Fire Base. SPC  The base special Forces Teams was lying on its right side with		
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noticeable blood on the front of the shirt on the dece the body, and could not remember any specifics.	eased. SPC related he only glanced at	
About 1405, 6 Nov 02, SA who provided Maintenance Documents (Enclosure weapons assigned to ODA 343. SGT statthem upon their return from Afghanistan but none of exchanged.	ted the weapons had routine maintenance done to	
investigate the shooting on 28 Aug 02. CPT	related he was appointed the Inquiry Officer fighanistan on 1 Sep 02. As a result of this short time on statements and information provided to him believed CPT forwarded the never reviewed any photographs and didn't at the team would have to go out and recreate the one. He was surprised to learn counterintelligence	
individual. SPC said SPC said SPC found in SAYARI'S vehicle as evidence. SPC information he overheard and assumed SSG statement.	regarding his knowledge of the shooting incidents in may have overheard ODA 341 stating they had stating an AMF checkpoint had first ted he believed the team had chased down Mr. SPC further reported SFO had ent for his weapon. SPC stated CPT new guy on the team and he was a quiet and reserved in may have collected the red card then stated he must have combined all the was in the position as he reflected in his first	
Agents Comment: SPC stated SFC shooting and was currently in the same Intelligence have SFC contact this agent to schedule an i	Class as he was. SPC related he would interview.	
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General Support Company, 3rd Special Forces Group (Airborne), Fort Bragg, NC 28310, who provided a sworn statement (Enclosure 18) detailing his knowledge of a shooting occurring in Lwara in Jun 02. SFC witnessed the shooting of a local man by SFC He believed the shooting to be justified given the circumstances of the incident.

About 1350, 14 Nov 02, SA interviewed CPT B Company, 2/3rd Special Forces Group (Airborne), Fort Bragg, NC 28310. CPT was the Detachment Commander of ODA 343 until early Jul 02, when CPT assumed command of the team at Firebase Lwara. CPT was at Firebase Lwara during the first shooting incident in Jun 02; however, he was not deployed to the base when the second shooting occurred in Aug 02, CPT related on the day of the shooting incident in Jun 02, a mixed group of soldiers departed the camp enroute to the firing range for routine training. Around the same time, an observer for the camp spotted three individuals watching the camp with binoculars from a ridgeline adjacent to the camp. One of the individuals, an older man, was carrying a rifle. The two others were believed to possibly be young men or children. CPT personally observed the individuals surveying the camp from his vantage on the camp rooftop. While under observation, the dispatched the soldiers from the firing range to the area to three local men separated. CPT investigate the older man with the rifle. He also dispatched another team from the camp to pursue the other two men who departed the area. As the range party approached the armed man, CPT reported it was apparent to intermittently monitored the contact from his vantage. CPT him that the man was not cooperating or complying with the team's commands for him to put down his weapon. This was apparent to CPT by the physical actions and gesturing he witnessed while manitoring the situation. CPT heart a warning shot fired, but did not witness it. was diverting his attention back and forth between the two teams that were outside the began to divert his attention from the scene involving the armed man, he noticed the man grab for his weapon. He did not witness the actual shooting, but believed he witness the erratic movement of the part of the armed man which caused the shooting. CPT the action to be justified given the situation. According to CPT the dead man was brought back to the camp until coordination could be made with the local elders from the surrounding area. Later in the day, the body was returned to the location of the incident and turned over to locals. CPT reported SFC was the soldier who engaged the armed man. He believed the group of soldiers from the range was a mix of individuals from the camp, including some men from ODA 341, but he could not recall precisely who was present. He believed SSG may have been present.

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on a "comment" that was overheard where it was stated the rules of engagement were violated during the shooting. MAJ was not able to determine the original source of the "comment".

About 1300, 15 Nov 02, SA and SA coordinated with MAJ was seen by CPT and it was believed SSG was seen by CPT

Agents Comment: Forwarded contact information, via email, of MAJ Comment CPT South So they may discuss this case.

About 1325, 20 Nov 02, SA was contacted by SFC who related he did not maintain any correspondence from Afghanistan which pertained to the intelligence gathered on Mr. SAYARI.

STATUS: This investigation is being closed within the files of this office. No further investigative activity is anticipated.

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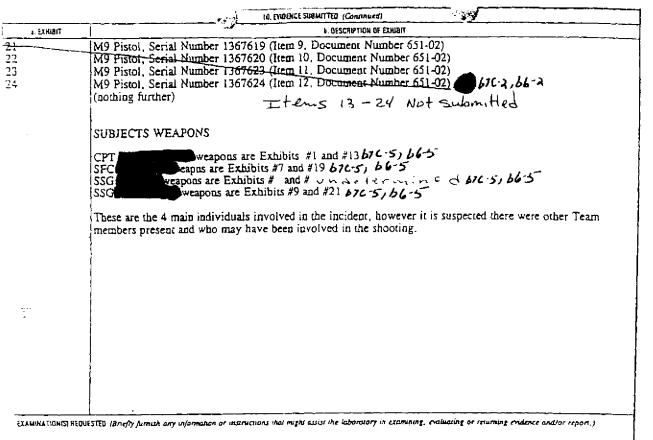
MS. JACQUELINE SCOTT scottj@centcom smil mil (813) 827-5341/2830

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RM 3655, AUG 74

REPLACES DA FORM 3855 R. I NOV 70, WHICH IS DESOLETE.

APPC YI DÜ



rearms Division: Please examine Exhibits 4 (shell easing) and 5 (expended bullet) of previously submitted lab request, and termine if Exhibits 1-24 (this request) were used to fire either the shell easing or bullet.

/2 126-5-161-5

quest this examine be processed under expedited conditions due to the high visibility this investigation has at the DA level, and the MACOMS of CID and USASOC. This investigation involves the murder of a host nation civilian in Afghanistan. ditionally, the seizure of these weapons has rendered an entire Special Forces Detachment non-operational until such a time a jority of the weapons may be returned.

ase Conduct Any Other Tests You Deem Necessary.

Evidence above has not been examined by another expert in the same scientific field.

RINTED NAME OF REQUESTOR

6 Nov 2002

USAPE VI. 00



#### **DEPARTMENT OF THE ARMY** US ARMY CRIMINAL INVESTIGATION LABORATORY 4553 N 2ND FOREST PARK GA 30297-5122

CILA-BEF (195-2c)

2 December 2002

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 87TH MILITARY POLICE DETACHMENT, (ABN), (CID) (FWD), 507TH CGS, UZBEKISTAN BRANCH OFFICE, APO AE 09311

SUBJECT: Submitter Case Number: 0114-02-CID369-23525

USACIL Referral Number: 2002-CID131-2225

676.5766.5 Suspect(s): 67C-51 66.5 61651 66.5 6765,66-5

1. Enclosed is the Laboratory Exhibit Listing (Encl 1) and Final Division Reports for the following divisions: Firearms (Encl 2) and Imaging and Technical Support (Encl 3). The Serology/DNA Report is pending.

- Two original reports have been produced. One report is enclosed, as stated, and the other is kept in the official files of this laboratory and maintained IAW AR 25-400-2 and CIDR 195-1.
- 3. IAW AR 195-2, requests and fund cites for court appearances of Laboratory Examiners will be made at least 10 working days prior to the date of court proceedings.

POC is the Laboratory Operations Assistant, DSN 797-'CM (404) 469-FAX (404) 469-7/DSN 797-1.6762,16.2 676-1,156-2

3 Encls





AN ASCLDALAB ACCREDITED LABORATORY (SINCE 1985)

26 November 2002

Page 01 of 01

#### LABORATORY EXHIBIT LISTING

SUBJECT: Submitter Case Number: 0114-02-CID369-23525

USACIL Referral Number: 2002-CID131-2225

Suspect (s): 41.5, 66.5

676.5166.5 676.5166.5 676.5166.5

#### Exhibits:

1 - Zip disc (Item 1, Voucher 046-02).

2 - Lap top computer SN: 283183330 3621694 (Item 1, Voucher 047-02).

3 - Necklace(prayer beads) (Item 1, Voucher 048-02).

4 - Cartridge case (Item 1, Voucher 049-02).

5 - Bullet (Item 2, Voucher 049-02).

6 - Metal fragment (Item 3, Voucher 049-02).

7 - Carbine, M4, SN: W307216 (Item 1, Voucher 650-02).

8 - Carbine, M4, SN: W339055 (Item 2, Voucher 650-02).

9 - Carbine, M4, SN: W339063 (Item 3, Voucher 650-02).

10- Carbine, M4, SN: W339069 (Item 4, Voucher 650-02).

11- Carbine, M4, SN: W339082 (Item 5, Voucher 650-02).

12- Carbine, M4, SN: W339097 (Item 6, Voucher 650-02).

13- Carbine, M4, SN: W339108 (Item 7, Voucher 650-02).

14- Carbine, M4, SN: W339110 (Item 8, Voucher 650-02).

15- Carbine, M4, SN: W339111 (Item 9, Voucher 650-02).

16- Carbine, M4, SN: W339115 (Item 10, Voucher 650-02). 17- Carbine, M4, SN: W339116 (Item 11, Voucher 650-02).

18- Carbine, M4, SN: W339117 (Item 12, Voucher 650-02).

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19 November 2002

Page 01 of 02

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#### FIREARMS DIVISION REPORT

SUBJECT: Submitter Case Number: 0114-02-CID369-23525

USACIL Referral Number: 2002-CID131-2225

Suspect(s):

676.5, 66.5 676.5, 66.5 676.5, 66.5 676.5, 66.5

#### Exhibits:

4 - Cartridge case (Item 1, Voucher 049-02).

5 - Bullet (Item 2, Voucher 049-02).

6 - Metal fragment (Item 3, Voucher 049-02).

7 - Carbine, M4, SN: W307216 (Item 1, Voucher 650-02).

8 - Carbine, M4, SN: W339055 (Item 2, Voucher 650-02).

9 - Carbine, M4, SN: W339063 (Item 3, Voucher 650-02).

10- Carbine, M4, SN: W339069 (Item 4, Voucher 650-02).

11- Carbine, M4, SN: W339082 (Item 5, Voucher 650-02).

12- Carbine, M4, SN: W339097 (Item 6, Voucher 650-02).

13- Carbine, M4, SN: W339108 (Item 7, Voucher 650-02).

14- Carbine, M4, SN: W339110 (Item 8, Voucher 650-02).

15- Carbine, M4, SN: W339111 (Item 9, Voucher 650-02).

16- Carbine, M4, SN: W339115 (Item 10, Voucher 650-02).

17- Carbine, M4, SN: W339116 (Item 11, Voucher 650-02).

18- Carbine, M4, SN: W339117 (Item 12, Voucher 650-02).

#### Findings:

1. Exhibit 4 is a 5.56MM caliber cartridge case manufactured for the US Army by the Lake City Army Ammunition plant. Exhibit 5 is a 5.56MM caliber full metal jacketed bullet with six land and groove impressions with a right twist. Microscopic examination of Exhibits 4 and 5 revealed sufficient individual characteristics for comparison purposes.

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19 November 2002

Page 02 of 02

#### FIREARMS DIVISION REPORT (Continued)

SUBJECT: Submitter Case Number: 0114-02-CID369-23525 USACIL Referral Number: 2002-CID131-2225

- 3. Exhibit 6 (metal fragment) is not firearm related and has no evidentiary value.
- 4. Exhibits 13 and 15 (carbines) are mechanically functional firearms with the incorporated safety features working properly. Their trigger pull forces are approximately  $8\frac{1}{2}$  pounds in the semi-automatic and burst modes of fire.
- 5. Using laboratory ammunition and magazine, Exhibits 13 and 15 were test fired. The recovered test cartridge cases and bullets were microscopically compared to Exhibit 4 (cartridge case) and Exhibit 5 (bullet). Exhibits 4 and 5 were identified as having been fired in and through Exhibit 13 (M4 Carbine, SN: W339108).
- 6. The examination of the other submitted firearms was not required due to the above identification.

Senior Firearms Examiner

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# UNITED STATES ARMY CRIMINAL INVESTIGATION LABORATORY 4553 N 2ND FOREST PARK GA 30297-5122

26 November 2002

Page 01 of 02

#### IMAGING AND TECHNICAL SUPPORT DIVISION REPORT

SUBJECT: Submitter Case Number: 0114-02-CID369-23525

USACIL Referral Number: 2002-CID131-2225

Suspect (s) 61-5

676-5166-5 676-5166-5 676-5166-5

#### Exhibits:

1 - Zip Disk (Item 1, Voucher 046-02).

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2 - Laptop computer (Item 1, Voucher 047-02).

#### Findings:

- 1. The copy of this report contained on the attached Compact Disc (CD), Enclosure 1, is a hyperlinked rich text file (.rtf). By viewing the report in Microsoft (MS) Word 97 (or higher version) from the enclosed CD, the reader of this report will have the ability to hyperlink to the referenced files.
- 2. Examination of Exhibit 1 revealed a directory labeled, "SAYARI INCIDENT," which contained several images of apparent importance to the incident under investigation. The contents of this directory can be found on Enclosure 1 at Exhibit 1\C\SAYARI INCIDENT. Fifteen of the images were copied from Exhibit 1, converted to Tagged Image File Format (TIFF), processed and printed. The prints are attached as Enclosures 2 through 16 (one copy file, three copies to requestor) of this report. Several of the images in this directory were found to be duplicates of other images and were not printed.
- 3. An examination of the hard drive (HDD) of Exhibit 2 was conducted to see if there were possibly more images pertaining

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#### IMAGING AND TECHNICAL SUPPORT DIVISION REPORT (Continued)

SUBJECT: Submitter Case Number: 0114-02-CID369-23525
USACIL Referral Number: 2002-CID131-2225

to the incident under investigation. All deleted files and recoverable digital images from unallocated space were examined. All images and documents that are believed to pertain to the incident under investigation were recovered and can be found on Enclosure 1. Examples of the images and documents found can be viewed on Enclosure 1 at Exhibit 2, HDD\C\Documents and Settings\All Users\Desktop\My Briefcase\Sayari mv face.jpg; Exhibit 2, HDD\C\Documents and Settings Desktop *ЫК:33,Ы:3,* 3 FPIRS\FPIR-G-067-02.doc; Exhibit 2, HDD\C\Documents and FPIRS\FPIR-G-069-02.doc; Exhibit 2,676-3,3,66-3,3 Desktop IMAGERY\Sayari 6763,3,66.3,3 HDD\C\Documents and Settings Desktop um far.jpg; and Exhibit 2, HDD\C\Documents and Settings SITREPS OUT\Sep02\7SEP02SITREP.txt.676-3,66-3

3. Enclosure 1 contains a MS Access 2000 database, <u>022225DB</u>, which lists all active and recently deleted files found on Exhibits 1 and 2 in the allfiles table. In addition to the allfiles table, a query can be found in the queries section which shows the image files found pertaining to the incident under investigation.

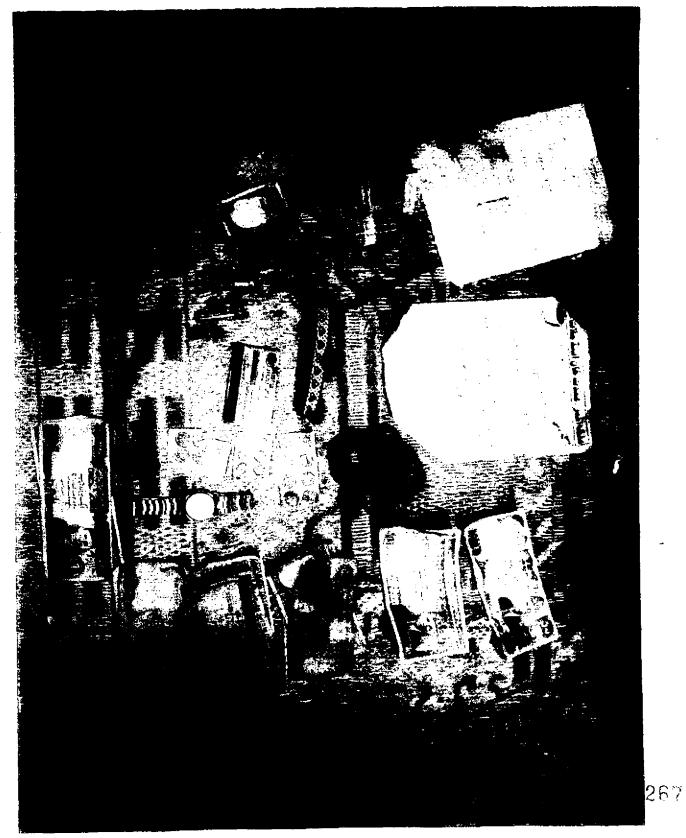
4. If there are any questions concerning the examinations or this report, please direct them to the undersigned at DSN 797-2,662 commercial (404) 469 or email usacilacirs.army.mil. 6707,662 6707,662

Encl As CFCE
Forensic Computer Examiner

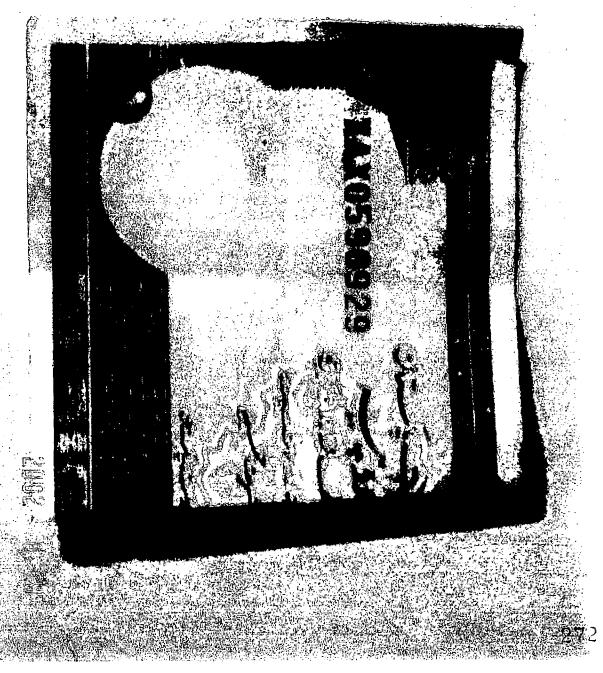
245



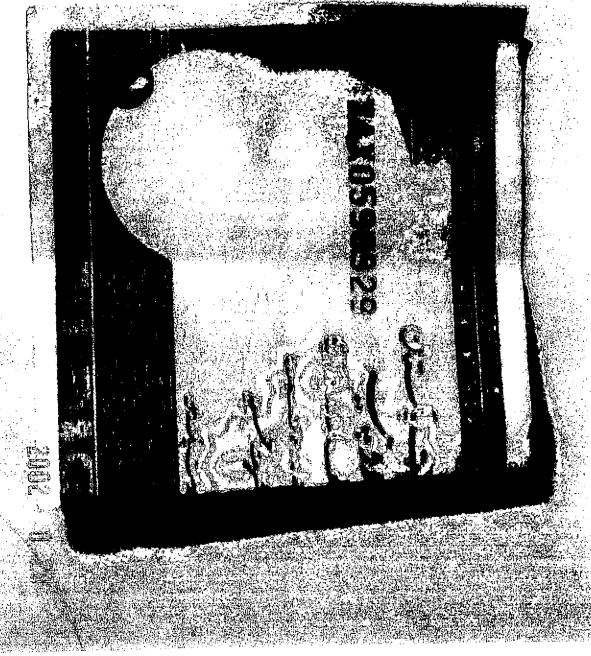
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R ... / 15



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273

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#### Sworn Statement

0114-02-10369-23525 1130-02-010025=

LOCATION: 87th Military Police Detachment (CID)(ABN), Fort Bragg, NC 28310

DATE: 7 Nov 02 TIME: 1302

NAME: 67C-4, 66-4

SSAN: 676-4, bl-4

RANK: E-6/SSG

ORGANIZATION: A Company, ODA 343, 2/3 SFG(A), Fort Bragg, NC 28310

want to make the following statement under oath:

Between May and Sep 02 I was deployed to Firebase Lwara, Afghanistan.

- Q. Were you present at the base when a shooting of a local national occurred on 28 Aug 02?

  A. I was at the base, but I was on radio watch when the actual incident occurred. I didn't even
- know that they left the camp at the time.
- Q. Were you aware of the CONOP that was put together to set up a checkpoint to stop the victim?
- A. No. There wasn't a CONOP that I know of. This whole thing fell under what we called local security.
- Q. Why wouldn't you know about a mission that your team planned and executed that day?
- A. I was aware that they were going to stop the guy. ODA 341 left on a mission that day and was watched to see if someone was following them. I heard they weren't followed by anyone.
- Q. When your team members left to set up this hasty checkpoint, were you aware they were leaving?
- A. No.
- Q. Did they conduct a radio check?
- A. I don't remember. They may have.
- Q. Did you know the victim of this shooting?
- A. No.
- Q. When did you first learn of the shooting?
- A. After they shot the guy, some people came into my radio area and told me what happened.
- Q. Who was it that first notified you of the incident?
- A. I don't remember. It was several people but I can't remember who.
- Q. What were you told?
- A. That there had been a shooting. They stopped the guy that they thought was following them. He raised a weapon or and both and returned fire and killed him. I was told they set up a checkpoint outside the camp to stop him. They stopped his vehicle when he came through the checkpoint. He had a few AMF passengers that were sent away from the area. They said they tried to call back here but there was no response on the radio.
- Q. Who told you this?
- A I don't remember
- Q. Was it members of your team?
- A. Yes
- Q. What was the primary purpose of the stop?

1576-4,66-4

DAVForm 2823

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Page L of Page Exhibit: 55

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67C-4,66-4 01130-02-CID369 Statement of SSGA taken at Building 8-1221, Fort Bragg, NC_28310 on 7 Nov 02, continued: 0114-02-610369-275-25 A. To question the guy about what he was doing. Q. How many passengers were with the victim when he was stopped? 1130-02-C | D023-676-4,06-4 A. I don't know. I was only told there were a few others but I don't know how many that is. and dismissed the other passengers in the vehicle? A. From what I understand, they all were AMF and it didn't have anything to do with them. Q. What happened after you were told about incident? A. They said they were taking some CI guys out there so they could do what they had to do at Q. Did you ever go out to where the shooting occurred after the incident? A. No: Q. Do you know if your team ever went back to where the shooting occurred? A. I don't know. Q. Where was the information developed that this guy had been following the team? A. I don't know. was in charge of that kind of stuff. He interacted with the locals and developed a lot of information that way. Q. Did you or any of your team members observe this guy following anyone? A. I don't know. Q. Were you present at a briefing after the shooting were some of the details were discussed? A. Yes. Q. What was said at this meeting? A. The same thing. These guys stopped the guy because they thought he was following them and after he was stopped he raised a weapon at them. The way I understand it, CPT were pulling security while stopped the guy. I think they said that and was searching the vehicle when the guy picked up his weapon. I'm not sure. Q. Who else was at the scene during the incident? A. I wasn't aware anyone else was there besides Q. Did state that a "hit" was put out on him by the guy that was shot? A. He said a hit had been put out on him. One of the locals told him, but I don't know who it was that put a hit out on him. I think said that a few days before the shooting took place, but I am not sure. Q. When everyone came back to the camp, did you see the body in the back of the truck? Q. Did you recognize him? A. No. Q. Had you ever seen him outside the camp before? Q. Did you see the weapon that the victim had? A. No. Q. What were you told about the weapon? A. I don't know. I think they said it was an AK. Q What happens to the weapons that are seized during operations? A. Sometimes we kept them, sometimes we blew them up, sometimes we give it to the AMF 676-4,56-4 Page 2 of 4 Pages Exhibit: 5-5-DA Foriet 2823 FOR OFFICIAL USE ONLY

01130-02-CID369

Statement of SSG continued:

0114-01-618369-23525

O. What happened with this particular weapon?

A. I don't know. I never saw it.

1130-02-C | D023-

Q. What have you discussed with your team members since this investigation has been under

A. Just that CID was looking into to it. As far as I know, this was a justified shooting. I only know what I was told.

Q. Has anyone ever asked you to conceal any of the facts from anyone investigation this matter?

A. No.

Q. Where you present at the first shooting that occurred in Lwara in Jun 02?

A. I was at the base, but I was not involved in the shooting.

Q. What do you know about the incident?

A. I was on radio watch. At the time, we had a few guys watching activity around the base when they noticed two kids and a man with one pair of binoculars and a weapon. There were a group of our guys going to the range. I contacted them over the radio and told them to proceed to the location where this guy was. They weren't sure where to go I went topside with another radio and asked the spotters where the guy was. I then told them were they needed to go and went back down into my radio hooch.

Q. Did you hear shots fired from where you were?

A. No.

O. When did you get word that there had been a shooting?

A. I think when the guys on the roof said something. They may have said they heard shots. I can't remember.

Q. What happened next?

A. I got a call from them that shots were fired and a man was down, but no US personnel were injured.

Q. What happened when they returned to the base?

A. They brought the man and his weapon back to the base. A short time after being on the base. he was taken back to the area where he was killed. I think the locals picked him up from there to give him a burial.

Q. Did you look at the body when he was back at the camp?

A. I just glanced at him. I couldn't tell you anything about him.

Q. Who was in the vehicle that went out to intercept the man and the kids?

A. I'm pretty sure and an owere there, but I am not sure who else. Maybe don't know.

O. Were there others in the vehicle?

A. I don't know

Q: Is this statement in your own words and typed by this agent?

A: Yes

Q: Do you have anything further to add to your statement?

A: No

676-4,156-4 DA Form 2823

FOR OFFICIAL USE ONLY

Page 3 of 4 Pages

Exhibit: 55

aken at Building 8-1221, Fort Bragg, NC 28310 on 7 Nov 02,

0114-04-618369-23525

3389-02-01 D628-

b7c-4, b6-4 AFFIDAVIT

HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES

continued:

SA 676-1, 66-1 (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer paths, this 7th day of November, 2002, at Building 8-1221, Fort Bragg, NC 28310

676-1, 66-1

5476-1.1/

3d Military Police Group (CID)

Fort Bragg, NC

(Name of Person Administering Oath)

Article 136, UMCJ (Authority to Administer Oaths)

71-4, b6-4

DA Form 2823

FOR OFFICIAL USE ONLY

Page 4 of 4 Pages

Exhibit: 55

	ARNING PROCEDURE/ form, see AR 190-30, the pi					
101 030 01 011				<del></del>		
	DATA REQUIRED BY THE		0.10.73.	3.6		
AUTHORITY: Title 10, United States PRINCIPAL PURPOSE: To provide commande						
ROUTINE USES: Your Social Security !	Number is used as an additional/alte	mate means of identificat	ion to facilitate filing and r	ctrieval.		
DISCLOSURE: Disclosure of your So	cial Security Number is voluntary		W:4.h	1-4-/		
I. LOCATION		2. DATE	3. TIME	4. FILE NO.		
87 th MP DET (CID) (ABN), Fort Bragg, NC 5. NAME (Last, First, MI)	28310	12 Nov 02 8. ORGANIZATIO	1015	1130-02-CID023		
62.4, 66-4		A Company, 2/3	rd Special Forces Grou	цр		
6. SSN 67C-4, 66-4	7. GRADE/STATUS SSG/AD	Fort Bragg, NC	28310			
PAR	I 1 - RIGHTS WAIVER/NON-W	AIVER CERTIFICATE				
Section A. Rights						
The investigator whose name appears below told me that	he/she is with the United States	Criminal Investi	gation Command			
			the following offense(s) of	which I am		
suspected/ Murder/Conspiracy		<del></del>				
Before he/she asked me any questions about the offense		me that I have the follow	ing rights:			
I do not have to answer any questions or say anything  Anything I say or do can be used as evidence against						
(For personnel subject to the UCMJ) I have the right		during, and after question	ing and to have a lawyer pr	resent with me		
during questioning. This lawyer can be a civilian law						
of gr both.						
<u> </u>	· ar ·					
(For civilians not subject to the UCMJ) I have the rigi		, during, and after questio	oning and to have a lawyer	present with me		
during questioning. I understand that this lawyer can						
appointed for me before any questioning begins.						
f. If I am now willing to discuss the offense(s) under inv		present, I have a right to	stop answering questions a	t any time, or speak		
privately with a lawyer before answering further, even 676-47, 66-47	tit i sign me waiver below.					
5. COMMENTS (Continue on reverse side)						
Section B. Waiver						
I understand my rights as stated above. I am now willing without having a lawyer present with me.	to discuss the affense(s) under invi	stigation and make a state	ement without talking to a	lawyer first and		
WITNESSES (If available)	3. SIC	NATUR				
1a NAME Cupe or Printle		4	616-4.66-4	-		
SA 676-1						
b ORGANIZATION OR ADDRESS AND PHONE	1. SIC	NATURE OF INVESTIG	ATO			
3 rd Military Police Group CID Fort Campbell, KY 42223				121 1 1/2/		
2a. NAME (Type or Print)		***************************************	AUATOR Z	16-15 16-1		
24. 17, 210, 13, 15, 15, 15, 15, 15, 15, 15, 15, 15, 15	SA		676-1	576-1566-1 1,66-1		
b. ORGANIZATION OR ADDRESS AND PHONE		GANIZATION OF INVE	SHUMIOK			
		MP DET CID (ABN) Bragg, NC 28310				
C N W	Tolt	Blagg, NC 20310		···		
Section C. Non-Waiver						
1 I do not want to give up my rights						
☐ I want a lawyer		I do not want to be ques	nioned or say anything			
3 SIGNATURE OF INTERVIEWEE		,				
ATTACH THIS WAIVER CERTIFICATE TO ANY SY	WORN STATEMENT (DA form 28	73) SUBSEQUENTLY E	XECUTED BY THE SUSI	PECT/ACCUSED		
DA FORM 3881, NOV 89	EDITION OF NOV 84 IS O					
The second second tree is as			ا " ب سسو	$\frac{280}{100}$		
			EXAIL	bit 56		

DOD-DOACID000872

#### Sworn Statement

LOCATION: 87th Military Police Detachment (CID) (ABN), Fort Bragg, NC 28310

DATE: 12 Nov 02 TIME: /3/0

NAME: 674-4,86-4

SSAN: 676-4, 56-4

RANK: E-6/SSG

ORGANIZATION: A Company, 2/3rd SFG (A), Fort Bragg, NC 28310

## want to make the following statement under oath:

I am a member of ODA 343 and was deployed to Firebase Lwara from around May 02 - Sep 02.

- Q. Were you present during a shooting that occurred on 28 Aug 02 outside the Lwara Firebase?
- A. No. I was at the camp, but I was not part of the mission.
- Q. What did you know about this mission on the day it occurred?
- A. I didn't know the team had left on a mission. I believe I was working vehicle maintenance that day. The team had Firebase Activities that day.
- Q. What are Firebase Activities?
- A. Mostly administrative and base operations duty. The two teams alternate and carry out the routine base functions.
- Q. What led up to the stopping of Mr. SAYARI for questioning?
- A. The day before the shooting some information was put out during a team meeting that a local Afghan had been following the team. I don't think the Afghan had been identified by name, but a description of his vehicle was put out. They said that this guy put out a "hit" on one of the team members.
- Q. Were did this information come from?
- A. I think from SOT-A intercepts and other informants, maybe AMF folks. Chief dealt with most of the Intel gathering.
- Q. Who put out the information at this meeting?
- A. I can't remember who said what.
- Q. Who was the "hit" put out on?
- A. We did not know but presumed it was Chief
- Q Why did you presume it was Chief 2715, bl
- A. I don't know if someone came out and said it, or if we just assumed it.
- Q. Did any of the team members personally observe this man following them?
- A. I didn't see him. I never heard if anyone else saw him.
- Q. During this meeting the day before the shooting, did the team plan a way to detain the man?
- A. We were just told to keep an eye for the guy. We wanted to talk to him.
- Q The very next day, which was the day of the shooting, when did you first learn your team members were involved in a shooting?

A. Around mid-day, maybe late morning, a cook stopped and asked me "was it that shot that guy". I didn't know what he was talking about. He said something to the effect of that there was a shooting. I immediately walked over to the radio room and asked SSO if the knew what happened.

1876-4, BC-4

Page 1 of 5 Pages

DA Form 2823

FOR OFFICIAL USE ONLY

BJC-4766-41 01130-02-CID023 Statement of SSG# taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02, 0114-02-410369-23525 continued: Q. Do you know the cook's name? 67C-4,66-4 A. No. tell you when you asked him about it? Q. What did SSG A. He told me that he was still trying to get information about the shooting, but he wasn't able to raise them on the radio 126-4, 16-4 find out about the shooting? Q. How did SSG A. I don't know. A. I went to our tent and asked SFC if he heard about the shooting know anything about the incident? A. No. It was the first he heard of it. doing when you walked in the tent? Q. What was SFC A. He was watching TV, a movie or video game I think. Q. What happed after you left the tent? A. I'm pretty sure I went back doing what I was doing. I think I finished up on the vehicles and took over radio watch. Q. At what point did those involved in the incident come back to the firebase? I am not sure. Q. Did you see them pull into the camp? A. No Q. Can you detail what you know about what happened when they got back to the camp? A. I'm pretty sure they went back to the Ops Center. I saw them later in the day when they came into the Ops Center to type up their statements. Q Who was typing up statements? W.5 62.5, 66.5 SSG SFC and SSG who were at the scene. O. Was there anyone else at the scene when the shooting incident occurred? No, not to my knowledge. Q. Were you present at the scene during the shooting incident? A. No. Q. Have you ever been to the shooting scene? A. I never have stopped at the scene, but a couple of days after the shooting I had SFC point out to me the area as we drove by the scene. We never stopped, we were on another mission. 67CE166-5 present at scene during the shooting? Q. Was CW2 A. Not to my knowledge. Q. Did you ever see the weapon that reportedly belonged to the man they shot, Mr. SAYARI? A. No. Q. Do you know what was done with the weapon? A No. Q Was there an AAR conducted by the Team regarding what happened? A. Yes, later that same evening as the shooting, we all met to discuss what happened O Where did the AAR take place?

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Page 2of 5 Pages

Exhibit: 56

A. In the Ops Center.

DA Form 2823

- 676-456-4

676.4,156-4 01130-02-CID023 Statement of SSG. taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02, continued: 0114-02 -410369-23525 Q. Who was present? A. The entire team, minus MSG who were not at Lwara. Q. Who led the meeting? may have spoken as A. CPT and SFC briefed. I think Chief 1,765,665 1016.516.5 well. Q. What were you told occurred during the shooting incident? A. As I understand it, someone saw his guy driving by the camp and the team went out and followed him. Q. Was this the same man that was talked about during the meeting the day before? A. They believed it was. O. Was it? A. I don't know. No names were mentioned in the meeting the day before. Q. Where was the man spotted on the day of the shooting? A. I believe it was put out that he was driving along River Road which runs along the firebase. Q. Who spotted him? A. I don't know Q. What did the team do after the man was spotted driving along side the camp? A. I did not see what happened, but I think the four guys boarded one HMMWV and drove down to stop him. Q. Is this what was briefed during the AAR after the shooting? A. I don't recall if this is exactly what was said, but this is what I understood. Q. What happened next? A They put out that he was stopped near the water point. I was told the guy was traveling with bodyguards and that they sent them walking. Q. Why did they send the bodyguards walking? For their own safety. O. Who stopped the vehicle? A. I don't know. Q. What where the positions of your four team members?

A. CPT were on security. SFC were directing their attention towards the vehicle. I don't know the details. Q. What happened after they sent the man's passengers away? A. I believe they patted the guy down and sturned to call back for an interpreter. At that point, SSG the point observed the suspect take hold of the weapon that was found in the vehicle then opened fire hitting the man with two shots, one and point it at SFC then turned around and fired several rounds in the abdomen and one in the chest. SFC into the man, who was still standing. SSG dispatched one more round hitting the man in head, which finally put him down. Q. Did the man that was detained carry any weapons? A. I believe there were weapons on the vehicle based on what was briefed Q What kind of weapon was it? A An AK-47. Q. What happened to the weapon? A. I don't know Page 3 of 5 Pages Exhibit: 56 DA Form 2823 FOR OFFICIAL USE ONLY

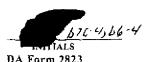
01130-02-CID023

## Statement of SSGI

taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02,

0114-02-618369-23525 continued: Q. Why didn't they secure the weapon a safe distance from Mr. SAYARI if they believed he

- could have put a "hit" out on one of the team members?
- A. I don't know.
- Q. What happened out there immediately after the shooting?
- A. CI personnel, an interpreter, and the AMF sub-commander were dispatched to the scene. I don't know how they got the word.
- O. Did two of the four team members at the scene drive back to the camp after the shooting?
- A. I don't know.
- Q. What was put out at the AAR?
- I don't remember.
- Q. Did they talk about any lessons learned?
- A. I think the big gripe was a communication break-down between the team members, and that the mission was put together a little too hasty.
- Q. Was there a CONOP put forth to get this plan approved?
- A. Not that I know of.
- Q. Have you ever seen any of the photographs taken of the victim at the scene?
- A. I saw one photograph that one of the CI guys had. It was the photo showing the head shot. I never saw any other photographs.
- Q. What did you know about the victim before the shooting occurred?
- A. Nothing. I assume it was the same guy they were talking about the day before, but his name was never mentioned.
- Q. Why would you not have participated in this operation?
- A. I was carrying out base activities, including maintenance on some of the vehicles.
- Q. Did you ever see Mr. SAYARI?
- A. No.
- Q. Was he brought back to the camp?
- A. I wasn't aware he was. I thought he was turned over to the AMF on the spot.
- Q. Did any members of ODA 343 or others, go back to the scene to disturb or disrupt it in any way?
- A. No.
- Q. In your first statement to CID, you mentioned that it was your understanding that SSG was in the gun turret of the HMMWV. Do you still believe that?
- A. No. After we got back to Fort Bragg, I learned that SSG was not in the turret, but on the ground during the incident?
- Q. How did you learn this?
- A. Through casual conversation within the team.
- Q. Has anyone asked you to be less than truthful regarding your knowledge of this matter?
- A. Absolutely not.
- 676-5,66-5 Q. As far as you know, SFC turned his back on the Mr. SAYARI to use the radio to call for an interpreter?
- Q. Do you know why they would not have brought an interpreter?
- A No



FOR OFFICIAL USE ONLY

Page 40f 5 Pages

Exhibit: 576

01130-02-CID023 Statement of SSG taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02, continued: D114-02-610769-23525 fired the last shot into Mr. SAYARI which Q. Is it your understanding that SSG struck his head? A. Yes. I think it was put out that he was spun around and going down when he was shot. Q. Is this statement in your own words and typed by this agent? A. **YES** , 676.4,614 Q. Do you have anything further to add to your statement? A. No AFFIDAVIT HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE

BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR

WITNESSES:

5A 67C-1,66-1

UNLAWFUL INDUCEMENT.

(Signature of Person Melcing Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of November, 2002, at Building 8-1221, Fort Brogg, NC 28310

(Signature of Person Administering Oath)

3d Military Police Group (CID)

Fort Bragg, NC

(Name of Person Administering Oath)

Article 136, UMCJ (Authority to Administer Oaths)

1 b7C-4,66-4 DA Form 2823

FOR OFFICIAL USE ONLY

Page 5 of 5 Pages

Exhibit: <u>56</u>

		ARNING PROCEI				
	For use of this	form, see AR 190-30	); the proponent ag	ency is OD	CSOPS	
		DATA REQUIRED 8	Y THE PRIVACY AC	T.		
		-			0369-235	25
AUTHORITY: PRINCIPAL PURPOSE:	IORITY: Title 10, United States Code, Section 3012(g)					
ROUTINE USES:	Your Social Security !	Number is used as an addit	ional/alternate means of	fidentification	n to facilitate filing an	d retrieval.
DISCLOSURE:	Disclosure of your So	cial Security Number is vo	luntary.			
I. LOCATION			I 2 DATE		3. TIME	4. FILE NO.
87th MP DET (CID) (AL	BN), Fort Bragg, NC	28310	12 Nov		14/63	1130-02-CID023
5. NAME (Last, First, MI)					OR ADDRESS	······
	D67C-5, 66-5		A Com	pany, 2/3 ^{ra}	Special Forces Gr	roup
6. SSN		7. GRADE/STATUS	Fort Bri	agg, NC 28	310	-
676-51	66-5	CW2/AD				
	PAR	1 - RIGHTS WAIVER	NON-WAIVER CERT	<b>TIFICATE</b>		
Section A. Rights						
and the second of the second		hazaka in with the United	States Cuiunine	3 Y	stice Commond	
The investigator whose name	appears below told file that	neshe is with the Office			ation Command e following offense(s)	of which I am
suspected Murder	r/Conspiracy/False O	fficial Statement	and Named to decome		- 10110B(v)	
Before he/she asked me any qu			it clear to me that I have	the following	g rights:	· · · · · · · · · · · · · · · · · · ·
i do not have to answer any						!
. Anything I say or do can be						
. (For personnel subject to th						
during questioning. This la	iwyer can be a civilian law	yer I arrange for at no exp	ense to the Government	or a military	lawyer detailed for me	at no expense to me,
or both.						
		_	or -			
(For civilians not subject to	the UCMD I have the righ			after question	ing and to have a lawy	er present with me
during questioning. I under						
appointed for me before any		Ü	,		-	·
4. If I am now willing to disci	uss the offense(s) under in	vestigation, with or withou	t a lawyer present, I hav	e a right to st	op answering question	s at any time, or speak
privately with a lawyer before	ore answering further, ever	n if I sign the waiver below	٧.			
5, 56-5						
5. COMMENTS (Continue or	n reverse side)					
			_ <del></del>			
Section B. Waiver	****	a 12 at 50 at 5	4 . 7			a laurus Gast and
I understand my rights as state without having a lawyer prese.		g to discuss the offense(s) t	inger investigation and i	make a staten	teni without tatking to	a lawyer instant
	ITNESSES (If available)		3. SIGNATURE OF	INTERVIEV	VEE	
1a. NAME (Type or Print)	TITESSES (I) GVSHBDIE)		y ordinate one of	HAT DAY		
SA	1.71-1. 66-1		T		676.5,15	6-5
b ORGANIZATION OR A	DDRESS AND PHONE		A Sammery Cor	UNIVESTICA	TOR	
3 rd Military Police Group	p CID					
Fort Campbell, KY 422	23		50.		157C-1566	76-156-1
2a. NAME (Type or Print)			5. THEUNAIGH	IL INVERIM	ATOR	į
			SA		1576/156	/
b. ORGANIZATION OR AL	DERESS AND PHONE		6. ORGANIZATION	A-OF DAMES.	TIGATOR	
			Fort Bragg NC	28310		
			Tott Biagg. The			
Section C. Non-Waiver	· · · · · · · · · · · · · · · · · · ·					
1 I do not want to give up my	y rights:					
			[] I do not wan	a to be miestic	oned or say anything	
I want a lawyer  SIGNATURE OF INTER	VIEWEE				or oal animus	
· SIGNATURE OF INTER	VIF. W.E.C.					
ATTACH THIS WAIVER CO	PRITIFICATE TO ANY SY	WORN STATEMENT /DA	form 28231 SURSEOL	JENTLY EXI	CUTED BY THE SU	SPECT/ACCUSED
			V 84 IS OBSOLETE			
DA FORM 3881, NOV	αy	EDITION OF NO	V 64 (3 UDSULE I E			286 21 + 57
					Fyhik	1 57

#### PART II - RIGHTS WARNING PROCEDURE

#### THE WARNING

- 1 WARNING Inform the suspect/accused of:
  - Your official position
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
  - a "You do not have to answer my questions or say anything."
  - "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMI) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."
Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.) UES 116-5, 66-5

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?" NO 676-5166-5 (If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

SPECIAL INSTRUCTIONS

WHEN THE SUSPECT/ACCUSED REFUSES TO SIGN THE WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogations, completion may be temporarily postponed. Notes should be kept on the circumstances.

#### PRIOR INCRIMINATING STATEMENTS:

 If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions. 2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS. If during the interrogation, the suspect displays indecision about requesting counsel example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.)"

COMMENTS (Continued)

REVERSE OF DA FORM 3881 871/02685 *U.S. Government Printing Office: 1990-261-

#### Sworn Statement

LOCATION: 87th Military Police Detachment (CID) (ABN), Fort Bragg, NC 28310

**DATE: 12 Nov 02** TIME: 17265

67C-5, 156-5 NAME:

SSAN:

RANK: CW2

ORGANIZATION: A Company, 2/3rd SFG (A), Fort Bragg, NC 28310

121.51 BG-5 want to make the following statement under oath:

I am a member of ODA 343 and was deployed to Firebase Lwara from around May 02 - Sep 02.

- Q. Can you describe to me what you events led up to the shooting on 28 Aug 02?
- A. Yes. Around 23-24 Aug 02, an Afghani contact told me that there was a man named SAYARI who was following the members of the camp.
- Q. Who was this contact?
- A. I believe it was a local contact at the base, I'm not sure.
- Q. Did you prepare a Contact Report for this meeting with a local contact?
- A. I may have. I don't remember.
- Q. Who would you have sent the contact report to?
- who was my OCE at the FOB. A. CW3
- Q. What else did this contact say about SAYARI during your meeting on 23-24 Aug 02?
- A. He believed SAYARI was gathering intelligence about the base. At the time of this meeting, I did not put a face with SAYARI's name. I later learned that SAYARI was someone who I had seen on several occasions while I was outside of the base.
- O. Did this contact describe SAYARI to you?
- A. He said SAYARI was tall with a sparse beard and had gapped teeth.
- Q. Was any description given regarding his vehicle?
- A. Not during this meeting.
- Q. What did you tell you team members about what this contact had told you?
- A. I told the team that SAYARI was someone we should keep an eye out for. It was more or less a heads-up. There was no formal plan at this point to stop him, but I made it clear that our intent was to detain SAYARI and bring him back to camp.
- Q. What did you plan to do with SAYARI once he was back at the camp?
- A. He would have been turned over to the counterintelligence folks, and then sent to Bagram if it warranted.
- Q. What occurred next regarding the report that SAYARI was following the team?
- A. A few days later, ODA 341 headed out on a mission. We decided to follow ODA 341 and see if SAYARI followed.
- Q Was this the same day of the shooting, 28 Aug 02?
- A. Yes.
- Q. Please detail the events surrounding you following ODA 341
- A ODA 341 departed the camp on a mission and we left about ten minutes later. As we left the camp, I noticed a local man waiting at the gate. It was of interest to me because I was the one

676-5,66-5

Page of L Pages

DA Form 2823

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Exhibit: 52

676-5, 66-5 Statement of CW2 taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02, 0114-02-618369-23525 continued:

that usually spoke with the locals at the gate. We kept driving following the same route as ODA 341. Shortly after we left, I explained to the interpreter that we were looking for SAYARI. The interpreter told me that SAYARI was the man waiting at the gate. I was surprised to learn that was SAYARI because it was the first time I was able to put a face with the name. At that moment, I realized that SAYARI was someone that I had seen around Lwara on several previous about it. We continued to follow ODA 341 for a while but after it was occasions. I told clear that SAYARI was not following in the direction we were, we broke off and returned to camp.

Q. Who was the interpreter that was with you in the vehicle?

A. It was either

Q Could it have been 1.676.8, 66-8

A. No.

Q. Who was with you in the vehicle during this time?

SSG A. It was me, SFC

Q. Was there another vehicle with you? 676.5766.5

A. I'm not sure. Could have been. SSG may have been with us too. It is hard for me to picture.

Q. When you returned to camp after following ODA 341, was SAYARI still waiting at the gate?

A. No.

Q. What happened after you returned to camp?

A. We went over a tentative plan of action in the event he showed back up at the gate.

Q. What was the plan?

A. If he showed back up at the gate, I was going to ID him at the gate. If it was SAYARI, I would take my hat off. That was the signal to let the other guys know that it was SAYARI at the gate. While I talked to him, the other team members were going to abruptly depart the base. They were going to put up a checkpoint down the road to the south, towards the water point. The idea was to see if SAYARI would follow the team out the gate.

Q. What was the team going to do once he was stopped?

A. He was going to be returned to the camp so the CI could talk to him.

Q. Why wouldn't you talk to or detain SAYARI when he came back to the gate?

A. We wanted to catch him in the act of following us. They will deny everything unless you catch them in the act.

Q. Did you prepare an Operation Order or CONOP regarding the plan?

A. No.

Q. How did it all come together?

A. A short time later, SAYARI showed up at the gate. I think it was after lunch. I walked to talk to him. I took my hat off so the team knew it was SAYARI. We talked at the gate for few minutes regarding a vehicle he wanted to rent us. A few minutes later, the team came through the gate. They said to me that there was something big going on involving Al Qaeda. The continued out of the gate.

Q Who was the interpreter that you used

A. I'm not sure.

Q Could it have been 676-8, 66-8

A Yes.

DA Form 2823

Page 2 of G Pages

Exhibit: 57

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bIC-5) 66-5 Statement of CW2

taken at Building 8-1221. Fort Bragg, NC 28310 on 12 Nov 02,

continued: 014-0-418569-23525 Q. Did SAYARI continue to talk to you at the gate after the team left on their ruse?

A. I continued to talk to him for a few moments and then broke off of the conversation. I may have been abrupt in cutting off the conversation with him. I wanted to see if he was going to follow the team.

- Q. How many vehicle were the team members in when they left?
- A. Two.
- Q. Who on the team left out the gate on this mission?
- A. CPT SFC . SSG and SSG None of the commo guys left. 676-5166-5 67C-5, 66-5 676.51 66.5
- Q. After you broke off contact with SAYARI at the gate, what happened?
- A. I moved up to the commo area to try and get them on the radio.
- Q. Did you have luck reaching them via radio?
- A. No.
- Q. Who was on the radio when you went there?
- A. I think it was SSG but I am not sure.
- O. Did you visually see if SAYARI followed the men?
- A. I didn't look. I just went back to the radio area.
- Q. Did SAYARI have a vehicle at the gate when he talked to you?
- A. I didn't notice. I didn't readily see one.
- Q. What was the next thing you learned of the incident?
- <u>1172:51</u>156:5 A. I moved over to my tent once I couldn't reach them on the radio. Maybe ten minutes came up and tells me what happened. He gave me a brief description of what happened.
- Q. Who was with when he came to your tent?

  A I think SSG was him and I think he was carrying SAYARI's weapon, but I am not sure. I saw the weapon at the camp, but I'm not sure whether I saw it in the tent or the vehicle that they had driven back from the scene.
- Q. Did you ever take possession of the weapon?
- A. No. I don't think I did.
- Q. In your first statement to CID, you reported that you saw SAYARI on the 28 Aug at the gate to talk about renting a vehicle. You said in the statement that you told SAYAIR that you wanted him to come back later in the day, which he did. This was in order to put together the plan to stop him. You are now saying that you only talked to SAYARI once that day. Can you explain the discrepancy between the two statements?
- A. As I read my first statement to CID, I recall talking to him as we were leaving to follow ODA 34]. I did not know it was SAYARI at the time. It was only after talking to the interpreter that I realize the man I spoke with was SAYARI.
- Q. What did ell you about the incident while in your tent?
- A. He said that SAYARI came into the roadblock and stopped. At some point, he got a hold of his weapon and pointed his weapon at SFC and they had to shoot him. It was just a brief description of what went on until the AAR later that evening.
- Q. What did you do once told you about the incident?
- A. I rounded up some AMF personnel and the CI guys and went out to the scene.
- Q Did you go to the scene prior to the arrival of the CI personnel?
- A. I think they followed me. Once I got to the scene, I didn't leave until it was over

616-5,66-5

Page 3 of L Pages

FOR OFFICIAL USE ONLY

Exhibit: 52

01130-02-CID023

### Statement of CW2

taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02, の パリー・ロン・ログラムラー こうちょう

Q. Were you in the vicinity of the scene when the shooting occurred?

A. No.

Q. Did you only go to the scene after being notified there was a shooting by SFC

57C-3

A. Yes.

Q. Did you see the wounds of the victim?

A. Yes. I saw them at the scene. I did a quick review of the body.

Q. Can you describe what you observed?

A. I saw the open head wound. I saw the wounds to the back. I thought I saw entrance wounds to the front of the chest. I didn't see any obvious exit wounds.

Q. Did you collect any expended shell casings from the scene?

A. No.

Q. Do you know what happened to the expended shell casings?

A. No.

Q. Did you collect any expended bullets from the scene?

A. No.

Q. Do you know what happened to the expended bullets?

A. I have no idea.

Q. Did you or any members of the team go back and disturb or disrupt the death scene in any way?

A. No.

Q. What was done while you were at the scene?

A. The CI guys did their thing. They took some pictures and did some other things.

Q. What happened with SAYARI?

A. He was put in the back of his vehicle and driven back to the camp where the locals later came and retrieved him.

Q. Who did you coordinate with to have SAYARI's remains returned to the family?

A. The AMF commander, 47c-3,b6-3

Q. What ever came of SAYARI's weapon?

A. I don't know. I truly don't remember.

Q. Did the team conduct some sort of AAR after the shooting?

A. Yes.

Q. Please detail what you did or said?

A. We had a team meeting, probably in the Operations Center.

Q. Who led the AAR?

1705165

A. Probably the team sergeant, SFC

Q. Was there a picture drawn of the scene.

A. Yes. I think we sketched out the scene on a board. I also typed up an AAR and sent it up to the FOB. I typed up statements for each guy They told me what happened as I typed each statement.

Q. Did you identify any problems or lessons learned in AAR?

A Yes. We had a commo void.

Q. Did you have any reason to think this was anything other than a justified shooting?

A No

Q. Can you detail what you know about a "hit" being put out on you?

676-5756-5

Page 4 of L Pages

DA Form 2823

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Exhibit: 52

Statement of CW2 taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02, continued:

- A. We were told a white truck with a couple of people in it were going to follow us. It was from a SOT-A intercept. It was inferred that I was the target since I was the one that carried money.
- Q. Was this put out during the AAR?
- A. The "hit" thing happened a week or two weeks prior to the shooting. I don't think we mentioned it during the AAR. I was put out earlier and everyone was aware of it.
- Q. Did this "hit" information develop from any other sources?
- A. Yes It was through local contacts in addition to the SOT-A sources. It was based on the totality of the circumstances.
- Q. Did you or any other members of the team ever personally see SAYARI following the team?
- A. I never saw him following, but several times I saw his face in areas that we were at. I found that very curious.
- Q. When SAYARI left the camp gate after talking to you about leasing a vehicle, did he appear to be in a rush to leave and follow?
- A. I couldn't say. I wanted to break contact to see if he would follow
- Q. Would CPT have sent up a CONOP on this?
- A. No.
- Q. Would you have known if he had sent up a CONOP?
- A. Yes.
- Q. Is this statement in your own words and typed by this agent?
- A. 485 676-5, 66.5
- Q. Do you have anything further to add to your statement?
- A. No.

67C-5,16-5

DA Form 2823 FOR OFFICIAL USE ONLY

Page ∑of <u>U</u> Pages

01130-02-CID023 taken at Building 8-1221, Fort Bragg, NC 28310 on 12 Nov 02,

D114-02-C10369- 25525

-5 AFFIDAVIT

HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

54 67C-1, 66-1 (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of November, 2002, at Building 8-1221, Fort Bragg, NC 28310

(Signature of Person Administering Oath)

SA bilitary Police Group (CID)
Fort Bragg, NC

(Name of Person Administering Oath)

Article 136, UMCJ (Authority to Administer Oaths)

L7C-5166-5 DA Form 2823

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Page <u>k</u> of <u>k</u> Pages

Exhibit: <u>57</u>

#### Sworn Statement

LOCATION: 87th Military Police Detachment (CID) (ABN), Fort Bragg, NC 28310

**DATE: 14 Nov 02** 

TIME: /2:/3 NAME:

676-4766-4 676-4766-4

RANK: E-6/SSG

ORGANIZATION: A Company, ODA 343, 2/3 SFG (A), Fort Bragg, NC 28310

676.47 66-4

want to make the following statement under oath:

Between May and Aug 02 I was deployed to Firebase Lwara, Afghanistan.

- Q. Were you present at the base when a shooting of a local national occurred in Jun 02?
- A. Yes

SSAN:

- Q: What were you doing at the time of this shooting?
- A: I was in camp somewhere but can't recall exactly what I was doing.
- Q: What did you hear about this incident?
- A: I overheard there were three or four guys scoping out the firebase with weapons and binoculars.
- Q: What did you do when you heard this?
- A: I grabbed my weapon and climbed on top of the building to provide security.
- Q: Did you observe these individuals once you climbed on top of the building?
- A: I couldn't see anything due to the hills.
- Q: Do you remember what time this incident occurred?
- A: Sometime during daylight hours but I can't remember the exact time.
- Q: When did you first hear that shots had been fired?
- A: I can't recall, may have been while on top of the building or later on.
- Q: Did you ever look at the individual's body that had been shot?
- A: No, but I remember he was brought back to the firebase.
- Q: Who was involved in the shooting?
- A and a couple of other guys. I don't know there names. I believe some of them were from another team.
- Q: Who is 7 676-5, 66-5
- A: 616-5,16-5
- Q: What team were the other guys from?
- A: QDA 341
- Q. Was there a meeting or an AAR to discuss the events surrounding the shooting?
- A: I don't believe so. I can't recall.
- Q: What happened to the weapon this individual was carrying?
- A. I don't know.

DA Form 2823

- Q. Have you heard in detail what transpired out at the scene of the incident
- A: No.
- Q When did you leave Afghanistan?
- A: Around Aug 10 or so for emergency leave.

<u>6</u>7C-4, 66-4

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Page <u>/</u> of <u>2</u>.Pages

Exhibit: 58

U

#### aken at Building 8-1221, Fort Bragg, NC 28310 on 14 Nov 02, Statement of SSG

continued:

0114-02-610369-23525

- Q: When did you learn about the second shooting?
- A: When the team returned to Fort Bragg.
- Q: What did the team say about it?
- A: They said they were being investigated for shooting someone who went for his weapon, while his vehicle was being searched during a checkpoint.
- O: Has the team sat down and discussed the second shooting.
- A: If they have I don't know about it.
- Q: Have you discussed the second shooting with any of the individuals involved?
- A. No.
- Q: Is this statement in your own words and typed by this agent?
- Q: Do you have anything further to add to your statement?
- A: No.

**AFFIDAVIT** 

HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

676-4, 66-4 WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14th day of November, 2002, at Building 8-1221, Fort Brogg, NC 28310 (Signature of Person Administering Oath)

> 87th MP DET CID (ABN) 3d Military Police Group (CID) Fort Bragg, NC (Name of Person Administering Oath)

Article 136, UMCJ (Authority to Administer Oaths)

B7C-4, B6-4

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Page 2 of 2 Pages Exhibit: 58

	CEDURE/WAIVER CERTIFICATE 0-30; the proponent agency is ODCSOPS
<del></del>	ED BY THE PRIVACY ACT 0114-0= <10369- 235-25-
AUTHORITY: Title 10, United States Code, Section 3012(s	
PRINCIPAL PURPOSE: To provide commanders and law enforcement	it officials with means by which information may be accurately identified
	additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number	is voluntary.
1. LOCATION	2 DATE 3 TIME 4. FILE NO.
FORT BRAGE CID OFFICE	14 NOV 02 11:39 8 ORGANIZATION OR ADDRESS
5. NAME (Last, First, MI)	8 ORGANIZATION OR ADDRESS
1. 6.70-4. 66-4	2/3 3FG(A)
6. SSN 7. GRADE/STATU	
27-4.16-4 ET/AD	FORT BRAGGING ZOSIO
PART 1 - RIGHTS WAIV	ER/NON-WAIVER CERTIFICATE
Section A. Rights	
The investigator whose name appears below told me that he/she is with the Uni	and wanted to question me about the following offense(s) of which I am
- COMMAND	and wanted to question me about the following offense(s) of which I am
suspected accuse MURDER AND CONSPIRA	c/
Before he/she asked me any questions about the offense(s), however, he/she ma	ade it clear to me that I have the following rights:
1. I do not have to answer any questions or say anything.	
2. Anything I say or do can be used as evidence against me in a criminal trial.	
	wyer before, during, and after questioning and to have a lawyer present with me
	expense to the Government or a military lawyer detailed for me at no expense to me,
or both.	
4,66-4	
	• 07 •
	lawyer before, during, and after questioning and to have a lawyer present with me
	or at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be
appointed for me before any questioning begins	
	thout a lawyer present, I have a right to stop answering questions at any time, or speak
privately with a lawyer before answering further, even if I sign the waiver b	elow.
67C.4, 664	
5. COMMENTS (Continue on reverse side)	
Section B. Waiver	
I understand my rights as stated above. I am now willing to discuss the offense without having a lawyer present with me.	e(s) under investigation and make a statement without talking to a lawyer first and
WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE
la NAME (Type or Print)	-
	b1c-4,66-4
b. ORGANIZATION OR ADDRESS AND PHONE	4 SIGNATURE OF INVESTIGATOR  B7C-1, 66-1
	676-1,66-1
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR
Section C. Non-Waiver	
1. I do not want to give up my rights	
☐ I want a lawyer	☐ 1 do not want to be questioned or say anything
SIGNATURE OF INTERVIEWEE	Transfer on description of any militarity
SIGNATORE OF INTERVIEWE	
TT OH THE WANTER CERTIFIC TE TO ANY CHARLEST	TAL C 1012 FURDER OF ITALLY EVECTOED BY THE CHEREOT ACCUSED
	(DA form 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.
DA FORM 3881 NOV 89 EDITION OF 1	NOV 84 IS OBSOLETE 4 0 0

#### Sworn Statement

0114-02-610369-23525

LOCATION: 87th Military Police Detachment (CID)(ABN), Fort Bragg, NC 28310

DATE: 14 Nov 02

TIME: 13:30

NAME: 676-4,66-4

SSAN: \$76-4/66-4

RANK: E-7/SFC

ORGANIZATION: ODA 343, A Company, 2/3 SFG(A), Fort Bragg, NC 28310

# 87C-4, 66-4 want to make the following statement under oath:

I deployed to Firebase Lwara around 19 May and was there until around 24 Sep. When we got there we were busy setting up the base.

- Q. Where you at Firebase Lwara when a shooting incident occurred involving the death of a local man in Jun 02?
- A. Yes. I was at the base, but not involved in the shooting.
- Q. When did you first become aware there was a shooting?
- A. Not until they got back to the camp.
- Q. Who are you referring to?
- A. I heard SSG shot the guy, but I don't know who else was with him.
- Q. Were you aware that there were reports of a local man watching the camp with a pair of binoculars?
- A. I only learned of it after they returned to the camp with the body.
- Q. Where were you when the incident took place?
- A. I was building a shower for the camp.
- Q. Did you see the body or wounds of the dead man?
- A. No. He was brought inside the camp, but he was covered when I saw him.
- Q. Did you talk to any of the team members about it?
- A. No. MSG about it because he may have been upset about it.
- Q. Was there an AAR after this shooting incident?
- A Yes
- Q. Did you attend the AAR?
- A. No.
- Q. Why not?
- A. I wasn't involved in the shooting. We didn't have to attend some of the meetings if it didn't involve us.
- Q. What were you told happened during the shooting incident?
- A. I later learned that there was a group of guys going to the range. Around the same time, someone spotted a guy watching the camp from the ridgeline. The guys from the range went to find out what the guy was doing. As far as I know, the guy pointed a weapon and SFO shot him.
- Q Were you at Firebase Lwara when a second shooting occurred in Aug 02?

A. Yes 676-4, 66-4

Page ⊥ of ⊣ Pages

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Exhibit: 59

Q. Where you involved in this incident?

0114-02-610364 23525

A. No.

O. How were you first notified of this second incident?

A. I was in my tent playing a Tiger Woods Golf game. I had just finished up with radio watch. came into the tent asked if I heard about it. I didn't know what he was talking about. He said the guys were in a shooting. I asked if all our guys were OK. He said yes. I then asked if we were going to have to roll out to the area. He said no. He said the CI guys went out there so I continued to play my game.

- Q. Were you surprised to hear your teammates left the camp on a mission?
- A. I knew they were going out because I was in the tent when they left.
- Q. Why didn't you go?
- A. I was just off from radio watch.
- O. What did they tell you they were doing?
- A. They told me they were going out on a civil affairs mission. I don't remember who on the team told me.
- Q. What happened next?
- A. The guys that were involved came into the tent to take off their gear. I was still playing the game.
- Q. Who was at the shooting scene? 676-5, 36-5 A. As far as I know, it was CPT SFC and SSQ
- Q. What did they say to you when they got into the tent?
- A. Nothing. They were just taking off their gear. CPT go right into the Ops tent so they could write out statements, I can't remember which one had everyone do this.
- Q. Did you ask them what happened?
- A. No. They were going to do their statements and AAR. I asked if I was needed and they said
- Q. Who told you that?
- I don't remember.
- Q. Was there an AAR on this shooting?
- A. Yes.
- Q. Where you present at this AAR?
- A. I wasn't there. The shooting didn't involve me.
- Q. Was CW2 at the shooting scene?
- A. I don't know if he went there after the shooting, but he wasn't there during the shooting.

  Q. Was CW2 in your tent when you were notified of the incident by SSG 7676-4,66-4
- A. No. I was in there by myself.
- in the tent with you when he was notified of the incident? Q. Was CW2
- A. He wasn't in my tent at all while I was playing my game. I assume he was somewhere else on the base.
- Q What were you told about the man that was killed?
- A After the shooting, I was told that he was a bad guy. He was following our team when we were outside of the camp. He also was going to target the Chief.

<u>676-414</u>6-4

Page ≥of / Pages

**DA Form 2823** 

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Exhibit: 59

01130-02-CID369 en at Building 8-1221, Fort Bragg, NC 28310 on 14 Nov 02, Statement of SFC continued: 6114-02-610369-23525 Q. Do you mean CW2 A. Yes. Q. How did you learn of this information? A. I can't remember who told me, but I think the information came in through SOT-A reports. Q. What did you know about the man before the shooting? A. Before the shooting, a report was put out that there was a man following the patrols in a white Toyota Hylux. I was told that the man that was killed was this same guy. Q. Did you ever hear what the man's name was? A. No

Q. Were you present at the shooting scene?

A. No.

Q. Have you ever visited the shooting scene?

A. No.

Q. Do you know where the shooting scene was located?

A. I heard it was in the riverbed, but I don't know where.

Q. Have you ever seen the dead man's weapon?

A. No.

Q. What were you told about the weapon?

A. Nothing.

Q. Did he have one when he was stopped by the team?

A. I don't know. I wasn't there.

Q. Since you are the team engineer, would you have been responsible for blowing up caches of weapons?

A. Yes.

Q. Did you destroy any seized weapons after this shooting occurred?

A. No.

Q. Did anyone else destroy seized weapons after the shooting occurred?

A. Right after the last mission, which was after the shooting, SSG to go by himself weapons. I didn't participate. I told SSG

Q. Where did all the weapons come from that SSG destroyed?

A. They came from several missions.

Q. Do you know if the weapon that belonged to the dead man was part of this cache that was destroyed by SSG

A. I don't know.

Q. Have you or any other members of the team been back out to the shooting scene to disturb or destroy any evidence?

A. No. I know I haven't been there.

Q Who actually shot the man during the checkpoint stop?

<del>5-64ر5-67</del>0 A. As far as I know, SSG shot the first round SFC turned around and shot again. I don't know any other details

Q What happened to the expended shell casings from the shooting?

A. I don't know. I never saw them or heard about them

Q Is this statement in your own words and typed by this agent?

676-4,66-4

Page 3 of 4 Pages

DA Form 2823

A:

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Exhibit: 59

Ol 130-02-CID369
Statement of SFC taken at Building 8-1221, Fort Bragg, NC 28310 on 14 Nov 02.
continued:

Q: Do you have anything further to add to your statement?

0114-62-618369-23525

A: No.

HAVE READ OR HAD READ

I, HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:	(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this  $14^{\circ}$  day of November, 2002, at Building 8-1221, Fort Bragg, NC 28310

(Signature of Person Administering Oath)

3d Military Police Group (CID)

Fort Bragg, NC (Name of Person Administering Oath)

Article 136, UMCI (Authority to Administer Oaths)

1NTTIALS
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Page 4 of 4 Pages

Exhibit: 57

0114-02-610365- 23525 1130-02-C + D023-

Sworn Statement

LOCATION: 87th Military Police Detachment (CID)(ABN), Fort Bragg, NC 28310

DATE: 5 Nov 02 TIME:

NAME: 616-4,66-4

SSAN:

RANK: E-6/SSG

ORGANIZATION: A Company, 2/3 SFG(A), Fort Bragg, NC 28310

•

#### , want to make the following statement under oath:

I am assigned to A Company, 2/3 SFG (A). Between May and Sep 02, I was deployed to Firebase Lwara, Afghanistan. In Jun I was present during a shooting of an Afghani national, I'm not sure of the day, but around 1600, myself and several other soldiers departed the camp to fire our weapons at the range located near the landing zone. Just after passing through the gate, we were notified over the radio that some of the Rangers noticed a few Afghans watching the camp with binoculars and one of them was carrying a weapon. Instead of going to the range, we drove to the area where they were reported to be. It wasn't far off and when we arrived there was just one person. He was carrying a weapon that was slung over his right shoulder with the muzzle facing down. SFO was riding in the front passenger seat, SSO was driving was riding in the front passenger seat, SSG was driving, and I was sitting in the back with some other folks. We pulled up on the guy and I immediately started telling him in Pashtun to put his hands up. SFC got out and was the one to confront him. SSG took up a position across the hood of our vehicle. SSG was in the gun turret, but I think he only had his M4. SFC started yelling at him is started yelling at him in English, I don't recall what he said but I remember thinking that the guy likely didn't understand fired a warning shot into the ground a few feet away from the guy. A moment later, I stepped out to get out of the back of the vehicle. As I did, I saw the guy reach across, his chest with his left hand. As I spun around off the truck, a shot was fired by SFC I got off the truck and turned around and the guy was already on the ground. He had a shot through his right forearm that appeared to also go through his midsection around center mass, and what looked like an exit wound on his left rear back area. It turned out the guy was carrying a bolt action rifle. We left the body there and returned to the camp. We took his weapon. The CI guy searched him but didn't find anything. We were looking for the binoculars. Back at the camp, I examined the weapon a little closer and remember there was not a round chambered in the weapon.

Q: Who was present during this first shooting in Jun 02? one of the SOT-A named

- Q: Who was the base commander at the time?
- He is over in B Company now.
- Q: What happened to the bolt action rifle that you removed from the scene and brought back to camp?

A: It was stored in the CP tent for a long time. I'm not sure, but it may have still been there when I left in September.

676-4,86-4

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Page 1 of Pages Exhibit: 60

60301

DA Form 2823

## Statement of SSG

taken at Building 8-1221, Fort Bragg, NC 28310 on 5 Nov 02,

continued:

Q Why wasn't the weapon destroyed?

A: I don't know.

- Q: Was the weapon loaded when you examined it back at Camp?
- A: There were rounds in it, but there was not one loaded in the chamber.
- Q: Where they "black-tip" rounds?
- A: I don't remember.
- Q Is it SOP to fire warning shots into the ground at the feet of detainees?
- A: I wouldn't say it was SOP, but I remember talk about a warning shot being OK if it were needed to get their attention.
- O: Was it your practice to destroy weapons?
- A: We destroyed some artillery pieces while I was there, but we weren't too concerned with small arm stuff. We mostly worried about RPGs and crew served weapons.
- Q: Was there an after action review on the first shooting in Jun 02?
- A: When we got back there were people still down in the riverbed dealing with the kids and others. I think I talked to CPT about about it back at the camp. About a week later, MAJ and SGM came to Lwara to talk to those involved. We provided written statements to him.
- Q: There was a second shooting incident at Lwara which occurred in late Aug 02. Were you present then?
- A: I was deployed to the Firebase, but I was not involved in the incident. At the time, I was out with my team on a mission. As we were driving back to the Camp, we observed a civilian vehicle driving away from the camp with a body in the back of it.
- Q: Did you recognize the body?
- A: I didn't see the body itself long enough as we were driving past, but I later learned it was someone who I had seen twice before. He was a very tall guy and hard to mistake. He was the tallest Afghan I came across while I was there. I saw him while he were driving through a village in the area, and I also stopped him during a routine checkpoint stop.
- Q: When did you stop him?
- A: It was about a week after the first shooting.
- Q: Why did you stop him?
- A: We were stopping everyone that passed through. It was routine. We were asking about Al Qaeda and those type of things.
- Q: Was he cooperative when you stopped him at your checkpoint.
- A: Yes. He was friendly towards us.
- Q: Was he carrying a weapon when you stopped him?
- A: There was a weapon in the vehicle. I believe there was another person in the vehicle at the time. I don't remember who the weapon belonged to.
- Q: Did you ever see or hear about him again other than these two times?
- A: No. Not until I saw him in the back of the truck at the Camp
- Q: What did you hear about the second shooting that occurred in Aug 02?
- A: I heard 343 was involved and it occurred down by the water point?
- Q: Did you ever see the weapon that the victim allegedly had when he was shot?
- A: No
- Q What did you hear happened to cause the incident?

676-4,66-4

Page 2 of 4 Pages

DA Form 2823

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Exhibit: 60

Statement of SSG continued:

taken at Building 8-1221, Fort Bragg, NC 28310 on 5 Nov 02, 676.5,865 0/14-02-CID369-235-25 176-5,66-5

were the ones that shot him. I A: I heard he went for his AK and that

Q: Who did you hear was at the scene at the time of the shooting? 1 13 0 - 0 2 - C | D 0 2 3 -

A: I figured the whole team was out there. We were out at the time. I assumed it was the whole team. If they were planning a stop, I imagine it would have involved the whole team.

Q: Why did they stop this guy?

A: I don't know. I heard they were looking for him. I think he had a vehicle that matched the description of one that they were looking for?

Q: Was this guy a known threat?

A: Not that I know of. There was one guy while I was there that we considered a threat, but it wasn't this guy.

Q: Do you know if any of ODA 343 or anyone else ever went back to the scene to disturb or disguise it in any way?

A: I don't know. I never heard that. If they did, I probably wouldn't know about it.

Q: What do you know about "black-tip" rounds?

A: We were told by higher that "black-tip" rounds were armor penetrating. Whenever we came across them during checkpoint stops, we took them from the locals so they couldn't use them. We would always exchange one for one with our 7.72 ammo. They generally weren't happy about it, but they always complied.

O: Were "black-tip" rounds associated with Al Qaeda?

A: I don't know. We were just told they were armor piercing.

Q: What did you do with the "black-tip" rounds that were brought back to the camp?

A: We either put them up in the CP or took them down to destroy them.

Q: Is this statement in your own words and typed by this agent?

A: Yes 616-4266-4

Q: Do you have anything further to add to your statement?

INITIALS

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Page 3 of 4 Pages

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DA Form 2823

01130-02-CID3<del>69</del>

taken at Building 8-1221, Fort Bragg, NC 28310 on 5 Nov 02,

0114-02-610369-23525

1130-02-C | D023-

676-4,56-4

**AFFIDAVIT** 

I, HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES

5N-616-1, 66-1

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of November, 2002, at Building 8-1221, Fort

676-1,66-1

(Signature of Person Administering Oath)

(Signature of Person Making Statement)

SA 67C-/, 66-3d Military Police Group (CID)

Fort Bragg, NC

(Name of Person Administering Oath)

Article 136, UMCJ (Authority to Administer Oaths)

b16-4)16-4 INITIALS DA Form 2823

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Page 4 of 4 Pages Exhibit: 6 6

Sworn Statement

0114-02-40369-23525 1130-02-C | D023-

LOCATION: 87th Military Police Detachment (CID)(ABN), Fort Bragg, NC 28310

DATE: 5 Nov 02

616-436-4 TIME: 1547 ▲

NAME:

SSAN:

RANK: E-6/SSG

ORGANIZATION: A Company, 2/3 SFG(A), Fort Bragg, NC 28310

. .)

616.4166-4 , want to make the following statement under oath:

I am a member of ODA 341 and was deployed to Firebase Lwara from around May 02 - Sep 02. Around Jun 02, I was part of a group that was part of a group that were going to the firing range to shoot off some rounds. As we were heading down to the range, we received a call over the radio alerting us that there were several locals spotted in the area that were using binoculars to monitor activity on the camp. Instead of going to the range, we drove around to the area where the locals were believed to be. We found one man alone with a rifle slung over his shoulder. There was no one else present and he didn't appear to have the binoculars. We pulled up on him and started to try to talk to him. got out and approached him with his weapon drawn, started calling out from the back of the vehicle in Pashtun. I think he was telling the guy to put up his hands. I stood up through the vehicle turret with my weapon fixed on the man. He didn't comply with the commands and just stood there looking at us. shot into the ground at his feet. A moment later, he reached across his front with his right hand fired a round at him. The round appeared to have struck near his sternum and exited through the left side of his back. I jumped out of the vehicle and checked for signs of life. There were none. He was searched but nothing significant was found. Some personal belongings were discovered. We left him there. His weapon was a bolt action that fired AK-type rounds. I had never seen one like it before. We brought it back to the camp and it ended up in the Ops tent. I think it was still there when we left Lwara.

Q. Did you perceive a threat when the man motioned toward the weapon slung over his shoulder? obviously felt a threat and he was much closer to it than 1. I A. It was hard to say. don't want to second guess him.

O. Who was in the vehicle with you when you stopped this man?

and two CI guys. A. Myself,

Q. Which two CI guys were there?

A. A. and T don't know their full names.

Q. There was a second shooting that occurred on 28 Aug 02. What do you know about this incident?

A. We had just departed camp on a mission when we received word over the radio that 343 had just shot someone. I found it hard to believe since we only just left the camp. When we returned in the next day or so, I found out that the shooting really did occur. I don't remember who told me but I was left with the impression that the guy they shot was following our patrol out of the camp and they set up a checkpoint to stop him. I heard that after they stopped him around to get something from a vehicle, or something like that, and the guy picked up his weapon

Page 1 of 3 Pages

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 6/

Statement of SSG SSG STATEMENT OF STAT

- Q. Why did ODA 343 set up this checkpoint to stop this particular guy?
- A. They wanted to try and capture whoever was trailing the convoys.
- Q. Had you ever received information that this man was the one trailing the convoys?
- A. About a week earlier, someone on 343 put out during a meeting that they saw a vehicle coming out of a local compound that they said were keeping tabs on the ODAs. I guess they thought this guy was the one. I don't recall who put it out or exactly what information they put out
- Q. Who was at the scene when the second incident occurred?
- Q. Do you know if 343 or anyone else ever went back to the scene to alter or disrupt it in any way?
- A. No.
- Q. Was there ever an after action for this second shooting?
- A. No, I don't think so.
- Q. Do you know if any of ODA 343 altered their weapons (M4 and M9) in any way after the shootings?
- A. No.
- Q. Is this statement in your own words and typed by this agent?
- A. YES
- Q. Do you have anything further to add to your statement?
- A. No.

571-4,56-4 INITIALS DA Form 2823

FOR OFFICIAL USE ONLY

Page 2 of 3 Pages Exhibit: 6/

01130-02-CID369

676-4,66-4

taken at Building 8-1221, Fort Bragg, NC 28310 on 5 Nov 02,

continued:

Statement of SSG

6114-01-610369-73525

1130-02-C | D023-

AFFIDAVIT 67C-45 66-4 HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES: (Signature of Person Making Statement) Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of November, 2002, at Building 8-1221, Fort Bragg, NC 28310

(Signature of Person Administering Oath)

12-1, 66-1

3d Military Police Group (CID) Fort Bragg, NC

(Name of Person Administering Oath)

Article 136, UMCJ (Authority to Administer Oaths)

DA Form 2823

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Page 3 of 3 Pages Exhibit: 6

#### Sworn Statement

0114-02-618369-23525

LOCATION: 87th Military Police Detachment (CID) (ABN), Fort Bragg, NC 28310

DATE: 14 Nov 02

TIME: 1005 616-4166-4

NAME: 676-4, 86-4

SSAN: 676-4

RANK: E-7/SFC

ORGANIZATION: General Support Company, 3 SFG (A), Fort Bragg, NC 28310

1, 576-4) 86-4 want to make the following statement under oath:

• }

I am assigned to GSC Company, 3 SFG (A). Between May and Jul 02, I was deployed to Firebase Lwara, Afghanistan, I spent most of the other deployed time in Bagram, During the month of Jun 02, I can't remember the date, I and several others were on our way to a firing range outside the firebase when we were notified over the radio that someone was spotted on the ridgeline surveying the camp with binoculars. We responded back over the radio and told them that we would go check it out. There was no sense in dispatching another ORF since we were already out. We drove in the direction the man was reported to be but we initially had trouble finding him. We went up and down the ridgeline several times before we spotted a man carrying a weapon. We drove up on the guy and starting calling out to him in Pashtun to lie down on the ground. We also were motioning with our hands for him to get on the ground. He ignored us and turned and started walking away. At that point SFC had gotten out of the vehicle and was approaching him on foot. We kept yelling at him to stop and get down. The man turned around and just looked at us with distain. SFQ then fired a warning shot into the ground. The man just stood there and looked at us. He wasn't responding to any of our commands. He looked like he was in disbelief. He was ignoring our commands. The man then reached for the stock of his weapon and SFQ shot him once. The rest of us spread out over the area looking for others. One of the medics that were with us went over the body to check it out. The man was put in the back of the HMMWV and we brought him back to camp until it was figured out what to do with him. The remains were brought back outside the camp later in the day and returned to the locals.

Q. Did the man pose an eminent threat?

A. Yes. I think he would have continued to try and do harm. SFO was out there in the open. The rest of us were shielded by the HMMWV.

- Q. Where did the man reach for when he moved him arm towards his weapon?
- A. It looked like he grabbed the hand grip area of the weapon.
- O. Was he moving the barrel of the weapon when he grabbed the stock?
- A. No. It looked like he was trying unsling the weapon when he grabbed it. He didn't draw down on us.
- Q. How do you know he wasn't trying to disarm himself?
- A. He had a couple of chances to do that.
- Q. Did you see the man's wound?
- A. Yes. It was to the mid-section. I didn't see the exit wound. The medic pulled up his shirt and this is when I saw the wound.

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Page 1 of 2 Pages
Exhibit: 62

### Statement of SFC

taken at Building 8-1221, Fort Bragg, NC 28310 on 14 Nov 02,

6114-02-40369-23525

Q. Who was in the yehicle when you responded to the scene?

and A. Myself, SFC and another person. I can't remember his name.

Q. Was the sixth person that you can't remember an ODA member?

A. Yes. SPC and I were the only ones that weren't ODA.

- Q. Which shoulder did the man have the weapon slung over?
- A. I think it was his right, but I am not sure.
- Q. Was the muzzle facing up or down?
- A. Up.

continued:

- Q. Did he grab the stock with the same hand that the weapon was shouldered?
- A. Yes. He reached straight down and grabbed it. He didn't reach across his chest to grab it.
- Q. What happened to the weapon that the man had?
- A. We took it back to the firebase and there it sat until I left.
- Q Who was pulling base physical security during that time at Firebase Lwara?
- A. I think the Rangers were there. They may have been some overlap with some guys from 20th Group.
- Q. Was the man carrying binoculars when you approached him?
- A. No. We later learned that there were some men with him that had fled and they were the ones that had the binoculars.
- Q. During your subsequent conversations with the locals, were you able to determine who the man was?
- A. Yes. It wasn't from the immediate community. He was from an area 5-7 kilometers away. I'm not sure how he fit it.
- Q. Were you present at Firebase Lwara when a similar shooting incident occurred in Aug 02?
- A. No. I was in Bagram at the time.
- Q. Were you the Operational Control Element for the two counterintelligence agents that were at Lwara when the Aug 02 shooting occurred?
- A. Yes.
- Q. What did they report to you?
- A. They reported, through text message, that there had been a shooting involving someone that they thought was watching the firebase. I'm referring to the ODA's, but I'm not sure which one They set up a hasty checkpoint and stopped the man. During the stop, the man went for his weapon when one of the ODA's turned their back on him and they had to shoot. I'm not sure who sent the message, but it also said they were going to bring the photographs up to me in Bagram. They said the photos looked bad.
- Q. Do you know why they looked bad?
- A. No. I sent a message back down telling them to catch the next flight up.
- Q. Did you ultimately see the photographs they were talking about?
- A. Not through them. They delivered the photographs to the detention facility.
- Q. Did you ever see them?
- 676-3,66-3 gave me. There were a couple A. I saw a few photos on a zip disk that CPT pictures of documents that he wanted translated.
- Q Is this statement in your own words and typed by this agent?

676-4,66-4 676.4766.4 INITIALS

Page 2 of 3 Pages

DA Form 2823

FOR OFFICIAL USE ONLY

Exhibit: 62

en at Building 8-1221, Fort Bragg, NC 28310 on 14 Nov 02,

continued:

0114-02-618369-73525

Q. Do you have anything further to add to your statement?

**AFFIDAVIT** 

676-4,664 HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS OF PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer onths, this 14 day of November, 2002, at Building 8-1221, Fort

676-1, 66-1

3d Military Police Group (CID)

Fort Bragg, NC

(Name of Person Administering Oath)

Article 136, UMCI (Authority to Administer Oaths)

DA Form 2823

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Page  $\frac{3}{2}$  of  $\frac{3}{2}$  Pages Exhibit: 6 2

AGENT'S INVESTIGATION REPORT

1130-02-CID023 O//4-02-C/D36をでまること Page 1 of 1

CID Regulation 195-1

About 1030, 6 Dec 02, SA re-interviewed CW2 who maintained all aspects of his original statement was true. CW2 related each Team had their own understood SOP for dealing with armed Afghans. CW2 related that it was not out of the ordinary to merely separate a man from his weapon, and not to flex-cuff the person while questioned. CW2 related his Teams mission was to work with the tribe near his fire base, and SAYARI put a "hit" on him because the SF Team was obstructing his extorting the tribe.

AGENT'S COMMENT: CW2 related his entire company was on block leave from 28 Nov 02 - 2 Jan 03. CW2 related the team members were scattered all over the country for their respective vacations.

About 0830, 17 Dec 02, SA received USACIL Laboratory Examination Report 2002-CID131-2225, 2 Dec 02 (Exhibit ), which detailed their findings.

SA 67c-1,66-/ 87th MP Det (CID) (ABN), DSE 3d Military Police Group (CID) Fort Bragg, North Carolina 28310

Signature: Date: Exhibit: 63

CID Form 94

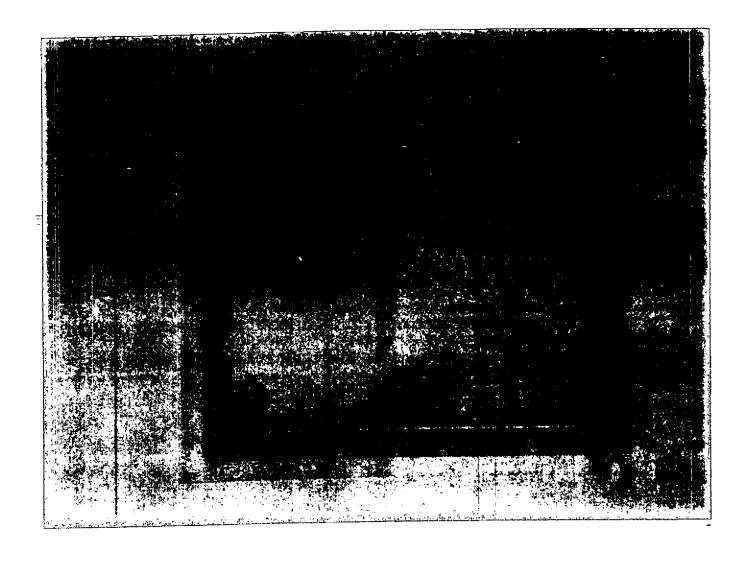
#### PHOTOGRAPHIC PACKET

- 1. Photograph depicting the death scene following the shooting and Mr. SAYARI's remains.
- 2. Photograph depicting Mr. SAYARI as he was found following the shooting.
- 3. Photograph depicting Mr. SAYARI as he was found following the shooting.
- 4. Photograph depicting Mr. SAYARI as he was found following the shooting with the blood spatter on his right arm and prayer beads in his rights hand.
- 5. Photograph depicting a close up of Mr. SAYARI's face as he was found following the shooting.
- 6. Photograph depicting several entrance wounds found on Mr. SAYARI's back.
- 7. Photograph depicting Mr. SAYARI after he was rolled over and an M-16A2 rifle with blood spatter located to his left side.
- 8. Photograph depicting the wound found on Mr. SAYARI's head.
- 9. Photograph depicting a close up of the wound found on Mr. SAYARI's head.
- 10. Photograph depicting a facial shot of Mr. SAYARI.
- 11. Photograph depicting what was found in Mr. SAYARI's possession.
- 12. Photograph depicting what was found in Mr. SAYARI's possession.
- 13. Photograph depicting what was found in Mr. SAYARI's possession.
- 14. Photograph depicting what was found in Mr. SAYARI's possession.
- 15. Photograph depicting the truck Mr. SAYARI was in prior to be shot.

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EXHIBIT 64





#### 0114-02-CID369-23525



AGENT'S INVESTIGATION REPORT

0114-02-CID369-23525

#### CID Regulation 195-1

Page 1 of 2 Pages

BASIS FOR INVESTIGATION: About 0708, 5 Mar 03, this office received Request for Assistance 0014-02-CID369-23525, from the Uzbekistan CID Branch Office, Uzbekistan, to re-interview 1LT A Co, 1/505th Parachute Infantry Regiment (PIR), Fort Bragg, NC 28310 (FBNC) and CPT HHC, 1/505th PIR, FBNC, reference an intelligence briefing they received while in Afghanistan. How It was requested this office also interview LTC Commander, 2/3rd Special Forces Group (SFG), FBNC, Commander, 2/3rd Special Forces Group (SFG), FBNC, to determine if he knew the soldier's were planning to stop Mr. SAYARI and if he was aware of how they planned to handle the matter and if he authorized them to conduct the operation.

#### DETAILS:

About 0945, 20 Mar 03, SA interviewed LTC who related he could not remember if he knew CPT and his unit were planning on stopping and questioning Mr. SAYARI before the event happened. LTC related that was only one of 563 combat missions he was responsible for during his units deployment to Afghanistan. LTC stated a telephone notification was needed for missions within a 10-kilometer range from his base. For missions outside 10 kilometers, a written concept operation order (CONOP) was required. LTC stated there was no formal SOP which detailed parameters around detaining and questioning individuals. LTC stated each individual team handled these situations in there own way.

About 1300, 25 Mar 03, SA interviewed CPT who provided the following information:

He was present at the intelligence briefing, but stated only general information was put out concerning Mr. SAYARI. CPT 11-11-11-11-11-11 stated the plan was to (when followed by Mr. SAYARI) pull around a hilltop or other visual obstruction and wait for SAYARI'S vehicle to pass them. Then pull SAYARI over detain him, and transport him back to base for interview. CPT stated they did not go into specifics on what methods they would use when separating Mr. SAYARI from his weapon and vehicle, he believed because there were 82nd Airborne personnel there, and the Special Forces team did not want

SA 61C-1, 66-1,62	3d Military I	(CID) (ABN), FWI Police Group (CID) NC 28310-5000	
Signature: 67(-1, 66-/	Date: 10 Apr 03	Exhibit:	65



0114-02-CID369-23525

#### CID Regulation 195-1

Page 2 of 2 Pages

to give away their SOP. CPT related he assumed there was an SOP in place to deal with the issue due to the general way in which they addressed the plan.

About 1300, 8 Apr 03, SA interviewed lLT who related he was present at the briefing in Afghanistan where they discussed Mr. SAYARI and his tactics. 1LT related the briefing wasn't necessarily an "intelligence" briefing, but more like a "leaders meeting" which took place everyday. 1LT related he remembered everyone discussing how they would execute a hasty vehicle stop on Mr. SAYARI'S vehicle, but he could not remember if they discussed how they would detain or question Mr. SAYARI. 1LT related he could not remember who provided the briefing on Mr. SAYARI or who was present at the briefing.

About 1100, 10 Apr 03 SALE re-interviewed CPT who stated he remembered CPT CW2 and were present at the intelligence briefing which was given where Mr. SAYARI was discussed. CPT could not remember who provided the briefing.

SA 62	3d Military I	(CID) (ABN), FWD Police Group (CID) NC 28310-5000	
Signature: 676-1, 66-1	Date: 10 Apr 03	Exhibit:	65

0114-02-CID369-23525

CID Regulation 195-1

AGENT'S INVESTIGATION REPORT

Page 1 of 1 Page

NARRATIVE: On 18 Apr 03, this office received the USACIL Laboratory Examination Report, 2002-CID131-2225, 22 Jan 03, which reflected the results of their examination on the beads found in Mr. SAYARI's hand when he was shot and killed. The tests conducted revealed the presence of blood on the beads, but not a sufficient amount to test.

On 15 May 03, SA interviewed Mr. Interpreter, Base Operations, BAF, who related he was very familiar with Afghanistan religious practices. He was briefed on the finding that Mr. SAYARI was found with religious beads in his right hand and the claims made by the soldiers who found and killed him that he was in the process of reaching for his weapon. He explained that when an Afghan national is holding beads in their right hand, they are offering themselves in a peaceful mode and would not have reached for a weapon or acted aggressively.

On 23 May 03, SA coordinated with LTC Office of the Staff Judge Advocate, CJTF-180, BAF, who opined there was probable cause to believe all the subjects committed the offenses they were listed.

SA		(CID) (ABN), FWD Police Group (CID) 354	
Signature: 67(-1, bl-/ CID Form 94	Date: 23 May 03	Exhibit:	66



#### DEPARTMENT OF THE ARMY US ARMY CRIMINAL INVESTIGATION LABORATORY 4553 N 2ND FOREST PARK GA 30297-5122

ATTENTION OF

CILA-BEP (195-2c)

22 January 2002

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 87TH MILITARY POLICE DETACHMENT, (ABN), (CID) (FWO), 507TH CGS, UZBEKISTAN BRANCH OFFICE, APO AE 09311

SUBJECT: Submitter Case Number: 0114-02-CID369-23525

2002-CID131-2225 USACIL Referral Number:

Suspect(s):

1 676-51 66-5

674-51 66-5

- 1. Enclosed is the Laboratory Exhibit Listing and Final Division Report for the following division: Serology/DNA.
- 2. Two original reports have been produced. One report is enclosed, as stated, and the other is kept in the official files of this laboratory and maintained IAW AR 25-400-2 and CIDR 195-1.
- IAW AR 195-2, requests and fund cites for court appearances of Laboratory Examiners will be made at least 10 working days prior to the date of court proceedings.

POC is the Laboratory Operations Assistant, DSN 797-

CM (404) 469-

FAX (404) 469-

Encl



EVIDENCE TO: SAC, 87TH MILITARY POLICE DETACHMENT, (DSE), THIRD MILITARY POLICE GROUP, USACIDO, FORT BRAGG, NO 28310



AN ASCLDILAB ACCREDITED LABORATORY (SINCE 1985)

Ex4, bit 67831



# UNITED STATES ARMY CRIMINAL INVESTIGATION LABORATORY 4553 N 2ND FOREST PARK GA 30297-5122

14 January 2003

Page 01 of 01

#### SEROLOGY/DNA DIVISION REPORT

SUBJECT: Submitter Case Number: 0114-02-CID369-23525

USACIL Referral Number: 2002-CID131-2225

Suspect (s): 67C-5,66-5

676-5, 66-5

#### Exhibits:

3 - Necklace(prayer beads) (Item 1, Voucher 048-02).

#### Findings:

- 1. A chemical indication of blood was found on several beads from Exhibit 3, necklace. Quantities were insufficient for further testing.
- 2. This exhibit will be returned to the submitter upon completion of the analysis.
- 2. Please contact the undersigned examiner with any questions regarding this analysis at com. (404)469 DSN 797 DSN 797 DSN 797 Or email Pusacil-acirs.army.mil.

b76.5, 66.5

Forensic Biologist

Ex4, bit 67 332



Initials Exhibit: 68

FOR OFFICIAL USE ONLY

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	EV	DENCE/PROPERTY CUSTODY DO	CUMENT			MPRICID BEQUENCE	NAMBER
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EXLIBIT 69

-				MPR. CID SEQUENCE NUMBER
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Fo	r use of this	form see AR 190-45 and AR 195-5, the propone	mi agency is US Army	CRD REPORTACIO ROL NUMBER
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#### MPRICID SEQUENCE NUMBER EVIDENCE/PROPERTY CUSTODY DOCUMENT 0114-02-369-For use of this form see Ar 190-45 and AR 195-5; the proponent agency is US Army CHO REPORT/CIO ROL NUMBER Criminal Investigation Command 23525 BAGRAM, ALL BASE, AFGHANISTAN. CID, BAGRAM AIR BASE NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED ADDRESS (Include Zip Code) D6X-3,*b*6-3 CJSOTF - JAG OWNER BAGRAM, AIR BASE JAG -CJSOTF OTHER BAGRAM, AFGHANISTAN REASON OBTAINED TIME/DATE OBTAINED LOCATION FROM WHERE OBTAINED 10 OCT 200Z CJ SOTF - JAG BAGRAM AIR BASE EVIDENCE 1203 Z AFGHANISTAN BAGRAM. DESCRIPTION OF ARTICLES DUANTITY (Include model, serial number, condition and unusual marks or scratches) NO NECKLACE DESIGN, WOODTYPE CONSTRUCTION, NUMEROUS SMALL BLADS BROWNISH CHERY IN COUR, SMALL YELLOW IN COLOR FABRIC TYPE CONSTRUCTION TASEL ON THE END OF NECKLACE CLL IN USED TYPETE OND MINN, DEADS ARE ROUND WITH HOLES IN THE 1 MIDDLE FOR ROPE TO PASS THROUGH. PLACED IN RASTIC BAG MEID 1203210 OCT 02 670-17 66-1 CHAIN OF CUSTODY PURPOSE OF CHANGE ITEM RECEIVED BY DATE RELEASED BY NO EVALUATION AS SIGNATURE ANATURE) 10 676-1,66-1 OCT TANE, GRADE OR T ALLE GRANDE ON THIS EUIDWC5 02 676-1, 64 SIGNATURE BIGNLITUTE 61645661 12 SAFEKEEPING oct NAME, GRADE OR TITLE NAME, GRADE OR TITLE 676-1,66-1 5A 1 öA SIGNATUR SIGNATURE Released To 26 676-2,66-2 evillence customan OUT MANE GRADE OR TITLE . GRADE OR TITLE 676 わん6つ O). SA SIGNATURE SIGNATURE b16-156-1 NAME, GRADE OR TITLE NAME, GRACE OR TITLE SIGNATURE SIGNATURE NAME, GRADE OR TITLE NAME, GRADE OR TITLE DOCUMENT 048-02336 Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete. **DA FORM 4137** 1 JUL 76 LOCATION

EVA. L. + 69

		EVIDENCE/PROPERTY CUSTODY D	OCUMENT		MPRICID SEQUENCE NUMBER 0114-02-CID369
		s form see AR 190-45 and AR 195-5; the pro- stigation Command	ymnA 2U zi yonaga manoo	23525	DRT/CID ROI NUMBER
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	N FROM WHEF	- · · · · · · · · · · · · · · · · · · ·	REASON OBTAINED		TIME/DATE OBTAINED
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ITEM	QUANTITY	linclude mode	DESCRIPTION OF ARTICL		scretches)
ī	1	Ammunition Shell Casing, unkown ID:0954z,14 Oct 02, Casing Obtained	caliber. Wrapped in tissue a	ind placed in	a metal container. Marked fo
2	ı	Expended bullet, unknown caliber.	Wrapped in tissue and place from the soil surface at Gr	ed in a meta	I container. Marked for ID: e WB 43604 44412.
3	1	Metal Piece of unknown origin. V	Wrapped in tissue and place	d in a metal	container. Marked for 1D: I CoordinateWB 43602 44413
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Exhibit 69

ADDRESS (Include 2pc Code)  OWNER SGT  TIME DATE OF CAR Special Forces Group  Fort Bragg, NC 28310  TIMEDATE OF THE DO 2 C C 1 D 0 2 3 "  TIMEDATE OF THE DO 2 C C 1 D 0 2 3 "  TIMEDATE OF THE DO 2 C C 1 D 0 2 3 "  TIMEDATE OF THE DO 2 C C 1 D 0 2 3 "  TIMEDATE OF THE DATE OF		NG ACTIVITY DET (CID)		Fort Bragg, NC 28310	
OTHER  CONTENT FROM WIEBE OBTAINED \$12, \$4.5.2  From the hands of SGT  Building E-2048, Ford Bragg, NC 28310  DESCRIPTION OF ARTICLES  (Include model, united understronding and manual marks or stratches)  Martifle, black in color, metal type construction, retail number W307216 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309305 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309305 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309305 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309305 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309309 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309309 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309310 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309310 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309310 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309310 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309310 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309310 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in color, metal type construction, retail number W309310 Marked for ID 13104 Nov 220  (Arma Room) \$1.0.2, \$4.5.3  Martifle, black in			· •		
FOR Brings, NC 28310  COCATION FROM WHEEE OBTAINED 57C-3, 55 - REASON OBTAINED  EVIDENCE TO THE MAINTS OF A THE COLOR OF A THE				A Company, 2/3 rd Special Force	s Group
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LICCATION FROM WHERE OF LAINED 3/1-3, bg - Trom the hands of SCST	$\boxtimes$	OTHER		1130-02	-C ( D)D0
From the hands of SGT   while in Arm's Room,   Evidence   4 Nov 2002/1310-1430			ERFORTANED (2002)	REASON OBTAINED	TIME/DATE OBTAINED
Building E-2048, Fort Bragg, NC 28310    Committee   C	From th	e hands of S	GT while in Arms Room.		
DESCRIPTION OF ARTICLES					
	TTEM				
M-4 rille, black in color, metal type construction, serial number W339055 Marked for ID 13104 Nov 022 (Arma Room) \$74-3, \$66-3, \$1	NO.		· ·		
1	1	l	M-4 rifle, black in color, metal type construction	serial number W307216 Marked for ID 1310/41	Nov 02/ (Arms Room) よんこうよんち
1 M-4 rifle, black in color, metal type countraction, serial number W339069 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-6 5 I M-4 rifle, black in color, metal type construction, serial number W339069 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-6 6 I M-4 rifle, black in color, metal type construction, serial number W33907 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-7 7 I M-4 rifle, black in color, metal type construction, serial number W33907 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-7 8 I M-4 rifle, black in color, metal type construction, serial number W339108 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-7 8 I M-4 rifle, black in color, metal type construction, serial number W339108 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-7 8 I M-4 rifle, black in color, metal type construction, serial number W339111 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-7 10 I M-4 rifle, black in color, metal type construction, serial number W339111 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-7 10 I M-4 rifle, black in color, metal type construction, serial number W339111 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-7 11 M-4 rifle, black in color, metal type construction, serial number W339111 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-7 11 M-4 rifle, black in color, metal type construction, serial number W339111 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-7 11 M-4 rifle, black in color, metal type construction, serial number W339111 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-7 11 M-4 rifle, black in color, metal type construction, serial number W33911 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-3-16/2-7 11 M-4 rifle, black in color, metal type construction, serial number W33911 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-16/2-7 11 M-4 rifle, black in color, metal type construction, serial number W33911 Marked for ID 1310/4 Nev 022 (Arma Room) \$72-16/2-7 11 M-4 rifle, black in color, metal type construction, serial number W33911 Marke	2	t	M-4 rifle, black in color, metal type construction.	serial number W339055 Marked for ID 1310/41	Nov 02 (Arms Room) \$74. 4. 66-3
1 M-4 file, black in color, metal type construction, serial number W379607 Marked for ID 13104 Nov 022 (Arms Room) \$75-2 bit	3	1	M-4 rifle, black in color, metal type construction,	serial number W339063 Marked for ID 1310/41	Nov 02 (Arms Room) bアピネットレラ
1 M4 rifle, black in color, metal type construction, serial number W139082 Marked for ID 13104 Nev 022 (Arms Room) \$7.4 bb. 1  7 1 M4 rifle, black in color, metal type construction, serial number W139097 Marked for ID 13104 Nev 022 (Arms Room) \$7.4 bb. 2  8 1 M4 rifle, black in color, metal type construction, serial number W1390910 Marked for ID 13104 Nev 022 (Arms Room) \$7.4 bb. 2  9 1 M4 rifle, black in color, metal type construction, serial number W139110 Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  10 1 M4 rifle, black in color, metal type construction, serial number W139111 Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  11 M4 rifle, black in color, metal type construction, serial number W139111 Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  12 M4 rifle, black in color, metal type construction, serial number W139111 Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  13 M4 rifle, black in color, metal type construction, serial number W139111 Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  14 M4 rifle, black in color, metal type construction, serial number W13911 Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  15 M4 rifle, black in color, metal type construction, serial number W13911 Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  16 M4 rifle, black in color, metal type construction, serial number W13911 Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  17 M4 rifle, black in color, metal type construction, serial number W13911 Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  18 PB Fern 2481 (Vegons and Armsnaion) Control Sheet/10.2) ID set 7, Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  18 M4 rifle, black in color, metal type construction, serial number W1391 IN Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  18 M4 rifle, black in color, metal type construction, serial number W1391 IN Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  19 M4 rifle, black in color, metal type construction, serial number W1391 IN Marked for ID 13104 Nev 032 (Arms Room) \$7.4 bb. 2  1	4	I	M-4 rifle black in color, metal type construction	serial number W339069 Marked for ID I310/4 N	You 02 (Arms Room) \$76 2 66 3
A rifle, black in color, medal type construction, serial number W339107 Market for DI 13104 Nov DI Anna Room) 5 x 4 4 x 5 x 5 x 5 x 5 x 5 x 5 x 5 x 5	5	1.	M-4 rifle, black in color, metal type construction.	serial number W339082 Marked for ID 1310/41	Nov 02 Arms Boom) 576-41 64-4
1 M4 rifle, black in color, metal type construction, serial number W339110 Marked for DI 1310/4 Nov 02 Marked Room jar 1 M4 rifle, black in color, metal type construction, serial number W339111 Marked for DI 1310/4 Nov 02 Marma Room jar 1 M5 rifle, black in color, metal type construction, serial number W339111 Marked for DI 1310/4 Nov 02 Marma Room jar 1 M5 rifle, black in color, metal type construction, serial number W339111 Marked for DI 1310/4 Nov 02 Marma Room jar 1 M5 rifle, black in color, metal type construction, serial number W339111 Marked for DI 1310/4 Nov 02 Marma Room jar 1 M5 rifle, black in color, metal type construction, serial number W339111 Marked for DI 1310/4 Nov 02 Marma Room jar 1 M5 rifle, black in color, metal type construction, serial number W339117 Marked for DI 1310/4 Nov 02 Marma Room jar 1 M5 rifle, black in color, metal type construction, serial number W339117 Marked for DI 1310/4 Nov 02 Marma Room jar 1 M5 rifle M5 ri	6	!	Material black is color matel time construction	serial number W119097 Marked for II2 I SIU/4 I	Nov UZA
M4-file, black in color, metal type construction, serial number W335111 Marked for ID 13104 Nov 02 (Arms Room) for 1, for	7	1	M-4 rifle, black in color, metal type construction	serial number W339108 Marked for ID 1310/4 i	Var 02 Arms Boom) 676"4) Ph"
M-4 ritle, black in color, metal type construction, serial number W339111 Marked for D13104 Nov 02	8	Ī	M-4 nije, black in color, metal type construction,	A SELLED MANUFACE A 222 LEG INTERFECTION ITS 12 LOS A 1	(veries transit) is a
M-file, black is color, metal type construction, serial number W339116 Marked for ID 13104 New 027 Arms Room) 3-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	2	l.	M-4 rifle, black in color, metal type construction.	serial number W339111 Marked for ID 1310/41	Nov 02 (Arms Room)
12   1   1   1   1   1   1   1   1   1		į. I	M-4 rifle, black in color, metal type construction,	, serial number W339115 Marked for ID 1310/41	Nov 026 (Arms Room) 67 4/8 4
THEM DATE RELEASED BY RECEIVED BY PURPOSE OF CHANGE OF CUSTODY THRU 2002  13  SIGNATURE  SIGNATURE  SIGNATURE  SIGNATURE  SIGNATURE  NAME, GRADE OR TITLE  NAME, GRADE OR TITLE  SIGNATURE  NAME, GRADE OR TITLE  NAME, GRADE OR TITLE  SIGNATURE  NAME, GRADE OR TITLE  NAME, GRADE OR TITLE  SIGNATURE  NAME, GRADE OR TITLE  SIGNATURE  NAME, GRADE OR TITLE  NAME, GRADE OR TITLE  NAME, GRADE OR TITLE  NAME, GRADE OR TITLE  SIGNATURE  NAME, GRADE OR TITLE  NAME, GRADE OR TITLE  NAME, GRADE OR TITLE  SIGNATURE  NAME, GRADE OR TITLE  NAME, GRADE OR TITLE  SIGNATURE  NAME, GRADE OR TITLE	12	1	M-4 rifle, black in color, metal type construction.  M-4 rifle, black in color, metal type construction	serial number W339117 Marked for ID 1310/41	Nov 02/ (Arms Room) 1764/ 86-2
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For use or this room see AR 190-45 and AR 195-5, the propositional layestigation Command.	nent agency is US Army	CRID REPORT/CHD ROL NUMBER 23525
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AL QUANTITY	DESCRIPTION OF ARTICI el, serial muniter, condition and am	•
t M-9 pistol, black in color, inetal type constructi	ion, serial number 1366684 Marked	for 11) 15 (0/5 Nov 02 (Arms Room) 671-2, 66-3
i Met positol, black in color, metal type constructe  1 Met positol, black in color, metal type constructe  1 Met positol, black in color, metal type constructe  1 Metapositol, black in color, metal type constructe	ion, senal number 1366686 Marked ion, senal number 1366687 Marked	(or 11) 1510/5 Nov 02 Arms Room) 67(-2,/6/-2, for 11) 151(V5 Nov 02 Arms Room) 67(-2,/6/-2) for 11) 1510/5 Nov 02 Arms Room) 67(-2,/6/-2,/6/-2,/6/-2)
Mart nested, black in color, occal type consumet     Nert posted, black in color, metal type consumete     Mart posted, black in color, metal type constructs     Mart posted, black in color, metal type constructs	ion, senal number 1366706. Marked ion, senal number 1366717. Marked ion, senal number 1367619. Marked	for ID 1510/5 Nov 02 mms Room) 674 2/662 for ID 1510/5 Nov 02 Arms Room) 674 2/662 for ID 1510/5 Nov 02 (Arms Room) 674 2/662 for ID 1510/5 Nov 02 (Arms Room) 674 2/622
M Postol, black in color, metal type construction     M Postol, black in color, metal type construction     M Postol, black in color, metal type construction and metal type construction and metal type construction and metal type construction.	ion, serial number 1367623. Marked ion, serial number 1367624. Marked	for ID 1510/5 Nov 02 Arms Room) & X 266 4 for ID 1510/5 Nov 02 Arms Room) & C266 2
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5 Nov SUNATURE 2002  NAME GRADE OF TITLE LEADERS SOTT	NGNATURE NAME, GRADE OR TITLE SIGNATURE	OF CUSTODY  Evidence
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S Not 2002  SAME GRADE ON TITLE SICAL SICA	NAME. GRADE OR TITLE  SIGNATURE  NAME. GRADE OR TITLE  A  SIGNATURE  A  NAME. GRADE OR TITLE	RECEIVED BY US ARMY CID EVIDENCE CUSTODIAN FT BRAGG NC
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- NUMBER 651-02 EXA, b, + 69

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DATE:
        23 MAY 2003 07:41
FROM:
        B7TH MP DET (ABN)(CID)(FWD) //CICR-EF//
TO:
        DIRUSACRO USACIDO FT BELVOIR VA //CICR-ZA//
        ENDURING FREEDOM BRANCH OFFICE //CICR-EF//
        SAC, CAMP STRONGHOLD FREEDOM BRANCH OFFICE, UZBEKISTAN
        CDR. 87TH MP DET (CID)(FWD), BAGRAM, AFGHANISTAN
        SJA, FOB 72 (CPT
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        SJA, CJTF-180 JOE (MAJ 8
        CHIEF OF STAFF, 82D AIRBORNE DIV, BAGRAM AIR FIELD
        PROVOST MARSHAL OFFICE, BAGRAM AIR FIELD (CPT
                                                               676.3,66.3
        PROVUST MARSHAL DFFICE, CUTF 180 (MAJ
                                                      //CJTF180-PMO-DPM/.
        COMMANDER, TF DRAGON, BAGRAM AIR FIELD (COL)
                                                          676-3,66-3
        SPECIAL OPERATIONS COMMAND LIAISON (SA
                                                         167C-1, 66-1
        3RD MILITARY POLICE GROUP REAR (OPNS OFFICER)
        DIR AFIP WASH DC
        CDR 3D MP GRP CID FT GILLEM GA //CIRC-ZA//
        CDR 87TH MP DET CID DSE LT ABN FT BRAGG NC //CIMPB-HG//
        CDR USACIDO FT BELVOIR VA //CIOP-ZA//
SUBJECT: CID REPORT - 3D STATUS / SSI - 0114-02-CID369 - 23525 -
5H1A / 5X3 / 5Y2 / 7X2 / 7X6 / 9G2A / 9G2C / 9G2E
DRAFTER :
                            b7C+1,66-1
RELEASER :
                            676-1,66-/
UNCLASSIFIED - FOR OFFICIAL USE ONLY
   DATES/TIMES/LOCATIONS OF OCCURRENCES:
   1. 28 AUG 2002/1500 - 28 AUG 2002/1800; ROAD ADJACENT TO U.S.
ARMY FIRE BASE, LWARA, AFGHANISTAN
   DATE/TIME REPORTED:
                        25 SEP 2002, 1630
                                          D 67C-1, 66-1,62
з.
   INVESTIGATED BY:
                         616-5166-5
                                          CPT ;
   SUBJECT:
                 M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP,
BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354; CT; [CONSPIRACY],
[DERELICTION OF DUTY], [MURDER], [DBSTRUCTION OF JUSTICE].
                          676-5166-5
                                    ; SFC ;
                   M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP,
BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354; CT; [CONSPIRACY],
[DERELICTION OF DUTY], [MURDER].
                          676-5,66-5
                                   986 /
            M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP, BAGRAM
AIR FIELD: AFGHANISTAN: APO AE 09354; CT: (CONSPIRACY), (MURDER).
                          676-51 66-5
                                     SSG :
           M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP, BAGRAM AIR
FIELD, AFGHANISTAN, APO AE 09354; CT; [CONSPIRACY], [DERELICTION OF
DUTY1, [MURDER).
                          676-51 66-5
             [ADD] 5.
                                          D ⊊W2 31
BAGRAM AIR FIELD: AFGHANISTAN, APO AE 09354: CT: CACCESSORY BEFORE 340
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- 5. VICTIM: 1. SAYARI, MOHAMED (DECEASED); CIV; AFGHANISTAN; MORGAH, AFGHANISTAN; M; OTHER; LWARA, AFGHANISTAN; XZ; [NFI]; [CONSPIRACY], [MURDER].
- 2. US GOVERNMENT (2/3RD SF GROUP) BAF, APO AE 09354; [ACCESSORY BEFORE THE FACT], [DERELICTION OF DUTY), [OBSTRUCTION OF JUSTICE].
- 6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS A CAMP STRONGHOLD FREEDOM INVESTIGATION."

THIS INVESTIGATION WAS INITIATED UPON NOTIFICATION FROM SSG

BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354 (BAF), THAT HE WAS
SUSPICIOUS OF THE SHOOTING DEATH OF MR SAYARI BY A SPECIAL
FORCES TEAM.

AS A SUBJECT OF THIS INVESTIGATION AND TO LIFT THE 676-5,66-5 DISTRIBUTION RESTRICTIONS AS THIS WAS NOT PREVIOUSLY DONE.

2ND STATUS: THIS STATUS REPORT WAS SUBMITTED TO FULLY IDENTIFY THE SUBJECTS OF THIS INVESTIGATION AND TO ADD ADDITIONAL OFFENSES.

THE DELAY IN REPORTING WAS DUE TO THE GEOGRAPHIC LOCATION OF THE INVESTIGATION, NOT BEING SUPPORTED BY ACIRS, AND THE INABILITY TO TRANSMIT INFORMATION WHILE THE SYSTEM WAS DOWN.

ADDITIONAL OFFENSES OF DERELICTION OF DUTY AND OBSTRUCTION OF JUSTICE WHEN HE VIOLATED THE SOP FOR DETAINING CAPTIVES AND INSTRUCTED SECTION TO NOT FORWARD CERTAIN INCRIMINATING 18-47-18-44 PHOTOGRAPHS OF MR. SAYARI'S BODY AND TO DESTROY THEM SECTION OF DESTROY THEM SECTION OF DUTY WHEN THEY VIOLATED THE SOP FOR DETAINING CAPTIVES. SSG DID NOT COMMITTED THE OFFENSE OF DERELICTION OF DUTY AS HE 670-57 66-5 WAS NOT DIRECTLY INVOLVED IN HANDLING A DETAINED CAPTIVE.

ON 8 OCT 02: LTC DEPUTY SJA: 18TH AIRBORNE 576-3, 56-3 CORPS, BAF, OPINED THERE WAS PROBABLE CAUSE TO BELIEVE CPT COMMITTED THE ADDITIONAL OFFENSES OF DERELICTION OF 516-5 DUTY AND OBSTRUCTION OF JUSTICE BASED ON THE TESTIMONIAL AND PHYSICAL EVIDENCE. SECRET AND SSG COMMITTED THE 51-5 ADDITIONAL OFFENSES OF DERELICTION OF DUTY BA' ON THE PHYSICAL

AND TESTIMONIAL EVIDENCE.

REQUEST A USACRC NAME CHECK PERTAINING TO CPT SEC 5/5/66-5

INVESTIGATION CONTINUES BY USACIDC.

#### INITIAL :

THE DISTRIBUTION OF THIS REPORT IS RESTRICTED TO USACIDC CHANNELS ONLY TO PREVENT THE COMPROMISE OF SENSITIVE INFORMATION CONTAINED WITHIN THE REPORT THAT MAY ASSIST THE ALLEGED PERPETRATORS. THIS INFORMATION SHOULD BE HELD CLOSE HOLD UNTIL THE SUBJECTS ARE INTERVIEWED. THIS REQUEST IS TEMPORARY AND THE RESTRICTION WILL BE LIFTED AND NORMAL DISTRIBUTION WILL BE EFFECTED UPON COMPLETION OF THE INTERVIEWS.

PRELIMINARY INVESTIGATION REVEALED THAT MR. SAYARI HAD BEEN SSG 676-5766'S ROUTINELY FOLLOWING THE SF TEAM COMPRISED OF CPT AND SSG FOR SOME TIME AND REPORTING THEIR 616-5-5-66-5-5 WHEREABOUTS TO AN UNKNOWN RECIPIENT. MR. SAYARI WAS NOT KNOWN TO BE THE ENEMY OR ASSOCIATED WITH THE ENEMY, BUT HIS ACTIONS REQUIRED A DETERMINATION BE MADE AS TO HIS INTENT AND REASONS. A DECISION WAS MADE TO LURE MR. SAYARI DOWN A ROAD NEAR A FIRE BASE IN LWARA, AFGHANISTAN, AND THEN CAPTURE HIM FOR QUESTIONING. MR. SAYARI WAS LURED DOWN THE ROAD AS PLANNED AND CAPTURED. UPON BEING QUESTIONED, MR. SAYARI'S WEAPON WAS TAKEN FROM HIM BY THE SF TEAM. THE TEAM THEN REPORTED WHILE ATTEMPTING TO RADIO IN THAT MR. SAYARI WAS CAPTURED AS PLANNED, MR. SAYARI LUNGED FOR HIS WEAPON AND ATTEMPTED TO POINT IT AT AND WAS SHOT ONCE IN THE STOMACH BY SSG SFC 405,5,665,5 THEN TURNED AND FIRED FIVE ROUNDS AT THE THE CHEST OF MR. 176-5, 14-5 SAYARI AND SSG FIRED AN ADDITIONAL FOUR ROUNDS AT THE 676-5,66-5 CHEST OF MR. SAYARI. SSG WAS THEN REQUESTED TO 676-4/ RESPOND TO THE SCENE TO DOCUMENT THE INCIDENT WITH PHOTOGRAPHS AND COLLECT DNA SAMPLES FROM MR. SAYARI'S BODY. WHEN SSG DVIEWED MR. SAYARI'S BODY AND PHOTOGRAPHED IT, HE 6/10-4/46-4 REALIZED THE EVIDENCE DID NOT MATCH THE ACCOUNT OF EVENTS RELATED BY THE SF TEAM. THERE WAS NO ENTRANCE WOUND EVIDENT ON MR. SAYARI'S BODY IN THE STOMACH AREA, AND THERE APPEARED TO BE ENTRANCE WOUNDS INTO MR. SAYARI'S BACK, AS WELL AS A QUESTIONABLE WOUND TO THE HEAD. THERE WERE NO ATTEMPTS TO RESUSCITATE MR. SAYARI AND NO MEDICAL TEAM RESPONDED TO THE SITE.

COORDINATIONS ARE BEING MADE WITH THE AFGHAN GOVERNMENT TO EXHUME MR. SAYARI'S BODY FOR A FORENSIC AUTOPSY. AND SUPPORT FOR THE FORENSIC AUTOPSY IS BEING REQUESTED FROM THE ARMED FORCES INSTITUTE OF PATHOLOGY.

AN EXAMINATION OF THE FORENSIC EVIDENCE BY CW3
FORENSIC SCIENCES OFFICER (FSO), USACIDE, REVEALED THE SHOOTING
DEATH OF MR. SAYARI WAS A PROBABLE HOMICIDE AND DID NOT MATCH
THE STATED ACCOUNT OF THE SF TEAM. IT WAS APPARENT THAT MR.
SAYARI'S RIGHT HAND WAS PROBABLY RAISED BESIDE HIS HEAD
CLUTCHING PRAYER BEADS AT THE TIME HE WAS SHOT IN THE HEAD. IT
APPEARED THE BULLET WOUNDS TO THE BACK OF MR. SAYARI WERE

COR OCCIONAL NOS OKU V

ENTRANCE WOUNDS. A FORENSIC EXAMINATION OF MR. SAYARI IS NECESSARY TO SOLIDIFY THESE DETERMINATIONS.

INTERVIEWS OF THE SUBJECTS OF THIS INVESTIGATION ARE PENDING THEIR RETURN TO BAF FROM OPERATIONS AFIELD.

THE DELAY IN REPORTING WAS DUE TO SSG WAS AWAITING THE 10-4, 16-4

OUTCOME OF AN INITIAL INVESTIGATION OF A COMBAT DEATH BY THE

SJA, BAF. THAT INVESTIGATION DETERMINED NO WRONGDOING DUE TO

CPT CONTROLLING WHAT EVIDENCE WAS SUBMITTED TO THE SJA. 107-5, 14-5

CPT HAD INCOMPLETE AND MISLEADING EVIDENCE FORWARDED TO 10-5, 16-5

THE SJA INVESTIGATING OFFICER. SSG WAS IN THE FEAR OF 10-4, 16-4

HIS SAFETY WHILE OPERATING WITH THE SF TEAM AND THIS ALSO

AFFECTED HIS REPORTING THE INCIDENT TO LAW ENFORCEMENT.

REQUEST FOR USACRC NAME CHECKS PERTAINING TO CPT SEC SEC. SEC. SEC. AND SSG WILL OCCUR UPON OBTAINING WESS, 5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655,5 1655

INVESTIGATION CONTINUES BY THE USACIDC.

- 7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.
- 8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKINGS IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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ZNO STATUS: THIS STATE OF HER TO WAS STANFINED TO COMPLETELY IDENTIFY THE SHELL THE WAS STANFINED AND TO ADD ASSETS OF THE TREE OF THE TRE

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DATE: 26 SEP 2002 13:27

FROM: UZBEKISTAN BRANCH OFFICE //CICR-EF//

TO: DIRUSADRO USACIDO FT BELVOIR VA //DICR-ZA//
# ENDURING FREEDOM BRANCH OFFICE //DICR-EF//

# SAC, 87TH MP DET (CID), CAMP STRONGHOLD FREEDOM

# COR 30 MP GRP CID FT GILLEM GA //CIRC-ZA//

# CDR USACIDC FT BELVOIR VA //CIOP-ZA//

SUBJECT: DID REPORT - INITIAL / SSI - 0114-02-CID369 - 23525 -

11/

5H1A / 7X2

DRAFTER : 676-1, 66-1

UNCLASSIFIED - FOR OFFICIAL USE ONLY

- 1. DATES/IMES/LOCATIONS OF OCCURRENCES:
  1. 28 AUG 2002/1500 28 AUG 2002/1510; ROAD ADJACENT A FIRE BASE, LWARA, AFGHANISTAN
- 2. DATE/TIME REPORTED: 25 SEP 2002, 1630
- 3. INVESTIGATED BY: SA
- 4. SUBJECT: 1. CPT; M; 3RD SF GROUP, BAGRAM AIRFIELD, ARMED FORCES AFRICA/CANADA/EUROPE/MIDDLE EAST 09354; SP; [NF[]]: [CONSPIRACY], [MURDER].
- A7C-5,66-5

  2. SFC; M: 3RD SF GROUP, BAGRAM AIRFIELD,
  ARMED FORCES AFRICA/CANADA/EUROPE/MIDDLE EAST 09354; SF; ENFI];
  COMSPIRACY), EMURDER).
- SSG; M; 3RD SF GROUP, BAGRAM AIRFIELD, ARMED FORCES AFRICA/CANADA/EUROPE/MIDDLE EAST 09354; SP; [NFI]; [CONSPIRACY], [MURDER].
- 4. SSG; M; 3RD SF GROUP, BAGRAM AIRFIELD, ARMED FORCES AFRICA/CANADA/EUROPE/MIDDLE EAST 09354; SP; [NFI]; [CONSPIRACY], [MURDER].
- 5. VICTIM: 1. SAYARI MOHAMED [DECEASED]; CIV; AFGHANISTAN; M; OTHER; X2: [NFI]: [CONSPIRACY], [MURDER].
- 6. (MVESTIGATIVE SUMMARY: THE INFORMATION IN TRIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS A CAMP STRONGHOLD FREEDOM INVESTIGATION."

REQUEST THIS REPORT BE RESIDICTED TO USACISC CHANNELS ONLY TO PREVENT COMPROMISE OF SENSITIVE INFORMATION CONTAINED WITHIN THE REPORT THAT MAY ASSIST THE ALLEGED PERPETRATORS. THIS INFORMATION SHOULD BE CLOSE HOLD ONTIL THE SUBJECTS ARE INTERVIEWED. THIS REQUEST IS TEMPORARY AND THE RESTRICTION WILL BE CITITED AND MERCHAE DISTRIBUTION WILL BE EFFECTED UPON COMPLETION OF THE INTERVIEWS.

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09354, REPORTED HE WAS SUSPICIOUS OF THE SHOOTING DEATH OF MR SAYARI BY A SF TEAM.

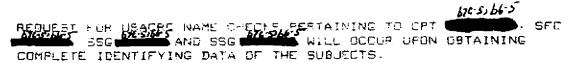
INVESTIGATION REVEALED THAT MR SAYARI HAD BEEN ROUTINELY SECTION OF COMPRISED OF CO WHEREAROUTS TO AN UNKNOWN RECIPIENT. MR SAYARI WAS NOT KNOWN TO BE THE ENEMY OR ASSOCIATED WITH THE ENEMY, BUT HIS ACTIONS REQUIRED A DETERMINATION BE MADE AS TO HIS INTENT AND REASONS. A DECISION WAS MADE TO LURE MR SAYAR! DOWN A ROAD NEAR A FIRE BASE IN LWARA, AFEHANISTAN, AND THEN CAPTURE HIM FOR QUESTIONING. MR SAYARI WAS LURED DOWN THE ROAD AS PLANNED AND CAPTURED. UPON BEING CAFTURED, MR SAYARI'S WEAPON WAS TAKEN FROM HIM BY THE SE TEAM. THE TEAM THEN REPORTED WHILE ATTEMPTING TO RACIO IN THAT MR SAYARI WAS CAPTURED AS PLANNED, MR SAYARI LUNGED FOR HIS WEAPON AND ATTEMPTED TO POINT IT AT SFC AND WAS SHOT DNCE IN THE STOMACH BY SECTION OF MR SAYARI AND SECTION OF THE PROPERTY OF MR SAYARI AND SECTION OF THE CHEST OF FIRED AN ADDITIONAL FOUR ROUNDS AT THE CHEST OF MR SAYARI. SSG WAS THEN REQUESTED TO RESPOND TO THE SCENE TO DOCUMENT THE INCIDENT WITH PHOTOGRAPHS AND COLLECT DNA SAMPLES FROM MR SAYARI'S CODY. WHEN 55G 📹 SAYARI'S BODY AND PHOTOGRAPHED IT HE REALIZED THE EVIDENCE DID NOT MAJOR THE ACCOUNT OF EVENTS RELATED BY THE SE TEAM. THERE WAS NO ENTRANCE WOUND ENTRENT ON MA SAVARIIS BODY IN THE STOMACH AREA- AND THERE APPEARED TO BE ENTRANCE WOUNDS INTO MR SAYARI'S BACK AS WELL AS A QUESTIONABLE WOUND TO THE HEAD. THERE WERE NO ATTEMPTS TO RESUSCITATE MR SAYARI AND NO MEDICAL TEAM RESPONDED TO THE SITE.

COURDINATIONS ARE BRING MADE WITH THE AFGHAN GOVERNMENT TO EXHUME MR SAYARI'S BODY FOR A FORENSIS AUTOPEY, AND SUPPORT FOR THE FORENSIC AUTOPSY IS BEING REQUESTED FROM THE ARMED FORCES INSTITUTE OF PATHOLOGY.

AN EXAMINATION OF THE PORCHSTO EVIDENCE BY CWEE
FORMATIC SOFENCES OFFICER (FSC), USACIDO, REVEALED THE SHOOTING
DEATH OF MR SAYARI WAS A PROGABLE HUMICIDE AND DID NOT MATCH THE
STATED ACCOUNT OF THE SE TEAM. IT WAS APPARENT THAT MP SAYARI'S
RIGHT HAUD WAS PROBABLY CAISES BESIDE HIS HEAD CLUTCHING PRAYER
BEYOR AT THE TIME THAT HE WAS SHOT IN THE HEAD. IT APPEARED THE
BULLET WOUNDS TO THE BACK OF MR SAYARI WERE ENTRANCE WOUNDS. A
FOREMALL CHARMATION OF MR SAYARI TO SOUTDIFY THESE
DESCRIPTION (1982).

INVENTED: OF THE BURIET'S OF THIS IMPRETISATIONS ARE PENDING THOM RECOVERS TO BAS FROM THEMATIONS AFIELD.

THE SECOND OF A DESCRIPTION WAS SECURED FOR A DECIMAL AMAITING THE STAFF BUDGE ADVECTOR OF A DECIMAL DESTINATION OF A DECIMAL DESTINATION DETERMINED NO APONSOCIAS OUR TO OFF CONTROLLING WHAT EVIDENCY AS SUBMITTED TO THE SUAL OFF MAD INCOMPLETE 348 AND MISUS OFF CORNARDED TO THE SIZE INVESTIGATION OFFICERS OF SECURED AND THE SIZE OF SECURED FOR THE SECURED



INVESTIGATION CONTINUES BY THE USACIDO.

- 7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.
- 8. GID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKINGS IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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1-0

AGENT ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER O114-02-C1D369-23525
TIME, DATE, AND AGENT		MARY OF INVESTIGATIVE ACTIVITY
50, 27 Sep 02 476/166-/	About 1250, 27 Sep 02, SA to Fort Bragg CID Office to in	prepared and dispatched a Request for Assistance (RFA)
300, 27 Sep 02 676-166-1	Coordinated with SA email from 3 rd MP Group, wh around the 28 th , in order to ass	ich stated SA's from Fort Bragg, would be enroute to BAF sometir sist with this investigation.
45, 27 Sep 02 676-1566-/	Ahout 1345, 27 Sep 02, SA SFC Sunday, or Monday, 29 Sep, 0	or 30 Sep 02.
110, 28 Sep 02 67(1)66-/	on Tuesday, 1 Oct 02. If trans	being transferred to K-2, and SPC who stated SPC who stated SPC who stated SPC would return from Lwar sportation would be unavailable for SPC would be transported a ould go to Lwara and bring him back to BAF.
230, 28 Sep 02 67L-1/66-1	SA arrived in BAF	and the second of the second o
200, 29 Sep 02 67C-1,66-/	and several other S	at CPR SFO SSG SSG and SSG SF team members were in BAF. Arranged interviews for 30 Sep 0.
45, 30 Sep 02 676/1 66-/ 120 T: 0	About 0845, 30 Sep 02, SA and rendered a sworn stateme Statement of SSG for	(
945, 30 Sep 02 676-1.66-1	Obtained SSG	prints and photographs.
08, 30 Sep 02 <b>616-1/66-1</b> 240 T: 0	Statement for details)	smooth despaig his term and measured of the day (see to work
05, 30 Sep 02 <b>176-7</b> , 16-7	Obtained CPT 67C-5. 66-5	• • fingerprints and photographs.
245, 30 Sep 02 476-1, 66-1 30 T: 0	invoked, requesting a lawyer, Waiver Certificate of SFC	advised SFC of his legal rights, which he at which time the interview was immediately terminated. (See Not for details)
250, 30 Sep 02 676-166-1	Obtained SFC 176-5, bb 5 finge	erprints and photographs.
300, 30 Sep 02 676-/->64 30 T: 0	About 1300, 30 Sep 02, SA invoked, requesting a lawyer, Waiver Certificate of SSC	at which time the interview was ununediately terminated. (See No
305, 30 Sep 02 <i>b1C-1</i> , b6-/	Obtained SSG	ngerprints and photographs.
15, 30 Sep 02 676-1 66-1	SA briefed CO1	on status of investigation
CID FORM 28-R	PREVIOUS F	DITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED

AGENT ACTIVITY SUMMARY		CONTROL NUMBER
(CID Regulation 195-1)		0114-02-CID369-23525
TIME, DATE, AND AGENT	SUM	MARY OF INVESTIGATIVE ACTIVITY
1730, 30 Sep 02 1761-166-7 SA T: 180	SA arrived from	om Kuwait Branch Office to assist with this investigation.
0700, 1 Oct 02 <b>b7C-1/bb-/</b> SA I: 30 T: 10	obtaining consent from SAYA Lwara.	mander, A Co, 2/3rd SFG, BAF, on the status of this investigation to stated he would coordinate with the Mullah from Lwara on RI's family on the exhumation of his remains and on transport to
0835, 1 Oct 02 6701,661 SA 1: 15 T: 0	About 0835, 1 Oct 02, SA—343, 2/3 rd SFG, BAF, who stat incident occurred on 28 Aug 0 SAYARI's body or the scene. this investigation.	ted he was within the compound fixing radio equipment when the 2, and did not leave the compound. He stated he did not see SSG could provide no further information to assist with
1010, 1 Oct 02 <b>b7C-1/b6-/</b> SA 1: 45 T: 0	About 1010, 1 Oct 02, SACODA 343, 2/3 rd SFG, BAF, whof this incident. (See Sworn S	
0800, 2 Oct 02 <b>b76-1-66-/</b> SA 1: 60 T: 0	About 0800, 2 Oct 02, SA 519 ^{dt} MI Bn, BAF, who render incident. (See Sworn Statemer	· · · · · · · · · · · · · · · · · · ·
1100, 2 Oct 02 <b>b7c-1361</b> SA 1: 15 T: 0	Playstation video game when a sked if everyone on the team everyone was okay and that he he never saw the shooting scer truck used to transport his rem was not informed as to what he the shooting to go to the Opera circumstances surrounding the this interview. SFC never told, or perceived, him a information to provide regarding	interviewed SFC.  ODA 343, in the Team's living tent on 28 Aug 02 playing on a Sony 16-5 SSG.  told him about the shooting. SFC. stated he was okay and if he was needed for anything. Once he was informed was not needed, he went back to playing the video game. He said he and only saw SAYARI's body when it was transferred from the ains to the local AMF Commander at the FB. SFC. said he ad happened as CPT. had asked everyone involved in thions tent to document what had occurred. He learned about the shooting once he arrived at Kandahar prior to arriving at BAF for lated he had no idea who SAYARI prior to the shooting and was sa threat to the team. SFC. stated he had no other nig this investigation.
1100, 2 Oct 02 67(-1, 66-/ SA 1: 107 T: 0	At 1100, 2 Oct 02, SA  ODA 343, 2/3 rd SFG  when the shooting occurred. S  the Team Op Center at the Fire reference to the shooting. (See	was present for the After Actions Review (AAR) at Base. SSG Clarified what was discussed at the AAR in
0000, 2 Oct 02 0300, 3 Oct 02 <b>676-1-66-7</b> SA 1: 180	SAarrived at BAF fro  576-1,56-1  SA and SA	- ·
0430. 3 Oct 02 176-1, 66/ SA	Coordinated with CW2  AMF Commander, and interpr	7th SFG. FBL, who provided assistance with interview of eters
CID FORM 28-R 1 AUG 88	PREVIOUS ED	ITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED

CONTROL NUMBER AGENT ACTIVITY SUMMARY 0114-02-CID369-23525 (CID Regulation 195-1) SUMMARY OF INVESTIGATIVE ACTIVITY TIME, DATE, AND AGENT interviewed AMF Commander 67C-1>66-1 76-17 Har 0515, 3 Oct 02 176-12/56-/ with the following information noted: The AMF soldier that was with SAYARI as since quit the AMF and is currently residing at an unknown location in Pakistan. According to I: 120 T: 0 SAYARI was utilizing his truck as a taxi-cab, and the AMF soldier and other occupants were his customers and were being transported to different locations. And, the road on which SAYARI traveled and was detained by ODA 343, had been in the direction the AMF soldier wanted to go. Lated he had been at the front gate of FBL, at the time that SAYARI was conversing with CW2 about renting his truck, and according to did not immediately follow the ODA 343 patrol when it left FBL, as previously stated.

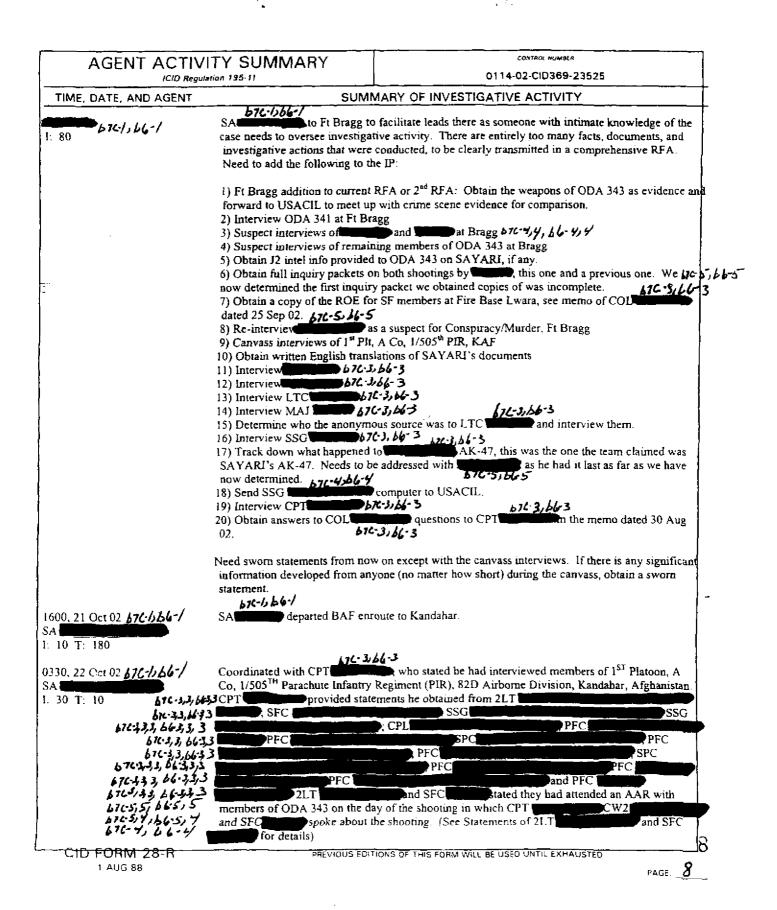
stated SAYARI was still trying to get CW2

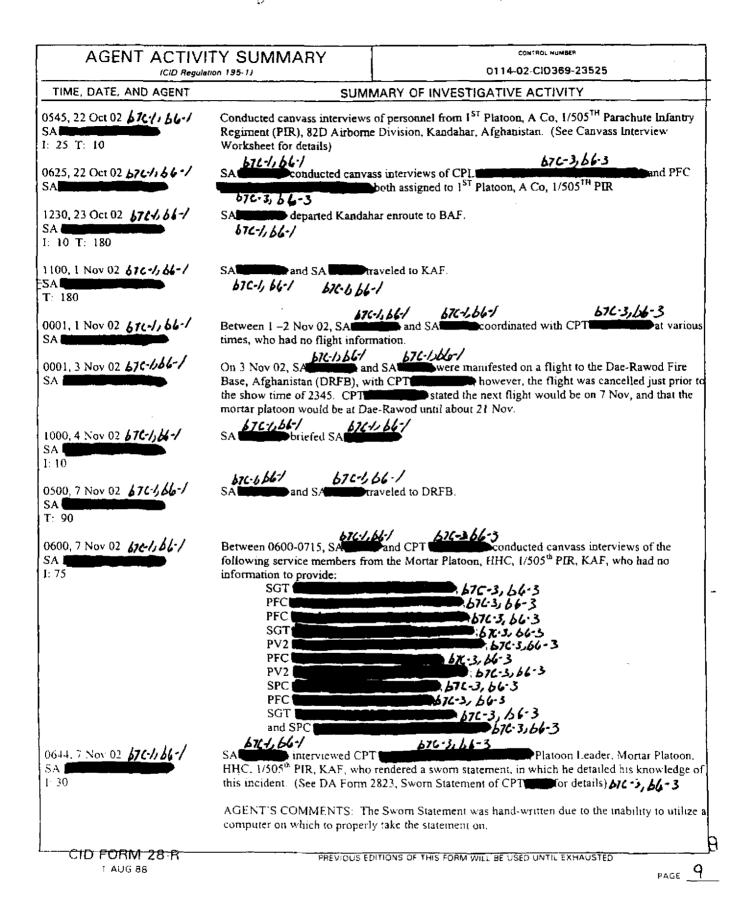
very angrily told SAYARI to come back in the morning. SAYARI still wanted to enter the fire base after the ODA left, but an angrily insisted that SAYARI leave immediately and return in the morning and and the bein stated that SAYARI had previously shown no acts of aggression towards the Americans, and according to them, had not sympathized with Taliban or al-Quaeda, and as a matter of fact, had hated the Taliban, and had gone against their rules and ways. They also stated that they never heard of him placing a hit on had not heard of SAYARI reacting violently if cornered or threatened. and stated SAYARI had previously lived in Morgah, but has since moved to the wara area due to him killing a relative during a dispute about land approximately 15 years ago. stated SAYARI had previously been collecting taxes from people traveling on the road adjacent to FBL, prior to the Americans arrival, and prior to the shooting, SAYARI was sort of a businessman: utilizing his truck as a taxi; and being involved in the harvesting and selling of fruit during the fall season. He also stated that SAYARI although not an elder of the tribe, was respected by the elders because of his tax-collecting, which he pocketed, and because of his security, or bodyguards. Stated that he was called to the site of the shooting, and upon his arrival, noticed that SAYARI's Jurban was still on his head, and that there was a wound to his head and to his chest. drew the area and two representations of the wounds he saw on SAYARI's chest, see attached きたえん・ス rough sketch of 0940, 3 Oct 02 676-1.66-1 coordinated with SAYARI's tribe elders and his father (NFI), who would not allow SAYARI's body to be exhumed, due to religious beliefs. The elders stated several of them did wash SAYARI's body prior to his burial and possibly could describe the wounds. The elders I: 20 T: 0 stated they would meet SA again and would discuss matters further. AGENT'S COMMENTS: Due to time constraints of awaiting travel from FBL, the meeting and the elders was short, and no definite matters were discussed. It was between SA agreed to discuss matters further when USACIDC travels back to FBL. 676-3,66-3 who informed this SA that MSG that based on emergency leave. Additionally, SPC 0620, 3 Oct 02 676-156-1 re-deployed to Fort Bragg along with SSG were both support personnel at FB Lwara and I: 15 Ť: Ő were possibly mechanics. LTC did not know what unit they were assigned to, and stated they had no interaction with ODA 343 other than to offer support when needed in regards to mechanical problems. LTC had no idea as to why their names were added to the team roster 6764566-/ 1000, 3 Oct 02 676-1/04 traveled from FBL to BAF. 0510, 4 Oct 02 on the status of this investigation to date. PREVIOUS EDITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED CID FORM 28-R 1 AUG 88

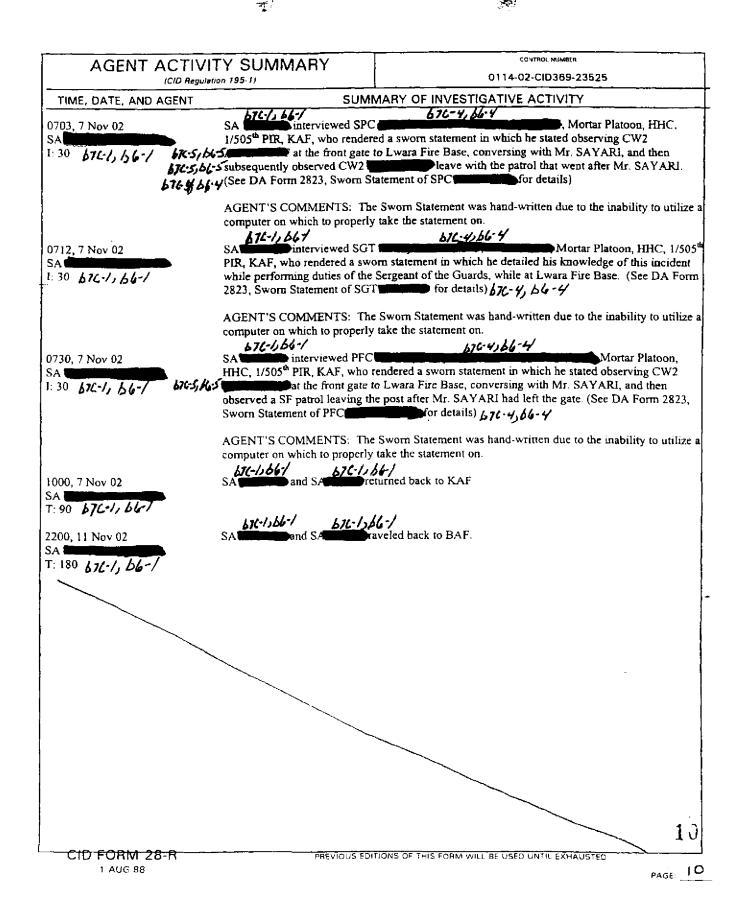
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CONTROL NUMBER AGENT ACTIVITY SUMMARY 0114-02-CID369-23525 (CID Regulation 195-1) SUMMARY OF INVESTIGATIVE ACTIVITY TIME, DATE, AND AGENT I: 10 T: 10 67C-1,66% 676-116-1 0550, 4 Oct 02 6761, 66-1 At 0550, 4 Oct 02, SA 🖿 coordinated with LTC (See attached e-mail of SA to 3D MP Group for details) D7C1766/ I: 120 T: 20 676-1266-1 Polygrapher, 11th MP Det (CID), Fort 0320, 6 Oct 02 67C-/>66-/ About 0320 (0750L), 6 Oct 02, SAI المركة المركة bof his legal rights, which he invoked, requesting a lawyer المارة المالية bof his legal rights, which he Hood, TX, advised CPT at which time the interview was immediately terminated. (See Non-Waiver of CPT) I: 10 T: 0 676.5,66.5 for details) 676-1,66-1 0335, 6 Oct 02 676/16-/ Padvised SSG About 0335 (0805L), 6 Oct 02, SA of his legal rights, which he invoked, requesting a lawyer, at which time the interview was immediately terminated. (See Non ***** 10 OCT 02 ENTRIES CONTINUE BELOW ON NEXT PAGE***** CID FORM 28-R PREVIOUS EDITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED 1 AUG 88 PAGE 6







520, 27 Sep 02 SAC REVIEW: CASES HELD IN ABEYANCE DUE TO PRIORITY CASE WORK ON 0113-02 AND 0114-02 FROM 24 TO 27 SEP 02. 0 676-636-1 676-81 66-3 TRIAL COUNSEL, 7TH SFG, BRIEFED CPT 310, 09 Oct 02 QANDAHAR AIRFIELD, TO DATE ON THIS INVESTIGATION. CPT REVIEWED ALL DOCUMENTATION TO DATE . 676-3, 66-3 180 T: 0 67611661 At 1205, 9 Oct 02, SA 09 Oct 02 interviewed SFC rendered a sworn statement further detailing his knowledge 330 T: 0 of the death of Mr SAYARI and the actions of the SF team, ODA 343. (See statement of SFC the for details) 676-4,864 376-1,66-1 BRIEFED CPT 676-3,66-3 WOULD BE ACCOMPANYING AGENTS BACK TO LWARA 13-16 OCT 02, 3<u>05,</u> 09 Oct 02 10 T: 0 676-1, 66-1 ASSIST AT THE CRIME SCENE. , OPS, 3rd MP Grp, to date on this 1<u>15, 09</u> Oct 02 Briefed CW5 investigation. CW5 advised to do 2nd Stat upon ACIRS being restored to fully ID subjects and add offenses, 20 T: 0 but maintain restriction in CID channels only. JC-1, b6-1 ALL CASES HELD IN ABEYANCE AS ALL AGENTS 305, 22 Oct 02 SAC REVIEW: WERE WORKING PRIORITY MURDER INVESTIGATION 20 T: 0 0114-02-CID369-23525. 616-1,66-1 bオピーク んローノ 676-1,661 1<u>00, </u>01 Nov 02 TRAVELED TO KAF. AND SA : 0 T: 180 >76-12 66-1 b76-1,66-1 676-1266-1 OV 02 BETWEEN 1 -2 NOV 02, SA AND SA COORDINATED AT VARIOUS TIMES, WHO HAD NO FLIGHT AND SA COORDINATED 001, 02 Nov 02 20 T: 0 INFORMATION. 676-1566-1 676-1,661 576-12B6-1 On 3 Nov 02, SA and SA were manifested on a flight to the Deh Rawod Fire Base, Afghanistan (DRFB), with CPT however, the flight was cancelled just prior to the show time of 2345. CPT stated the next flight would be on 7 Nov, and that the mortar platoon would be at 001, 03 Nov 02 : 40 T: 0 4 C-3 4 CPT .76-15 66-1 Deh Rawod until about 21 Nov. b76-1,66-1 676/166-1 000, 04 Nov 02 SA BRIEFED SA

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CID FM 28-R (ACIRS Generated)

Trv: 180 (3.00)

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: 10 T: 0 ,76-1, 66-1

010, 04 Nov 02 FAXED ALL DOCUMENTATION TO SUPPORT 2ND RFA TO 87TH MP DET (ABN) (CID), FT BRAGG, NC. 150 T: b761, b4-/ b76-1,66-1 676-3,66-3 67C-1,66% SA AND CPT TRAVELED TO DRF8. 500, 07 Nov 02 676-12 66-1 About 0644, 7 Nov 02, 00, 07 Nov 02 canvass interviews of service members from the Mortar 60 T: 0 Platton, HHC, 1/505th PIR, KAF. Service members interviewed had no additional information to provide this office. 16-1,66-1 canvass interview worksheet for details) 676-1,44-1 67C-4,64·4 🕨 interviewed CPT 🛲 <u>644</u>, 07 Nov 02 Platoon Leader, Mortar Platoon, HHC, 1/505th PIR, KAF, who rendered a sworn statement, in which he detailed his knowledge of this incident. (See DA Form 2823, Sworn Statement of CPT for details) 30 T: 0 761, 601 AGENT'S COMMENTS: The Sworn Statement was hand-written due to the inability to utilize a computer on which to properly take the statement on. b1C-1, 66-1 675-4,66-4 interviewed SPC 🕊 703. 07 Nov 02 Mortar Platoon, HHC, 1/505th PIR, KAF, who rendered a sworn : 30 T: 0 statement in which he stated observing CW2 at the*iバらい*ら front gate to Lwara Fire Base, conversing with Mr. SAYARI, and then subsequently observed CW2 leave with the No. 5 patrol that went after Mr. SAYARI. (See DA Form 2823, Sworn 76-1, 66-1 patrol that went after Mr. SAYARI. (See DA F Statement of SPC for details) 676-4,66-4 67c-1,66-1 676-4786-4 🖿 interviewed SGT 📹 712, 07 Nov 02 Mortar Platoon, HHC, 1/505th PIR, KAF, who rendered a sworn : 30 T: 0 statement in which he detailed his knowledge of this incident while performing duties of the Sergeant of the 76-1, 66-1 Guards, while at Lwara Fire Base. (See DA Form 2823, Sworn Statement of SGT for details) \$76-4, \$6-4 47C-1166-1 676-4, 66-4 🗰 interviewed PFC 🖷 730, 07 Nov 02 Mortar Platoon, HHC, 1/505th PIR, KAF, who 30 T: 0 rendered a sworn statement in which he stated observing CW2 at the front gate to Lwara Fire Base, conversing 67C-1, 66-1 67C-5665 with Mr. SAYARI, and then observed a SF patrol leaving the post after Mr. SAYARI had left the gate. (See DA Form 2823, Sworn Statement of PFC for details)

Trv: 90 (4.30)

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Inv: 330 (16.20)

CID FM 28-R (ACIRS Generated)

676-1,66-1 676-1, 66-1 1764,667 000, 07 Nov 02 SA AND SA RETURNED BACK TO KAF. : 0 T: 90 676-1, 66-1 ALL CASES WERE HELD IN ABEYANCE DUE TO PRIORITY CASE WORK ON 100, 09 Nov 02 0114-02-CID369 (MURDER) WITH FEW EXCEPTIONS FROM 22 TO 9 NOV 02. 20 T: 0 676-1.66-1 676-1246-1 676-1, BG-1 AND SA TRAVELED BACK TO BAF. 200. 11 Nov 02 : 0 T: 180 616-/, 66-/ 9<u>20</u>, 06 Dec 02 676-15-15-1 87TH MP DET (CID), FT COORDINATED WITH SA BRAGG, WHO ADVISED CLOSE COORDINATION WOULD BE MAINTAINED PRIOR TO CLOSURE OF THE RFA. 10 T: ( 676-1, 66-1 <u> 676-4,66-</u>4 who has become fearful of his well <u>10 D</u>ec 02 Met with SFC being again since the Washington Post article that referred to him by saying that the shooting of SAYARI was good until a support soldier ( made a complaint. : 30 T: 0 was insistent that I speak with SJA about his safety and desire to be protected. Perceives a threat from 176.4, 166.4 the SF soldiers due to what they do and that he feels certain they know how to "get him" and will have someone harm him or his family. 67C-11 661 ALL CASES HELD IN ABEYANCE AS ALL AGENTS WORKING PRIORITY 940, 21 Dec 02 INVESTIGATIONS 0134-02-369 AND 0137-02-369. 20 T: 0 676-1, 66-1 TIME PERIOD FOR CASES HELD IN ABEYANCE IS 4 DEC 02, TO 940, 21 Dec 02 PRESENT AND STILL ONGOING. A SUBSEQUENT ENTRY WILL : 10 T: 0 676-17 66-1 COMPLETE THE PERIOD. CASES HELD IN ABEYANCE FROM 22 DEC 02 TO 6 915, 08 Jan 03 SAC REVIEW: JAN 03, DUE TO ALL AGENTS WORKING PRIORITY INVESTIGATIONS : 20 T: 0 **6164 664** 000, 26 Jan 03 0134-02, 0137-02, AND 0140-02. RECEIVED 2ND INFO REPORT FROM FT BRAGG, SEE ATTACHED. 10 T: 0 676-12 66-1 020, 08 Feb 03 PRIORITY CASE WORK ON 0010-02-CID369 ON 6 AND 7 FEB 03. : 10 T: 0 67L-1, 66-1 900, 26 Feb 03 B74-1,:6-1 176-1566-1 AND SA PREPARED BETWEEN 26-28 FEB 03, SA CASE FILE FOR FINAL CLOSURE : 240 T: 0

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CID FM 28-R (ACIRS Generated)

Trv: 270 (4.30)

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7 (144)

AGENT ACTIVITY SUMMARY 0114-02-CID369-23525

67C-1, 46-/

130, 28 Feb 03 COMPLETED DRAFT OF FINAL REPORT : 0 T: 0

Inv: 0 (6.10) Trv: 0 (4.30) CID FM 28-R (ACIRS Generated)

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Inv: 650 (10.50)
CID FM 28-R (ACIRS Generated)

Trv: 180 (3.00)

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**67C-/) , 66-/** 10, 04 Nov 02 FAXED ALL DOCUMENTATION TO SUPPORT 2ND RFA TO 87TH MP DET 010. (ABN) (CID), FT BRAGG, NC. 676.4,66.4 676-156-1 676-1,667 500, 07 Nov 02 SA AND CPT TRAVELED TO DRFB. 0 T: 90 47C-1,661 676-1,66-1 676-4,66-4 600, 07 Nov 02 About 0644, 7 Nov 02, SA canvass interviews of service members from the Mortar 60 T: 0 Platton, HHC, 1/505th PIR, KAF. Service members interviewed had no additional information to provide this office. canvass interview worksheet for details) 1,76.4,66.4 676-1266-1 676-1,66-1 644, 07 Nov 02 interviewed CPT Platoon Leader, Mortar Platoon, HHC, 1/505th PIR, KAF, who rendered a sworn statement, in which he detailed his knowledge of this incident. (See DA Form 2823, Sworn Statement of CPT for details) b/c-4/66-4 30 T: 0 AGENT'S COMMENTS: The Sworn Statement was hand-written due to the inability to utilize a computer on which to properly take the statement on. 675-1,66-1 676-1,66-1 676-4,66-4 703, 07 Nov 02 interviewed SPC 🕻 Mortar Platoon, HHC, 1/505th PIR, KAF, who rendered a sworn statement in which he stated observing CW2 30 T: 0 front gate to Lwara Fire Base, conversing with Mr. SAYARI, and then subsequently observed CW2 leave with the 676 patrol that went after Mr. SAYARI. (See DA Form 2823, Sworn leave with the 6705,663 patrol that went after Mr. SAYARI. (See DA F Statement of SPC for details) 672-126-1 676-1,66-1 6764,664 712, 07 Nov 02 SA _____ interviewed SGT Mortar Platoon, HHC, 1/505th PIR, KAF, who rendered a sworn 30 T: 0 statement in which he detailed his knowledge of this incident while performing duties of the Sergeant of the Guards, while at Lwara Fire Base. (See DA Form 2823, Sworn Statement of SGT for details)616-4,66-4 676-1, 66-1 676-4,64-4 676-1,66-1 730, 07 Nov 02 🖪 interviewed PFC 🖿 Mortar Platoon, HHC, 1/505th PIR, KAF, who 676-4,66-4 rendered a sworn statement in which he stated observing CW2 30 T: 0 at the front gate to Lwara Fire Base, conversing 11.5,665 with Mr. SAYARI, and then observed a SF patrol leaving the post after Mr. SAYARI had left the gate. (See DA Form 2823, tor details)**670-4,66-4** Sworn Statement of PFC

Trv: 90 (4.30)

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1nv: 330 (16.20)

CID FM 28-R (ACIRS Generated)

Inv: 130 (18.30) CID FM 28 R (ACIRS Generated) Trv: 270 (9.00)

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About 0945, 20 Mar 03, SA interviewed LTC who related he could not remember if he knew CPT and broad and broad his unit were planning on stopping and questioning Mr. SAYARI before the event happened. LTC related that broad was only one of 563 combat missions he was responsible for during his units deployment to Afghanistan. LTC broad broad stated a telephone notification was needed for missions within a 10-kilometer range from his base. For missions outside 10 kilometers, a written concept operation order (CONOP) was required. LTC stated there was no formal broad stated detailed parameters around detaining and questioning individuals. LTC stated each individual broad team handled these situations in there own way.

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CID FM 28-R (ACIRS Generated)

Trv: 60 (10.00)

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AGENT ACTIVITY SUMMARY 0114-02-CID369-23525

676-1, 66-1 05 Mar 03 45 T: 0

Based on request from the supported SJA, prepared and dispatched RFA to Fort Bragg to interview LTC 2LT 676-4,66-4 and CPT Posted copy of RFA to file 676-4,4,66-4,4

1.

SA e-mailed RFA to SAC, Fort Bragg, followed by faxed statements of and and bx.4,4,56.4,7

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CID FM 28-R (ACIRS Generated)

Trv: 0 (0.00)

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About 1300, 25 Mar 03, SA interviewed CPT who provided the following information:

1. He was present at the intelligence briefing, but stated only general information was put out concerning Mr. SAYARI.

[71:1] CPT stated the plan was to (when followed by Mr. SAYARI) pull around a hilltop or other visual obstruction and wait for SAYARI'S vehicle to pass them. Then pull SAYARI over, detain him, and transport him back to base for interview.

[71:3] CPT stated they did not go into specifics on what

Stated they did not go into specifics on what methods they would use when separating Mr. SAYARI from his weapon and vehicle, he believed because there were 82nd Airborne personnel there, and the Special Forces team did not want to give away their SOP. CPT The related he assumed In there was an SOP in place to deal with the issue due to the general way in which they addressed the plan.

67C·1, 66·1 03<u>0, 23 May</u> 03 COMPLETED STATUS REPORT. FORWARDED SAME.

: 60 T: 0 **b7t-) b6-/** 800, 23 May 03 : 1000 T: 200

OTHER INVESTIGATIVE ACTIVITY:

NARRATIVE: On 18 Apr 03, this office received the USACIL Laboratory Examination Report, 2002-CID131-2225, 22 Jan 03, which reflected the results of their examination on the beads found in Mr. SAYARI's hand when he was shot and killed. The tests conducted revealed the presence of blood on the beads, but not a sufficient amount to test.

On 15 May 03, SA interviewed Mr.

Interpreter, Base Operations, BAF, who related he was very familiar with Afghanistan religious practices. He was

Inv: 1060 (44.30) CID FM 28-R (ACIRS Generated) Trv: 200 (13,20)

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briefed on the finding that Mr. SAYARI was found with religious beads in his right hand and the claims made by the soldiers who found and killed him that he was in the process of reaching for his weapon. He explained that when an Afghan national is holding beads in their right hand, they are offering themselves in a peaceful mode and would not have reached for a weapon or acted aggressively.

676-3,66-3 67C-1,66-1 

676-1,86-1 900, 23 May 03

COMPLATED AND DISPATCHED FINAL REPORT.

676-156-1 000, 23 May 03 300 T: 60

COPIED AND DISPATCHED FINAL REPORT. TO PENDING FILE.

676-1,66-1 23 M&-04

Peuch Adjudication on all Subjects.

- Sort originals to CRC

- Filed w closed Cases

Inv: 650 (55.20) CID FM 28-R (ACIRS Generated) Trv: 60 (14,20)

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AGENTS ACT	VITY SUMMARY	Control Number
(CID Regul	ation 195-1)	0114-02-CID369-23525
TIME, DATE, AND AGENT	·	SUMMARY OF INVESTIGATIVE ACITIVITY
	As directed by operational remember for detail.  Notified by HQ received at US during the operation and these wrong location. Assumed these examination it subjects in the Forwarded the posted to the Statute information and the statute information and the statute information and the statute information. Adjusted the statute information and the statute information a	SCHART OF INVESTIGATIVE ACITIVITY  HQUSACIDC, SA conducted an b76'/b6' view of this investigation. Refer to s.  USACIDC, that 4833 action had not been ACRC on this investigation. Noted rational review conducted on 20 May 04, e 4833s in the file, but were in the as prescribed by CIDR 195-1. were copies, however, upon further was noticed that the 4833s on all the e case file were the originals. originals to USACRC, and copies were file. Re-opened case to enter the ation so that the adjudication could be dication information added to ACI2.
	for wanted with	

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DATE:
                     23 MAY 2003 07:41
                     87TH MP DET (ABN)(CID)(FWD) //CICR-EF//
DIRUSACRC USACIDC FT BELVOIR VA //CICR-ZA//
          FROM:
          TO:
                     ENDURING FREEDOM BRANCH OFFICE //CICR-EF//
                     SAC, CAMP STRONGHOLD FREEDOM BRANCH OFFICE, UZBEKISTAN
                     CDR, 87TH MP DET (CID) (FWD), BAGRAM, AFGHANISTAN SJA, FOB 72 (CPT //SFG-SJA//1/23/66->
SJA, CJTF-180 JOC (MAJ //SFG-SJA//1/23/66-3
                     CHIEF OF STAFF, 82D AIRBORNE DIV, BAGRAM AIR FIELD
                     PROVOST MARSHAL OFFICE, BAGRAM AIR FIELD (CPT )
                                                                                    6-26,8-276
             67€ 3,66-5 PROVOST MARSHAL OFFICE, CJTF 180 (MAJ
                                                                          //CJTF180-PMO-D
                     COMMANDER, TF DRAGON, BAGRAM AIR FIELD (COL
                                                                                1676-5, 66-3
                     SPECIAL OPERATIONS COMMAND LIAISON (SA
                                                                             1676-1, 66-1
                     3RD MILITARY POLICE GROUP REAR (OPNS OFFICER)
                     SJA, CJSOTF, BAGRAM AIR FIELD (CPT
                                                                     676-3,66-3
                     DIR AFIP WASH DC
                     CDR 3D MP GRP CID FT GILLEM GA //CIRC-ZA//
                     CDR 87TH MP DET CID DSE LT ABN FT BRAGG NC //CIMPB-HG//
                    CDR USACIDC FT BELVOIR VA //CIOP-ZA//
                    CID REPORT - 3D
                                        STATUS / SSI - 0114-02-CID369 - 23525 -
          5H1A / 5X3 / 5Y2 / 7X2 /
                                       7X6 / 9G2A / 9G2C / 9G2E
          DRAFTER
          RELEASER:
                                           676-11661
          UNCLASSIFIED - FOR OFFICIAL USE ONLY
              DATES/TIMES/LOCATIONS OF OCCURRENCES:
              1. 28 AUG 2002/1500 - 28 AUG 2002/1800; ROAD ADJACENT TO U.S.
          ARMY FIRE BASE, LWARA, AFGHANISTAN
              DATE/TIME REPORTED:
                                      25 SEP 2002, 1630
              INVESTIGATED BY:
                                   SA
                                      676-5, 66-5
              SUBJECT:
                                                          ; CPT
         M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354; CT; [CONSPIRACY], [DERELICTION OF DUTY], [MURDER], [OBSTRUCTION OF JUSTICE].
                                      674-5, 66-5
                          2.4
                                                    SFC
         M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP, 6165, 665
          [DERELICTION OF DUTY], [MURDER].
                                      676-5,66-5
                                                   ₿SG
                       M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP; BAGRAMICS, 66-5
         AIR FIELD, AFGHANISTAN, APO AE 09354; CT; [CONSPIRACY], [MURDER].
                                        b745, b6-5
                                                    SSG
                     M; WHITE; ODA 343, 2/3RD SPECIAL FORCES GROUP, BAGRAM AIR
         FIELD, AFGHANISTAN, APO AE 09354; CT; [CONSPIRACY], [DERELICTION OF
         DUTY], [MURDER].
                                        676.5, 66.5
                        [ADD] 5.
                                                          CW2
676.5, 36-51
                                   M; WHITE: ODA 343, 2/3RD SPECIAL FORCES GROUP
         BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354; CT; [ACCESSORY BEFORE
         THE FACT].
```

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23

165,665

- 5. VICTIM: 1. SAYARI, MOHAMED [DECEASED]; CIV; AFGHANISTAN; MORGAH, AFGHANISTAN; M; OTHER; LWARA, AFGHANISTAN; XZ; [NFI]; [CONSPIRACY], [MURDER].
- 2. US GOVERNMENT (2/3RD SF GROUP) BAF, APO AE 09354; [ACCESSORY BEFORE THE FACT], [DERELICTION OF DUTY], [OBSTRUCTION OF JUSTICE].
- 6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS A CAMP STRONGHOLD FREEDOM INVESTIGATION."

THIS INVESTIGATION WAS INITIATED UPON NOTIFICATION FROM SSG , A CO, 519TH MILITARY INTELLIGENCE BATTALION, 576-3, 566-3 BAGRAM AIR FIELD, AFGHANISTAN, APO AE 09354 (BAF), THAT HE WAS SUSPICIOUS OF THE SHOOTING DEATH OF MR SAYARI BY A SPECIAL FORCES TEAM.

AS A SUBJECT OF THIS INVESTIGATION AND TO LIFT THE LICE DISTRIBUTION RESTRICTIONS AS THIS WAS NOT PREVIOUSLY DONE.

ON 23 MAY 03, COORDINATION WAS EFFECTED WITH LTC

OFFICE OF THE STAFF JUDGE ADVOCATE, CJTF-180, BAF, WHO AFTER
REVIEW OF THE ENTIRE INVESTIGATION OPINED CW2

THE OFFENSE OF ACCESSORY AFTER THE FACT. LTC

OPINION ON CW2

ADMISSION TO TAKING THE WEAPON THAT 576.5, 56-5

MR. SAYARI ALLEGEDLY HAD PRIOR TO BEING MURDERED AND LOSING THE
WEAPON AT AN UNKNOWN LOCATION.

2ND STATUS: THIS STATUS REPORT WAS SUBMITTED TO FULLY IDENTIFY THE SUBJECTS OF THIS INVESTIGATION AND TO ADD ADDITIONAL OFFENSES.

THE DELAY IN REPORTING WAS DUE TO THE GEOGRAPHIC LOCATION OF THE INVESTIGATION, NOT BEING SUPPORTED BY ACIRS, AND THE INABILITY TO TRANSMIT INFORMATION WHILE THE SYSTEM WAS DOWN.

INVESTIGATION REVEALED THAT CPT COMMITTED THE bics, bb.5

ADDITIONAL OFFENSES OF DERELICTION OF DUTY AND OBSTRUCTION OF
JUSTICE WHEN HE VIOLATED THE SOP FOR DETAINING CAPTIVES AND
INSTRUCTED SFC TO NOT FORWARD CERTAIN INCRIMINATING bic-3, bb-3

PHOTOGRAPHS OF MR. SAYARI'S BODY AND TO DESTROY THEM. SFC
AND SFC COMMITTED THE OFFENSE OF DERELICTION OF bit-55, bc-5

DUTY WHEN THEY VIOLATED THE SOP FOR DETAINING CAPTIVES. SSG
DID NOT COMMIT THE OFFENSE OF DERELICTION OF DUTY AS HE 67C-5, bb-5

WAS NOT DIRECTLY INVOLVED IN HANDLING A DETAINED CAPTIVE.

ON 8 OCT 02, LTC DEPUTY SJA, 18TH AIRBORNE CORPS, BAF, OPINED THERE WAS PROBABLE CAUSE TO BELIEVE CPT COMMITTED THE ADDITIONAL OFFENSES OF DERELICTION OF 10.5, 16.5 DUTY AND OBSTRUCTION OF JUSTICE BASED ON THE TESTIMONIAL AND PHYSICAL EVIDENCE. SFC AND SSG COMMITTED THE 11.5, 15, 16.5 ADDITIONAL OFFENSE OF DERELICTION OF DUTY BASED ON THE PHYSICAL

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AND TESTIMONIAL EVIDENCE.

ыс5,665 т , sf0

REQUEST A USACRC NAME CHECK PERTAINING TO CPT SSG AND SSG AND

INVESTIGATION CONTINUES BY USACIDG.

#### INITIAL:

THE DISTRIBUTION OF THIS REPORT IS RESTRICTED TO USACIDC CHANNELS ONLY TO PREVENT THE COMPROMISE OF SENSITIVE INFORMATION CONTAINED WITHIN THE REPORT THAT MAY ASSIST THE ALLEGED PERPETRATORS. THIS INFORMATION SHOULD BE HELD CLOSE HOLD UNTIL THE SUBJECTS ARE INTERVIEWED. THIS REQUEST IS TEMPORARY AND THE RESTRICTION WILL BE LIFTED AND NORMAL DISTRIBUTION WILL BE EFFECTED UPON COMPLETION OF THE INTERVIEWS.

PRELIMINARY INVESTIGATION REVEALED THAT MR. SAYARI HAD BEEN ROUTINELY FOLLOWING THE SF TEAM COMPRISED OF CPT , AND SSG THEIR OIC SOME TIME AND REPORTING THEIR 616-5,5, 66-5,5 WHEREABOUTS TO AN UNKNOWN RECIPIENT. MR. SAYARI WAS NOT KNOWN TO BE THE ENEMY OR ASSOCIATED WITH THE ENEMY, BUT HIS ACTIONS REQUIRED A DETERMINATION BE MADE AS TO HIS INTENT AND REASONS. A DECISION WAS MADE TO LURE MR. SAYARI DOWN A ROAD NEAR A FIRE BASE IN LWARA, AFGHANISTAN, AND THEN CAPTURE HIM FOR QUESTIONING. MR. SAYARI WAS LURED DOWN THE ROAD AS PLANNED AND CAPTURED. UPON BEING QUESTIONED, MR. SAYARI'S WEAPON WAS TAKEN FROM HIM BY THE SF TEAM. THE TEAM THEN REPORTED WHILE ATTEMPTING TO RADIO IN THAT MR. SAYARI WAS CAPTURED AS PLANNED. MR. SAYARI LUNGED FOR HIS WEAPON AND ATTEMPTED TO POINT IT AT AND WAS SHOT ONCE IN THE STOMACH BY SSG SFC SFC THEN TURNED AND FIRED FIVE ROUNDS AT THE THE CHEST OF MR 1516-5166-5 SAYARI AND SSG FIRED AN ADDITIONAL FOUR ROUNDS AT THE 6165,66-5 CHEST OF MR. SAYARI. SSG WAS THEN REQUESTED TO 6763 & RESPOND TO THE SCENE TO DOCUMENT THE INCIDENT WITH PHOTOGRAPHS WAS THEN REQUESTED TO 67(3,66-3 AND COLLECT DNA SAMPLES FROM MR. SAYARI'S BODY. WHEN SSG REALIZED THE EVIDENCE DID NOT MATCH THE ACCOUNT OF EVENTS RELATED BY THE SF TEAM. THERE WAS NO ENTRANCE WOUND EVIDENT ON MR. SAYARI'S BODY IN THE STOMACH AREA, AND THERE APPEARED TO BE ENTRANCE WOUNDS INTO MR. SAYARI'S BACK, AS WELL AS A QUESTIONABLE WOUND TO THE HEAD. THERE WERE NO ATTEMPTS TO RESUSCITATE MR. SAYARI AND NO MEDICAL TEAM RESPONDED TO THE SITE.

COORDINATIONS ARE BEING MADE WITH THE AFGHAN GOVERNMENT TO-EXHUME MR. SAYARI'S BODY FOR A FORENSIC AUTOPSY, AND SUPPORT FOR THE FORENSIC AUTOPSY IS BEING REQUESTED FROM THE ARMED FORCES INSTITUTE OF PATHOLOGY.

AN EXAMINATION OF THE FORENSIC EVIDENCE BY CW3 LANGE LATER L

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ENTRANCE WOUNDS. A FORENSIC EXAMINATION OF MR. SAYARI IS NECESSARY TO SOLIDIFY THESE DETERMINATIONS.

INTERVIEWS OF THE SUBJECTS OF THIS INVESTIGATION ARE PENDING THEIR RETURN TO BAF FROM OPERATIONS AFIELD.

THE DELAY IN REPORTING WAS DUE TO SSG AWAITING THE 676-3,66-3 OUTCOME OF AN INITIAL INVESTIGATION OF A COMBAT DEATH BY THE SJA, BAF. THAT INVESTIGATION DETERMINED NO WRONGDOING DUE TO CPT CONTROLLING WHAT EVIDENCE WAS SUBMITTED TO THE SJA. 616-5,66-5 CPT HAD INCOMPLETE AND MISLEADING EVIDENCE FORWARDED TO 616-5,66-5 THE SJA INVESTIGATING OFFICER. SSG WAS IN THE FEAR OF 676-3,66-5 HIS SAFETY WHILE OPERATING WITH THE SF TEAM AND THIS ALSO AFFECTED HIS REPORTING THE INCIDENT TO LAW ENFORCEMENT.

30

REQUEST FOR USACRC NAME CHECKS PERTAINING TO CPT. SFC. SFC. SFC. SSG. AND SSG. WILL OCCUR UPON OBTAINING SICE, 5,5,5,6,6555 COMPLETE IDENTIFYING DATA OF THE SUBJECTS.

INVESTIGATION CONTINUES BY THE USACIDC.

- 7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.
- 8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKINGS IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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# UNITED STATES ARMY CRIMINAL INVESTIGATION LABORATORY 4553 N 2ND FOREST PARK GA 30297~5122

14 January 2003

Page 01 of 01

#### SEROLOGY/DNA DIVISION REPORT

SUBJECT: Submitter Case Number: 0114-02-CID369-23525

USACIL Referral Number: 2002-CID131-2225

Suspect (s): 66-5

676-5, 66-5

#### Exhibits:

3 - Necklace(prayer beads) (Item 1, Voucher 048-02).

#### Findings:

- 1. A chemical indication of blood was found on several beads from Exhibit 3, necklace. Quantities were insufficient for further testing.
- 2. This exhibit will be returned to the submitter upon completion of the analysis.
- 2. Please contact the undersigned examiner with any questions regarding this analysis at com. (404)469- DSN 797- DSN 797- Or email Gusacil-acirs.army.mil. 676-2,66-2





#### DEPARTMENT OF THE ARMY US ARMY CRIMINAL INVESTIGATION LABORATORY 4553 N 2ND

FOREST PARK GA 30297-5122

CILA-BEP (195-2c)

22 January 2003

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 87TH MILITARY POLICE DETACHMENT, (ABN), (CID) (FWD), 507TH CGS, UZBEKISTAN BRANCH OFFICE, APO AE 09311

SUBJECT: Submitter Case Number: 0114-02-CID369-23525

USACIL Referral Number: 2002-CID131-2225

Suspect(s):

676.5766.5

676-5,66.5 b76.5, 66.5 676-5766-5

 Enclosed is the Laboratory Exhibit Listing and Final Division Report for the following division: Serology/DNA.

- 2. Two original reports have been produced. One report is enclosed, as stated, and the other is kept in the official files of this laboratory and maintained IAW AR 25-400-2 and CIDR 195-1.
- 3. IAW AR 195-2, requests and fund cites for court appearances of Laboratory Examiners will be made at least 10 working days prior to the date of court proceedings.

4. POC is the Laboratory Operations Assistant, DSN 797-CM (404) 469-1/DSN 797- 5767266-2

Encl



EVIDENCE TO: SAC, 8000 MILITARY POLICE DETACHMENT, (DSE), THIRD MILITARY POLICE GROUP, USACIDO, FORT BRAGG, MA. 283/A



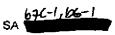
AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

. 28

CILA-BEP (195-c)

12 November 2002

MEMORANDUM FOR



INFO COPY for Seq# 1130-02-CID023

Evidence Submission Acknowledgment

Your Case Number: USACIL Case Number:

0114-02-CID369-23525 2002-CID131-2225

Method of Receipt:

RM # RB 890 211 909 US and Hand Carty from Fort

Bragg, NC

RECEIVED ON:

8 NOV 2002

- Your recent evidence submission has been received at the United States Army Criminal Investigation Laboratory.
- 2. Please cite both your case number and the above laboratory referral number on any future correspondence for this case. Please include your office Fax number and E-mail address on any future lab requests.
- Your case is currently being processed as Routine ____ Expedite _XX_ and the projected routing as;

Trace Evidence
Serology/DNA X
Questioned Document
Latent Prints
Drug Chemistry
Firearms X
Imaging & Tech Support

4. If you have any questions concerning the status of the case, or if you need to expedite/cancel the case, please contact us by phone, FAX, or E-mail. The numbers are as follows:

Telephone: Commercial (404)

**-**

469- 676-2,66-2 797- 676-2,66

FAX

DSN Commercial (404)

ial (404) 469-1

DSN

797

E-mail undersigned direct

5. POC is Email at Quesacil-acirs.army.mil 110-2, 66-2

b76-2, 66-2



Laboratory Operations Assistant
US Army Criminal Investigation Laboratory
Forest Park, Georgia 30297-5122

(404) 469 DSN 797- 614-2,66-2

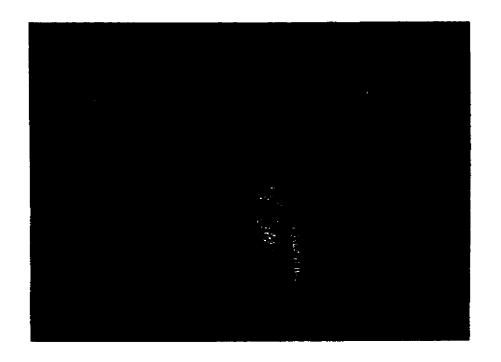
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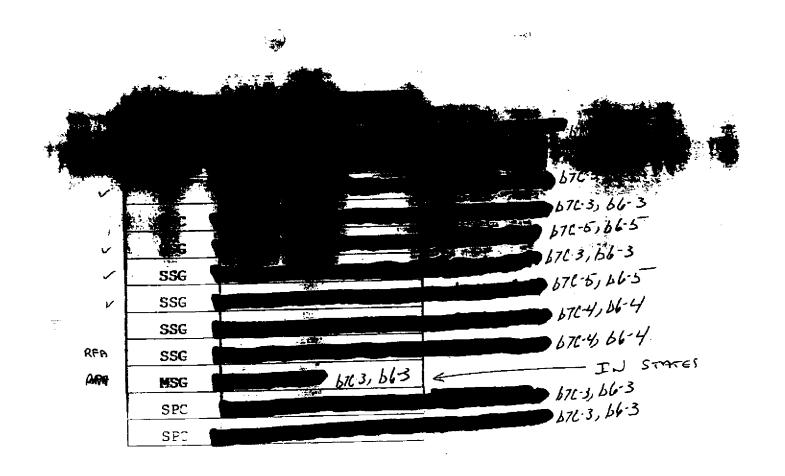
## Page(s)

36

### Referred to:

U.S. CENTRAL COMMAND 7115 SOUTH BOUNDARY BLVD ATTN: CCJ6-DM MACDILL AIR FORCE BASE FLORIDA 33621-5101

MS JACQUELINE SCOTT scottj@centcom armit rmi (813) 827 5341/2830



Need SSNS

## Page(s)

38

## Referred to:

U.S. ARMY HUMAN
RESOURCES COMMAND
ATTENTION: AHRC-FOI, RM 7S65
200 STOVALL STREET
ALEXANDRIA, VIRGINIA 22332-0404

MR. THOM JONES thom.jones@hoffman.army.mil (703) 325-4053

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THE CAMP SOMEWHORE OUR heard 3/4 goys were cooking At CAMP WITH Birds & solved my we apoint a climbed on top of bilding to provide security. Couldn't set mysting.

During daylighthours. Someone (does in the make)

Stid shots had been fixed. Didn't look provide of deciple other goys were involved.

Does it know who else. Does it rece with their was A meeting or Ath.

Doesn't know what was done rowegon.

came back on Enthoused leave hig 10 10-50.

About 2 de shooting, goin they were being cooker at to. shooting someone,

Stopped A god , Searched webself the went how weapout; so day shot in.

Transposit & 3055ed 200 Shickory to far 31 he Knows.

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## Referred to:

U.S. ARMY HUMAN RESOURCES COMMAND ATTENTION: AHRC-FOI, RM 7S65 200 STOVALL STREET ALEXANDRIA, VIRGINIA 22332-0404

MR. THOM JONES thom.jones@hoffman.army.mil (703) 325-4053

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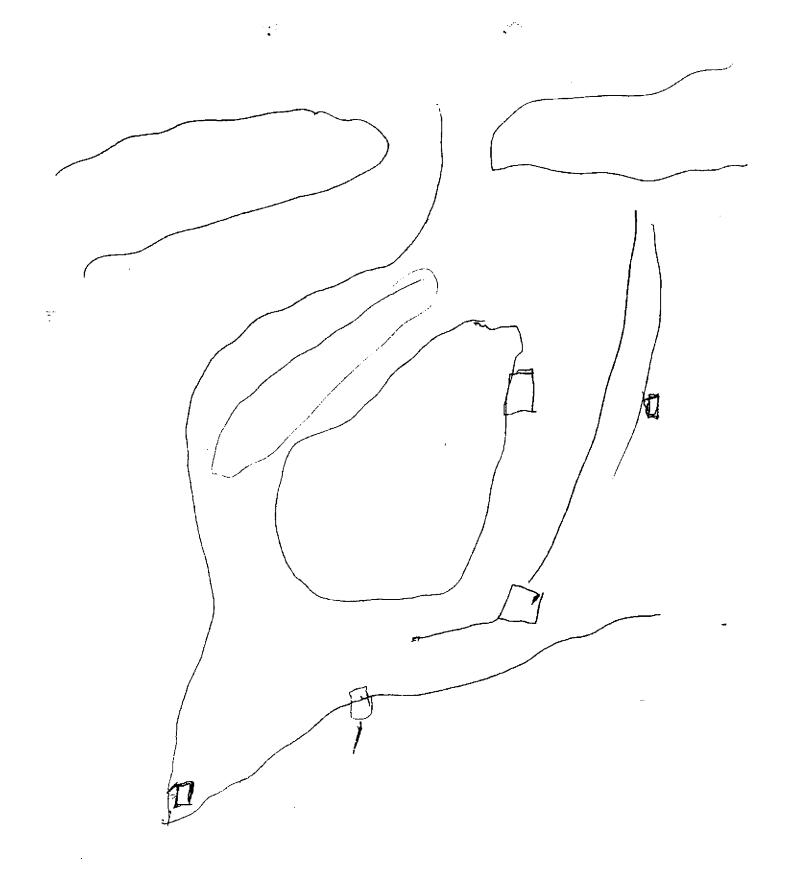
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100 g NECOL B76-4, 66-4 Heard that Man with Bine's was looking or came OF DZ/KAMGE. Head over redo that man was shot wasn't until 13002 (END OF DAY MEETING) was when he learned details Hout incident THAS IEAD ALL Statement for 1sty 2nd incident to a cANT Specifically record details on what was said. POSTURI Phrases by Set 15074. 4, 56.4 WARHING SHOT MOST AfchANS MADJUSED WEADONS CTIGOCTE whom BRIL Hey would put Leopon's down and s. + next to them or sit though them. 10 D WAS HOST LEVEL HEADED I CALL SOFT SPOKEN 1516.5 DIO HIS JOBASTUAN SCREEKANT 4/ (whole FEAM) was out on con of during 2 me 15' MEET SAYARI DUCINS RECONT OF FBLAWARD & LOCALS FOLD OFF BIC-3,663 SAYAR. WAS LOCAL OSSGAIL to Ad Suy, collected Tous from KemiogA sources" of

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42. Military Ser	vice:	43. Su	b Unit:	44	Fort/City:		4	5 Ctata		Countr	y:	47. Zip C	ode/APO	);
48. Home Addre	ess: j. 7	6-5.06°	49. City			67(2)	06-3	u. Slate:		\$1. Countr	y:	52. Zip Co	ode/APO	616-316-
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INVESTIGATIVE WORKSHEET 1130-02-CID023

1130-02-CID02

NAME SSAN

b7C-3,66-3 B76.3, 66-3 MOS: 18B30 : E6/SSG

GRADE DOB:

676-3,66.3

SEX: M

POB: 1

RACE: C HEIGHT: 72 WEIGHT: 205 HAIR: BRN EYES: BRN

BUILD: M

GLASSES: N

MARRIED: M

SCARS:

₩67C3,66-3

676-3,66-3

REMARKS: HOR:

A COMPANY, 2ND BATTALION, 3RD SPECIAL FORCES GROUP, FORT

PHONE

BRAGG, NC 28310 : (910) 432

CURRENT ADDRESS: PHONE

SPONSOR INFORMATION: NONE.

CID FORM 44 (ACIRS Generated)

61

476-3,66=3

INVESTIGATIVE WORKSHEET

1130-02-01	JU 2 3

NAME

- 676-3166-3

SSAN GRADE 67C-3166-3 MOS: 18B30

DOB:

Bb16-3,66-3 POB:

SEX: M

RACE: U HEIGHT: 66 WEIGHT: 160 HAIR: BLK EYES: BRN

400

BUILD: M

GLASSES: N

MARRIED: M

DEPENDENTS:

SCARS.

PHONE

PHONE

676-3,66-3

676-3,66-3

REMARKS: HOR:

ORGANIZATION: A COMPANY, 2ND BATTALION, 3RD SPECIAL FORCES GROUP, FORT

BRAGG, NC 28310 6763,66-3 : (910) 432

CURRENT ADDRESS:

676.3,66-3

SPONSOR INFORMATION: NONE.

CID FORM 44 (ACIRS Generated)

INVESTIGATIVE WORKSHEET 1130-02-CID023

NAME : 67C-3, 66-3

NAME SSAN GRADE

E4/SPC

676-3,66-3 MOS: 63B10

DOB:

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676-3, 66-3 676-3, 66-3

SEX: M

RACE: C HEIGHT: 69

WEIGHT: 145 HAIR: BLD EYES: BLU

BUILD: M

GLASSES: N

MARRIED: M

HEADQUARTERS SUPPORT COMPANY, 2ND BATTALION, 3RD SFG,

DEPENDENTS:

SCARS: NONE

REMARKS: HOR:

616-3,66-3

b7k-3,66-3

 ${\tt ORGANIZATION:}$ 

FORT BRAGG, NC 28310

PHONE

: (910) 432

16-3,66-

CURRENT ADDRESS:

PHONE :

676-3,66-3

SPONSOR INFORMATION: NONE.

CID FORM 44 (ACIRS Generated)

015-02-0	23 Witness: 1			<b>.</b> .	13 (	Oct 2002 03:35:25	<del>-</del>
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oc Sec No	676-3	.66-3		Birth:	City	b10-	3,66-3
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	GROUP SUPPORT CO						b76.3, 66-3
lity	FORT BRAGG			City		6143,66	
State	NC Zip Code 283	1.05000		State	676.316	<u> </u>	63463
	CUMBERLAND COUNT			Provinc	e		3, 66-3
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015-02-023 Witness: 1 13 Oct 2002 03:35:25

INDIVIDUAL BIO

---- Business Address ---- Contractor DUNS

Tame Contract Number

'ddress

lity

State Zip Code

Province
Country
Celephone

ICOM SP ETS 28 Feb 2006

Imployment Position PCS/DEROS

Imployment Industry Interview Begin 01 Oct 2002 1000

Security Clearance SE End

1il Service Affected Fingerprint N

Sub Unit Affected Photo N

/ehicle License No. NC:

Jehicle Description 2001 BLUE VOLKSWAGEN VAN

Outy Location INTERROGATOR

Remarks: CAMPER

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13 Oct 2002 03:35:25 015-02-023 Witness: 3 INDIVIDUAL BIO Juvenile ast Name \$76-3, 56-3 irst Name 674-3,66-3 Deceased liddle Name Fugitive Date of Birth Frade/Rank 1E4A 676-3,66-3 oc Sec No. 676-3 Birth: City 676-3,66-3 Other ID State Province Country US ponsor SSN Height lex 69 Citizen US C Weight 200 Education 13 lace BRN Thnicity 21 Hair Prior Criminal Red N Eyes BRN Marital Status MOS 97B10 Physical Features/Scars/Tatoos 6-36,66-3 bd ---- Current Residence -------- Millitary Address ----Jnit/Org HHC, 3RD SPECIAL FORCES GROUP Address BUILDING UNKNOWN, ROOM lity FORT BRAGG City NC Zip Code 283105000 State Province Province Country Telephone ( Telephone 432

13 Oct 2002 03:35:25 015-02-023 Witness: 3 INDIVIDUAL BIO Contractor DUNS ----- Business Address -----Contract Number ame ddress lity tate Zip Code rovince ountry elephone :COM ETS 11 Sep 2005 \$P PCS/DEROS imployment Position imployment Industry Interview Begin 01 Oct 2002 1000 End 01 Oct 2002 security Clearance TS iil Service Affected Fingerprint ub Unit Affected Photo 'ehicle License No. TEMP TAG 'ehicle Description 2002 TOYOTA TACOMA BLACK outy Location HHC, 3RD SFG 676-3,66-3 łemarks: HOR **≐** 

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	INVESTIGATIVE WORKSHEET  DATA REQUIRED BY PRIVACY ACT  AUTHORITY: Title 10, United States Code, Section 3012 (g) ROUTINE USES: Your social security number and other																		
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1. Rez Code: 2. Action	Code: 3. Date:	4. Rel to Case:	5. Centrol:	6. Sequence 5	7. Year: 8. Offic - 2000 - CID 031		Offense
10. Last Name:	6763,663	11. First Name:	47f.	-3,66-3	12. Middle Name:		Grade/Rank: ⊖- \$
14. Social Security Numb		lumber: 1			B Cay: 416-3 14-3	18. POB St	וייי POB Zin <b>5-64-5</b>
to c	22 Ethnic: 23 Her 72 cription Location: 1	180	BAN A	3/4	Citizen.   28 Educ 45   12	29. Prior Records. Spouse Military	M
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40. Unit Organization:			41 (	init l'hone Numb	er Aume.	Cost P	iğer.
HAC 1/GOG 43. Military Service: ARM ACTIVE	43. Sub Unit:	44. Fort/City	<u> </u>	45. State:	46. Country	47 Zap Coue 3	APO
48 Home Address:	49 Cuy			50 State.	Si Country	52 Zin Lode :	(91)
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79 Year: 80 M	ske .	81. Model.	82. V	ehicle Style.	83 # of Doors	84 Color	NS Size:
SO VIN	,	87. License Plate	88 State	\$9 DOD	Decal Numner		
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ACLU-RDI 21 p.249

On 28 Aug 02 I a soo at Lawer Firebose 4 Hillor

truck approched to fint Godo Two Personal got out of the vehicul Thry boths entence of the linebase

approched myself and my two Jate grands. We asked for an interp to come clown to the us out to translate one special Corces person and one interpretable down to talk talking with the two for a few minutes than telling them to leave we father observed the vehical as it left just out a sight it stope for a few minutes. Making my famels

nutionals had left and where try went. In return telling us tout that the personal was wanted for questioned. That uchical try where diverghas been following our paties out and was seen around the base. I made my rounds around the sound positions telling my sound to keep their eye art of 8.589,1605 activity.

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enforcement offic	ials w							lunta				,		,	
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					INDI	VID	UAL I	AT	A						
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11.0			Gamers				200	٠٠						676.	3,143
37 Alias- Nickname(	s)			38 Al	ias- Nicki	name(s	)			39 A	Mias- Ni	ckname(s)			
40 Organization		, 50°5°		L					41 li	Contra	ctor, Co	ntract #		·- <u></u> -	<del></del>
42 Military SVC		Subuni	l		44 Fort	/ City		-	45	State	46 C	ountry	47	Zip Co	de/APO
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58 Social Security No	иmbет	59 S	PON Grade	60 SI	PON MC	AC	61 Sponso	r Unit	Addres	2		. 1			
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# DEPARTMENT OF THE ARMY 87th MILITARY POLICE DETACHMENT (ABN) (CID) (FWD) UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND CAMP STRONGHOLD FREEDOM APO AE 09311

CIRC-EF (195-2b)

- 23 October 2003

MEMORNDUM FOR Special Agent in Charge, 87th MP Det (ABN) (CID), 3rd MP Group, USACIDC, Bldg 8, 1221 Randdolph St, Fort Bragg, NC 28310-5000

SUBJECT: 2nd Request For Assistance (0114-02-CID369-23525)

- 1. At 1630, 25 SEP 02, SSG Counter-Intelligence, A Co, 519th MI Co, Bagram Airfield (BAF), Afghanistan, APO AE 09354, reported he was suspicious of the shooting death of MR Mohamed SAYARI, an Afghan National, by a SF team.
- 2. Investigation revealed that Mr SAYARI was not following the SF team, ODA 343, Invisited comprised of CPT SFC SFC SSG and SSG and SSG and 2 as yet. Invisited team members as was reported by the team. It was determined that prior to the shooting death of Mr SAYARI he was forced away from the entrance to the Lwara Fire Base by CW2 Seven though he did not want to leave. This caused Mr SAYARI to go in the same general direction as ODA 343 which was apparently setting up Mr SAYARI for capture or certain death. Mr SAYARI picked up 3 passengers (NFI) who were hiring his vehicle as a taxi to go to the market up the same road on which ODA 343 travelled. Mr SAYARI was with Mr 17-3, 16-3 SAYARI at the entrance to Lwara Fire Base. Upon rounding a curve in the road Mr SAYARI's vehicle ran into a hasty road block set up by ODA 343. The occupants were removed from the vehicle, searched, and told to leave, with the exception of Mr SAYARI. Mr SAYARI was moved to the side of the road and seated on a rock over 40 feet from his vehicle. An Afghan Military Forces (AMF) soldier (NFI) that was hiring Mr SAYARI's vehicle as a taxi had his AK-47 rifle removed from him and immediately returned to him. SFC then ordered him 10-5, 16-5 to leave quickly; which he did. A search of Mr SAYARI's vehicle revealed one other AK-47
- to leave quickly; which he did. A search of Mi SAYARI'S vehicle revealed one other AR-47

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- the change in ammo and that SFC was loading the ammo into Manage weapon. Mr 5763, 66-3 SAYARI had no weapon as the team initially reported. The weapon was placed on the hood of Mr SAYARI's vehicle and Mr was forced to leave his weapon and the area at gun 676-3, 66-3 point by SFC All other persons were by now out of site and heading toward a 676-5, 66-3 nearby village. Mr weapon was over 40 feet from Mr SAYARI who was still seated on 676-3, 66-3 a rock, rocking with his head in his hands in an obvious state of fear. About 2 minutes after
- a rock, rocking with his head in his hands if an obvious state of lear. About 2 minutes after rocking with his head in his hands if an obvious state of lear. About 2 minutes after rocking with his head in his hands if an obvious state of lear. About 2 minutes after rocking with his head in his hands if an obvious state of lear. About 2 minutes after rocking with his head in his hands if an obvious state of lear. About 2 minutes after rocking with his head in his hands if an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2 minutes after an obvious state of lear. About 2

A crime scene examination revealed that Mr SAYARI was probably face down on the ground when he was shot in the head and back. A bullet was recovered from the ground beneath



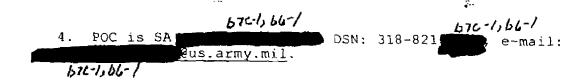
the point on which Mr SAYARI's body was laying after being shot. An examination of the photographs of Mr SAYARI's body and interviews of witnesses of Mr SAYARI's body revealed all entry wounds appeared to be to the back of Mr SAYARI's body. All of this is in direct contradiction of the account rendered by the subjects of this investigation.

#### 3. Request your office complete the following:

- a. Obtain all small arms weapons of ODA 343 as evidence and forward to USACIL for comparison with the recovered bullet fragment.
- b. Interview the members of ODA 341 who were on Lwara Fire Base at the time of the shooting as to what they were told or observed about the shooting. This team did not like ODA 343.
- c. Conduct suspect interviews of SSG both b714,b6-/
  members of ODA 343 and believed to be the other two team
  members present when SAYARI was shot. They match the
  description provided by Mr b71-3,b1-3
- d. Suspect interviews of the remainder of ODA 343, less and bytes, 5,5,5,5,6,6,6,5,5,5,5
- e. Re-interview CW2 as a suspect of Conspiracy and \$70-5,86-5 Murder and determine if he deliberately forced Mr SAYARI into the trap even though he did not want to follow the SF team, and whether he knew ODA 343 was going to kill mr SAYARI. Also, determine what CW2 did with Mr \$70-5,86-5 AK-47. He may believe it was Mr SAYARI's weapon. \$70-1,86-3
- f. Interview SPC (NFI), support soldier with ODA 343676.3,66.5
- g. Interview SPC (NFI), support soldier with ODA 343.674-3,64-5
- h. Locate, identify and interview LTC (NFI), as to his breakles knowledge of the inquiries into the two shootings of Afghanis by SFC (17.5,66-5)
- i. Locate, identify and interview MAJ (NFI) as to his knowledge of these same events. 670-3, 56-3
- j. Locate, identify and interview SSG as to his knowledge of SFC shooting another Afghan national 6/6-5/66-5 in his presence prior to SFC shooting Mr SAYARI. 6/6-5/66-5
- k. Locate, identify and interview CPT (NFI) 676-366-3 pertaining to his knowledge of the inquiry he conducted into the death of Mr SAYARI.

It is anticipated that CW2 FSO, Campbell - District will proceed to Ft Bragg, NC, to oversee investigative activity as he is intimately familiar with the investigation. This office has absolute confidence in the agents at Ft Bragg, but the investigation is so complex and so many facts would need to be relayed to your office, in the interest of efficiency and effectiveness, Mr. Was requested for oversight. 670-1,66-1





//signed// **b7L-/, Ab-/** CW3, MP

Special Agent in Charge

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# Page(s)

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### Referred to:

U.S. ARMY HUMAN
RESOURCES COMMAND
ATTENTION: AHRC-FOI, RM 7S65
200 STOVALL STREET
ALEXANDRIA, VIRGINIA 22332-0404

MR. THOM JONES thom.jones@hoffman.army.mil (703) 325-4053

## Page(s)

102-123

#### Referred to:

U.S. CENTRAL COMMAND
7115 SOUTH BOUNDARY BLVD
ATTN: CCJ6-DM
MACDILL AIR FORCE BASE
FLORIDA 33621-5101 -

MS. JACQUELINE SCOTT scotti@centcom.smil.mil (813) 827-5341/2830

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MENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3.	I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT
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CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMEN THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWF	NT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT
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	B7C-4, B6-4 g Statement
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	Subscribed and sworn to before me, a person authorized by Law to
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6/1-	4, 66-4 PAGE 2 OF 2 PAGES
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For use of this fo		STATEMENT 45; the proponent agency is	ODCSOPS	
LOCATION		DATE NC.4. M. TIME	1516	FILE NUMBER
DBE. ROLOO FIRE BOSE, BEGHONS LAST NAME, FIRST NAME, MIDDLE NAME		SOCIAL SECURITY NUMBE	R	GRADE/STATUS
ORGANIZATION OR ADDRESS	,664	670	C.4, A6-7	SPC / R.A
HHC 1/505 PIR. HHI	<u> </u>		<del></del>	·
1. SPC	1516-4, b	WANT TO MAKE THE P	OLLOWING ST	FATEMENT UNDER OATH:
I was on front Gote	- Guar	atten with	PFC	E SGT
when 2 m	ven pull	led up in a	blue	to yo ta.
The Imen parted	In Fron	d of the fron	of Gat	e. They
got and and we be	4-86-4 GN	+ understand	what	they were
Sulphy so SGT An interpreter and	1.6	11.5, pt 5 get	1	14 40 10 reder.
An interpretor and	- 646/1 T	dane	cown.	see the
shook the tall mans	Tan C	ant ask	·/ - ~	to the
track. I guessed shey	wante	d to rell	er were	checkers
fre buse They lifted	the he	DAC AND	157C-	5,66.5
out the toyota. Do	nething ho	opened and (	- Harri	1451
Started going back	up the	compound.	Laske	6745166-5
the 2 men were g	ood to	come up a	10/1	then to
no. They he told get out of here	The The	Imen quick	ly /c.	ff as ix
How were several The	her hear	ded toward	the.	n ver bed
they were scared. The and then out of sign	16 16	671.5766.5	ha	ch down
all the same and the stage	-			
and told us that for buck up and came	ر ۱۵۳ عا ما	94 WAS 11.	hanv	
went down the river	conn ah	1 7 46 10	min w	les later
we heard the shots				
of the workers that				
raced him it he	was th	e 50 51	booting	and ne
Sald yes but I do	n't thin	k he unde	rshod	676. \$ bill \$ blo
ЕХНІВІТ	INITIALS OF P	MAKING STATEMEN	YT PAG	E 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEATHER BOTTOM OF EACH ADDITIONAL PAGE MUST	ADING "STATEME BEAR THE INITIA	ENT OF TAKEN AT DA	TEDCON	TINUED.
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DA FORM 2823, JUL 72

SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

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STATEMENT (Continued) After that	nd them and chere bigs, blis to 10
with a toyote behin	nd them and chere told
the te let those of	guys in without checking thom bu-5,065 came down when the workers
Later on Chief	Came down when the workers
recit leaving to po	All them. He told the interconnection
" CAPIGIA FO PAG WI	orters that the man their can can
pulled a weapon on	it on his men. He told the workers
that never to ro	int a weapon at his men.
Then he pare the	on and they left.
21. 192.1. bb"	
676-4100	
Q: Did the local national in	, the Hills leave prior to the patrol leaving The
[[	·
A: Yes 576-4-	ne of the Hunvees as the petal left the wase?
A: Yes. \$10-45 M-4	the persons in the patrol, or how many there were?
- 1- NABY	1. There was
a sat thing The	THE TO KNOW IT JULY THE RECENT
H UP THE END OF SHALL ENGINE	111 676-4,06-4
	·
	616-4- HAVE READ OR HAVE HAD READ TO ME THIS STATE
MADE BY ME. THE STATEMENT IS TRUE. I HA CONTAINING THE STATEMENT. I HAVE MADE	THE PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT LIVE INITIAED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT RCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.
WITNESSES:	(Signature of Peson Weeking Statement)
WITNESSES:	Subscribed and sworn to before me, a person authorized by Law to
WITNESSES:	1Signature of Peson Making Statement)
	Subscribed and sworn to before me, a person authorized by Law to administer oaths, this Hhday of poublinger, 49 2002 at Dre-Pauco Fice SASE Promodized.
ORGANIZATION OR ADDRESS	Subscribed and sworn to before me, a person authorized by Law to administer oaths, this Hhoday of Louis March 19 2002 at The Pauco Fine SASE AFERMINISTERS (Dath)
	Subscribed and sworn to before me, a person authorized by Law to administer oaths, this Hhaday of Louis Age 19 2002 at The Pauco Fire SASE AFEMINISTERY Oath)  SA BIC 1/66-  (Typed Ivame of Person Administering Oath)
	Subscribed and sworn to before me, a person authorized by Law to administer oaths, this Hhoday of Louis Machine 19 2002 at The Pauco Fac Sase Archanistania Oath)
ORGANIZATION OR ADDRESS	Subscribed and sworn to before me, a person authorized by Law to administer oaths, this Hhaday of Doubles 1970, 49 2002 at The Pauco Fac Sase Afficiants of Person Administering Oath)  SA  (Typed Ivame of Person Administering Oath)

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My duly as 806 at Lawer Firebose A Hillux On 28 Aug 02

truck approched the first Goto Two Personal Sot out of the vehicul They both entence of the line base

approched myself and my two sate guards. We asked for an interp to come down to helps us out to translate one Special Corces person and one interp came down to talk. Talking with the two for a few minutes than telling them to leave. De l'other observed the vehical as it lest just out a sight it stopped for a few minuts. Making my goods
The Sto personal left then came light back asking if they

nutionals had left and where try went. In return telling us tat that that personal was wanted for questioned. That relical trey where drivery has been following our patrols out and was & seen around the base. I made my rounds around the overall positions telling my goard to Keep their eye at of suspites activity.

			· · · · · · · · · · · · · · · · · · ·
	N STATEMENT 190:45; the proponent agency is QDCSO	PS <i>676-</i> <b>4</b>	136-4
DAE- ROWAD FIRE BASE AFEHADISTAN	DATE TO STO STATE	6712	FILE NUMBER
LAST NAME, FIRST HAME, MUDILE NAME	SOCIAL SECURITY NUMBER	171.11.11	GRADEISTATUS
GREANIZATION OR ADDRESS		1 8/6 3/1 1/6:	F E-5  ACho
HHC I SUSTR PIR	· . · · · · · · · · · · · · · · · · · ·		
1 367			
· ————————————————————————————————————	, WANT YO MAKE THE FOLLOWING	G STATEMENT UNI	DER OATH:
9,14 ch 28 Aug od my duty as S	on at thoughtime	bose A	Hillor tork
approximate enterence of the fire base To both approximate and	0		THE THE PARTY OF T
The transfer of the this is	mo tersonal dot	ent or to	· Vekical Tles
1 18 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1.	_	•
to help use out to	JURUS . We GISKED F	ur an inte	up to come down
to talk. Talking with the two Coin	wind Porces Percon	A A A A A	Maro a Line
to talk. Talking with the two Gora We Cother observed the vehicul a Cor a few min,	Commission is	-th Oyur	much com wond
We fature observed to which a	s it total in	telling	Them to leave
Cor a few min	2 14 WW 1024	141 £ 00	to Sight it Store
The state of the s			V 14%
The 8 Ge personal left the come			
- Lord	right back ask.	S if a	nd where the
Cos gonstioning That which they who			
Gonstioning That web. I is	n telling us that	those p	ensured wis wanted
OUT OUT	ere diving has	been G	Maria
Out and was seen abound the			3 WI MITIOLS
Stand Assitions telling my sward	Case: I made	my lour	Is around to
9 Church Sunta	& to Keep ture	eve a	of Sugar
Stard positions telling my sund	•	7000	1 or 403-1002
676-1, 66-1			
A: 67C-4366-4			
			-e 11 2
Q. Do you know the name of the local	national that we	EL ARVV	is the Hirix:
A. P 67C-4, 66-4		•	_
O Con you lesconds the driver?			
A tem not sure who the driver w		-7 -66c	which the sate,
	erial forces sul-	720026	- 0/6-4, 06-4
Rake?	•		
4. I'm not sure who it was \$ \$76.416	6-4		
	101111111111111111111111111111111111111	-	
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SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

STATEMENT Monthwed b76-5165 b76-516	6-5
di was it cas the or	
A: I conner coment &-	
Q: Oid you actually see the Hilly leave	the past!
4: YEY 67C-41 BG-4	
a: Did on St patel leave the post just	- prior to the Hills leaving?
A. I cannot recall if a potent left right	at that time . Them might have been a
patrol outside the base at the time, be	+ E don't know = 676-4366-4
	en the SF soldier and the local notional
while at the gate?	
	<b>■</b> 676-4,66-4
Q: Did the St soldier opport ang of the	a focal nationed, or 2.8 he tell the local
I	
A. I don't remember 1276-4766-4	
A: I don't remember 10/6-7/10-7.	ed below the camp, which were the
accupants dains	• .
In To could barely see The fruck as it to	unded the band in the riverbed. They just
Sol there but I could not see what They	1676-4,66-4
O . when the Himx left the base gate h	sow many people wer in the truck?
A: Just to= \$76-4,06-4	
a: Do you have any thing further to and	to your stakement?
H: N. MENO OF STATE WEST 114 6-76-4	1.66-41
	7 64
	·
	FIDAVIT
676-4,66-4	_ , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE  2. I FULLY UN BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INIT	DERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE FIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS
STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PU	NISHMENT, AND WITHOUT COERCIGN, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.
	676-4, 66-4
	Migneture of Person Maxing Statement)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to こっっこ
	administer paths, this 7 day of Nov 202 19
	Par land Higherstein
	6711, 66-1
ORGANIZATION OR ADDRESS	
	(Signature of Person Agministering Oath)
	(Typed Name of Person Administering Dath)
	(Typed Name of Person Administering Gath)  (Line 1 (36 U.S. )
URGANIZATION OR ADDRESS	SA (Typed Name of Person Administering Dath)
INITIALS DE REOCCIAL MAUNIC STATEMENT	(Typed Name of Person Administering Gath)  (Line 1 (36 U.S. )
	(Typed Name of Person Administering Oath)  (Line 1 (36 UCM 3

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OCATION	DATE 1/2-4 TIME PILE NUMBER	
AE. RAWOD FIRE BASE AFGHANISMAN	T WAS DO PLAN OLD DIE PLE HUNDER	
AST HAME, FIRST HAME, MIDDLE HAME	SOCIAL SECURITY NUMBER. GRADE/STATUS	
676-4, 66-4	PFC IACTIVE	٤
ROANIZATION OR ADDRESS	די שמנדי טומ	
HIC 1-505 TH PIR, KAPPAHAR AIRFIGIO, A	1844712447 Abo 46 02324	
6-4 1-	, WANT TO MAKE THE FOLLOWING STATEMENT UN	DER
	to the same of the same	
St. 6PC BICY, by 4	a psyche come up to our firebase, "Luga" " \$104:	66-
st. and myself were on	front sate sward at the time. Sst.	
left the guard post so he can get	a translator. Along with the translator	
CMet and State Came to the	front gate. They started falling, chief	C
the two guys and the translator, and	looking under the hood of the toyota	t.
from my understanding they were trying	to rest out their toyota to the fixebus	₹,
few minuites passed and chief	Told the two goes to leave. His exact	
pords were "set out of here", "a." The	guys left in a hurry. About 5 minuite	:2
after Chief \$2003, \$6-5 comes back down he the toyota went?" We fold him A oli	rection of the truck. Chief 11.5 by 5 feld us	
I L we at the cour were known A	A double wanted for surstioning relief	
at the second of the second of the	so hart 2 GMV , well , she direction	~
t the toyoter. B St. 1. St. 1. St. 1. St.	ER about 2 GMV's left in the defection I then heard gunshots. I would say	
bout 5 to 8 shots. Bu I then soon on	: GMV so by the AME abolipoint	
4 · · · · · · · · · · · · · · · · · · ·	les devote de thus come beck up 1150	
nel they self a driver from their from the fisebosse they solid to let the toyota	main and do not stop him Leka on	
he fixebise pluy	- He want out stopped the toyota	
hat day I found out that the SP	Jean from men	
nd the Al avaids gry came out with	an Ak and pointed it it	
hief thing with a translator	the workers to tell all the locals that	.d
and very point your	LENDON AT 444	
ourself and shoot you. And that was	in \$10-4,66.4	
PC 676-4766-4		
Dogue know the names of the soldie	ers that were in the Given's when they	١
if the hose?	- -	-
I'm not sure wow they were \$ \$76.	4, 66-4	
	HOON MAKING STATEMENT  4, 66-4  PAGE 1 OF 3	
	7) PG 7   PAGE 107 7	AGE

ETATEMENT (Continued)  O: Other thon what you already staked	did you hear any thing further about
the shooting?	3 3 3
191-4/blo-4	
Q: bid you car onyone also gut in the	re Hillux after it left the compound?
A. No \$ 676-4,66-4	• •
a. Do you have on thing to end to your	so the te minute ?
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	FIDAVIT
L.	HAVE READ OR HAVE HAD READ TO ME THIS STATE-
MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL	ULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT.  CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE PREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT CE, OR UNLAWFUL INDUCEMENT.
	676-4766-4
WITH ESSES:	preparate of Poreon Raking Statement)
	Subscribed and sween to before me, a person authorized by   w
	to administer paths, this The day of November, 19 2002 of Day- Bando Free ance Afferdanting
ORGANIZATION OR ADDRESS	676-4, 66-1
	(Signature of Person Administering Oath)
	1A 151, 64%
	(Typen Name of Person Administrating Outh)
ORGANIZATION OR ADDRESS	ART 136, UCMJ
	(Authority To Administer Ootha)
THITIALS OF PERSON MAKING STATEMENT	2 2
	PAGE OF 9 PAGES
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### Referred to:

U.S. CENTRAL COMMAND
7115 SOUTH BOUNDARY BLVD
ATTN: CCJ6-DM
MACDILL AIR FORCE BASE
FLORIDA 33621-5101

MS. JACQUELINE SCOTT

scottj@centoorn ornit rnt

(813) 827-5341/2830

AGENT'S INVESTIGATIVE REPORT	ROI NUMBER 0114-02-CID369-23525	
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676-1,66-1 676	2,11-3	
At 1045, 14 Oct 02, SA interviewed Mr. of interpreters, Mr. and (NFI), Afghanistan. Mr. stated he was working at a hot with Mr SAYARI when he was still alive. Mr SAYAI SAYARI could successfully lease his Toyota Hilux, p of Mr SAYARI's death (Mr. could not recall the wanted to go to the fire base. Mr SAYARI said that wanted to meet that day. The two of them drove to the checking the Hilux and Mr SAYARI was telling vehicles full of SF soldiers pulled up in a hurry and we had o leave in a hurry and drove off. In immediate and Mr. leave. The two death them talking angrily back later. Mr SAYARI still wanted to go inside the fat Lwara Fire Base. The insisted they leave and com	Lwara, Afghanistan (NFI), with the assistance both assigned as interpreters at Lwara Fire Base, el in Pakistan at the time of this interview, but he lived RI was intending to hire Mr as a driver if Mr ick-up truck to the Lwara Fire Base. About 1000, the day date) Mr SAYARI was hurrying Mr because he was going to hire his Hilux and e gate at Fire Base Lwara and met with was to check the interior of the truck. About that time two ere talking excitedly to the soldiers told they ly became agitated and angry. The soldiers to the SF soldiers e back later to talk about renting his truck to the SF soldiers e back later to talk about it.	
was acting. They then got into Mr SAYARI's tr SAYARI's house; which was in the opposite direction bottom of the hill leading away from the fire base gate wanted to pay Mr SAYARI to take them to different p	that the two vehicles full of SF soldiers went. At the	
for the trip and decided they would pick up some tea a as well. One of the men was an Afghan Military Force they did not know. The AMF soldier's name was started up the road toward the Zangee Adda bazaar tall in the river bed they saw one of the SF vehicles blocki motioning them to stop. Then four SF soldiers made to the middle of the road. Only the and Mr. had Mr SAYARI's truck when they got out of the vehicle.	nd sugar from the bazaar that they needed at their home es (AMF) soldier, the soldier's brother and another man (NFI) and his brother's name was the The men king and listening to music. As they drove around a turn	
weapon being in the truck at the gate to the fire base. Everyone was searched. After they searched Mr SAYARI he was told to sit on a rock on the far side of the road. Went into Mr SAYARI's truck and took out the AK-47 rifle, gave it to him and told him to leave by motioning with his hand and saying "Go" loudly and pointing in the direction of the bazaar. The appeared very angry and said "Go quickly!" Mr explained all of them understood this simple English. The proof out of sight. The proof of the magazine or cleared the weapon with a first gave it to the angle of them was and obtained Mr AK-47 rifle from the truck and removed the 40 round magazine and cleared the round from		
TYPED AGENT'S NAME AND SEQUENCE NUMBER  A7C-/3 h/c-/ Special Agent	ORGANIZATION  87th Military Police Detachment (ABN)(CID), 3 rd MP Group  Camp Stronghold Freedom, APO AE 09311	
SIGNATURE	DATE EXHIBIT	

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the chamber and took the weapon to his vehicle went inside the vehicle and obtained another magazine from the vehicle. He left Mr. Smagazine in the vehicle. The magazine soft from the vehicle fire since the vehicle. He left Mr. Smagazine in the vehicle fire since the vehicle fire since the vehicle fire since the vehicle. The magazine since the vehicle fire since the vehicle fire since the vehicle. The magazine since the vehicle fire since the vehicle fire since the vehicle for the vehicle fire since the vehicle for the vehicle and obtained another magazine from the vehicle fire since the vehicle and obtained another magazine from the vehicle fire since the vehicle and obtained and the vehicle and obtained another magazine from the vehicle fire since the vehicle for the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle and the vehicle and obtained and the vehicle and obtained and the vehicle and vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle and vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since the vehicle fire since			
and the entire tribe to which Mr and Mr SAYAF passion. One time the Al Qaeda burned Mr SAYARI'			ı.
checkpoints. This act assured that Mr SAYARI theres			
later captured one of the Al Qaeda members that cut h			
until Al Qaeda promised to buy him a new truck. The		_	
Qaeda members did not complete there end of the bargain. Mr SAYARI then sent word to the Al Qaeda			
members that he would shoot at their vehicles whenever he saw them and kill any Al Qaeda members he found			
TYPED AGENT'S NAME AND SEQUENCE NUMBER    17-1)   6-/   Special Agen	organization 87th Military Police Detachn Camp Stronghold Freedom,	nent (ABN)(CID), 3 rd MP Group APO AE 09311	
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DETAILS

in the area controlled by his tribe, the Pepelayu. The Pepelayu controlled an area comprised of about 17 villages in the vicinity of Schkin and Lwara, Afghanistan. Mr and Mr SAYARI lived in another area during that time and the Al Qaeda came and rocketed their homes and village. The Al Qaeda killed Mr separate incident. They then fled to the Lwara area. Sometime after that the Americans came to Afghanistan. Mr SAYARI had a "big quarrel" with the Al Qaeda members. The interpreter explained that Mr this was like a "blood feud" and Mr SAYARI would ever after consider any Al Qaeda or Taliban his sworn enemies. The Al Qaeda and Taliban are the enemies of Mr Mr SAYARI, and all of the tribes in the Lwara/Schkin area of Afghanistan. If the Pepelayu tribe found any of the Al Qaeda or Taliban they would arrest or kill them. After the Americans bombed Kabul, Mr SAYARI set up a checkpoint and sent word to the Al Qaeda and Taliban not to come to his area. Mr SAYARI told them they were his enemy and he would kill was adamant that Mr.SAYARI had no intention to follow the SF soldiers after he was forced Mr SAYARI was going to his house in the opposite direction until he away from the gate at Lwara by picked up paying passengers going in that direction. There were only a couple directions of travel right as you leave the gate of the fire base. It was only natural that many people had to travel the same direction, at least for awhile. Mr SAYARI liked the Americans and the SF soldiers very much. He wanted to rent his truck to the SF soldiers. Mr SAYARI would make more money from that than using his truck as a taxi. Mr distance from where he last saw Mr SAYARI seated to where his weapon was on the front of Mr. SAYARI's truck was about 15 to 20 meters. Mr illustrated by stepping off a similar distance for SA distance was about 15 to 20 meters.

At 1230, 14 Oct 02, SA interviewed Dr wara, Afghanistan (NFI), as a spokesman for all of the elders of the Pepelayu tribe. Dr was fluent in the English language and relayed all answers from the tribal elders to SA without identifying any of them, except Mr SAYARI's father and son, and his brother. Dr did not identify them by name. Only by their relationship to Mr SAYARI or himself. Dr sed that he had helped to wash Mr SAYARI's body after his death and help prepare it for burial Manager stated Mr SAYARI was buried in the clothing he died in as this was the custom of the tribe. Dr emembered a wound; that appeared to be an exit wound, just below the bottom edge of Mr SAYARI's throat on the chest and slightly to the right. The wound was about as big around as his middle finger (appeared to be about ½ to 5/8 of an inch in diameter) and had rough edges aid not see and could not remember any other wounds as they did curled out away from the wound. Dr not remove Mr SAYARI's clothing. Dr wanted to make it clear that he could not say as an expert that the wound was an exit. The entire tribe knew Mr SAYARI to like the Americans and SF soldiers and no one knew of him bearing any ill will toward them, or Mr SAYARI wanting to harm them in any way. Mr SAYARI was very happy that the Americans had come to Afghanistan and freed it from the grip of Al Qaeda and the Taliban. Mr SAYARI hated them both with a passion. Mr SAYARI's father and most of the tribal related about Mr SAYARI's hatred for the Al Qaeda and the Taliban. They eldersconfirmed what Mr

87tt			organization 87th Military Police Detachment (At N)(CID), 3 rd MP Group Camp Stronghold Freedom, APO AE 09311	
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confirmed Mr account of the incidents with the beating him; attacking the village with rockets; their fl a very deep hatred for both groups. Mr SAYARI's fat ago over a dispute for ownership of a field. Both mer killed the man. Mr SAYARI left the area after that an unfortunate incident and both men were hot tempered oldest was a son of 8 years of age. Mr SAYARI just we season. Drawn expressed the tribes belief that it was SF soldiers and report their activity to the Al Qaeda or would not harm Americans or seek to cause them harm Afghanistan and felt the Americans were in Afghanistan government like the Russians did before. Drawn pertaining to this investigation.	her stated that Mr SAYAI were engaged in a heated that Mr SAYAI when younger. Mr SAYAI wanted to make a living an would be very out of charaithe Taliban. They were the Mr SAYARI was very	lived; and that Mr SAYARI had RI did kill his cousin many years argument when Mr SAYARI e since that time. It was an ARI had 5 children and the d sold fruit when it was in acter for Mr SAYARI to follow his enemies. Mr SAYARI happy the Americans were in and support a puppet
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TYPED AGENT'S NAME AND SEQUENCE NUMBER  676-/) 66-/ Special Agent	organization 87th Military Police Detachr Camp Stronghold Freedom	nent (ABN)(CID), 3rd MP Group
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