

File 49

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by (MG Geoffrey C. Lambert, Commanding General, USASFC(A)) Fort Bragg, North Carolina
(Appointing authority)

on 22 April 2002 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at Fort Bragg, North Carolina at 0800
(Place) (Time)

on 22 April 2002 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

(See enclosures in the Exhibits Index as to the numerous meetings and telephonic interviews conducted.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1600 on 21 December 2002
(Time) (Date)
and completed findings and recommendations at 1600 on 3 February 2003
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES			
	YES	NO ¹⁾	NA ²⁾
Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? (See item 9, below)			X
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements (Certificate, if statement provided orally)?			X
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g. Information as to sessions of a formal board not included on page 1 of this report?			X
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

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OTNOTES: ¹⁾ Explain all negative answers on an attached sheet.
²⁾ Use of the NIA column...

Encl. 4

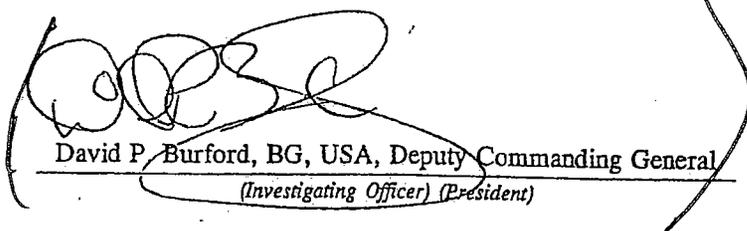
		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
3.	COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
1	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
1	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
1	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
1	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
1	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
2.	COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate --			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
0	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
1	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

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NOTES: 1/ Explain all negative answers on an attached sheet.
 2/ Use of the N/A column constitutes a positive representation that the respondent...

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)


David P. Burford, BG, USA, Deputy Commanding General
(Investigating Officer) (President)

(Recorder)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

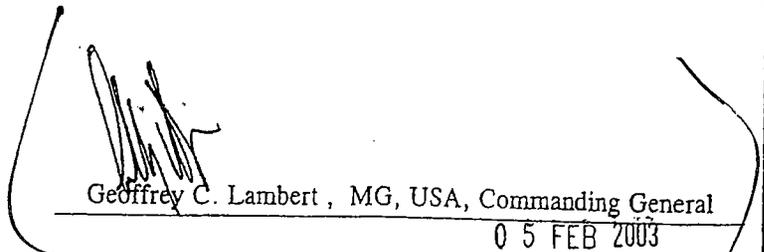
To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

These findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/exceptions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)


Geoffrey C. Lambert, MG, USA, Commanding General
05 FEB 2003

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SECTION IV - FINDINGS (para 3-10, AR 15-6)

he (investigating officer) (board), having carefully considered the evidence, finds:

Memorandum for Record (Findings) enclosed/attached separately.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

Memorandum for Record (Recommendations) enclosed/attached separately.

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DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY
SPECIAL FORCES COMMAND (AIRBORNE)
FORT BRAGG, NORTH CAROLINA 28310

REPLY TO
ATTENTION OF:

AOSO-(DCG)

3 February 2003

MEMORANDUM FOR Record

SUBJECT: Findings And Recommendations Regarding 15-6
Investigation of Photographs Taken of Mr. John Walker Lindh by
5th Special Forces Group (Airborne)

1. This AR 15-6 investigation is submitted for legal review and action by the Command. Recommendations are important but do not indicate any intentional wrongdoing or significant omissions on the part of the 5th Special Forces Group (Airborne) soldiers. In review of this finding, the timing of requests, disparate assumptions, and the actual delivery dates of evidence are key determining factors. Despite this investigation, it is noteworthy that the US Attorneys Office of the Department of Justice praised 5th SFGA in an unsolicited letter last October and reflected on what a pleasure it was to work with these Green Berets in common pursuit of a potential enemy of our nation.

2. Delay: The delay in closing out this investigation has multiple origins.

a. The initial ^{b6-2} 15-6 investigation by 5th SFGA (also known as the Major [REDACTED] Report) indicated that it was done in April of 2002 at Fort Campbell. However, my own appointment orders of 22 April 2002 actually predate the transmittal and receipt of that initial investigative report here at Fort Bragg to our US Army Special Forces Headquarters, by FAX on 29 May 2002 but classified as Secret/SCI. I concur with all of Major [REDACTED] ^{b6-2} findings and relied heavily on them during my own inquiries. These items now declassified, therefore become exhibits in my report as well.

b. Members of 5th SFGA were made available for interviews but were not always immediately accessible as this particular Army SOF element continues to transition from combat in one battlefield to train and equip for another in the Global War on Terrorism.

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AOSO (DCG)

3 February 2003

SUBJECT: Findings And Recommendations Regarding 15-6
Investigation of Photographs Taken of Mr. John Walker Lindh by
5th Special Forces Group (Airborne)

c. The statements from the US Attorney's prosecutors were also key to the allegations; but these prosecutors were very focused on preparation of the Lindh case through his plea in July of 2002 and the sentencing in October 2002 during which these evidentiary allegations against 5th Special Forces Group (5th SFGA) quickly became secondary. With the final resolution of the Lindh case, priorities shifted in favor of the actions needed to complete this investigation.

d. The formal letter of

Information withheld - Exemption (b)(5) - pursuant to a request from the Executive Office of the United States Attorney.

3. Conclusion: This letter of

Information withheld - Exemption (b)(5) - pursuant to a request from the Executive Office of the United States Attorney.

and I concur. I would add momentary lapse of "mature" good judgement and propose that it was a sophmoric idea that quickly grew unsavory in its own right. This is clearly indicated by the ODA team leadership who began to expunge the photo-in-question from the archives within 24 hours of its existence. However, the age of electronic data handling or "business velocity" enabled the photo to quickly outpace local recovery efforts and others outside the ODA were soon seeing the photo-in-question on other electronic devices. While there was at least one copy of the photo-in-question deleted in February at Fort Campbell, this was done out of a matter of operational security customary to SOF as the photo included the faces of ODA members. There is no evidence to support the allegation that ODA members or any soldier of 5th Special Forces Group intentionally or maliciously acted to hide the existence of the photograph to the DOJ office when formally asked in April 2002 through the Discovery Motion recieved at Fort Campbell, Kentucky.

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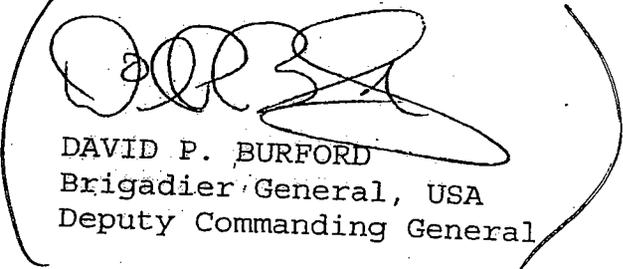
AOSO (DCG)

3 February 2003

SUBJECT: Findings And Recommendations Regarding 15-6
Investigation of Photographs Taken of Mr. John Walker Lindh by
5th Special Forces Group (Airborne)

4. Recommendations: I believe that the 5th Group Commander has adequately addressed my concerns with the soldiers involved by his actions in response to the [REDACTED] 15-6 and I trust he will quickly implement my other recommendations through counseling sessions, staff training and inclusion in future Professional Development training. In addition, my recommendations for non-DoD federal agencies as to formally expressing their intentions and implications to our military members, is for discussion within a higher forum and I stand prepared to assist as requested. bb-2

Encl
Findings & Recommendations


DAVID P. BURFORD
Brigadier General, USA
Deputy Commanding General

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AOSO-JA

4 February 2003

MEMORANDUM FOR Commander, United States Army Special Forces Command (Airborne),
Fort Bragg, North Carolina 28310

SUBJECT: Review of Informal 15-6 Investigation

1. I have reviewed the enclosed informal AR 15-6 investigation conducted by Brigadier General David P. Burford and find it legally sufficient and in compliance with the requirements of AR 15-6, paragraph 2-3b.
2. The investigation complies with legal requirements.
3. The investigation is complete, with the following exceptions:
 - a. Three statements from the MAJ [REDACTED] ^{-b6-2} investigation, included within the current investigation, contain only the front side of the DA Form 2823. Thus, the statements exist as unsigned, unsworn statements. To the extent that diligent efforts have failed to produce signed, sworn statements, these unsigned, unsworn statements will suffice. I find this error harmless and without material effect on an individual's rights.
 - b. The sworn statements from the MAJ [REDACTED] ^{-b6-2} investigation attributed to SFC [REDACTED] ^{-b6-4/b7c-4} and SSG [REDACTED] ^{-b6-4/b7c-4} are missing from the file. Both of these soldiers were subsequently interviewed by BG Burford as part of this investigation. There is no reason to believe that the earlier statements would contain contrary information. I find this error harmless and without material effect on an individual's rights.
4. Sufficient evidence supports the findings of the investigation.
5. The Investigating Officer's recommendations are consistent with the findings.
6. POC is the undersigned at 432 [REDACTED] ^{-b6-2}

[REDACTED] ^{-b6-2}
CPT, JA
Deputy Staff Judge
Advocate (Acting)

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USASFC 15-6 Investigation of photographs by 5th Special Forces Group (Abn) of John Walker Lindh

Contents

1. Specific responses to the allegations in the 15-6 appointment order of 22 April 2002
2. Findings and Conclusions
3. Narrative and Summary Timeline
4. Facts that bear further consideration
5. Recommendations
6. Enclosures and Exhibits
 - a) Appointment memo for COL(P) Burford of 22 April 2002
 - b) Initial 15-6 Investigation from 5th SFGA of April 2002
(i.e.; the MAJ [REDACTED] Report) (includes the [REDACTED] Exhibits)
 - c) Exhibits to Burford's 15-6

Specific responses to the allegations in the 15-6 appointment order of 22 April

Paragraph 1a

Regarding when, where, and why the photograph depicting Mr. Lindh bound, and with the word "shithead" written across his blindfold or headband, was taken:

- o Yes, SFC [redacted] of [redacted] took the photo on the ODA's digital camera on 7 Dec 01 on or about 1320Z in the detainee's room at the "Turkish School House" (initial detention point) just as prisoner transfer was to occur. The photo was taken "as barracks humor." Mr. Lindh was said to be "unaware" of the event or the photo. b6-4/b7c-4 b2-2
- o Binding and blindfolding a detainee is acceptable doctrinal guidance as taught in Soldier Training Procedures (STP 191-000-001) and FM 21-75, Chapter 6 under the "silence" and "safeguard" headings of the 5 S's of EPW handling.

Paragraph 1b

Regarding when, where, and under whose orders the photograph in question was removed, deleted, or otherwise destroyed by [redacted] b2-2

- o On [redacted] specifically, Team Sergeant, MSG [redacted] attempted the first deletion on the camera itself within 24-48 hours of the actual photo after discussion, agreement and at the direction of the Team Commander, CPT [redacted]. b2-2 b6-4/b7c-4
- o No hardcopy of the photo was made at ODA level.
- o It wasn't until 5 April 02 (>100 days) when MSG [redacted] was interviewed by the DOJ / FBI and asked to turn anything over to them that this question arose. As far as MSG [redacted] and [redacted] knew up to that point in time ... this photo-in-question did not exist anymore after [redacted] camera deletion. b6-4/b7c-4 b6-4/b7c-4
- o However, standard practice had each ODA's camera or its "flashcard" memory device downloaded daily at the Group's Support Center for archival purposes onto the Support Center's laptop hard drive. Once this has occurred, it is virtually impossible to track the transmission or dissemination b2-2 b6-4/b7c-4

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electronically. It is also virtually impossible to identify all who may have seen it.

- o At least one other deletion did occur at Fort Campbell by Battalion staff.... but as a result of an operational security concern by intelligence specialists since the faces of ODA members were visible in the photo-in-question. These actions predate the issuance or receipt of the formal Preservation Order and Discovery Motion delivered to Fort Campbell on 5 April 2002.
- o Later, mention is made of "hard copy" photo's printed for COL [REDACTED] review in early April but no mention is made of how these were handled. It is possible that it is these that were the ones turned over to the DOJ / FBI at about that time.

Paragraph 1c

Regarding when, where, and by whom the photograph was next discovered by members of 5th Special Forces Group (Airborne):

- o [REDACTED] members saw it on the camera's playback screen.
- o Support Center personnel saw it on the Support Center (SupCen) laptop hard drive.
- o Other FOB personnel may have seen it on other computers that were electronically connected by "LAN" to the Support Center laptop or on an "MWR" laptop in the FOB (not on a "LAN").
- o At the initial screening back at Fort Campbell in late February 2002, in response to the DOJ / FBI's initial request (after the first visit by DOJ / FBI), a CD with this photo was produced by SSG [REDACTED] and screened by CPT [REDACTED] who recommended to CPT [REDACTED] (3rd Battalion S2) that it be deleted for operational security reasons.

Paragraph 1d

Regarding when, where, by whom, and to whom the photograph has been distributed; to include distribution modes such as email, hardcopy, accessing via a digital camera or computer screen:

- o There are a number of soldiers interviewed who admit to seeing this photo and perhaps more who say they did not. Likewise

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common access to a certain laptop like the Support Center laptop ("The entire Battalion S4 Section") or the MWR laptop in a widely accessible common location ("the entire Battalion Operations Section") do not seem to be direct determinants of who did and who did not see this photo.

- o There is little testimony that indicates this photo was passed around electronically and the vast majority of testimony that says it was hardly ever seen in hard copy. There is also limited mention of a few individuals who have seen it subsequently in the public domain (internet sites).

- o COL [REDACTED] was shown a hard copy in early April by LTC [REDACTED], after the Motion to Discover arrived at Fort Campbell, as [REDACTED] had only returned to Fort Campbell in late March and had not seen the photo-in-question up to that point in time.

b6-4/
b7c-4

b6-4/b7c-4

b6-4/b7c-4

Paragraph 1e

Regarding what training program was in effect prior to or during 5th Special Forces Group (Airborne)'s deployment into Afghanistan as regards status and/or treatment of Prisoners of War and Detainees:

- o Prior to deployment, the SF Soldiers routinely trained in combat skills such as Military Skill Level Tasks found in STP 191-000-0001 and FM 21-75, Chapter 6 (the 5's of EPW handling) and ODA SOP Rehearsals.
- o However, it should be pointed out that these skills focus mostly on the doctrine we have now, describing a more linear battlefield where prisoners might be taken captive but are quickly turned over to a holding authority as the battle lines advance; a holding authority trained to hold or inter them. In fact, STP 191-000-001 and FM 21-75, Chapter 6 talk about quickly "evacuating them to the MP collection point or holding area" ... and to "evacuate them as quickly as possible".
- o Further, the diagrams in FM 19-10, Chapter 16 show just such a linear arrangement of the battlefield and the "orderly" movement of EPWs to the rear ... and into MP custody.
- o Factually, we train our Military Policemen for the follow-on part of EPW handling in FM 19-4 and have dedicated units to do so. None were nearby in Afghanistan. Consequently, we

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b2-2

begin to see how asymmetric warfare can be different and doesn't fit exactly in our current doctrine. While the ODA's like ██████████ considered the possibility and trained themselves to be ready to take prisoners, there are two significant diversions;

- First, these individual might be prisoners ... or they might be detainees ... or maybe refugees;
 - And second, there was no one to hand them off to.
- o While trained to provide capture in the first moments of combat ██████████ was not trained to retain custody. None of our combat soldiers are, to my knowledge.
- o As a result, ██████████ became a defacto internment element, without much training beyond the "five S's" of EPW handling for the first moments of combat: search, silence, segregate, safeguard, and speed. Speed refers to hastening an EPW's movement into custodial control of battlefield MP's.
- o All this being said, taking the photo-in-question of Mr. Lindh was still an immature, sophomoric idea.

Paragraph 1f

Regarding what training was actually received by ██████████ prior to or during its contact with Mr. Lindh:

- o None in evidence beyond that of initial soldier and 18-series training in "detain and secure" as described in the response above to Para 1e: search, silence, segregate, safeguard, and speed.
- o However, supplemental verbal guidance was given by LTC ██████████ to ██████████ to provide food, water, medical treatment, and shelter ██████████ ██████████ to Mr. Lindh.

Paragraph 1g

Regarding what status individual members of ██████████ believed Mr. Lindh to have while in their custody:

- o The team was not certain of his status ... neither were many legal scholars, but ██████████ certainly approached their assignment with utmost caution and meticulous record keeping from twice-hourly, ODA command-directed observations of Mr. Lindh in his room. The training in

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STP 191-000-001 in paragraph 3 under the "segregate" section trains our soldiers; "when in doubt of a captive's status ... treat them like an EPW" as well as in FM 21-75, Chapter 6.

- o From FM 19-10, Military Police Law and Order Operations, Chapter 16; "On the battlefield, MP's provide for the temporary confinement and swift evacuation of US military prisoners. MP confinement operations parallel, but are separate from, the MP EPW internment and evacuation system..."
- o I am certain that few among us expected to find any Americans alongside the Taliban and Al Qaeda among those armed and arrayed against our forces on the ground. This was clearly an undefined event. In hindsight, I am not sure we should expect [redacted] to resolve this completely on their own and make such a determination in Mr. Lindh's five to six days at the Turkish Schoolhouse. b2-2
- o I do not know if [redacted] was forewarned or anticipated the length of its custodial duties. More likely, decision makers either had not made that decision or were unable to implement their decision because of combat conditions around Mazar-e-Sharif. b2-2
- o ODA [redacted] generosity toward M. Lindh was humbling as on Day 1 of custody, [redacted] segregated Mr. Walker in the Turkish Schoolhouse in a room, not a cell; out of concern for the possibly unpredictable actions of other Taliban/Al Qaeda detainees toward Mr. Lindh. [redacted] gave up their own food and supplies to him for consumption and warmth, confiscated an electric heater (FOB Supply Room) and even another man's cot (SSG [redacted]) for Mr. Lindh to use while [redacted] continued to sleep on a concrete floor, in a separate unheated room [redacted]. b2-2 b6-4/b7c-4
- o Mr. Lindh was given soap, a toothbrush, toothpaste and towel for his personal hygiene and was permitted to practice religious beliefs whenever he was so moved. [redacted] even went so far as to manually heat water for Mr. Lindh in makeshift vessels so that he could bathe in the hot water. b2-2 b6-4/b7c-4 b6-4/b7c-4
- o Mr. Lindh was afforded a visit from the Red Cross within the first ~36 hours of [redacted] taking custody. Mr. Lindh

was also visited one additional time by the Red Cross while under the care of [REDACTED] before his departure from [REDACTED]

- o Mr. Lindh was provided three (3) MRE meals a day and bottled water while [REDACTED] and the other SOF forces in the Turkish Schoolhouse subsisted on one (1) MRE meal a day, plus local rice and drank from the local water supply [REDACTED]

- o Mr. Lindh received a daily medical evaluation from a qualified physician, CPT [REDACTED], MD 3rd Battalion 5th SFGA Surgeon, who treated Mr. Lindh's wounds and provided medication daily. Dr. [REDACTED] also pressed higher Headquarters to be ready to "preserve evidence" if John Walker Lindh's leg wound was later to produce any fragments or ballistic evidence during subsequent surgery. Further, Dr. [REDACTED] persisted in asking higher Headquarters to make sure that Mr. Lindh received their highest medical priority once he was moved on beyond Dr. [REDACTED]'s care.

Dr. [REDACTED] also kept a medical log separate from [REDACTED] twice-hourly journal that recounts in detail; the meticulous care Dr. [REDACTED] gave Mr. Lindh.

Paragraph 1h

Regarding what rules individual members of [REDACTED] believed to be in operation during their contact with Mr. Lindh:

- o As in Para 1e, [REDACTED] unexpectedly became a defacto custodial element for a detainee, without much training beyond the five S's of basic soldier-skills intended for EPWs; search, silence, segregate, safeguard, and speed.
- o The training in STP 191-000-001 in paragraph 3 under the "segregate" section, trains our soldiers; "... when in doubt of a captive's status ... treat them like an EPW" as well as noted in FM 21-75, Chapter 6
- o However, his status as a "possible American" among the Taliban certainly fueled the extra caution and care that [REDACTED] rendered Mr. Walker as well as the meticulous note-taking of their every interaction with him, to include the support described in Para 1g above ... which went so far as to record the weights and measure of his food and Mr. Lindh's use of his confinement latrine, just before [REDACTED] cleaned it for him.

Paragraph 1i

Regarding when individual members of [REDACTED] were interviewed by any member of the Department of Justice or Federal Bureau of Investigation:

- o Most [REDACTED] members were still deployed OCONUS in February and not contacted by the DOJ / FBI until April 2002.

Paragraph 1j

Regarding if the individual members of [REDACTED] were questioned by DOJ or FBI concerning the existence of photographic evidence of Mr. Lindh:

- o Yes, in April 2002 [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]

Paragraph 1k

Regarding whether the individual members or [REDACTED] revealed to the DOJ or FBI representatives the existence of the photograph of Mr. Lindh now in question:

- o Yes, in April 2002, but most referred to participating by being in the photo of 7 December 2001 while they were still in Mazar-e-Sharif, Afghanistan; but not seeing it afterward in any form beyond the on-camera playback on 7 December, as questioned in the subsequent review a few months later during the investigative interest.

Paragraph 1l

Regarding whether any other member of the 5th Special Forces Group (Airborne), identified in the investigation as having knowledge of the photograph of Mr. Lindh now in question, was interviewed by DOJ or FBI:

- o Yes, see multiple responses of several witnesses.

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Paragraph 1m

Regarding whether these members (referenced above) of 5th SFG(A) were questioned by DOJ or FBI concerning the existence of photographic evidence of Mr. Lindh:

- o Yes, there were those who saw this photo in Afghanistan beyond b2-2 [redacted] and perhaps a few who may have not been part of 5th SFGA ... as they could have seen it at FOB 53 on other business; electronic versions of the photo were reportedly seen on laptops. But most were 5th SFGA soldiers who saw it within the confines of their staff section laptops (SupCen and OpCen) ... and a few who then saw it back at Fort Campbell afterward, during the "search phase" after the initial DOJ / FBI requests and visit to Fort Campbell. b6-4/b7c-4
- o Of the first grouping (in Afghanistan); SSG [redacted] is an example as it was one of his jobs to daily log-in the digital photos from all the ODA cameras and other data downloads in the SupCen. b6-4/b7c-4 b6-4/b7c-4 b6-4/b7c-4
- o Of the later grouping (at Fort Campbell); MAJ [redacted], CPT [redacted], CPT [redacted] and COL [redacted] are examples of those who b6-4/ say they saw it later. Some, like COL [redacted] have never b7c-4 been questioned by the DOJ or FBI to this day. b6-4/b7c-4 b6-4/b7c-4
- o Also noting that COL [redacted] did not see the photo-in-question until early April, upon his return CONUS when MAJ [redacted] had to print off a hard copy for [redacted] to review. b6-4/b7c-4 b6-4/b7c-4

Paragraph 1n

Regarding whether these members (referenced above) of 5th SFG(A) revealed to the DOJ or FBI the existence of the photograph of Mr. Lindh now in question:

- o Yes, those who saw it admitted such.
- o However, I cannot find anyone one who came forward voluntarily with an admission of having seen it or anyone "accused" of seeing it who came forward later on. b6-4/b7c-4
- o Further, all who were implicated by speculation ("... [redacted] may have seen it, since he had access to the SupCen laptop...") claim they did not, as discussed in Narrative section below.

013572

Paragraph 1c

Regarding whether efforts were taken by any member of 5th SFG(A) to conceal or attempt to conceal the existence of the photograph of Mr. Lindh now in question:

o Yes, within 24 hours of ODA taking the photo (~8 December) the ODA Commander, CPT [REDACTED], grew uneasy, thinking it might "embarrass the command" talked it over with the Team Sergeant, MSG [REDACTED], and directed MSG [REDACTED] to "delete it" from the camera.
 b6-4/b7c-4

o Taking the photo-in-question was truly an immature and sophomoric idea, and the team began to have doubts about it almost immediately. Deleting the photo on the camera was clearly in the interests of the team and the 5th SFGA and shows considerable good judgment (or good judgment-reborn); it is what we aspire to with our SOF leadership training. This first deletion was done in the Turkish Schoolhouse in Afghanistan in December 2001, over 100 days prior to any investigative interest.
 b6-4/b7c-4

o Later, a CD was made back at Fort Campbell that had the photo-in-question on it, but this CD was discarded after a new CD, minus this photo, was recreated during the initial inquiry by Captains [REDACTED] and [REDACTED].
 b6-4/b7c-4

o As Captains [REDACTED] and [REDACTED] described it ... the deletion was recommended to be in the interests of protecting 5th SFGA's documentation as this particular photo was questionable from an operational security point of view since it revealed [REDACTED] member's identities as they stood alongside Mr. Lindh.
 b2-2 Captains [REDACTED] and [REDACTED] logical progression was likely that;
 b6-4/b7c-4

- Numerous other pictures were to be turned over to the DOJ / FBI, illustrating Mr. Lindh's detention, along with very detailed written documentation,
- This one photo-in-question was unremarkable for showing prisoner treatment as it was similar to other photos showing Mr. Lindh's detention that were to be surrendered to the DOJ that day,
- This picture however, was unique, in that it included recognizable [REDACTED] team members standing alongside Mr. Lindh which threatens their "viability" and future survivability on SOF missions.

b6-2

013573

b6-4/b7c-4

▪ This "success of logic" for Captains [redacted] and [redacted] in turning over any photo's of Mr. Lindh's detention but omitting this one, fit seamlessly with what [redacted] and [redacted] believed was the DOJ / FBI's intent on 21 February, and to them, omitting this one photo did not seem to impact the DOJ's implied requirements of; "gather evidence ... see what you have." b6-4/b7c-4

▪ Captains [redacted] and [redacted] were operating at the limits of their training but ostensibly as the leading vanguard of the SF Battalion's operational security barrier. The SF ODA's, Battalions and Group are expected to be their own gatekeepers for deciding if classified / sensitive information is to exit their SOF security umbrella.

b6-4/
b7c-4

▪ When MAJ [redacted] concurred with the recommendation to delete this one photo, from among other similar photo's, his concurrence confirmed Captains [redacted] and [redacted]'s "success of logic"; so the deletion occurred. The "logic trail" here should be one for considerable debate at future Professional Development meetings at 5th SFGA. Captains [redacted] and [redacted] erred on the side of strict operational security and are not found to be motivated by concealing evidence in my opinion. b6-4/b7c-4

▪ Statements indicate that soldiers all felt that the DOJ / FBI inquiry was friendly and informal and perhaps assumed that prosecution of Lindh was their only goal.

▪ To review some of the words attributed to and made in the DOJ / FBI statements;

o "we are just getting oriented on what happened" (DOJ at Campbell on 21 Feb)

b6-4/
b7c-4

o CPT [redacted] was asked to "facilitate a meeting" (DOJ with 5th SFGA soldiers)

o "informal meetings with soldiers"

o "to see what (evidence) you might have"

o DOJ indicated that "a (written) directive on this should come down shortly"

▪ DOJ seemed to understand on 21 February, at the departure of its first delegation from Fort Campbell;

o "you have given us all you have for now"

o "the items handed over today, was just what could be made ready today"

▪ DOJ stated that their intent was; "to return to get more later (items / photos)".

013574

19

Paragraph 1p

Regarding what efforts were taken by the leadership of 5th SFG(A) to ensure all documentation and/or photographic evidence of Mr. Lindh was disclosed with requests from the DOJ or FBI:

It should first be noted that the initial meeting of 21 February was arranged by FBI liaison, through Fort Campbell's CID Agent [redacted], by direct phone contact with CPT [redacted] at 5th SFGA. The Command element learned of the visit from CPT [redacted] as it developed; the Command element said to proceed. b6-4/
b7c-4

Emails of 21 February 2002 between LTC [redacted] (Commander of 5th SFGA Rear at Campbell) to COL [redacted] (Commander of 5th SFGA Forward, still in Afghanistan); communicating the announcement of the DOJ / FBI visit and directions to cooperate, including "cc'd" copies of his email to several others but not all of their respective staff members; LTC [redacted] was keeping his Boss informed of an important event and both seem to start with a "let's cooperate" perspective, including email intermediaries like MAJ [redacted] who said; "give them everything". b6-4/
b7c-4

Witness statement of LTC [redacted]; "... to not delete anything pertaining to John Walker Lindh", is corroborated by several other interviews as a directive made to the entire unit, called-out into formation. This statement appears to have been at about the time of the formal legal directives to do so ... and was also the causative factor for a unit recall for formation, during a weekend in April 2002; a highly unusual military event, but speaks volumes of the importance that LTC [redacted] placed on finding and producing this Lindh documentation for the DOJ / FBI. b6-4/
b7c-4

On April 4, 2002 LTC [redacted] called all the Battalion leadership into his office to pass along his intent to comply with the Motion to Discover, delivered to Fort Campbell, to produce all documentation. It was at this meeting that LTC [redacted] asked for and first saw the photo in printed format (MAJ [redacted]). b6-4/
b7c-4

There is one interviewee (SSG [redacted] who recalls LTC [redacted] making a similar statement "about two weeks after" the 21 February 2002 visit to make "all data on Lindh available to the DOJ". b6-4/
b7c-4

- On 8 April 2002 (possibility the Monday following the Battalion "recall formation"), JAG officer, CPT [REDACTED] electronically distributes the official DOJ Motion of Discovery and official Preservation Order across the 5th SFGA along with his comprehensive instructions on how this should proceed and how data is to be collected. His instructive wording includes; "search all ... for any [REDACTED] materials... do not delete or shred any materials." b6-2 b2-2

- Counseling on the concerns caused by the photo, began within 24 hours of 7 December 2001 by the ODA leadership [REDACTED] and continued throughout the ODA, Battalion and Group chains of command as they learned of the event. b6-4/ b7c-4 b6-4/b7c-4

Editorial Note: As Commander of [REDACTED] stationed within the Turkish Schoolhouse throughout December 2001 and into January 2002, LTC [REDACTED] apparently never saw nor heard of this photo. In the other Editorial Note at the end of the Narrative Section, I too stayed at the Turkish Schoolhouse in January 2001 and was not aware of it or even any mention of it. b2-2 b6-4/ b7c-4

Narrative

As part of the Special Forces A-team's routine efforts to document Team activities and as ordered by higher SOF headquarters, digital photographs were taken of the detainee, Mr. John Walker Lindh by 5th SFGA's [REDACTED] during his detention in Afghanistan. One particular photo of 7 December 2001 showed objectionable wording, visibly written on Mr. Lindh's blindfold. The team Sergeant of [REDACTED] took steps to delete it within 24 hours (~ 8 December) ... but the photo had already spread ... through electronic "legs", as it had already been downloaded into the Support Center laptop hard drive, as was daily SOP for all ODA camera products. Back at Fort Campbell in February 2002, this photo was found on this Support Center laptop as well as on the Operations Center laptop and at least one CD. The MWR laptop was also referred to as having the photo at one time but reported to have had a hard drive "crash" that was unrecoverable. b2-2

013576

When federal authorities inquired about information and data pertaining to Mr. John Walker Lindh in February of 2002, in anticipation of prosecution, efforts were made to locate this and other information within 5th SFGA on Mr. Lindh, as some of the Group had by then, redeployed to Fort Campbell. However, most of 5th SFGA was still OCONUS at this time.

The photo-in-question was variously reported by 5th SFGA individuals as;

- Non-existent / never saw it / never heard of it [REDACTED] b6-4 / b7c-4
- Heard about it ... but never saw it [REDACTED] — b6-4/b7c-4
- Most soldiers implicated through speculation by others ("XXXXX might have seen it, since he had access to ZZZ section's laptop") stated they had not seen it
- Viewed on-screen only
 - Viewed on-screen in Afghanistan
 - At the FOB (Battalion Headquarters) OpsCen (Operations Center) [REDACTED] — b6-4/b7c-4
 - On the Battalion SupCen laptop (Logistical Support Center) [REDACTED] #1) — b6-4/b7c-4
 - SupCen laptop was on a LAN but not internet capable
 - On the Battalion SupCen MWR laptop
 - MWR laptop was on the internet but not LAN - capable (MWR hard drive reported to have crashed while OCONUS) [REDACTED] #2) — b6-4/b7c-4
 - Viewed on screen during the archival process [REDACTED] b6-4/b7c-4
 - Viewed on screen in order to scrub for potentially classified information [REDACTED] b6-4/b7c-4
- Viewed and saved on the hard drive but not a removable copy (initial) b6-4 / b7c-4
- Viewed and later saved onto a disk / CD / flashcard (subsequent)
- Viewed but location unknown (several)
- Viewed but not kept [REDACTED] — b6-4/b7c-4
- Viewed but deleted (all [REDACTED] — b2-2
- View on TV newscast at a much later date [REDACTED] — b6-4/b7c-4

All of whom seem to have been truthful; to wit; each individual truthfully reported what he knew to be true, as all had different experiences related to the photo-in-question.

013577

There were actions taken with the photo-in-question to delete it but several preceded redeployment. Once back at Fort Campbell, further actions to limit the spread of this photo-in-question preceded the initial contact by federal officials and therefore, were not prejudiced by any need to conceal or delete anything for other than for routine operational security, customary to SOF.

It is noted that several actions were taken by [REDACTED] ^{b2-2} in a self-policing fashion and by others to limit the spread and storage of this particular photo-in-question due to it's possibly offensive nature. Despite their best efforts, not all these efforts proved to be successful. In addition, it is not indicated that [REDACTED] ^{b2-2} ever knew later on, that the photo was in other electronic locations and hard drives.

Delivery to an electronic device that has multiple access ... like a staff section computer with several authorized users or an Internet connection by any means whether electronic or physical ... severely limits the effectiveness of any efforts to "capture the photo-in-question". Consequently, the photo-in-question may well have traveled beyond 5th Group's electronic perimeter into the private or public domains.

Since the photo-in-question was not produced nor consistently alluded to in initial interviews ... but was delivered to federal prosecutors at a later date, there was some initial speculation by the prosecutors that this was in an attempt to conceal this particular photo. I do not find this to be true, nor do I see this as a "cause and effect" relationship with DOJ's visit; i.e.; the initial DOJ visit did not cause the photo to disappear, other than the one CD version reviewed for operational security, customary to SOF operational protections.

Statements and the chronology of events point more strongly toward the facts that;

- The photo-in-question was not known to all who were interviewed
- It was not available to all who sought it
- The federal authorities saw their search as an iterative process and their statements indicate that they planned "subsequent visits" to Fort Campbell; apparently accepting the fact that the search and subsequent discovery events would take some time and multiple visits

013578

• The photo-in-question was delivered to the prosecution when it was described as a crucial item with Mr. Lindh's defense counsel's Motion for Discovery.

• Discussions about the photo-in-question's possible offensive nature by members of 5th SFGA gave way to Command Guidance by LTC [redacted] that everything be turned over and that nothing should be deleted. Although he did not talk to the Prosecuting Attorney's team until April 2002, LTC [redacted] guidance was given sometime after their first visit to Fort Campbell in February and perhaps again after the second contact by federal officials (telephonic) at an unusual "recall" formation on a weekend ... its issuance clearly preceded LTC [redacted] first meeting with Prosecutors in April 2002 and the importance supported by the highly unusual "weekend recall formation" of the unit.

• Consequently, I surmise that LTC [redacted] guidance was driven by the 5th SFGA leadership's "good faith" estimate of the situation, as the transfer of this particular photo of Mr. Lindh very closely followed the delivery of the official Discovery Motion on or about 5 April 2002.

Editorial Note: The 15-6 investigator here ... then COL(P) Burford ... actually stayed in the Turkish School House in Mazar-e-Sharif in January 2002 for several days ... within 3-4 weeks of the photo ... [redacted] and LTC [redacted] were still there ... and COL Burford never heard of it nor heard it referred to by anyone.

b6-4/b7c-4

b2-2

b6-4/b7c-4

Summary Timeline

2 December 2001

John Walker Lindh was taken into US custody by [REDACTED] at the Quali Jangi Prison after the intense combat there and significant loss of life, including CIA Agent [REDACTED] transferred Mr. Lindh into the care of [REDACTED] at the "Turkish Schoolhouse" in Mazar-e-Sharif

b2-2

b6-1

b2-2

7 December 2001

- The photo-in-question was taken by [REDACTED] at the time of transfer of Mr. Lindh;
- Mr. Lindh was delivered out of [REDACTED] responsibility into MP custody at the MES airfield for air transport; concluding [REDACTED] custodial internment assignment

b2-2

b2-2

b2-2

8 December 2001

[REDACTED] Team Sergeant, MSG [REDACTED] deliberately deletes the photo from [REDACTED] digital camera but the flash-card storage device from that camera has already been sent to the 3rd Battalion's Support Center for archival purposes (as is daily routine); photo is downloaded into the Battalion archives onto the hard drive of the SupCen laptop computer (as is daily routine)

b2-2

b2-2

b6-4/b7c-4

January 2002

Elements of 5th SFGA begin to redeploy to Fort Campbell

013580

Early February 2002

b6-1/b7c-6

b6-4/b7c-4

- Initial coordination comes direct from the FBI to Fort Campbell's CID Agent [redacted] who called CPT [redacted] direct at 5th SFGA
- First phone call from the US Attorney's office to 5th SFGA, was directly to CPT [redacted] — b6-4/b7c-4
- CPT [redacted] assumes POC duties for the US Attorneys;
 - CPT [redacted] begins coordination for setting up meetings
 - CPT [redacted] informs LTC [redacted] (Commander, 5th Group Rear) b6-2
 - LTC [redacted] informs COL [redacted] (5th Group Forward, OCONUS) by email b6-4/b7c-4
- Initial search for information begins within 5th SFGA at Fort Campbell

b(6)-4,
b(7)(c)-4

b6-4
b7c-4

~ 21 February 2002

- Electronic messages from 5th SFGA at Campbell to JSOTF-Afghanistan (5th Group Forward) to gather everything they have on Mr. Lindh, particularly focusing on [redacted] items
- First visit to Fort Campbell by US Attorneys
- First face-to-face meetings with 5th SFGA soldiers
- First items-of-evidence turned over to US Attorneys
 - SSG [redacted] finds the photo-in-question, among others, on the SupCen laptop hard drive
 - Concerned about security, [redacted] makes a CD copy and brings CD to CPT [redacted] b6-4/b7c-4
 - CPT [redacted] takes the CD to CPT [redacted] (Battalion S2) to inquire about security and recommends deleting this particular photo but no others
 - CPT [redacted] asks MAJ [redacted] and MAJ [redacted] concurs
 - CPT [redacted] cuts another CD without the photo-in-question

b6-4
b7c-4

b6-4
b7c-4

b6-4
b7c-4

b6-4/b7c-4

NOTE: It is likely that the photo-in-question now resides on both SSG [redacted]'s SupCen laptop and now CPT [redacted] hard drive though the re-cutting of a new CD (>> copy content / >> delete one file (the photo) / >> recut a new CD)

b6-4/b7c-4

The fate of the original CD from SSG [redacted] with the photo-in-question) is not certain but is referred to by more than one person as "probably destroyed"

013531

- o US Attorney's depart Campbell on 21 February with a number of items but are reported to have said; "We know we may need to come back..."

Late February 2002

- First mention of finding the photo-in-question elsewhere within 5th SFGA at Fort Campbell begin to emerge
- LTC [REDACTED], Commander to 3rd Bn / 5th SFGA at Fort Campbell, "Do not delete anything"

b64 / b7c-4

21 March 2002

- Telephonic interviews by US Attorneys (virtual visit to Fort Campbell) (second visit)
- Additional materials and items sent to US Attorneys

4 April 2002

US Army Special Forces Command (USASFC) receives the formal Discovery Motion and Preservation Order dated 13 March 2002

5 April 2002

Discovery Motion and Preservation Order sent from USASFC are received electronically at Fort Campbell by 5th SFGA JAG officer CPT [REDACTED] and distributed electronically within 5th Group with explicit instructions as to the importance and sensitivity of this issue

b6-2

6 & 7 (Weekend) April 2002

- LTC [REDACTED] directs a weekend recall formation and announces; "Do not delete anything"
- LTC [REDACTED] also calls all available 5th SFGA leadership into his office and says; "Do not delete anything"
- LTC [REDACTED] also directs that the detailed JAG guidelines of 5 April be strictly followed

b6-4

b7c-4

013582

8 April 2002

MAJ [REDACTED] appointed as the AR 15-6 Investigating Officer by 5th Group Commander (Rear) (Monday, following the weekend recall formation)

10 - 18 April 2002

MAJ [REDACTED] conducts his investigation

12 April 2002

The photo-in-question is found and turned over to US Attorneys by 5th SFGA

16 April

MAJ [REDACTED] finishes the 15-6 Chronology of Events

17 April 2002

MAJ [REDACTED] submits final draft for legal review to 5th SFGA JAG section

18 April 2002

- MAJ [REDACTED] submits his 15-6 Conclusions and Recommendations as an MFR to the 5th SFGA Group Commander
- Group Commander acknowledges receipt by rendering his recommendations ... but 5th SFGA Group Commander's comments are not dated in Section VIII (Actions by Appointing Authority) of the DA Form 1574 to [REDACTED] 15-6 submittal (Report of Proceedings)

22 April 2002

Burford appointed as 15-6 investigator by CG, USASFC; Burford meets with USASFC legal advisor (MAJ [REDACTED])

Late April 2002

First mention of possible Obstruction of Justice charges against 5th SFGA individuals

013583

29 May 2002

b6-2

b6-2

- [redacted] 15-6 arrives at USASFC by FAX from SGT [redacted] of 5th SFGA COMMCEN but is classified SECRET (SCI)
- [redacted] 15-6 exhibits are found to be mislabeled or misplaced;

b6-2

- 1) Exhibit P is actually that of SSG [redacted] (not SSG [redacted], as listed)
- 2) Exhibit Q and Exhibit R are missing (listed as [redacted] and [redacted])

b6-4/b7c-4

b6-4/b7c-4

b6-4/b7c-4

Early June 2002

Members of 5th SFGA are called to Virginia by US Attorneys to assist in the Prosecution's preparation of their case ([redacted], [redacted], [redacted], [redacted], [redacted] and [redacted])

b6-4/b7c-4

3 June 2002

Memorandum from CG, USASFC to Chairman, Joint Chiefs of Staff-LC (Legal Counsel) to notify the CJCS's office that two of the statements had to be redacted [redacted] and [redacted] before the [redacted] 15-6 could be distributed elsewhere as-needed and to notify CJSC that USASFC would hold its own USASCF-level 15-6 Investigation

b6-2

b6-4/b7c-4

Mid - June 2002

US Attorneys request other witnesses from 5th SFGA to attend upcoming Lindh trial

Early July 2002

US Attorneys return to Fort Campbell and conduct multiple interviews of 5th SFGA to assist in the preparation of the prosecution's case

9 July 2002

Burford meets again with USASFC replacement legal advisor, CPT [redacted]

b6-2

013584

15 July 2002

BG Burford, MAJ [REDACTED] and CPT [REDACTED] are at Fort Campbell for the majority of their USASFC 15-6 interviews

b6-2

17 July 2002

Mr. Lindh pleads guilty

18 July 2002

BG Burford, MAJ [REDACTED] and CPT [REDACTED] telephonically interview DOJ attorney [REDACTED]

b6-2

b6-2

Late July 2002

- Original USASFC legal advisor, MAJ [REDACTED], PCS's to CGSC
- Officially replaced by USASFC legal advisor CPT [REDACTED]

b6-2

b6-2

5 August 2002

Email from CPT [REDACTED] (JAG USASFC) to CPT [REDACTED] (JAG 5th SFGA) trying to establish contact with 5th SFGA personnel, many of whom are no longer at Campbell

b6-2

b6-2

23 August 2002

BG Burford and CPT [REDACTED] conduct more telephonic interviews

b6-2

6 September 2002

- BG Burford and CPT [REDACTED] telephonically interview FBI agent [REDACTED]
- BG Burford requests an extension from USASFC that is granted

b6-2

b6-6/b7c-6

013535

25 September 2002

BG Burford meets again with CPT [REDACTED]

b6-2

26 September 2002

First draft of USASFC 15-6 and form 1574 done by BG Burford

4 October 2002

Mr. Lindh is sentenced

7 October 2002

Letter dated [REDACTED]

Information withheld - Exemption (b)(5) - pursuant to a request from the Executive Office of the United States Attorney.

Late November / early December 2002

- US Attorney's letter of 7 October 2002 arrives at USASFC CG's office at Fort Bragg
- CG USASFC shares a copy of the letter with USASFC 15-6 Investigating officer (Burford)

January 2003

Finalization of the 15-6 findings, recommendations and exhibits

End of Summary Timeline

013586

Facts that bear further consideration:

The members of 5th SFGA deployed to Afghanistan without anticipating any extraordinary requirements to be custodial caretakers of captured combatants but maintained the training provided under FM 27-100 on the Law of War ("... regardless of the nature of the conflict") and applying the five basic skills of search, silence, segregate, safeguard, and speed ... the guidelines of STP 191-000-0001 training. It is noted that this training is focused on the moment of capture and initial handling of EPWs and not so much on long term care or confinement. Long-term confinement is a basic Military Police function described fully in FM 19-40, FM 19-4 and AR 190-8. In fact, it was MP's that took Mr. Lindh into custody from [REDACTED] at the [REDACTED] Airfield for transport by C-130 on 7 December 2001. b2-2
b(2)-2

Additionally, the uncertain status of individuals like Mr. Lindh was second only to our surprise to find Americans on the battlefield ... needing a continuing lengthy legal debate that ensued at the highest legal and political levels that partly continues today; ... EPWs? ... detainees?... unwilling combatants? ... passively interested (but armed) observers? [REDACTED] was left on the battlefield to determine a great deal of this on their own. I feel they exercised an extraordinary sense of caution. b2-2

In the five or six days that Mr. Walker was secured, safeguarded and sustained by [REDACTED], members of the ODA and 3rd Battalion Medical staff went well out of their way to improve the health and welfare of Mr. John Walker Lindh. This is evidenced by the daily examination by the Battalion Surgeon and fact that Mr. Lindh was able to move on his own after this period ... as compared to his capture when he was unable to move on his own at all and initially had to be carried into the Turkish Schoolhouse on a stretcher. b2-2

It is not widely reported ... but members of [REDACTED] and others in 5th SFGA gave up their own food, cots, heaters and sleeping gear to Mr. Lindh in order to sustain him and support his recovery while at the Turkish Schoolhouse. Meticulous daily logs kept by the team attest to this hourly occurrence. The members of [REDACTED] even went so far as to manually heat water in makeshift vessels for Mr. Lindh to be able to bathe with hot water ... on more than one occasion. b2-2

013587

The

Information withheld - Exemption (b)(5) - pursuant to a request from the Executive Office of the United States Attorney.

Upon their phased redeployment to CONUS, the members of 5th SFGA responded to the very first request for information in February quickly and completely ... to the best of their individual abilities without delay or trepidation. Many of the members of 5th SFGA did not return to Fort Campbell until later ... and some not until much later in April. It should be noted that there was limited involvement from military legal staff in the very important initial search in February.

A generic request for DOJ / FBI to "... see what you have ..." was not interpreted as an official demand, nor a complete statement of intent ... nor certainly as a potential legal risk by those who responded. To state later that "soldiers should have known" is to disregard the vast difference in expertise there is in this area between a lawyer ... and a soldier/sailor/airman ... and was perhaps unintentional to turn knowledge of the law against the soldiers' goodwill and naïve spirit of cooperation.

b2-2

b6-4/b7c-4

Counseling about the photo began within 24 hours of its origin, focusing on how inappropriate it was, between the two leaders of [redacted] and [redacted]. That counseling continued at each level of command, as that level became aware of it, and reached done the entire chain of command, again and again, to those in-charge at ODA, Company and Battalion.

013588

Initial contact points for federal officials to meet with 5th SFGA personnel were neither through legal channels nor Command channels, but started through Fort Campbell's CID office, direct to a point of contact (CPT [REDACTED]), and continued this way for sometime;

- Initial contact was represented by both federal representatives and 5th SFGA as "cordial" b6-4/b7c-4
- The DOJ representatives were heard to say;
 - o "please facilitate a meeting (with soldiers) for us" (to CPT [REDACTED]) - b6-4/b7c-4
 - o "... informal meetings ..."
 - o "... we are just getting oriented ... as to what happened" (with Mr. Lindh)
- Initial contact by federal representatives was not preceded by any formalities nor any in-brief as to their intentions ... when coordinating the visit to the points of contact nor during the initial visit with individual unit members nor later to the Command element. b6-4/b7c-4
- The Group Commander, COL [REDACTED], has never been interviewed nor ever spoken with the Department of Justice or FBI. COL [REDACTED] did not see the photo-in-question until early April upon his return CONUS when MAJ [REDACTED] had to print one off for him. b6-4/b7c-4

The disk handed off to the DOJ representatives at the conclusion of their very first visit to Campbell on 21 February 2002 was acknowledged by DOJ to be; "... what 5th SFGA could lay their hands on and prepare at this time ..." The DOJ representatives were also heard to say; "... (5th SFGA) will get us more later..." b6-4/b7c-4

DOJ representatives did go back to Fort Campbell again in March 2002 but made numerous telephonic contacts over the intervening months.

013589

Findings and Conclusions:

b6-4/b7c-4

b2-2

The photo-in-question was in fact, taken by SFC [redacted] of [redacted] on 7 December 2001 at ~1320Z at the "Turkish School" in Mazar-e-Sharif, Afghanistan, the safe house for Joint Coalition Special Operations Forces, in the moments just prior to the orderly transfer of John Walker Lindh into the control of non-SOF US MP forces.

The offending headband tape was removed from Mr. Lindh immediately after the photo was taken and this tape was not seen elsewhere, other than on the photo-in-question.

No testimony was offered that showed Mr. Lindh was aware of this event, the photo or the wording. From Mr. Lindh's perspective, he had received food, clothing, religious freedoms and even had his latrine container cleaned for him by an ODA member. Six days after he had to be carried in on a stretcher, Mr. Lindh walked out of the Turkish Schoolhouse on his own power for the transfer event.

Steps were taken to limit the distribution of the photo-in-question within 24 hours of its existence, by the very same team that had taken it. This significantly pre-dates any legal or judicial intervention.

Despite the ODA's best efforts to limit its existence, dissemination of the photo-in-question did take place, primarily electronically. However, it was also transferred non-electronically by physical means more than once as a stored image on disk / CD / camera flash card but was not found in any printed format. These transfers cannot be charted, tracked nor cataloged as to time or electronic destination.

The staff and members of 5th SFGA cooperated with federal authorities on both visits to Fort Campbell and for telephonic requests without delay or obfuscation. In addition, 5th SFGA members rightfully assessed the confidentiality / classification / content of materials-to-be-surrendered for operational security preservation that is routine to SOF operations.

013590

Members of 5th SFGA who claimed innocence or "no knowledge" of the photo-in-question or its disposition were truthful.

Members of 5th SFGA involved here (and soldiers/sailors/airmen in general) are not familiar with the complex legal rules pertaining to evidentiary preservation nor the due process of defense or prosecution. Statements by the US Attorney's involved in the initial visits and interviews do not indicate that these were described to 5th SFGA members until the two formal motions were delivered in April.

013591

No page 28

013592

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- Although it is a common core task in basic soldier skill training and included again during 18-series training for Green Berets, additional training of ODA members and SOF staff in the handling of captured combatants and the processing of captives / detainees is called for in light of the non-linearity of today's battlefield ... and the resulting difficulty of MP access through increased emphasis on training for uncertainty, according to existing regulations and manuals;
 - AR 190-8 Enemy POW's, Retained Personnel, Civilian Internees and other Detainees
 - DA Pam 27-1 Treaties Governing Land Warfare
 - FM 3-19.1 Military Police Operations
 - FM 3-19.4 Military Police Leader's Handbook
 - FM 3-19.40 Military Police Internment/Resettlement Operations
 - FM 19.4 MP Battlefield Circulation Control Area Security and Enemy POW Operations
 - FM 19-10 Military Police Law and Order Operations
 - FM 19.40 Enemy POW's, Civilian Internees and other Detained Persons
 - FM 21-75 Combat Skills of the Soldier
 - STP 19-95B1-SM Soldier's Manual MOS 95B, Military Police Skill Level 1
 - STP 19-95B24-SM Soldier's Manual MOS 95B, Military Police Skill Levels 2/3/4, Trainer's Guide
 - STP 19-95C14-SM Soldier's Manual MOS 95C, Internment/Resettlement Specialist Levels 12/3/4
 - STP 21-1-SMCT Conduct Combat Operations According to the Law of War Task 181-906-1505

Selected topics and lessons should be reinforced through counseling sessions, staff training and inclusion in future Professional Development sessions.

013593

- As an addendum, federal authorities may have inadvertently created an atmosphere of informal camaraderie with 5th SFGA soldiers during their calls and visits that was probably mistaken for procedural informality. This may jeopardize the soldier in a legal sense later on, if the other federal agency assumes more formality ... or knows of more formality ... than it conveys to the soldier(s).

- If legal implications are even remotely possible during such an encounter, the federal authorities have a mandate of honor, if not a duty, to be truthful and forthright ... to make the unit and individuals formally aware of the gravity of the proceedings, the consequences of their own and unit actions ... and to make legal counsel available beforehand as well as during questioning, analogous to what is done in a military Article 31 proceeding.

- The relationship of federal agency-to-military contact, while "comfortable" should not deprive the subordinate agency of its rights, limit its actions nor jeopardize an individual soldier, sailor or airman's right. Likewise, the federal agency should not insinuate itself as a friend ... then consider becoming a potential accuser.

b2-2

- Lastly, this event can have excellent training value, through vignettes and the study of this particular situation for [REDACTED]. It should result in force-wide review of our SOF thought process in understanding a combat element's "detainee status determination" and the addressing of what to do when a detainee is held for unexpected periods by SOF elements or other combat elements due to the speed of the battle or the likelihood of overwhelming numbers (like Desert Storm) or an inability to effect a timely hand-off with custodial MP's. As such, these events could lead to the need for a review of possible doctrinal changes, added basic soldier skill training, reinforcing 18-series training and perhaps more importantly, for repetitive refresher emphasis within Group Professional Development training.

013594

AOSO-(CG)

APR 22 2002

MEMORANDUM FOR Colonel David Burford, United States Army Special Forces Command (Airborne), Fort Bragg, North Carolina 28310

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed as Investigating Officer pursuant to AR 15-6 to conduct an informal investigation into the allegations that personnel of 5th Special Forces Group (Airborne) did knowingly withhold requested documentation and photographic evidence from the Department of Justice in the U.S. v. John Walker Lindh prosecution. As initial guidance, you are directed to investigate the following:

a. When, where, and why the photograph depicting Mr. Lindh bound, and with the word "shithead" written across his blindfold or headband, was taken.

b. When, where, and under who's orders the photograph in question was removed, deleted, or otherwise destroyed by Team [REDACTED] - b(2)-2

c. When, where, and by whom the photograph was next discovered by members of 5th Special Forces Group (Airborne).

d. When, where, by whom, and to whom the photograph has been distributed. Distribution includes such modes as email, hardcopy, accessing via a digital camera or computer screen.

e. What training program was in effect prior to or during 5th Special Forces Group (Airborne) deployment into Afghanistan as regards status and/or treatment of Prisoners of War and Detainees.

f. What training was actually received by [REDACTED] prior to or during its contact with Mr. Lindh. b2-2

g. What status individual members of [REDACTED] believed Mr. Lindh to have while in their custody. b2-2

h. What rules individual members of [REDACTED] believed to be in operation during their contact with Mr. Lindh. b2-2

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b2-2
i. When were individual members of [redacted] interviewed by any member of the Department of Justice or Federal Bureau of Investigation.

b2-2
j. Were the individual members of [redacted] questioned by DOJ or FBI concerning the existence of photographic evidence of Mr. Lindh.

b2-2
k. Did the individual members of [redacted] reveal to the DOJ or FBI representatives the existence of the photograph of Mr. Lindh now in question.

l. Was any other member of the 5th Special Forces Group (Airborne), identified in your investigation as having knowledge of the photograph of Mr. Lindh now in question, interviewed by DOJ or FBI?

m. Were these members of 5th SFG(A) questioned by DOJ or FBI concerning the existence of photographic evidence of Mr. Lindh.

n. Did these members of 5th SFG(A) reveal to the DOJ or FBI the existence of the photograph of Mr. Lindh now in question.

o. Were efforts taken by any member of 5th SFG(A) to conceal or attempt to conceal the existence of the photograph of Mr. Lindh now in question.

p. What efforts have been taken by the leadership of 5th SFG(A) to ensure all documentation and/or photographic evidence of Mr. Lindh is disclosed in accordance with requests from the DOJ or FBI.

2. This list of questions is not all inclusive. Use your best judgment and the evidence you ascertain to guide you concerning other lines of questioning you may require to complete your investigation. In addition, you are directed to obtain a copy of the final report of the AR 15-6 Investigation conducted by MAJ [redacted] regarding the initial allegations of the taking of unauthorized photographs of Mr. Lindh. You may use any portion of this Report you deem appropriate, and need not duplicate MAJ [redacted] efforts if he has already developed information useful to your investigation.

b6-2
3. You will make findings and recommendation(s) based upon your investigation. You will obtain sworn statements from witnesses; however, if a witness refuses to make a sworn statement, an

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unsworn statement will suffice. In the event that you come to suspect that a soldier may have committed a criminal offense punishable under the Uniform Code of Military Justice, that person will be advised of his or her rights under Article 31, UCMJ, prior to questioning or obtaining a sworn statement from that witness. Complete DA Form 3881 before interviewing.

4. Your findings and recommendations will be submitted to this headquarters on DA Form 1574 by 22 May 2002. Requests for additional time must be in writing and approved by me.

5. Your legal advisor for this matter will be MAJ [REDACTED] b6-2
[REDACTED], 432 [REDACTED] Contact her for a preliminary legal briefing before you begin your investigation.

b6-2


GEOFFREY C. LAMBERT
Major General, USA
Commanding General

013597

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DEPARTMENT OF THE ARMY
Headquarters, 5th Special Forces Group (Airborne)
Fort Campbell, Kentucky 42223

AOSO-SFA-CO

10 April 2002

MEMORANDUM FOR MAJ [REDACTED] ^{b6-2} Headquarters, 2nd Battalion, 5th Special Force Group (Airborne), Fort Campbell, KY 42223

SUBJECT: Appointment as Investigating Officer

1. Confirming my vocal appointment of 9 April 2002, Major [REDACTED] ^{b6-2} is appointed as an investigating officer to conduct an informal investigation into the facts and circumstances surrounding reports of inappropriate or unauthorized pictures of Johnny Walker Lindh taken by members of [REDACTED] ^{b2-2} at Mazar-e-Sharif, Afghanistan, on or about 7 December 2001.

2. Conduct your investigation in accordance with the procedures for informal investigations set out in AR 15-6. Take sworn statements from witnesses using DA Form 2823. Investigate the circumstances surrounding the pictures, their distribution, and the circumstances surrounding their discovery. Report your findings and recommendations using DA Form 1574. Complete your investigation as soon as possible but no later than 19 April 2002.

3. Special Instructions:

a. Consult the Group Judge Advocate, 798 [REDACTED] ^{b6-2} for legal advice in conducting your investigation.

b. If you suspect an individual has committed an act of misconduct, advise him of his Article 31, UCMJ rights using DA Form 3881, prior to questioning him about the suspected offense(s).

c. Consult the S2 section for classification guidance regarding the report of investigation.

d. This appointment supersedes all previous duty appointments.

[REDACTED SIGNATURE]
Colonel, SF
Commanding ^{b6-2}

013599

CF:
Individual
[REDACTED]



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DEPARTMENT OF THE ARMY
HEADQUARTERS, 5TH SPECIAL FORCES GROUP (AIRBORNE)
3210 INDIANA AVENUE
FORT CAMPBELL, KENTUCKY 42223-8214

REPLY TO
ATTENTION OF

AOSO-SFA-CO

18 April 2002

MEMORANDUM FOR RECORD

SUBJECT: Chronology of Events, AR 15-6 Investigation, circumstances surrounding reports of inappropriate or unauthorized pictures of Detainee Johnny Walker Lindh

1. The following is the chronology of Events, AR 15-6 Investigation, circumstances surrounding reports of inappropriate or unauthorized pictures of Detainee Johnny Walker Lindh:

10 April 02 0900 COL [redacted] ^{b6-2} appoints the undersigned as Investigating Officer
1000 Initial Legal Brief, 5th SFG(A) JAG
1300 Office Call, inbrief with COL [redacted] - b6-2

11 April 02 1000 Legal consultation, 5th SFG(A) JAG
1555 Office call, interviewed LTC [redacted] 3/5 CDR - b6-4/b7c-4
1630 Legal consultation, 5th SFG(A)
1645 Office call, interviewed MAJ [redacted] 3/5 S3 - b6-4/b7c-4

12 April 02 0920 Review of sworn statement with LTC [redacted] - b6-4/b7c-4

b6-4/
b7c-4

0945	Interviewed MSG [redacted] TM SGT
1000	Interviewed SFC [redacted]
1020	Interviewed SSG [redacted]
1030	Interviewed SSG [redacted]
1045	Interviewed SSG [redacted]

b2-2

15 April 02 1318 Follow up interview, MAJ [redacted]
1400 Interviewed CPT [redacted] D/3/5 Co. CDR
1530 Interviewed CPT [redacted] 3/5 S2
1650 Follow up interview, CPT [redacted] - b6-4/
b7c-4

16 April 02 0900 Interviewed MAJ [redacted] C/3/5 Co. CDR
0910 Follow up interview, MSG [redacted]
1000 Interviewed CPT [redacted] DET CDR - b6-4/
b7c-4

17 April 02 1040 Interviewed SSG [redacted] D/3/5 - b2-2 013600
1100 Interviewed 1LT [redacted] D/3/5
1308 Interviewed CPT [redacted] 3/5 BN Surgeon - b6-4/
1536 Interviewed SFC [redacted] b7c-4
1610 Interviewed SGT [redacted] D/3/5 - b2-2 45

AOSO-SFA-CO

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SUBJECT: Chronology of Events, AR 15-6 Investigation, circumstances surrounding reports of inappropriate or unauthorized pictures of Detainee Johnny Walker Lindh

1615 Interviewed SFC [REDACTED] D/3/5

b6-4/
b7c-4

18 April 02 0800 Findings and Recommendations Complete
0930 Legal consultation, 5th SFG(A) JAG
1700 Initial Legal Review, SJA

2. POC is the undersigned at DSN 635 [REDACTED] b6-2

[REDACTED]

b6-2

MAJ, SF
Investigating Officer

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REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by COL [REDACTED] Commander, 5th Special Forces Group (Airborne)
(Appointing authority)

b6-2

on 10 April 2002 *(Date)* (Attach Inclosure I: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The *(investigation) (board)* commenced at Headquarters, 3d Battalion, 5th SFG(A) at 1555
(Place) (Time)

on 11 April 2002 *(Date)* (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The *(investigating officer) (board)* finished gathering/hearing evidence at 1641 on 17 April 2002
(Time) (Date)

and completed findings and recommendations at 1939 on 17 April 2002
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO	NA
1. Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? (See item 9, below)			X
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
Privacy Act Statements (Certificate, if statement provided orally)?			X
e. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
f. Information as to sessions of a formal board not included on page 1 of this report?		X	
g. Any other...			X

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Exhibits (para 3-16, AR 15-6)	YES	NO	NA?
a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
Notice to respondents (para 5-5, AR 15-6):			
a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
b. Was the date of delivery at least five working days prior to the first session of the board?			
c. Does each letter of notification indicate --			
(1) the date, hour, and place of the first session of the board concerning that respondent?			
(2) the matter to be investigated, including specific allegations against the respondent, if any?			
(3) the respondent's rights with regard to counsel?			
the name and address of each witness expected to be called by the recorder?			
the respondent's rights to be present, present evidence, and call witnesses?			
d. Was the respondent provided a copy of all unclassified documents in the case file?			
e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a. Was he properly notified (para 5-5, AR 15-6)?			
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-6c, AR 15-6)?			
Counsel (para 5-6, AR 15-6):			
a. Was each respondent represented by counsel?			
Name and business address of counsel:			
(If counsel is a lawyer, check here <input type="checkbox"/>)			
b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
Was the challenge properly denied and by the appropriate officer?			
Did each member successfully challenged cease to participate in the proceedings?			
Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
Examine and object to the introduction of real and documentary evidence, including written statements?			
Object to the testimony of witnesses and cross-examine witnesses other than his own?			
Call witnesses and otherwise introduce evidence?			
Testify as a witness?			
Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
Were all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

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NOTE: ...

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SECTION IV - FINDINGS (para 3-10, AR 15-6)

16 (investigating officer) (board), having carefully considered the evidence, finds:

17 Memorandum for Record, Findings and Recommendations, Enclosure IV

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

18 In view of the above findings, the (investigating officer) (board) recommends:

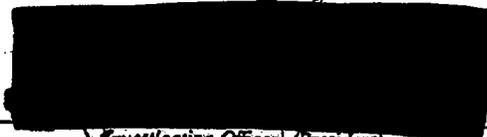
19 Memorandum for Record, Findings and Recommendations, Enclosure IV

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SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII, state the reason in the space where his signature should appear.)

(Recorder)

b6-2

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

to the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/limitations). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

A letter of concern to be issued to the Detachment sergeant reflecting my concern w: his situationally-unique poor judgment. My concern is mitigated, however, by the obvious outstanding treatment afforded the detainees under extremely austere conditions. This treatment clearly reflects the true nature of the care the detainees received from the Detachment.

b6-2



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DEPARTMENT OF THE ARMY
HEADQUARTERS, 5TH SPECIAL FORCES GROUP (AIRBORNE)
3210 INDIANA AVENUE
FORT CAMPBELL, KENTUCKY 42223-8214

REPLY TO
ATTENTION OF

AOSO-SFA-CO

16 April 2002

MEMORANDUM FOR RECORD

SUBJECT: Findings and Recommendations, AR 15-6 Investigation, circumstances surrounding reports of inappropriate or unauthorized pictures of Detainee Johnny Walker Lindh

1. Effective 10 April 2002, I was appointed as an investigating officer to conduct an informal investigation into the facts and circumstances surrounding reports of inappropriate or unauthorized pictures of Johnny Walker Lindh (See Exhibit A) taken by members of [REDACTED] b2-2 at Mazer-e-Sharif, Afghanistan, on or about 7 December 2001. I conducted my investigation in accordance with Army Regulation 15-6. I investigated the circumstances pursuant to Article 93, Cruelty and Maltreatment, of the Uniform Code of Military Justice (UCMJ), and Article 89, Humane Treatment of Prisoners, Field Manual 27-10, The Law of Land Warfare.

2. After having carefully considered the evidence, I make the following findings based on facts relevant to the events:

A. I find that the detainee, Johnny Walker Lindh, was treated humanely in accordance with the Uniform Code of Military Justice and the Law of Land Warfare, pursuant to Article 93 of the UCMJ, Cruelty and Maltreatment, and Article 89 of The Law of Land Warfare, Humane Treatment of Prisoners. I make this finding in light of the following facts:

1) When [REDACTED] b2-2 was given custody of the detainee, he was not capable of walking under his own power, and was carried in on a stretcher. When the detainee left the custody of [REDACTED], his health had improved to the point where he could walk under his own power (See Exhibit K). b2-2

2) The ODA members guarding the prisoner had been given specific instructions and guidelines regarding their manner of treatment to the detainee. They were instructed to provide food, water, medical treatment, and shelter for the detainee (See Exhibits C, J, K, M, N, O, P, Q).

3) All soldiers on [REDACTED] b2-2 who came in contact with the detainee during his period of captivity in their charge treated him in an excellent manner (See Exhibits K, M, N, O, P, Q, S, T).

4) The soldiers caring for the detainee made an effort to ensure the detainee's level of care was better than the level of care afforded U.S. soldiers in Mazar-e-Sharif (See Exhibit J, K, P, Q)

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AOSO-SFA-CO

~~FOR OFFICIAL USE ONLY~~

SUBJECT: Findings and Recommendations, AR 15-6 Investigation, circumstances surrounding reports of inappropriate or unauthorized pictures of Detainee Johnny Walker Lindh

- 5) The detainee was afforded medical attention whenever he so desired (See Exhibits B, P, N, S, T)
- 6) The ODA supplemented their medical treatment plan with the augmentation of the 3d Battalion Surgeon as the primary medical care facilitator for the detainee (See Exhibits J, O, P, S, T).
- 7) The battalion surgeon assessed that the detainee's health improved significantly while in the custody of [REDACTED] (See Exhibits S, T).
b2-2
- 8) The battalion surgeon maintained a log of all medical care administered to the detainee (See Exhibits S, T).
- 9) When the detainee found the cold discomfoting, the ODA provided a space heater for his cell to provide him warmth (See Exhibits N, P, Q).
- 10) The detainee was given food to eat whenever he so desired while in the custody of [REDACTED] (See Exhibits B, P).
b2-2
- 11) At a minimum, the detainee was fed three times per day while in the custody of [REDACTED] (See Exhibits J, M, Q, S).
b2-2
- 12) The ODA maintained an official log concerning the care and treatment of the detainee while in custody (See Exhibits B, K).
- 13) The soldiers charged with guarding the detainee were limited to talking to the detainee about four specific subjects: medical treatment, food, water, or relieving bodily functions (See Exhibits C, J, K, N).
- 14) The detainee was given the opportunity to relieve himself six times on record during his captivity by [REDACTED] When the detainee defecated in the bucket provided, ODA members cleaned out the bucket in order to maintain sanitary conditions for the detainee (See Exhibits B, K, O).
b2-2
- 15) Twice when requested by the detainee, the ODA afforded him the opportunity to pray in accordance with the customs of his religion (See Exhibits B, K).
- 16) The detainee was afforded a visit by the International Red Cross within 24 hours of being taken into captivity (See Exhibits B, J, L, O).
- 17) The detainee was given the opportunity to bathe, and given a new set of clothes to wear (See Exhibits K, N).

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AOSO-SFA-CO

SUBJECT: Findings and Recommendations, AR 15-6 Investigation, circumstances surrounding reports of inappropriate or unauthorized pictures of Detainee Johnny Walker Lindh

B. I find that the photograph was not distributed beyond members on the ODA who participated in the photo, or those on battalion staff who initially discovered the photo two months later, after it was deleted. The photograph was not distributed with the intent of embarrassing the detainee, or to bring discredit to the character of the detainee in public. I make this finding in light of the following facts:

1) According to eyewitness accounts, the photograph was not distributed beyond members on the ODA who participated in the photo, or those on battalion staff who initially discovered the photo two months later. There is no evidence of a mass distribution of the photo, and there are only 16 members of a battalion of 350 who have seen the photo (See Exhibits C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, U, V, W).

2) The soldiers involved in taking the picture did not take the photograph in a public forum for the purposes of ridicule (See Exhibits K, M, N, O, P, Q).

3) The inscription on the detainee's blindfold was taken off before the detainee left the confines of his cell. No one outside of those in the photo and the photographer saw the inscription on the blindfold (See Exhibits K, O).

4) The detainee was never aware of the inscription that was written on his blindfold (See Exhibits K, M, N, O, P, Q).

5) The detainee was not blindfolded for the purposes of taking the photograph with the inscription. Blindfolding is a standard operating procedure for moving the detainee from one point to another, to prevent him from escaping, and from knowing his whereabouts for the future safety and security of [REDACTED]. The ODA was in the process of moving the detainee (See Exhibits K, M, N, O, P, Q). b2-2

6) After the photo was taken and initially viewed by the ODA members, CPT [REDACTED] the Detachment Commander, and MSG [REDACTED] the team sergeant, came to the conclusion that the photo could be taken out of context by any casual observer of the photo who wasn't present when the photo was taken. They subsequently deleted the photo in order to prevent dissemination as a means to prevent the photo from being taken out of context (See Exhibits J, K). b6-4/b7c-4

7) The detainee was never referred to as "Sh_thead" verbally by any of the ODA members through the duration of his detention in their custody (See Exhibit K).

8) The detainee did not show expressions of mental anguish while the photo was being taken (See Exhibits A, L, Q).

9) The detainee showed no signs of being bothered or discomforted by the taking of the photograph (See Exhibits A, L, Q).

013608

AOSO-SFA-CO

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SUBJECT: Findings and Recommendations, AR 15-6 Investigation, circumstances surrounding reports of inappropriate or unauthorized pictures of Detainee Johnny Walker Lindh

10) This photograph was taken while taking a series of photographs used for the purpose of historically documenting the captivity of the detainee while in ██████████ custody, not for the specific intention of disrespecting the detainee (See Exhibit J, K, M, O).

b6-2

C. I find that the service members that participated in the photograph and the soldiers who later discovered the photograph did not intentionally withhold the photograph from being turned over to the chain of command when asked to submit all documents, photographs, and material relating to the detainee. I make this finding in light of the following facts:

1) The photograph was deleted from the ODA's program files on 9 December 2001, two days after the photo was taken. This was five months prior to being directed by the chain of command to hand the photos over for the detainee's court case (See Exhibits K, M, N, O, P, Q).

2) The photo was discovered on a computer belonging to Delta Company, 3d Battalion in February of 2002. This was two months prior to being directed by the chain of command to hand photos over for the detainee's court case (See Exhibits G, H, L).

3) The photo remained undisclosed when discovered in February, when those on the battalion staff who made the discovery realized that the photo could be taken out of context. This was two months previous to the order from the chain of command to turn over all documents, photographs, and material relating to the detainee's court case. No order to turn over photos, documents, or material regarding the detainee's court case had been given previous to April (See Exhibits E, G, I).

4) No soldier who saw the photograph or participated in the taking of the photograph knew of anyone who had destroyed the photograph for the specific purpose of hiding evidence for a court case. (See Exhibits C, D, I, K, M, N, O, P, Q)

5) The chain of command received a directive in the first week of April to turn over all documents, photographs, and material relating to the detainee's court case. The chain of command immediately and willingly handed over the photo in question (Exhibit A) without delay, fully understanding the impact the photo may have if taken out of context (See Exhibits C, D, E, F).

3. The soldiers who participated in the taking of the photograph, while consistently performing their duties in a professional manner through the duration of the detainee's captivity in their charge, displayed a momentary lapse in judgement. These soldiers immediately recognized their mistake upon viewing the photo, and took steps immediately to correct their mistake by disposing of the photograph. These soldiers routinely performed their duties in excellence in regards to the care and treatment of the detainee while in their custody. Based on the findings, I make the following recommendations:

013609

54

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AOSO-SFA-CO

SUBJECT: Findings and Recommendations, AR 15-6 Investigation, circumstances surrounding reports of inappropriate or unauthorized pictures of Detainee Johnny Walker Lindh

A. I recommend no charges be brought against the soldiers in accordance with the UCMJ, pursuant to Article 93, Cruelty and Maltreatment.

B.

[REDACTED]

b5-1

B. I recommend a command policy be established outlining the guidelines and context in which all photographs should be taken in anticipation of being used for documentation of historical record or other purposes of legal significance.

4. POC is the undersigned at DSN 635

[REDACTED] b6-2

[REDACTED]

b6-2

MAJ, SF
Investigating Officer

013610

55

**BATES PAGE 13611 HAS BEEN WITHHELD IN ITS
ENTIRITY PURSUANT TO FOIA EXEMPTIONS 6 and 7, 5
U.S.C. Section 552(b)(6) and (b)(7)(C).**

Photos depicting Americans

013611

b6-2

Sulayman

John Phillip Walker Lindh

b6-4/b7c-4

143/1420200 Check to return

Cash

Handwritten

REFERENCE

16.9.72 oz of A20

Carroll Hill

[REDACTED]

b6-3

Cash number SSN

Photocopy of Passport

Are in Pakistan

with US Diploma copy

GED Redwood HS

[REDACTED]

b6-3

b6-2

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3 DEC 01

0955 Z

ONE FUDGE BROWNIE
HAIF BOTTLE of WATER
WENT SWEET BREAD
PERMAI BUTTER
CHILI and MALLEN
SUGAR BEVERAGE POWDER
MUST CAROLITZ
BUBBLE GUM

1016 Z

1024 Z

PRAYED AFTER SERIES
LAYED BACK DOWN
MUST CAROLITZ

~~THREE~~

VEGETABLE CRACKERS
JALAPENO CHEESE SPREAD
CHICKEN IN TAMA SAUCE
NUT RAISIN MIX
WHITE RICE
1/2 QUANT WATER

03 DEC

00100 bath room

0020 Doc Reg. - TYLON

0030 food + water + egg
M. next front

Pasta with vegetables -
in alfredo sauce
prayed

0115

0433 Z

013613

b6-2

2

14 Dec. 01

- 612/1615 Conducted check of Guest all secure [redacted]
- 623/1638 Dow visited Guest All secure [redacted]
- 126-1722 Conducted check of Guest All secure [redacted]
- 744-1746 Conducted check of Guest All secure [redacted]
- 1815-1820 Conducted check of Guest All secure [redacted]
- 1847-1850 SF Team heard a noise coming from guest's room, checked it out with Sof their numbers all secure [redacted]
- 1911-1913 Conducted check of guest, guest said he would like a blanket or sweater to keep him warm [redacted]
- 1937-1939 Conducted check of Guest All secure [redacted]
- 2009/2011 Conducted check of guest. All secure [redacted]
- 2045/2047 Conducted check of guest. All secure [redacted]
- 2111/2113 Conducted check of guest All secure [redacted]
- 2145/2147 Conducted check of guest. All secure [redacted]
- 2220-2222 Conducted check of guest All secure [redacted]
- 2255-2257 Conducted check of guest Arrived to Site, Dec. 11th [redacted]
Ached. if Doctor was available. [redacted]
asked for blanket [redacted]
- 2322-2324 Conducted check of guest All secure [redacted]
- 2340-2350 Conducted check of guest All secure [redacted]
- 2010-0013 Conducted check of guest All secure [redacted]
- 0050-0053 Conducted check of guest All secure [redacted]
- 0115-0117 Conducted check of guest All secure [redacted]
- 143-0150 Conducted check of guest All secure [redacted]
- 216-0213 Conducted check of guest. All secure [redacted]
- 1245-0247 Conduct check of guest. Give food to guest consisting of:

b6-4/b7c-4

Inventory on next page

b6-2

Inventory List for 5 Dec 01
Breakfast Inventory

- 1 package of crackers
- 1 package of peanut butter
- 1 moist towelette
- 1 Granola BAR
- 1 package of pasta with vegetables
- 1 package of pearls
- 1 MRB SPOON
- 1 Brown Bag

0307/0315 Conduct check of guest. Retrieve all of food items
Guest ate all items that were given to him. Items
also defecated.

0340/0343 Conduct check of guest. All secure

0414/0417 Conduct check of guest All secure

0440/0455 Conduct check of guest. All secure

0525/0527 Conduct check of guest. All secure

0552/0558 Conduct check of guest
Guest said (Hoban to 5557 Perez + 586 King
went back to double check on guest

0628-0636 Conducted check of guest All secure

0702-0704 conducted check of guest All secure

0738-0740 conducted check of guest All secure

0810-0813 Conducted check of guest and gave him antibiotic tablet from the med. All sec

0826-0829 Collected check of guest. Gave food to guest consisting of
1 package of crackers
1 package of Beef Stew
1 package of skinned roasted peanuts
1 package of JALAPENO CHEESE SPREAD
1 MRB Spoon in wrapper
1 Brown Bag

ALL
B6-4/b7c-4

013615

b6-2

US ATTORNEY'S OFFICE
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4

1849-0852 Conducted check of guest All secure

1920-0922 Conducted check of guest All secure

952-0954 Conducted check of guest All secure

119-1021 Conducted check of guest All secure

152/1054 Conducted check of guest All secure

20/1122 Conducted check of guest All secure

17/1150 Conducted check of guest All secure

54/1159 Inventions meal for guest
Dinner and meal

- 1 Beef with mushrooms
- 1 White Rice
- 1 PKG Crackers
- 1 PKG APPLE Jelly
- 1 Bin Spoon
- 1 wet nap
- 1 Bin Bag

218-1222 checked Guest, consumed All food given
Did not need to Defecate All secure

240-1245 conducted check of guest all secure

315-1332 Conducted check of guest he
Defecated all secure

1402-1405 Conducted check of guest all secure

1440-1443 Conducted check of guest all secure

1513-1516 Conducted check of guest all secure

1597-1598 Conducted check of guest all secure

1614-1617 conducted check of guest all secure

1648-1651 Conducted check of guest all secure

1715-1718 Conducted check of guest all secure

1744-1746 Conducted check of guest All secure

1813-1816 Conducted check of guest All secure

1855-1900 Conducted check of guest All secure

1920-1924 Conducted check of guest All secure

1954-1957 Conducted check of guest All secure

2022-2022 conducted check of guest All secure

2055-2057 Conducted check of guest All secure

b6-4 | b7c-4

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b6-2

5

2150/2151 Conducted check of guest All Secure

2150/2152 Conducted check of guest All Secure

2218/2224 Conducted check of guest All Secure

2293/2295 Conducted check of guest All Secure

2301/2319 Conducted check of guest All Secure

2399/2351 Conducted check of guest all secure

0018-0020 Conducted check of guest all secure

0053-0055 Conducted check of guest all secure

0115-0117 Conducted check of guest all secure

0142-0147 Conducted check of guest all secure

0210-0212 Conducted check of guest All Secure

0240-0248 Conducted check of guest All Secure

Guest Deficient

0303/0304 Conducted inventory of Breakroom items

1 Package beef with mushrooms

1 Package yellow Rice Pilaf

1 Package chicken with mushrooms

1 Package crackers

1 moist towellette

1 Brown spoon

1 Brown bag

Conducted check of guest All Secure

0300/0302 conducted check of guest All Secure
Guest consumed all food given
Dinner need to Deficient

0426/0429 Conducted check of guest All Secure
Guest consumed Zitronek tabs

0453/0455 Conducted check of guest All Secure

0510/0514 conducted check of guest All secure

0540-0543 conducted check of guest All secure

0617-0621 conduct check of guest All secure

0647-0650 conduct check of guest All secure

0721-0744 (2) GA interviewer talk to guest All Secure

0750-0753 Feed guest. Lunch menu inventory

1 ET moist towellette

1 Pk Vegetable crackers

1 Pk peanut butter

1 Pk Fudge Krowne

conduct check w/ same food items

1 ET WATER

1 Pk Chicken and Rice

1 ET Brown spoon

1 ET Brown Bag

ALL b6-4/b7c-4
77A

013617

62

b6-2

0813 - 0816 Conduct check of guest. Guest consumed all food items. Retrieved all trash. Guest did not drink. ~~██████████~~ b(6)-4 / (7)(c)-4

6

0837 - 0841 Conduct check of guest. ~~██████████~~ All secure ~~██████████~~

0914 - 0922 Conduct check of guest. All secure ~~██████████~~

0950 - 0957 Conduct check of guest. Guest dehydrated at this time. All secure ~~██████████~~

1035 - 1038 Conduct check of guest. All secure ~~██████████~~

1050 - 1058 Conduct check of guest. All secure ~~██████████~~

1113 - 1116 Conduct check of guest. All secure ~~██████████~~

1120 - 1129 Doc. treated. wounds. ~~██████████~~

1146 - 1148 Conducted check of guest. All secure ~~██████████~~

1200 - 1203 Gave meal to guest consisting of the following items:

- 1 PC Pork Chop
- 1 PC Lemon Pound Cake
- 1 EA moist Towellette
- 1 PC Cheese Jalapenos
- 1 EA Crackers vegetable
- 1 PC Spiced Apples
- 1 EA brown gravy
- 1 EA Brown Bony

1230 - 1235 Conducted check of guests. Guest 1 didn't eat ~~██████████~~ Bonless Pork Chop. Guest 2 didn't eat Crackers. All secure ~~██████████~~

1256 - 1300 Conducted check of guest all secure ~~██████████~~

1326 - 1327 Conducted check of guest. All secure ~~██████████~~

1349 - 1351 Conducted check of guest. All secure ~~██████████~~

All b6-4 / b7c-4

bl-2

7

- 1410-1413 - Conducted check of guest. All secure
- 1430-1433 Conducted check of guest. All secure
- 1500-1504 Conducted check of guest. All secure
- 1545-1548 Conducted check of guest. All secure
- 1615-1618 Conducted check of guest. All secure
- 1645-1652 Conducted check of guest. All secure
- 1730-1735 Conducted check of guest. All secure
- 1755-1757 Conducted check of guest. All secure
- 1825-1830 Conducted check of guest. All secure
- 1848-1851 Conducted check of guest. All secure
- 1920-1924 Conducted check of guest. All secure
- 1951-1954 Conducted check of guest. All secure
- 2024-2027 Conducted check of guest. All secure
- 2051-2055 Conducted check of guest. All secure
- 2122-2123 Conducted check of guest. All secure
- 2150-2151 Conducted check of guest. All secure
- 2221-2226 Conducted check of guest. All secure
- 2306-2309 Conducted check of guest. All secure
- 24-2327 Conducted check of guest. All secure
- 27-0201 Conducted check of guest. All secure
- 28-0202 Conducted check of guest. All secure
- 28-0207 Conducted check of guest. All secure
- 28-0210 Conducted check of guest. All secure
- 15-0217 Conducted check of guest. All secure
- 115-0216 Conducted check of guest. All secure
- 0217-0233 Conducted check of guest. All secure
- 1314-0315 Guest detained in the bucket at this time. Conducted check of guest. All secure
- 0335- Live Food to guest consisting of (marking)
 - 1 ea moist towellette
 - 2 ea tea bag
 - 2 ea Raspberry apple sauce
 - 1 ea chicken w/noodles
 - 1 ea cheese w/olives
 - 1 ea vegetable crumbers
 - 1 ea brown spoon
 - 2 ea brown bag

ALL b6-4 | b7c-4

8

0358-0400 Conducted check of guest. Retrieved all of food items
Guest ate all items in the inventory. All secure

0420-0429 Guest took meds Zithromax. All secure

0445-0450 Conducted check of guest. All secure

0510-0515 Medical officer changed bandages on thigh
of guest. All secure

0535-0545 Conducted check of guest. All secure

0612-0615 Conducted check of guest. All secure

0640-0645 Conduct check of guest. All secure

0717-0717 Conduct check of guest. All secure

0728-0728
Guest meal to guest consist of

1 pkg Chilli Mac

1 pound cake

1 pkg Peanut Butter

1 wheat snack bread

1 spoon

1 toilette

1 brown bag

0750-0752 Retrieve all articles from chow. All secure

0821-0822 Conducted check of guest. All secure

0850-0851 Conducted check of guest. All secure

0915-0916 Conducted check of guests. All secure.

0947-0948 Conducted check of guest. All secure.

1030-1033 Conducted check of guest. All secure

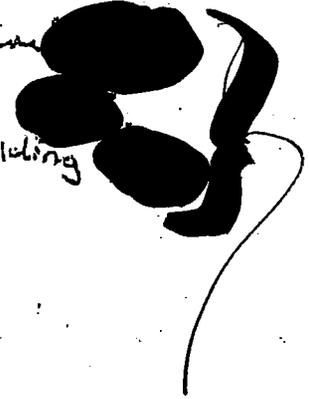
1100-1104 Conducted check of guest. All secure

1145-1149 Conducted check of guest. All secure

All b6-4/b7c-4

b6-2

1218-1221 Conducted check of guest. All secure
 1224-1227 Conducted check of guest. All secure
 1310 Guest was escorted out of the building



b6-4/
 b7c-4

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION SFG(A) HQ, FT Campbell, KY	DATE 11 April 02	TIME 1555	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] — b6-4/b7c-4	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS O5/LTC
ORGANIZATION OR ADDRESS 3d BN, 5th SFG(A), FT Campbell, KY 42223			b6-4/b7c-4

I, [REDACTED] — b6-4/b7c-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q1) Under what circumstances were you first made aware of the photograph?

A1) I first saw the photograph when my S3 brought me the photo to show me when we were turning over documents and pictures as part of a court order relative to the detainee's case. The S3 needed to make me aware of the photo.

Q2) When were you first made aware of the photograph?

A2) Last Thursday the 4th of April, or Friday the 5th of April, approximately.

Q3) Did anyone give you an explanation of why the photograph was taken? — b6-4/b7c-4

A3) Not at that time. Later when MSG [REDACTED] was called in to be counseled in regards to the nature of the photo, he explained that it was a team photo that should have never been taken.

Q4) In light of the inscription on the blindfold, did you personally advise or counsel anyone in regards to the nature of the inscription? — b6-4/b7c-4

A4) Yes, MSG [REDACTED] I told him it was the most stupid and juvenile thing I have seen in a long time, that this kind of stuff comes back to haunt us, that he gets paid to think, and he used exceptionally poor judgement in this matter. He thought he had destroyed the photograph, earlier, way before there was a court order requesting documentation, and asked me where I got it. I told him from the S3 archives. MSG [REDACTED] is ordinarily an exceptional NCO, this was a momentary lapse in judgement. — b6-4/b7c-4

Q5) Did you give specific instructions on the treatment, care, and handling of the prisoner? What were those instructions?

A5) Yes, I instructed that the detainee will be treated appropriately, that he would be medically examined, and that he will be maintained under 24 hour surveillance. RADM Calland, SOCCENT Commander, took an active interest in this matter.

Q6) Based on your knowledge and experience, how do you feel the prisoner was treated overall?

A6) The detainee was treated exceptionally well.

Q7) Do you know of anyone else who saw the photo? If so, who?

A7) Only the team and the S3 as far as I know.

Q8) Do you have any knowledge concerning the intentional deletion of the photo for the purpose of destroying evidence?

A8) No, absolutely not. That is the specific reason why we did not delete the photograph.

b6-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED], DATED [REDACTED], CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

9) Do you know of any material that was intentionally eliminated?

A9) No, we turned everything over that we had. The key point here is that we turned over this photo even though it was embarrassing.

Q10) Do you have anything else to add?

A10) Nothing.



b6-4/b7c-4

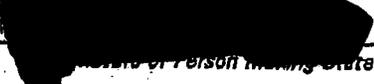
////////////////////////////////////NOTHING FOLLOWS////////////////////////////////////

b6-4/b7c-4

AFFIDAVIT

I,  , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2 . 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.

b6-4/b7c-4

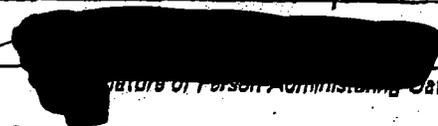


WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of APRIL, 1967 at FT. CAMPBELL, KY

ORGANIZATION OR ADDRESS

b6-2



(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

b6-2

(Typed Name of Person Administering Oath)

IO, AR 15-6

(Authority To Administer Oaths)

013623

INITIALS OF PERSON MAKING STATEMENT



b6-4/b7c-4

62

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Q 3/S SFG(A), BLDG 3214, FT. CAMPBELL KY 42223	DATE 11 APR 02	TIME 1715	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b6-4/b7c-4	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS MAJ
ORGANIZATION OR ADDRESS HHD, 3/S SFG(A), FT. CAMPBELL, KY 42223			

I, [REDACTED] b6-4/b7c-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- Q1. Under what circumstances were you first made aware of the photograph? b6-2
A1. I first saw the photograph while the US Attorney, Mr. [REDACTED] was at Ft. Campbell, KY interviewing personnel about their interactions with Mr. [REDACTED] in mid-February. The photograph was shown to me while discussing the classification of digital photographs that 3rd BN was providing to the prosecutors. I concurred with the S2, CPT [REDACTED] and D. Co. Commander, CPT [REDACTED] that the photograph should not be turned over to prosecutors since our cooperation at this time was strictly voluntary and were not under orders to produce the document.
WALKER b6-4/b7c-4
- Q2. When were you first made aware of the photograph?
A2. In mid-February 2002. See response to question 1. b6-4/b7c-4
- Q3. Did anyone give you an explanation of why the photograph was taken?
A3. No.
- Q4. In light of the inscription on the blindfold, did you personally counsel or advise anyone in regards to the nature of the inscription?
A4. No. At the time that I became aware of the photograph, the personnel responsible for it were still deployed.
- Q5. Did you give specific instructions on the treatment, care, and handling of the detainee? What were those instructions?
A5. No, I did not give any specific instructions on the treatment, care, and handling of the detainee.
- Q6. Based on your knowledge and experience, how do you feel that the detainee was handled overall?
A6. Based on my knowledge and experience, the detainee received exemplary treatment. He received food, water, shelter, and medical treatment equal to that of any US Soldier in Mazar-e Sharif. He was not abused in any way, whatsoever.
- Q7. Do you know of anyone else who saw the photo? Digital copy or physical copy? If so, who?
A7. The only personnel that I can recall stating that they had seen the photograph were CPT [REDACTED] and CPT [REDACTED]. Both had seen it in digital format. When 3rd Bn received the instructions from the DOD General Counsel, I personally showed a hard copy of the four photographs to LTC [REDACTED]. b6-4/b7c-4
- Q8. Do you have any knowledge of the intentional deletion of the photograph for the purpose of destroying evidence?
A8. NO.
- Q9. Do you know of any material that was intentionally eliminated?
A9. NO.
- Q10. Do you have anything else to add?
A10. Yes. While I believe that the picture may be a mild embarrassment to the Special Forces community, it constitutes nothing more than a momentary lapse in judgement on the part of the detachment involved. No harm, physical or psychological, was done to the detainee and I believe that the sentiment conveyed by the inscription is certainly shared by the vast majority of Americans. In light of the fact that this man was an American citizen who was fighting for an organization that killed nearly 3000 innocent American citizens and was attempting to kill more, I think it is a testament to the discipline and training of these American Special Forces soldiers that this inscription, written on a piece of tape, is the worst thing that happened to the detainee while in their custody. b6-4/b7c-4

NOTHING FOLLOWS

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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STATEMENT (Continued)

b6-4/b7c-4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED]. 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.

b6-4/b7c-4

[REDACTED] (Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of APRIL, 2001 at FT CAMPBELL, KY

ORGANIZATION OR ADDRESS

b6-2

[REDACTED] (Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] MAS, SF (Typed Name of Person Administering Oath)

IG, AR 15-6 (Authority To Administer Oaths)

013625

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

70

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION: Fort Campbell, KY DATE: 15 Apr 02 TIME: 1318 FILE NUMBER:

LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED] SOCIAL SECURITY NUMBER: [REDACTED] GRADE/STATUS: O4

ORGANIZATION OR ADDRESS: 3d BN, 5th SFG(A), FT Campbell, KY 42223 [REDACTED]

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1) After the photograph was deleted by the ODA back in early December of 2001, who discovered the photograph and brought it to your attention?

ANSWER: I do not know who discovered the photograph. In mid-February 2002, it was brought to my attention by CPT [REDACTED] and CPT [REDACTED] while CPT [REDACTED] was reviewing a CD of photos for classification. The CD was being voluntarily provided to the prosecutors who were gathering information to aid in the prosecution of Mr. Walker.

2) Where was the photograph discovered and how?

ANSWER: I believe the photograph was on one of the laptop computers used in the operations center and was copied to a CD. Again, I believe that CPT [REDACTED] first noticed the photograph while reviewing the contents of the CD for appropriate classification.

3) When was the photograph discovered?

ANSWER: In mid-February 2002. I am uncertain of the exact date but it coincided with the visit of the prosecutors and the FBI agents.

4) When specifically were you ordered to turn in all documents and photos for a Department of Justice court case?

ANSWER: On Thursday 04 April 2002, upon receipt of the memorandum from the DOD General Counsel.

5) Who were the photos distributed to upon discovery?

ANSWER: I gave a printed copy of the photographs to LTC [REDACTED]. To my knowledge, no electronic copies of the photograph were distributed.

6) Do you have anything else to add?
ANSWER: NO

EXHIBIT: INITIALS OF PERSON MAKING STATEMENT: [REDACTED] PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED
S "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE
STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013626

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION 3/SSFG(A) HQ, FT Campbell, KY	DATE	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b6-4/b7c-4	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS MAJ/ SF
ORGANIZATION OR ADDRESS 3d BN, 5th SFG(A), FT Campbell, KY 42223		b6-4/b7c-4	

I, MAJ [REDACTED] b6-4/b7c-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 1) Under what circumstances were you first made aware of the photograph?
- O/A 4 April 2002, LTC [REDACTED] called all the commanders and his primary staff into his office to inform us of the directive to supply all documents and any information pertaining to the Johnny Walker case. At that time, I first saw the photograph as the S3 handed it over to LTC [REDACTED] b6-4/b7c-4
- 2) When were you first made aware of the photograph?
- O/A 4 April. b6-4/b7c-4
- 3) Did anyone give you an explanation of why the photograph was taken?
- Yes. I spoke with MSG [REDACTED] immediately after getting out of the meeting. He stated to me the photo was merely a team photo taken prior to handing over Walker to the MP's for further processing. The photo was meant to be humorous and had no ill intent. After seeing the photo, MSG [REDACTED] realized it could be taken in the wrong manner by someone not aware of the circumstances and ordered the team to delete the photo. At the time, to his knowledge, the photo was deleted. b6-4/b7c-4
- 4) In light of the inscription on the blindfold, did you personally advise or counsel anyone in regards to the nature of the inscription?
- Yes. As one of my team sergeants, I told MSG [REDACTED] that he should have used better judgement on writing that inscription on the tape and taking the photo. Regardless of the intent at the time, anyone who saw the photo could take it out of context and twist it to mean any number of things. Their otherwise superb and professional performance could be erased by one minor discretion. I instructed him to cooperate fully with any future requests for information or any other inquiries, which he has. b6-4/b7c-4
- 5) Did you give specific instructions on the treatment, care, and handling of the detainee? What were those instructions?
- No. I was not present at thier location.
- 6) Based on your knowledge and experience, how do feel the detainee was treated overall?
- Based on my knowledge, I think the team treated Walker very well and very professionally. He received better living conditions than many of the other US soldiers.
- 7) Do you know of anyone else who saw the photo? Digital copy or Physical Copy? If so, who? No.
- 8) Do you have any knowledge concerning the intentional deletion of the photo for the purpose of destroying evidence? No.
- 9) Do you know of any material that was intentionally eliminated? No.
- 10) Do you have anything else to add? No.

////////////////////////////////////NOTHING FOLLOWS////////////////////////////////////

b6-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGE 013627
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES," WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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STATEMENT (Continued)

b6-4/b7c-4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. 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.

[REDACTED] MAJ, SF
(Signature of Person Making Statement)

WITNESSES:

b6-4/b7c-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of April, 19 02 at FT Campbell, KY

ORGANIZATION OR ADDRESS

b6-2

[REDACTED] MAJ, SF
(Signature of Person Administering Oath)

[REDACTED] MAJ, SF
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

b6-4/b7c-4

IO, AR 15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

~~FOR OFFICIAL USE ONLY~~

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Building 3216 Ft Campbell, KY 42223-6214		DATE 15 APR 02	TIME 1400	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b6-4/b7c-4		SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS O-3/CPT
ORGANIZATION OR ADDRESS 3d BN, 5th SFG(A), FT Campbell, KY 42223		b6-4/b7c-4		
[REDACTED] b6-4/b7c-4				

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 1) After the photograph was deleted by the ODA back in early December of 2001, who discovered the photograph and brought it to your attention? The S-2, CPT [REDACTED] brought the photo to my attention when I requested that he review photos being given to the Walker prosecution team. The time frame was the middle of February. b6-4/b7c-4
- 2) Where was the photograph discovered and how? A disk containing photos pertaining to the Walker case was compiled at the request of the Justice Department, the photos came from a variety of sources, but primarily from a computer used by 3rd Bn Support Center personnel.
- 3) When was the photograph discovered? The middle of February
- 4) When specifically were you ordered to turn in all documents and photos for a Department of Justice court case? 04 APR 02 was when I first became aware of the court order to turn over any photos or documents as part of the government's discovery obligation.
- 5) Who were the photos distributed to upon discovery? When the photos were brought to my attention I instructed the S-2 to delete them. We did not distribute them.
- 6) Do you have anything else to add? It was my decision to delete the photos in February, I did not inform anyone else about the photos at that time. When LTC [REDACTED] had the photos in his possession at the beginning of April, I told him that I had seen those photos in February and instructed the S-2 to delete them. b6-4/b7c-4

END OF STATEMENT

b6-4/b7c-4

[REDACTED]
CPT, SF
Commanding

b6-4
b7c-4

b6-4/b7c-4

013629

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

74

STATEMENT (Continued)

b6-4/b7c-4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _____. 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.

b6-4/
b7c-4

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of APRIL, 192002 at

ORGANIZATION OR ADDRESS

b6-2

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] MAS, SF
(Typed Name of Person Administering Oath)

IA, AR 15-6
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

b6-4/b7c-4

013630

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SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is ODCSOPS

LOCATION LDG 3213 FT Campbell, KY 42223	DATE 15 APR 02	TIME 1650	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b6-4/b7c-4	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS O3/CPT
ORGANIZATION OR ADDRESS 3/5 SFG(A), FT Campbell, KY			

b6-4/b7c-4

I, [REDACTED] b6-4/b7c-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1) In regards to the photograph of the detainee with the inscription "shithead" written on the blindfold; In addition to the computer that the photo was discovered on and the CD that it was copied to, are there any other CDs or other recordable media that you know of that have this specific picture on it?

To the best of my knowledge, no. [REDACTED] b6-4/b7c-4

//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

b6-4/b7c-4

013631

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED," THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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STATEMENT (Continued)

b6-4 / b7c-4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED]. 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.

b6-4 / b7c-4

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15th day of April, 19 02 at FT Campbell, KY

ORGANIZATION OR ADDRESS

b6-2

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

IO, AR 15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

b6-4 / b7c-4

INITIALS OF PERSON MAKING STATEMENT

MAS SE 013632

77

~~FOR OFFICIAL USE ONLY~~

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Fort Campbell KY, Bldg 3214, room 150	DATE 15 April 2002	TIME 1530	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b6-4 b7c-4	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS O-3
ORGANIZATION OR ADDRESS 3d BN, 5th SFG(A), FT Campbell, KY 42223			

b6-4 | b7c-4

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1) After the photograph was deleted by the ODA back in early December of 2001, who discovered the photograph and brought it to your attention?

RESPONSE: I assume the photograph referred to is the one of John Walker-Lindh standing in a room of the Turkish School House, Mazar-E Sharif, Afghanistan blindfolded with the text "SHITHEAD" written across the blindfold. All further comments will be in regards to this photograph. Sometime in mid-February, shortly after [REDACTED] returned, a CD was brought into my office under the direction of CPT [REDACTED] to be reviewed prior to release to FBI representatives preparing to build their case against Walker-Lindh.

2) Where was the photograph discovered and how?

RESPONSE: I placed the CD in a computer in my office, and looked at all of the photos.

3) When was the photograph discovered?

RESPONSE: I do not recall the specific date and time but, it was mid-February in the afternoon sometime.

4) When specifically were you ordered to turn in all documents and photos for a Department of Justice court case?

RESPONSE: I returned from leave on 4 April 2002 and was notified by the Battalion Commander, LTC [REDACTED] in formation that the DOJ was collecting all information in regards to Walker-Lindh.

5) Who were the photos distributed to upon discovery?

RESPONSE: I believe that they were handed over the FBI agents that same day after I reviewed the photos.

6) Do you have anything else to add?

RESPONSE: Yes. After realizing that the CD had the photo in question on it, I decided that it would reflect poorly on the unit and our chain of command. I copied all of the photos onto the computer and deleted the photograph in question. I then created a new CD with all of the photos except the one in question. I then destroyed the original CD. The decision to delete the photo was mine alone. NOTHING FOLLOWS

b6-4 | b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES 013633
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is DDGSDPS

LOCATION SFG(A) HQ, FT Campbell, KY	DATE 16APR02	TIME	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED] b6-4/b7c-4	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS O-3
ORGANIZATION OR ADDRESS 3d BN, 5th SFG(A), FT Campbell, KY 42223		b6-4/b7c-4	

- [REDACTED] b6-4/b7c-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
- Under what circumstances were you first made aware of the photograph? When consolidating photographs from all of our cameras onto one computer.
 - When were you first made aware of the photograph? Mid-December.
 - Did anyone give you an explanation of why the photograph was taken? The explanation given was the photograph was taken purely for historical reasons and that the photograph was never meant to leave the detachment.
 - In light of the inscription on the blindfold, did you personally advise or counsel anyone in regards to the nature of the inscription? I counseled the team members that such a photograph could be taken out of context by someone outside of the detachment and instructed that no other such photographs were to be taken.
 - Did you give specific instructions on the treatment, care, and handling of the prisoner? What were those instructions? Any additional instructions were meant to supplement the instructions from the FOB. Those instructions included the initial medical care by the Battalion Surgeon, Captain [REDACTED] to supplement the medical treatment given by the detachment medic from [REDACTED] prior to him being placed in [REDACTED] protection. Also, instructions were given to begin a log of all actions conducted by the detachment and by the detainee. A meeting with [REDACTED] the Head of Sub-delegation International Committee of the Red Cross, Mazar-i-sharif, was conducted within 24 hours of the detainee being placed in our protection. Specific measures were deemed necessary to ensure the detachment's and the detainee's safety based on Walker's association with Al-Qaida soldiers willing to die in any attempt that might possibly result in the death or wounding of any Coalition individual. These measures centered around our memory of Military Skill Level 1 tasks for MOS 95B Military Police, found in Soldier's Manual STP 19-95B1-SM. They included the five S's, in particular; Search, Aggregate, Safeguard, and Silence. We provided the detainee with three meals a day, while the detachment was limited to two meals a day in order to ensure Walker would have enough food. The detainee was given as much water as he wanted, it was available to him whenever he asked for it. Due to the cold weather a special trip was made into downtown Mazar-i-sharif in order to purchase an electric heater which would be placed in Walker's room to ensure he was warm. These heaters were not available to all of the soldiers in the building at the time, again making his living conditions better than those of the soldiers protecting him. A cot was provided for him to sleep on, and wool blankets were provided after they were taken out of cold weather resupply packs originally intended for Coalition Forces.
 - Based on your knowledge and experience, how do you feel the prisoner was treated overall? Better than the deployed soldiers taking care of him.
 - Do you know of anyone else who saw the photo? If so, who? I have heard, but have no other personal knowledge, that the 3rd Battalion S-3, Major [REDACTED], and the Bravo Company, 3rd Battalion Supply Sergeant, Sergeant [REDACTED] had copies of the photograph on their computers.
 - Do you have any knowledge concerning the intentional deletion of the photo for the purpose of destroying evidence? No.
 - Do you know of any material that was intentionally eliminated? I ordered the photograph deleted when I saw it in mid-December because I felt that if anyone outside of the team were to see the photo it could be taken out of context. Other than the photograph I do not know of any other material that was intentionally eliminated.
 - Do you have anything else to add? No.

NOTHING FOLLOW

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED,"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION BLDG # 3213 FTCKY 42223	DATE 12 APR 02	TIME 1000 hrs	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED] b6-4 [REDACTED] b7c-4	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS EB/RA	
ORGANIZATION OR ADDRESS D/3/5 SFL(A) FTCKY 42223-6223		b6-4/b7c-4	

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 1) What was your mission in Operation Enduring Freedom? Quick Reaction Force and Base Defense for [REDACTED] - b2-2
- 2) When were you given the mission to guard the detainee? On the morning of 02 Dec 01.
- 3) What are your standard operating procedures for handling a detainee? Secure, Search, Segregate, Safeguard, and Speed to the rear. b6-4 b7c-4
- 4) Is blindfolding a standard operating procedure for your ODA? For handling a detainee? Why? Yes. Blindfolding helps deter any attempts of escape and maintains operational security for Detachment members.
- 5) What were your specific duties and responsibilities in regards to handling, feeding, and caring for the detainee? We were to provide food, water, medical treatment, and shelter.
- 6) Why did you take the photograph? The photograph was taken as a final team picture with an American member of the Al Qaeda Terrorist Organization.
- 7) When during the detention of the detainee did you take the photograph? 07 Dec 01 at approximately 1300Z prior to moving the detainee to the airfield.
- 8) Where did you take the photograph? In the detainees room located in the Turkish School in Mazar-E-Sharif, AFG. 013635

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-4/b7c-4	PAGE 1 OF 45 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED," THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES," WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

b6-4
b7c-4

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION BLDG # 3213 FTCKY 42223	DATE 12 APR 82	TIME 1023 hrs	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED] b6-4 [REDACTED] b7c-4	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E8/RA	
ORGANIZATION OR ADDRESS D/3/5 SFLCA FTCKY 42223-6223			b6-4/b7c-4

I, [REDACTED] b6-4/b7c-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

9) Who took the photograph? SFC [REDACTED] b6-4/b7c-4

10) Were there any witnesses who saw the photograph being taken besides the photographer, the detainee, and the ODA members in the photograph? No and the detainee was not aware of any pictures after he was blind folded.

11) What was written on the blindfold and why? SHITHEAD, because we thought it was humorous and we thought he was.

12) At any time was the detainee aware of what was written on the blindfold? NO. In addition, he was never referred to as such or anything else.

13) How would you describe your treatment of the detainee? Excellent. Better than the ODA was being treated. He was given three MRE's each day. The ODA got 1 Mre, 2 pieces of bread, 1 plate of rice each day. He had a military cot which was take from the company 156. The ODA slept on a concrete floor. He had an electric heater taken from the company supply sergeant. The supply sergeant did without heat. He had bottled water. The detachments water was local water.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-4/b7c-4	PAGE 7 OF 45 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

b6-4
b7c-4

81

3636

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION BLDL # 3213, FTCKY 42223	DATE 12 APR 82	TIME 1040 hrs	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED] b6-4 / b7c-4	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E8/RA	
ORGANIZATION OR ADDRESS 0/3/5 SFLCA FTCKY 42223-6222	b6-4 / b7c-4		

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Which was filtered. He was given a large bucket to relieve himself in. The detachment had to empty and clean the bucket with the detainees urine and feces in it. He was provided hot water, soap, tooth brush, toothpaste, and towel to clean himself up. The detachment boiled the water because the Turkish School had no hot water heaters at the time. He was given medical attention whenever he wanted it. It was provided by the Bn Surgeon. He was allowed to visit with the International Red Cross on two occasions. He was allowed to pray and told the time of day so that he could. He was carried in on the 2nd of Dec because he could not walk. He walked out on his own on the 7th of Dec because of our efforts. I would say he was treated more than exceptional.

14) At any time did you mistreat the detainee in accordance with the law of land warfare and the UCMJ? NO

15) Was a physical version or the electronic version of the photograph distributed or e-mailed to anyone? If so, who?
NO

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-4 / b7c-4	PAGE 3 OF 45 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

b6-4
b7c-4

3637

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION BLDP # 3213 FTCKY 42223	DATE 12 APR 02	TIME 1053	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED] b6-4 [REDACTED] b7c-4	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E8/RA	
ORGANIZATION OR ADDRESS D/3/5 SF6(A) FTCKY 42223-62223			b6-4/b7c-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 16) Who else may have seen the photograph? MAJ [REDACTED] b6-4/b7c-4
LTC [REDACTED] b6-4/b7c-4
- 17) Was the photo deleted/destroyed? When specifically? Yes, on approximately 8 or 9 Dec 01.
- 18) When specifically were you ordered to turn all documentation to include photographs over for a Department of Justice court case? On the morning of 5 April 02
- 19) Do you have any knowledge of the intentional deletion/destruction of the photo for the purpose of destroying evidence? NO
- 20) Was the photo deleted/destroyed before or after being asked to produce it for evidence? Before
- 21) Were any other photographs taken that haven't been submitted for evidence? NO
- 22) Do you know of any material that was intentionally eliminated? If so, describe. NO
- 23) Do you have anything else to add? NO

NOTHING FOLLOWS

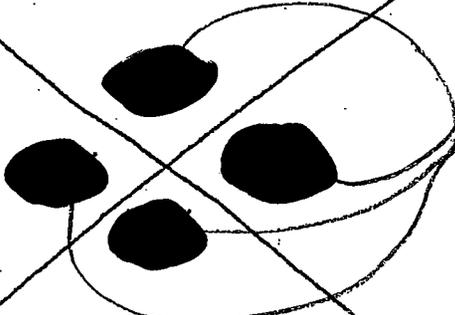
[REDACTED] b6-4/b7c-4 b6-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-4/b7c-4	PAGE 4 OF 45 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013638

STATEMENT (Continued)



b6-4
b7c-4

AFFIDAVIT

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _____. 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.

WITNESSES:

b6-4/b7c-4

[Redacted Signature]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of APRIL, 1902 at ST CAMPBELL, KY

ORGANIZATION OR ADDRESS

b6-2

[Redacted Signature]

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

IO, AR 15-6
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

013639

INITIALS OF PERSON MAKING STATEMENT

SLH

~~FOR OFFICIAL USE ONLY~~
SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION BDG 3213	DATE 16 APR 02	TIME 0913	FILE NUMBER
NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E8/RA
ORGANIZATION OR ADDRESS D/3/S SFG(A) FTCKY 42223		b6-4 / b7c-4	

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- How many visits did the detainee receive from the International Red Cross? Two. One visit on the 3rd of December and I cannot remember the exact date of the second visit.
- Did you get the feeling that the detainee was in mental anguish when you took the photo? No, the detainee had the same expression on his face when he arrived on the 2nd. He did not talk to us.
- Did the detainee appear to be bothered by the taking of the photo at any time? NO
 Did you leave the inscription "Shithead" on the detainee's blindfold after the picture, or did you take the inscription off before moving him outside his cell? The inscription was removed before he left the room.
- Did anyone see the inscription on the blindfold besides those who participated in the taking of the photograph? NO
- How is it possible for the photo to be rediscovered if you deleted it on 9 December 2002 and did not disseminate it? The camera had two flashcards. We attempted to open the photo on a borrowed laptop from the FOB. The electronic copy was inadvertently left on the laptop and possibly on one of the flashcards. The laptop was then connected to a LAN

EXHIBIT b6-4 / b7c-4	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS
 "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE
 STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013640

85

STATEMENT (Continued)

System at the FOB.

bb-4/b7c-4

NOTHING FOLLOWS

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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 INDUCEMENT.

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

bb-4/b7c-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of APRIL, 2002 at ESCAMPBAY, [REDACTED]

ORGANIZATION OR ADDRESS

bb-2

IO AR 15-6

ORGANIZATION OR ADDRESS

[REDACTED] (Authority to Administer Oaths) MAJ SF

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] - bb-4/b7c-4

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION FT CAMPBELL 164	DATE 3213 04-12-02	TIME 10:20(1)	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS SFC/E-7	
ORGANIZATION OR ADDRESS 3d BN, 5th SFG(A), FT Campbell, KY 42223		b6-4/b7c-4	

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 1) What was your mission in Operation Enduring Freedom?
- 2) When were you given the mission to guard the detainee?
- 3) What are your standard operating procedures for handling a detainee?
- 4) Is blindfolding a standard operating procedure for your ODA for handling a detainee? Why?
- 5) What were your specific duties and responsibilities in regards to handling, feeding, and caring for the detainee?
- 6) Why did you take the photograph?
- 7) When during the detention of the detainee did you take the photograph?
- 8) Where did you take the photograph?
- 9) Who took the photograph?
- 10) Were there any witnesses who saw the photograph being taken besides the photographer, the detainee, and the ODA members in the photograph?
- 11) What was written on the blindfold and why?
- 12) At any time was the detainee aware of what was written on the blindfold?
- 13) How would you describe your treatment of the detainee?
- 14) At any time did you mistreat the detainee in accordance with the law of land warfare and the UCMJ?
- 15) Was a physical version or the electronic version of the photograph distributed or e-mailed to anyone? If so, who?
- 16) Who else may have seen the photograph?
- 17) Was the photo deleted/destroyed? When specifically?
- 18) When specifically were you ordered to turn all documentation to include photographs over for a Department of Justice court case?
- 19) Do you have any knowledge of the intentional deletion/destruction of the photo for the purpose of destroying evidence?
- 20) Was the photo deleted/destroyed before or after being asked to produce it for evidence?
- 21) Were any other photographs taken that haven't been submitted for evidence?
- 22) Do you know of any material that was intentionally eliminated? If so, describe.
- 23) Do you have anything else to add?

b6-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013642

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FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION FT CAMPBELL Icy 3213	DATE 02-10-02	TIME 10:20 (G)	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS SP4/E-7	
ORGANIZATION OR ADDRESS C 3/5 SFG (A) FC Icy 42223		b6-4/b7c-4	

1. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 1.) WHAT WAS YOUR MISSION IN OPERATION ENVOUING FREEDOM.
 - a) QUICK REACTION FORCE
- 2.) WHEN WERE YOU GIVEN THE MISSION TO GUARD THE DETAINEE.
 - a). LATE DECEMBER 02
- 3.) WHAT ARE YOU S.O.P'S FOR HANDLING THE DETAINEE
 - a) 5 "S" SENTRY, SILENCE, SEPARATE, SPEED, SAFEGUARD
- 4.) IS BLINDFOLDING A SOP FOR YOUR COA FOR HANDLING DETAINEES, WHY.
 - a) YES . b) OUR PROTECTION AND HIS PROTECTION.
- 5.) WHAT WERE YOUR SPECIFIC DUTIES AND RESPONSIBILITIES IN REGARDS TO HANDLING, FEEDING AND CARING FOR THE DETAINEE.
 - a) PROVIDED HIM A ROOM, COAT, 2 BLANKETS, BED PAN AND SPACE HEATER. 3 MESS ADAM, A BATH AND TOILET FACILITIES. DETAINEE HIM PRIOR TO HIS TRANSPORTATION ELSEWHERE.
- 6.) WHY DID YOU TAKE THE PHOTOGRAPH.
 - a) HISTORICAL RECORD
- 7.) WHEN DURING THE RETENTION DID YOU TAKE THE PHOTOGRAPH.
 - a) MINUTES PRIOR TO HIS DEPARTURE TO ANOTHER FACILITY IN KANDAHAR.
- 8.) WHERE DID YOU TAKE THE PHOTOGRAPH.
 - a) HIS ROOM (JWL) IN THE TURKISH SCHOOL ME S AFGHANISTAN.
- 9.) WHO TOOK THE PHOTOGRAPH.
 - a) [REDACTED]

b6-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>4</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." 0138 43
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. 88

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SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is ODCSOPS

LOCATION FT CAMPBELL KY 3213	DATE 04-12-02	TIME 10 20 (C)	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS SFC/E7
ORGANIZATION OR ADDRESS C8/S SFG (A) FC KY 42223	b6-4	b7c-4	

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 10.) WHERERE ANY WITNESSES WHO SAW THE PHOTOGRAPH BEING TAKEN BESIDES THE PHOTOGRAPHER, THE DETAINEE, AND THE ODA MEMBERS IN THE PHOTOGRAPH.
 - a) NO
- 11.) WHAT WAS WRITTEN ON THE BLINDFOLD, WHY.
 - a) "SHITHEAD", BARRACKS ROOM HUMOR.
- 12.) AT ANY TIME WAS THE DETAINEE AWARE OF WHAT WAS WRITTEN ON THE BLINDFOLD.
 - a) NO, I DONT THINK SO.
- 13.) HOW WOULD YOU DESCRIBE YOUR TREATMENT OF THE DETAINEE.
 - a) EXCELLENT, HE HAD A LOT WE WERE SLEEPING ON THE FLOOR.
- 14.) AT ANY TIME DID YOU MISTREAT THE DETAINEE IN ACCORDANCE WITH THE LAW OF LAND WARFARE AND THE UCMJ.
 - a) NEVER
- 15.) WAS A PHYSICAL VERSION OR THE ELECTRONIC VERSION OF THE PHOTOGRAPH DISTRIBUTED OR EMAILED TO ANYONE IF SO WHY.
 - a) NO, NOT TO MY KNOWLEDGE
- 16.) WHO ELSE MAY HAVE SEEN THE PHOTOGRAPH.
 - a) NO ONE TO MY KNOWLEDGE

b6-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013644

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION FT CAMPBELL KY 3213	DATE 07-12-02	TIME 1020 (L)	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS SP2/E7
ORGANIZATION OR ADDRESS C 3/5 SEG (A) FC KY 42223			b6-4/b7c-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 17.) WAS THE PHOTO DELETED OR DESTROYED, WHEN SPECIFICALLY.
 - a) YES, WITH IN DAYS OF IT BEING TAKEN.
- 18.) WHEN SPECIFICALLY WERE YOU ORDERED TO TURN IN ALL DOCUMENTATION TO INCLUDE PHOTOGRAPHS OVER FOR A DEPT OF JUSTICE COURT CASE.
 - a) SOMETIME IN APRIL 02
- 19.) DO YOU HAVE ANY KNOWLEDGE OF THE (INTENTIONAL DELETION/DESTRUCTION OF THE PHOTO FOR THE PURPOSE OF DESTROYING EVIDENCE.
 - a) NO.
- 20.) WAS THE PHOTO DELETED/DESTROYED BEFORE OR AFTER BEING ASKED TO PRODUCE IT FOR EVIDENCE.
 - a) BEFORE, ONLY BEFORE
- 21.) WERE ANY OTHER PHOTOGRAPHS TAKEN THAT HAVENT BEEN SUBMITTED FOR EVIDENCE.
 - a) NO, NOT TO MY KNOWLEDGE.
- 22.) DO YOU KNOW OF ANY MATERIAL THAT WAS INTENTIONALLY ELIMATED.
 - a) NO, NOT TO MY KNOWLEDGE
- 23.) DO YOU HAVE ANYTHING ELSE TO ADD.
 - a) NO

b6-4/b7c-4

EXHIBIT	INITIALS OF [REDACTED] STATEMENT	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013645

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STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED], 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 [REDACTED] WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL [REDACTED]

WITNESSES:

b6-4 | b7c-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of APRIL, 2002 at FT CAMPBELL, KY

ORGANIZATION OR ADDRESS

b6-2

[REDACTED] MAJ, SC
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

IO, AR 15-6
(Authority To Administer Oaths)

013646

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION LDG 3243 2d BN 5th SFG(A) FTCKY 42223		DATE 12 APR 02	TIME 1052	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]		SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E7/AD
ORGANIZATION OR ADDRESS 3d BN, 5th SFG(A), FT Campbell, KY 42223				

b6-4/b7c-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 1) What was your mission in Operation Enduring Freedom?
- 2) When were you given the mission to guard the detainee?
- 3) What are your standard operating procedures for handling a detainee?
- 4) Is blindfolding a standard operating procedure for your ODA for handling a detainee? Why?
- 5) What were your specific duties and responsibilities in regards to handling, feeding, and caring for the detainee?
- 6) Why did you take the photograph?
- 7) When during the detention of the detainee did you take the photograph?
- 8) Where did you take the photograph?
- 9) Who took the photograph?
- 10) Were there any witnesses who saw the photograph being taken besides the photographer, the detainee, and the ODA members in the photograph?
- 11) What was written on the blindfold and why?
- 12) At any time was the detainee aware of what was written on the blindfold?
- 13) How would you describe your treatment of the detainee?
- 14) At any time did you mistreat the detainee in accordance with the law of land warfare and the UCMJ?
- 15) Was a physical version or the electronic version of the photograph distributed or e-mailed to anyone? If so, who?
- 16) Who else may have seen the photograph?
- 17) Was the photo deleted/destroyed? When specifically?
- 18) When specifically were you ordered to turn all documentation to include photographs over for a Department of Justice court case?
- 19) Do you have any knowledge of the intentional deletion/destruction of the photo for the purpose of destroying evidence?
- 20) Was the photo deleted/destroyed before or after being asked to produce it for evidence?
- 21) Were any other photographs taken that haven't been submitted for evidence?
- 22) Do you know of any material that was intentionally eliminated? If so, describe.
- 23) Do you have anything else to add?

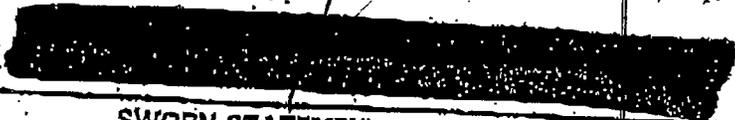
b6-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
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013647

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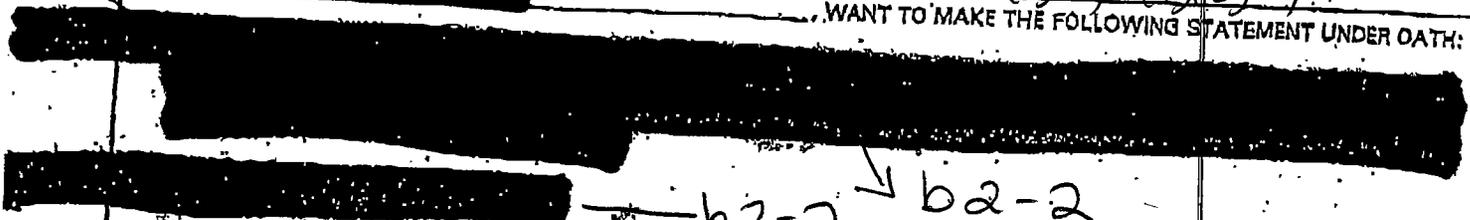


SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION BLOG 3213 21BN STH SEC (A) FTCKY	DATE 12 APR 02	TIME 1852	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS 67/AD
ORGANIZATION OR ADDRESS 3d RN, STH SEC (A) FT CAMPBELL, KY 42223			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:



b2-2 b2-2

3. SOP INVOLVES THE 5 S'S. WE SEARCHED HIM, SEARCHED A ROOM FOR HIM ONLY, PLACED HIM IN THE ROOM AND EXPLAINED THE RULES MENTIONED IN QUESTION # 5.
4. YES DURING TRANSPORTATION SO THE DETAINEE CANNOT SEE WHERE HE IS OR WHERE HE IS GOING.
5. MY FIRST DUTY WAS TO GUARD HIM. TWO USSF WERE IN THE ROOM AT ALL TIMES WHILE HE WAS IN OUR POSSESSION. I WAS NOT ALLOWED TO SPEAK TO THE DETAINEE. THE DETAINEE WAS ALLOWED ONLY TO ASK TO RELIEVE HIMSELF, FOR MEDICAL ATTENTION, AND FOR FOOD AND WATER. HE WAS ALSO TOLD NOT TO SPEAK TO ANY OF US OTHER THAN TO ASK FOR THE ABOVE MENTIONED ATTENTION.
6. THE PHOTO WAS TAKEN SIMPLY BECAUSE OF WHO HE IS.
7. PRIOR (MINUTES) TO HIS MOVEMENT TO MAZAR-E-SHARIF AIRFIELD TO BE HANDED OFF TO MP'S ABOARD A C-130.
8. THE PHOTO WAS TAKEN INSIDE THE ROOM THE DETAINEE WAS BEING HELD.
9. SFC NICK WARD
10. NO, THE DETAINEE DID NOT KNOW OF THE PHOTO.
11. SHITHEAD. BECAUSE I FELT BASED ON HIS SITUATION THAT HE WAS A SHITHEAD.
12. NO
13. EXCELLENT. THE DETAINEE WAS GIVEN FOOD, WATER AND MEDICAL TREATMENT WHENEVER HE ASKED. MY ODA WAS EATING LESS PER DAY THAN THE DETAINEE AT TIMES. HE WAS GIVEN AN ELECTRIC HEATER, BLANKETS AND A COY TO

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 4 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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013048

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION BLDG 3213 2d BN 5TH SFG(A) FTCKY	DATE 12 APR 02	TIME 105Z	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-7/AD	
ORGANIZATION OR ADDRESS 3d BN 5TH SFG(A) Co FT CAMPBELL Ky 42223			bb-4/b7c-4

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

LAY ON. MY ODA WAS SLEEPING ON THE GROUND AND AT TIMES DID NOT HAVE A HEATER. HE WAS ALSO BATHED AND GIVEN NEW CLOTHES.

14. NO.

15. NO.

16. ONLY OTHER ODA MEMBERS.

17. YES, WITHIN DAYS OF IT BEING TAKEN, SOMETIME IN EARLY DECEMBER 2001

18. LATE MARCH 2002.

19. NONE

20. BEFORE

21. NO

22. NONE

23. NO

NOTHING FOLLOWS

bb-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 3 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013649

9/4

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STATEMENT (Continued)

AFFIDAVIT

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

WITNESSES:

b6-4/b7c-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of APRIL, 1962 at FT CAMPBELL, KY

ORGANIZATION OR ADDRESS

b6-2

(Administering Oath)

ORGANIZATION OR ADDRESS

b6-4/b7c-4

(Typed Name of Person Administering Oath)

10, AR 15-6

(Authority To Administer Oaths)

013650

INITIALS OF PERSON

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

7) WHEN DURING THE DETENTION OF THE DETAINEE DID YOU TAKE THE PHOTOGRAPH? THE PICTURE WAS TAKEN JUST PRIOR TO OUR TRANSPORTING THE DETAINEE TO THE AIRFIELD FOR TURNOVER TO M.P.'S FOR TRANSPORT TO BANDWAGH. THAT IS WHY THE DETAINEE WAS BLINDFOLDED AND THE TEAM WAS IN FULL GEAR.

8) WHERE DID YOU TAKE THE PHOTOGRAPH? IN WALKER'S DETENTION ROOM.

9) WHO TOOK THE PHOTOGRAPH? I DON'T RECALL.

10) WERE THERE ANY WITNESSES WHO SAW THE PHOTOGRAPH BEING TAKEN BESIDES THE PHOTOGRAPHER, THE DETAINEE AND THE ODA MEMBERS IN THE PHOTOGRAPH? NO, THERE WERE NO WITNESSES.

11) WHAT WAS WRITTEN ON THE BLINDFOLD AND WHY? SHIT HEAD WAS WRITTEN ON A PIECE OF DUCT TAPE AND ATTACHED TO THE BLINDFOLD BY THE STICKY SIDE. THIS WAS DONE OUT OF HUMOR AND WAS REMOVED AFTER THE PHOTO WAS TAKEN. HE WAS NOT SEEN BY ANY OTHER PERSON WITH THE TAPE ATTACHED TO THE BLINDFOLD.

12) AT ANYTIME AT WHICH WAS THE DETAINEE AWARE OF WHAT WAS WRITTEN ON THE BLINDFOLD? NO, WALKER DID NOT KNOW THE TAPE HAD BEEN PLACED ON THE BLINDFOLD NOR WHAT THE TAPE CONTAINED.

13) HOW WOULD YOU DESCRIBE YOUR TREATMENT OF THE DETAINEE? EXCELLENT, HE WAS TREATED AND FED PROPERLY, PROVIDED THE BEST MEDICAL CARE AVAILABLE AT THE TIME. I EVEN OPENED HIS FEEDS FOR BECAUSE DIDN'T HAVE THE STRENGTH TO OPEN THE MRE PACKET WHEN HE FIRST ARRIVED.

14) AT ANYTIME DID YOU MISTREAT THE DETAINEE IN ACCORDANCE WITH THE LAW OF LAND WARFARE AND THE UCMJ? NO

15) WAS A PHYSICAL VERSION OR THE ELECTRONIC VERSION OF THE PHOTOGRAPH DISTRIBUTED OR E-MAILED TO ANYONE? NO, NOT TO MY KNOWLEDGE.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE # OF _____ PAGES
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FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

CATION	DATE	TIME	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS 556/E-6	
ORGANIZATION OR ADDRESS e/3/5 b6-4 b7c-4			

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 16) WHO ELSE MAY HAVE SEEN THE PHOTOGRAPH? TO MY KNOWLEDGE NO ONE OTHER THAN THOSE IN THE PICTURE AND THE PHOTOGRAPHER.
- 17) WAS THE PHOTO DELETED/DESTROYED? YES. THE PHOTO WAS DELETED WITHIN A DAY OR TWO AFTER IT WAS TAKEN BECAUSE THOUGHT THAT SOMEONE MAY TAKE THE PICTURE OUT OF CONTEXT IF IT WERE SEEN.
- 18) WHEN SPECIFICALLY WERE YOU ORDERED TO TURN ALL DOCUMENTATION TO INCLUDE PHOTOGRAPHS OVER FOR A DEPARTMENT OF JUSTICE COURTHOUSE? AROUND THE FIRST ^{or} PART OF APRIL 2002.
- 19) DO YOU HAVE ANY KNOWLEDGE OF THE INTENTIONAL DELETION/RESTRICTION OF THE PHOTO FOR THE PURPOSE OF DESTROYING EVIDENCE? NO
- 20) WAS THE PHOTO DELETED/DESTROYED BEFORE OR AFTER BEING ASKED TO PRODUCE IT FOR EVIDENCE? WELL BEFORE HAND, THE PHOTO WAS DELETED, SO WE THOUGHT, IN EARLY DECEMBER SOME 4 MONTHS PRIOR TO OUR NOTIFICATION OF THE COURT ORDER.
- 21) WERE ANY OTHER PHOTOGRAPHS TAKEN THAT HAVEN'T BEEN SUBMITTED FOR EVIDENCE? NO, NOT TO MY KNOWLEDGE.
- 22) DO YOU KNOW OF ANY MATERIAL THAT WAS INTENTIONALLY ELIMINATED? NO, I DO NOT.
- 23) DO YOU HAVE ANYTHING ELSE TO ADD? NO.

Nothing follows



b6-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 3 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013653

b6

STATEMENT (Continued)

AFFIDAVIT

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

b6-4/b7c-4

[REDACTED] (Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of APRIL, 2002 at FT CAMPBELL, KY

ORGANIZATION OR ADDRESS

b6-2

[REDACTED] (Oath)

[REDACTED] MAJ, SF (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

IA, AR 15-6 (Authority To Administer Oaths)

013054

INITIALS OF PERSON MAKING STATEMENT

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Blk 3213	DATE 12 APR 02	TIME 11:05	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-6	
ORGANIZATION OR ADDRESS 3d BN, 5th SFG(A), FT Campbell, KY 42223			bl-4 / b7c-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 1) What was your mission in Operation Enduring Freedom?
- 2) When were you given the mission to guard the detainee?
- 3) What are your standard operating procedures for handling a detainee?
- 4) Is blindfolding a standard operating procedure for your ODA for handling a detainee? Why?
- 5) What were your specific duties and responsibilities in regards to handling, feeding, and caring for the detainee?
- 6) Why did you take the photograph?
- 7) When during the detention of the detainee did you take the photograph?
- 8) Where did you take the photograph?
- 9) Who took the photograph?
- 10) Were there any witnesses who saw the photograph being taken besides the photographer, the detainee, and the ODA members in the photograph?
- 11) What was written on the blindfold and why?
- 12) At any time was the detainee aware of what was written on the blindfold?
- 13) How would you describe your treatment of the detainee?
- 14) At any time did you mistreat the detainee in accordance with the law of land warfare and the UCMJ?
- 15) Was a physical version or the electronic version of the photograph distributed or e-mailed to anyone? If so, who?
- 16) Who else may have seen the photograph?
- 17) Was the photo deleted/destroyed? When specifically?
- 18) When specifically were you ordered to turn all documentation to include photographs over for a Department of Justice court case?
- 19) Do you have any knowledge of the intentional deletion/destruction of the photo for the purpose of destroying evidence?
- 20) Was the photo deleted/destroyed before or after being asked to produce it for evidence?
- 21) Were any other photographs taken that haven't been submitted for evidence?
- 22) Do you know of any material that was intentionally eliminated? If so, describe.
- 23) Do you have anything else to add?

1) What was your mission in Operation Enduring Freedom?
My mission was Base Defense.

2) When were you given the mission to guard the detainee?
I can not recall the date.

3) What are your standard operating procedures for handling a detainee?
The SOP for detainees, is to guard them and ensure their proper treatment.

4) Is blind folding a standard operating procedure for your ODA for handling a detainee? Why?
Yes, it is. It is for transportation.

bl-4 / b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 25 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

13655

100

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION 3213	DATE 12 APR 02	TIME 11:10	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-6
ORGANIZATION OR ADDRESS C 3/5 SFG Ft Campbell Ky 42723			b6-4/b7c-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

5) What were your specific duties and responsibilities in regards to handling, feeding, and caring for the detainee?

I gave the detainee food, water, and medical attention when ever he asked for it. He was given a cot, blankets and a Heater. His treatment was superior to my own living conditions.

6) Why did you take the photograph?

A team photo.

7) When during the detention of the detainee did you take the photograph?

on the last day, before transport.

8) Where did you take the photograph?

In his cell, [REDACTED] b(2)-3

9) Who took the photograph?

I do not recall

10) Where there any witnesses who saw the photograph being taken besides the photographer the detainee and the ODA members in the photograph?

I do not believe so.

11) What was written on the blindfold and why?

"shit head" written for humor.

12) At any time was the detainee aware of what was written on the blind fold?

NO

b6-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 2 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013656

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION bld 3213	DATE 12 APR 02	TIME 11:20	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	[REDACTED]	[REDACTED]	GRADE/STATUS E-6
ORGANIZATION OR ADDRESS C 315 SFG Ft Campbell Ky 42223			b6-4 b7c-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 13) How would you describe your treatment of the detainee?
Good
- 14) At any time did you mistreat the detainee in accordance with the law of land warfare under the UCMJ?
NO.
- 15) Was a physical version or the electronic version of the photograph distributed or e-mailed to anyone? If so, who?
NO.
- 16) Who else may have seen the photograph?
I do not know.
- 17) Was the photo deleted/destroyed? When specifically?
YES, soon after taking it, in Afghanistan
- 18) When specifically were you ordered to turn all documentation to include photo graphs over for a Department of Justice court case?
Early this week, possibly Tues 10, APR 02.
- 19) Do you have any knowledge of the Intentional deletion/ destruction of the photo for the purpose of destroying evidence?
NO.
- 20) Was the photo deleted/ destroyed before or after being asked to produce it for evidence?
before.
- 21) Were any other photographs taken that haven't been submitted for evidence?
No

b6-4 | b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 7 OF 45 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013657

102

FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION 66 3213	DATE 12 APR 02	TIME 1135	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-6
ORGANIZATION OR ADDRESS C 315 SFG FT Campbell Ky 42223			b6-4 b7c-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

22) Do you know of any material that was intentionally eliminated? If so, describe.

No.

23) Do you have anything else to add?

No.

End of statement

b6-4 | b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 4 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013658

103

STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. 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.

WITNESSES:

b6-4/b7c-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of APRIL, 19 2002 at FT CAMPBELL, KY

ORGANIZATION OR ADDRESS

b6-2

[REDACTED] (Typed Name of Person Administering Oath)

MAS, SF

ORGANIZATION OR ADDRESS

b6-4/b7c-4

IO, AR 15-6 (Authority To Administer Oaths)

013659

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

SWORN STATEMENT

For use of this form, see AR 192-45; the preparing agency is DDCSOPS

LOCATION BLDG 5213 FT CAMPBELL, KY	DATE 17 APR 02	TIME 1308	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)-4, (b)(7)(C)-4	SOCIAL SECURITY NUMBER (b)(6)-4, (b)(7)(C)-4		GRADE/STATUS S3
ORGANIZATION OR ADDRESS 315 SFG(CA)			

(b)(6)-4, (b)(7)(C)-4

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

What was the overall condition of the detainee when he arrived and came under the custody of (b)(2)-2 ?

Medically, he was stable. He said he was hungry, but denied substantial pain. He told me he felt warm enough in his pajama-type outfit and blanket. I examined him and found him to have a wound to his right thigh and a cut on his left second toe. Neither wound was hemodynamically significant at this time.

What care did you administer to the detainee while he was in the custody of (b)(2)-2 ?

I cleaned and dressed his wounds at least daily. I gave antibiotics on a regular schedule. I did my best to ensure that he had enough food and water and that he was as warm as possible. Each time I saw him, I documented his care on a Microsoft Word document that I used as his medical record.

What was the overall condition of the detainee when he was transferred from custody from (b)(2)-2 and departed?

He was still in stable condition. He was hydrated and not hungry.

Was there any measure of improvement or relapse in the detainee's health and attitude? If so, how significant?

His health improved as he continued to eat. He said he felt better each day, and he looked like his strength was returning. The improvement in his strength was significant. I cannot comment on his attitude.

Nothing follows

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6)-4, (b)(7)(C)-4	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

(b)(6)-4, (b)(7)(C)-4

AFFIDAVIT

(b)(6)-4, (b)(7)(C)-4

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

(b)(6)-4, (b)(7)(C)-4

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11th day of APRIL, 2002 at FT COMBELL, NY

(b)(6)-2

(Signature of Person Administering Oath)

(b)(6)-2

(Typed Name of Person Administering Oath)

MAT. E

FD-0215-6

(Authority To Administer Oath)

ORGANIZATION OR ADDRESS

013661

106

INITIALS OF PERSON MAKING STATEMENT

(b)(6)-4, (b)(7)(C)-4

Report of Medical Examination and Treatment of American Citizen

On 2 December 2001, at approx 0700Z, I examined the American citizen (b)(6)-4. Our conversation was strictly kept to medical issues and all of my interactions were in the presence of one or two American guards.

Subjective:

The patient says he is feeling much better than yesterday. He says that yesterday he was cold, wet (had spent an extended period of time in cold, standing water), hungry, dizzy, and disoriented. He denies substantial pain and feels warm enough in his blanket, but still complains of hunger. He reports wounds to his toe, his right thigh, and his lower back. He claims that his right thigh wound is a gunshot wound, 8 days old, and that the bullet is still inside. He suspects that his back wound is a result of shrapnel.

In discussion with the (b)(2)-2 medic, I learned that he was found in a small room (perhaps 10ft X 10ft) with approximately 15 dead or dying persons on the floor. The (b)(2)-2 medic had dressed his thigh wound. Someone else had already dressed the toe wound. The medic had given him morphine and valium (as a sleep aid) last night, as well as a tetanus shot.

I asked the detained person if he had any medical concerns that had not been addressed. He denied any medical concerns other than food.

Objective:

The patient appears to be in his twenties or early thirties. He is clad in a pajama-type outfit. Has long unkempt hair and a beard, and bare feet. He is lying on a cot.

Per the (b)(2)-2 medic, the vital signs are stable.

The patient is awake and alert. He has been kept unaware of his location or the time. I do not ask his name.

Left 2nd toe--Wrapped in a dressing that appears to be soaked in octadyn. The toe has sustained a laceration that extends from the plantar surface of the toe pad around the anterolateral aspect, through approximately 30% of the nail. The laceration appears to be clean, and made with something very sharp. It is difficult to tell the depth of the laceration.

Right thigh--Circular wound, approximately 6 cm diameter on the anteromedial aspect of the thigh. No erythema, swelling, warmth, pus, or other signs of infection of the skin are evident. There is a tender area of induration of the muscle tissue extending approximately 8-10 cm proximal to the wound, without involvement of the overlying skin.

Lower back--Tender scab, approximately 2-3 mm diameter just off the midline. No surrounding signs of inflammation.

Assessment/Plan:

1. Wounds as described above. Tetanus already given. 1 gram Rocephin IM now and continue antibiotic treatment until patient transferred or wounds no longer felt to be in danger of infection. Dressings changed. Pain control as needed.
2. Hunger without signs of malnutrition. Feed as needed.
3. Continue examination and care in the rear area.

(b)(6)-2, (b)(7)(C)-4

M.D.

FOB Surgeon

013662

107

022200ZDEC01

Called to detained person's room at the request of the detained person (b)(6)-4. States that he is cold and his ankle hurts. Is lying on a cot, covered with two Army blankets, each folded double. Losing heat from underneath. Space heater in room is functional. Upon examining his ankle, I find a tiny wound that may be a result of shrapnel, overlying his Achilles tendon. The surrounding skin is tender, but not red, hot, or raised. The ankle joint itself is unremarkable upon exam.

I rearrange his blankets so that he has a layer of wool underneath him as well as the layers above him. We have no other blankets to give him. Unfortunately, this may be a worsening problem, as the electricity in the building is becoming increasingly unreliable.

Regarding the wound on his Achilles tendon, I advise him that there does not appear to be any infection and his ankle is fully functional. There is no specific treatment needed at this time.

(b)(6)-2,(b)(7)(C)-4 M.D.

FOB Surgeon

030030ZDEC01

Called to detained person's room at the request of the detained person. States that he is concerned about the circulation in his feet as both of them ache, and he reports that the dressing on his toe is too tight.

Both feet have strong dorsalis pedis and posterior tibial pulses. Sensation is intact throughout, and he has active motion in his toes. Brisk capillary refill is demonstrated.

The dressing on his toe, which wraps around his whole distal foot, is checked and loosened.

The patient reports that he is warmer than he was before my last visit.

(b)(6)-2,(b)(7)(C)-4 M.D.

FOB Surgeon

04DEC01

Patient visited. Wounds checked and redressed. Thigh wound is without pus, but dressing material is malodorous. No specific complaints at this time. Plan to continue with daily dressing changes and antibiotics. Will consider switching from IM ceftriaxone to oral antibiotics.

(b)(6)-4,(b)(7)(C)-4 M.D.

FOB Surgeon

05 DEC

Wounds checked and redressed. Now using Telfa pads (with Bacitracin) taped with cloth tape, rather than bulky dressing and Kerlex wrap for the toe and Telfa pad and 4X4 gauze for the thigh wound.

Strong distal pulses in both feet. Patient asks for more blankets as we continue to lose power often.

Patient has been eating three MREs per day with plenty of water. Strength continues to improve.

013663

108

Plan: continue dressing changes daily. Will switch to PO antibiotics. Based on what I have on hand and the lack of dedicated nursing care, I will prescribe Azithromycin 500 mg today, followed by 250 mg daily, in accordance with the Sanford Guide to Antimicrobial Therapy. Will also attempt to find more blankets or clothing.

Based on my discussion with the FOB command cell, we continue to expect transfer within the next 24-48 hours. I want the receiving physician to know that if the thigh wound is explored and a bullet is retrieved, a proper chain of custody is essential, as the bullet may be used as forensic evidence.

(b)(6)-4,(b)(7)(C)-4 M.D.
FOB Surgeon

06 DEC

Patient afebrile and continuing to gain strength. No complaints at this time. Does not complain of pain. Wounds checked and redressed. The toe wound is progressing well, without signs of infection. The thigh wound is unchanged in appearance. No pockets of pus, but thick tenacious whitish mucus present at superior edge of wound, seeping and malodorous.

(b)(6)-4,(b)(7)(C)-4 M.D.
FOB Surgeon

07 DEC

No complaints at this time. Wounds checked and redressed. Thigh wound unchanged. Again no pocket of pus, but whitish mucus present at superior edge of wound. No cellulitic changes at wound margins. Wound covered with 4X4 gauze and held in place with paper tape. Continue Azithromycin.

I have repeatedly informed the chain of command here and back at Karshi (through official traffic and telephone calls) of the increasing importance of transferring his care to a higher echelon. I want to culture the wound and provide antibiotics based on sensitivity of the cultured organisms, but I cannot do so here. I would also recommend X-raying the extremity to determine the location of any bullet or shrapnel, with possible surgical wound exploration and foreign object extraction.

(b)(6)-4,(b)(7)(C)-4 M.D.
FOB Surgeon

013664

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS	b6-4 b7c-4		02-E

[REDACTED]

[REDACTED]

D/3/5 SFG(A)

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1) DID YOU SEE A PHOTOGRAPH OF THE DETAINEE, WHERE HE WAS WEARING A BLINDFOLD WITH THE INSCRIPTION "SHITHEAD" WRITTEN ON THE BLINDFOLD? NO

2) WERE YOU EVER MADE AWARE OF THE PHOTOGRAPH? NO

3) DO YOU KNOW OF ANYONE ELSE WHO SAW THE PHOTO? NO

4) DO YOU HAVE ANY KNOWLEDGE CONCERNING THE INTENTIONAL DELETION OF THE PHOTO FOR THE PURPOSE OF DESTROYING EVIDENCE? NO

5) DO YOU KNOW OF ANY MATERIAL THAT WAS INTENTIONALLY ELIMINATED? NO

6) DO YOU HAVE ANYTHING ELSE TO ADD? NO

b6-4 | b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

13665

110

FOR OFFICIAL USE ONLY

STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1, 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.

WITNESSES:

b6-4/b7c-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17th day of APRIL, 2002 at STAMFORD CT

ORGANIZATION OR ADDRESS

b6-2

[REDACTED] (Typed Name of Person Administering Oath)

MAS, SF (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

IO, AR 15-6 (Authority To Administer Oaths)

013666

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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~~FOR OFFICIAL USE ONLY~~

SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is ODCSOPS

LOCATION BLDG 3213 FT CAMPBELL, KY	DATE 17 APR 02	TIME 1615	FILE NUMBER
LAST NAME, FIRST NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E 5	
ORGANIZATION OR ADDRESS D/3/5 SFG(A) FT KY 42223	06-4 b7c-4		

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1) After the photograph was deleted by the ODA back in early December of 2001, who discovered the photograph and brought it to your attention?

I cannot remember who showed me the photograph.

2) Where was the photograph discovered and how?
I think it was shown to me in the SPTCEN.

3) When was the photograph discovered?
I think I saw it in December 2001.

4) When specifically were you ordered to turn in all documents and photos for a Department of Justice court case?
I believe it was the beginning of April 2002.

5) Who were the photos distributed to upon discovery?
To my knowledge, no one saw it after me.

6) Do you know of anyone else who has seen a digital or physical copy of this photograph?
No.

7) Do you have anything to add?
No.

b6-4 | b7c-4

Nothing Follows

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>1</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013667

112

STATEMENT (Continued)



b6-4 / b7c-4

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. 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.

WITNESSES:

b6-4 / b7c-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17th day of APRIL, 1962 at FT CAMPBELL, KY

ORGANIZATION OR ADDRESS

b6-2



MATSE

(Typed Name of Person Administering Oath)

JO, AR 15-6

(Authority To Administer Oaths)

013668

ORGANIZATION OR ADDRESS

b6-4 / b7c-4

INITIALS OF PERSON MAKING STATEMENT



FOR OFFICIAL USE ONLY

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Bldg 3213 FT CAMPBELL KY	DATE 17 JAN 02	TIME 1610	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-7
ORGANIZATION OR ADDRESS D/3/5 SFG (A) FTCKY 42223			b6-4/b7c-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- 1) After the photograph was deleted by the ODA in early December of 2001, who discovered the photograph and brought it to your attention? I do not remember who showed the photograph to me.
- 2) Where was the photograph discovered and how? Someone showed the photograph to me on a computer from a floppy disk.
- 3) When was the photograph discovered? Some time MID-MARCH.
- 4) When specifically were you ordered to turn in all documents and photos for a Department of Justice court case? EARLY APR
- 5) Who were the photos distributed to upon discovery? NO ONE THAT I AM AWARE OF.
- 6) DO YOU KNOW OF ANYONE WHO HAS SEEN A DIGITAL OR PHYSICAL COPY OF THIS PHOTOGRAPH? NO.
- 7) DO YOU HAVE ANYTHING TO ADD? NO.

b6-4/b7c-4

Nothing follows

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF ___ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED.
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

13669

STATEMENT (Continued)

[REDACTED]

b6-4 / b7c-4

Nothing Follows

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED]. 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.

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

b6-4 / b7c-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this ____ day of _____, 19 ____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

b6-4 / b7c-4

b6

CHRONOLOGY

22 Apr 2002

- Received Appointment Orders as Investigating Officer

09 Jul 2002

- Met with Legal Counsel, CPT [REDACTED]

11 Jul 2002

- Met with Legal Counsel, CPT [REDACTED]
- Conducted Telephonic Interviews

15 Jul 2002

- Traveled to Fort Campbell to conduct interviews, accompanied by Legal Counsel, CPT [REDACTED]

23 Aug 2002

- Met with Legal Counsel, CPT [REDACTED]
- Conducted Telephonic Interviews

6 Sep 2002

- Requested extension of Suspense Date to 23 August.
- Conducted Telephonic Interview

25 Sep 2002

- Met with Legal Counsel, CPT [REDACTED]

27 Sep 2002

- Prepared Findings and Recommendations.
- Prepared DA Form 1574

27 Sep 2002

- Submitted DA Form 1574 for legal review.

ALL B6-2
777

013671

30 Sep 2002

- Investigation returned from legal review.
- Investigation resumed/material review

21 Dec 2002

- Investigation/review completed

3 February 2003

- Finding and Recommendations Prepared
- Submitted for Legal Review

013672

EXHIBITS INDEX

- A. FBI Agent [REDACTED] sworn statement, DA 2823, dated 18 Jul 02 (faxed copy) *b6-6 / b7c-6*
- B. DOJ Attorney [REDACTED] sworn statement, DA 2823, dated 18 Jul 02 (faxed copy) *b6-2*
- C. CPT [REDACTED] sworn statement, DA 2823, dated 23 Aug 02
- D. LTC [REDACTED] sworn statement, DA 2823, dated 15 July 02
- E. SGM [REDACTED] sworn statement, DA 2823, dated 21 Jul 02
- F. CPT [REDACTED] sworn statement, DA 2823, dated 15 Jul 02
- G. SSG [REDACTED] sworn statement, DA 2823, dated 15 Jul 02
- H. CPT [REDACTED] sworn statement, DA 2823, dated 15 Jul 02
- I. SFC [REDACTED] sworn statement, DA 2823, dated 15 Jul 02
- J. SGT [REDACTED] sworn statement, DA 2823, dated 15 Jul 02
- K. COL [REDACTED] sworn statement, DA 2823, dated 15 Jul 02.
- L. DOJ Letter to MG Lambert, dated October 7, 2002

All B6-4 / b7c-4

013673

BATES PAGES 13674-13675
HAVE BEEN WITHHELD IN THEIR ENTIRETY
- REFERRED TO THE FEDERAL BUREAU OF
INVESTIGATION FOR CONSULTATION.

Mr. David Hardy, Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Department of Justice
935 Pennsylvania Ave, N.W.
Washington, DC 20535-0001

BATES PAGES 13676-13678
HAVE BEEN WITHHELD IN THEIR ENTIRETY
- Exemption (b)(5) - PURSUANT TO A REQUEST FROM
THE EXECUTIVE OFFICE OF THE UNITED STATES
ATTORNEY, DEPARTMENT OF JUSTICE.

Marie A. O'Rourke, Assistant Director
FOIA/Privacy Unit
Executive Office for United States Attorneys
Department of Justice
Room 7300, 600 E Street, N.W.
Washington, DC 20530-0001

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Fort Bragg, North Carolina and Alexandria, Virginia	DATE 2002/08/23	TIME 1530	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS O-3/CPT	
ORGANIZATION OR ADDRESS Special Operations Branch, Special Management Division			

b6-4/b7c-4

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. When and where did you first have contact with the Department of Justice(DOJ)?

A. When I was the Rear Detachment commander for 3rd Battalion, 5th Special Forces Group. The Department of Justice contacted CID at Fort Campbell who placed them in touch with me at 5th Group. Atty [REDACTED] asked if I could facilitate a meeting. He had a specific names of soldiers and I arranged to have them interviewed when Atty [REDACTED] and two FBI personnel arrived in February 2002.

Q. What conversation did you have with Atty [REDACTED] prior to the visit at Fort Campbell?

A. He explained the discovery rules, which I was familiar with and a discussion on how any information would be classified. It was not an extremely formal interview. I met the agents and Atty [REDACTED] at the entrance to Fort Campbell and then helped them get established in the conference rooms to conduct their interviews. During the interviews they were shown photos, SOJ asked informally for a copy of the disk. It was not a demand rather a friendly request and we agreed to cooperate. They did not know what the Army had and were just inquiring on our documents and files.

b6-2

Q. How would you describe Atty [REDACTED] perception of how the interviews at Fort Campbell were conducted?

A. He was happy that the Army had been cooperative with his office. In fact he wrote a letter expressing how pleased he was with the cooperation to [REDACTED].

b6-2

b6-4/b7c-4

Q. When did you see the fourth photo?

A. I told the S-2 to screen the photos for classification purposes. He showed me the fourth photo. It did not add anything, since there were three other photos of his capture so I told them to delete it. I did so because I thought it was embarrassing to Special Forces. This was prior to any official request by DOJ.

Q. Were you contacted subsequent to the February interviews by anyone at DOJ?

A. After the initial interviews, there were other names of soldiers that they wanted to talk too so I helped them make arrangements by phone. I was not present for those interviews which I think happened at the end of March 2002. I continued to receive email traffic thanking me for the cooperation. Eventually I turned over contact with DOJ to CPT [REDACTED] our JAG.

Q. When did you receive an official request from DOJ?

A. I received the official directive to turn over all items. LTC [REDACTED] talked with me and asked if I had seen the fourth photo and I said yes on the S-2 shop computer. I never showed it to anyone.

b6-4/b7c-4

b6-2

b6-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013679

STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED]. 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 Making Statement)

WITNESSES:

b6-4 / b7c-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of September 2002 at Fort Bragg North Carolina

ORGANIZATION OR ADDRESS

b6-2

[REDACTED]

(Typed Name of Person Administering Oaths)

ORGANIZATION OR ADDRESS

18 USC 936 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Fort Campbell, Kentucky	DATE 2002/07/15	TIME 1430	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]		GRADE/STATUS O5/LTC	
ORGANIZATION OR ADDRESS 5th Special Forces Group (Airborne)			

b6-4/b7c-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. When did you first become aware of the photograph?

A. When it became an issue.
Q. When was that?
A. It was found during a document search, along with everything else.

Q. When were you notified the Department of Justice attorney would be at Fort Campbell to conduct interviews?
A. That was in February. I only got a list of names of who they wanted to see, but not a list of specifics of what they were looking for.

Q. Who told you this?
A. It was related to me, I knew they were coming. Afterward I asked [REDACTED] or someone how it went. He told me the Department of Justice attorneys were really happy and would be coming back.

b6-4/b7c-4

Q. Who was the unit point of contact?
A. [REDACTED] was the point of contact. I don't know how he became the point of contact though. He was the battalion's rear detachment commander and since all the guys the DOJ wanted to see were in 3rd Battalion everything was just put down to him because he could get access to them easier.

b6-4/b7c-4

Q. Do you know whether the interviews in February 2002 were voluntary?
A. I don't remember any coercion or resistance.

Q. Do you know what documents or photographs were provided to the DOJ attorneys at that time?
A. [REDACTED] could tell you what they got or carried away.

b6-4/b7c-4

Q. When did you first see the photograph?
A. The photo was found during a document search after receiving the Motion for Discovery. They found it, I believe over a weekend, then took it in to COL [REDACTED]

Q. Was COL [REDACTED] back then?
A. That's the way I recall it. He was upset when he saw it.

b6-4/b7c-4

Q. When did you first see the photograph?
A. I saw it after COL [REDACTED]

Q. Have you seen the photograph again since then?
A. I have not seen it since.

Q. Do you know of any directions that were issued for answering the Motion for Discovery?
A. Not that I heard, other than look for all documents relating to the Motion for Discovery

Q. Who was in charge of the collection effort or in contact with DOJ?
A. If [REDACTED] wasn't here, [REDACTED] would have been in on coordinating it. I also remember a letter from LTG Brown. I just let [REDACTED] or [REDACTED] run with it - it was lawyers working with lawyers.

b6-2

b6-4/b7c-4

EXHIBIT	INITIALS [REDACTED]	STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

3681

STATEMENT (Continued)
NOTHING FOLLOWS.

AFFIDAVIT

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

WITNESSES:

b6-4/b7c-4

Subscribed and sworn to before _____ a person authorized by law to administer oaths, this 5th day of SEPTEMBER, 2002 at FORT CAMPBELL, KY.

ORGANIZATION OR ADDRESS

b6-2

(Typed Name of Person Administering Oath)

10 USC 936

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

013682

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Fort Campbell, Kentucky	DATE 2002/07/21	TIME 1550	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER		GRADE/STATUS SGM
ORGANIZATION OR ADDRESS ble-4/b7c-4			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- Q. Have you ever seen the photograph of John Walker Lindh blindfolded with the word "shithead" written on it?
A. I've heard about it, but never saw it.
- Q. Were you a member of the 3rd Battalion S3 shop?
A. I arrived in December 2002.
- Q. When did you become aware of an investigation regarding the photograph?
A. I thought the focus of this investigation was the April timeframe.
- Q. What did you know about the document search?
A. There was a weekend recall in response to the Motion for Discovery. I didn't participate in that, I deployed instead.
- Q. Have you heard any discussions about the photograph?
A. For us, its a dead issue; not discussed.

NOTHING FOLLOWS.

ble-4/b7c-4

EXHIBIT	INITIALS [REDACTED]	STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013633

128

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Fort Campbell, Kentucky	DATE 2002/07/15	TIME 1530	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS O-3/CPT	
ORGANIZATION OR ADDRESS [REDACTED] b6-4/b7c-4			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- Q. What was your duty position?
A. I was the Assistant S3 for the battalion.
- Q. When did you return from Afghanistan?
A. February 7, 2002. b6-4/b7c-4
- Q. Where was your office located at MES?
A. I was a Detachment Commander and JSOTF at [REDACTED] from December until I left. I never worked at [REDACTED]. b(2)-3
- Q. How were you notified that the Department of Justice attorney would be at Fort Campbell in February?
A. I knew it was going on, but was not involved. I knew that they wanted all of our photographs. I never spoke with anyone from DOJ or FBI.
- Q. What was your understanding about why DOJ was at Fort Campbell?
A. I understood they were collecting information for JWL's trial and wanted everything we had.
- Q. Have you ever seen the photograph?
A. I have seen the photograph, it was in a list of photos from the S3 computer after we returned from overseas. It was saved on the hard drive. I was going through photos, but didn't see the word "shithead" until the photo was blown up.
- Q. Why were you looking at the photographs?
A. I was just going through those that were on the laptop in the S3 shop.
- Q. Who else had access to that laptop?
A. Everybody had access to it and would look at photographs of what the other guys did over there.
- Q. Do you know the circumstances under which the photograph was given to the Department of Justice attorneys?
A. I know that DOJ asked for it, then the Discovery Motion came down and was told everything you have goes to them.
- Q. Have you ever discussed the photograph with anyone else?
A. Everyone's discussed it, but only after it became an issue in April.
- Q. Have you ever seen the photograph being shown around the unit?
A. Not that I know of.
- Q. Did you delete or ever hear of anyone else deleting the photograph off the computer?
A. So far as I know it could still be on the laptop.

b6-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." 013634
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

Q. Do you know when the photograph was given to the Department of Justice attorneys?

A. It was turned over in April. We'd been directed to turn over everything we had. I'd actually been on leave at the time, and when I came back in on Monday everything had been turned in already.

Q. What else was turned over?

A. All of our message traffic, which was still all ~~over~~ in  **bl-4/b7c-4** the S3 shop.

Q. Are you aware of anyone outside of 5th Group being shown the photograph?

A. Outside of 3rd Battalion, not aware of or know of anyone seeing it. The photograph was not distributed to the JSOTF. I received all message traffic from  **b(2)-3**

Q. Have you seen the photograph since?

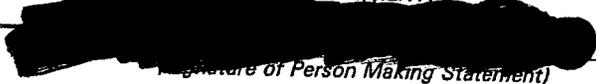
A. I never saw the photo again.

NOTHING FOLLOWS.

AFFIDAVIT

I, , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

bl-4/b7c-4

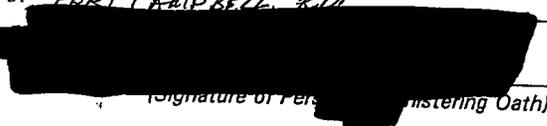

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3RD day of SEPTEMBER, 192002 at FORT CAMPBELL, KY

ORGANIZATION OR ADDRESS

bl-2


(Signature of Person Administering Oath)

CPT, JA
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

10 USC 49.36
(Authority To Administer Oaths)

013635

INITIALS OF PERSON MAKING STATEMENT



SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Fort Campbell, Kentucky	DATE 2002/07/15	TIME 1225	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS
ORGANIZATION OR ADDRESS [REDACTED]			

b6-4/b7c-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. Where did you work in Afghanistan, and what was your duty position?
A. I worked in the Support Center; I was the acting Battalion S4.

Q. When did you return from Afghanistan?
A. I got back about February 7, 2002.

Q. When were you first notified that Department of Justice attorney would be at Fort Campbell to conduct interviews and collect photographs?
A. I was notified anyone who had contact with John Walker Lindh was to speak with them and show them photographs. I gave a copy of the photograph to the DOJ on a CD in February. It was from a laptop.

Q. What were you told about the reason for the DOJ visit?
A. I was told they were here investigating anyone who had contact with Walker. My name was brought up because of the photograph. We had alot of photographs.

Q. How many cameras did your section have, and what did you do with them?
A. We had two cameras. I would get them from the guys when they came back in, then I would download all their photographs and transfer them to the S3. I would use a flashcard to make the transfer.

Q. What did you do with the photographs when the teams brought the cameras back in to you?
A. The cameras would be downloaded to the hard drive of my laptop, into a file I made there.

Q. Who else had access to the laptop you used?
A. Others in the section had access to that laptop (SSG [REDACTED] SGT [REDACTED] SGT [REDACTED], SGM [REDACTED])

Q. Describe the Support Center computer?
A. It was used for Support Center business. It was not networked, but at the end of our time overseas it did have internet access.

b6-4/b7c-4

Q. Why did you take the CD to the S2?
A. Wanted to classify the photographs because there were pictures of 5th Group personnel on them. Team guys, their faces; OGA faces. The classification stuff was discussed with the attorney or agents. Prior to handing over we informed them the faces were classified sensitive. The attorney recommended secret - this would allow the defense attorney to still see the photographs but wouldn't put them into the public domain.

Q. Do you know whether the photograph was ever deleted from your laptop?
A. A copy remained on the hard drive, and we were told NOT to delete anything by the chain of command. LTC [REDACTED] the Battalion Commander said don't delete, I'm not sure if the Group Commander ever said anything like that. We got that word about two weeks after DOJ was at the unit in February.

b6-4/b7c-4

Q. What was the attitude of the Department of Justice attorney when you met with them in February 2002? Was it a casual meeting, or did you receive any type of formal briefing of what they expected?
A. It was all casual, there was no inventory of the photographs we provided at that time. They just needed everything, so we downloaded everything we could onto the disk.

b6-4/b7c-4

EXHIBIT	INITIALS OF [REDACTED] NG STATEMENT	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013036

STATEMENT (Continued)
NOTHING FOLLOWS.

AFFIDAVIT

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

b6-4/b7c-4

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of September, 19 2002 at FORT CAMPBELL KY

ORGANIZATION OR ADDRESS

b6-2

ORGANIZATION OR ADDRESS

CPT. JA
(Typed Name of Person Administering Oath)

10 USC 936
(Authority To Administer Oaths)

010637

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Fort Campbell, Kentucky	DATE 2002/07/15	TIME 1115	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS O-3	
ORGANIZATION OR ADDRESS 5th Special Forces Group (Airborne)			

b6-4/b7c-4

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Q. How were you notified the Department of Justice attorney would be at Fort Campbell in February 2002 to conduct interviews?

A. I have no idea how the Department of Justice contacted members of 5th Special Forces Group in February 2002. I was not interviewed by any Department of Justice attorney, and have never been contacted by them.

Q. How were you notified the Department of Justice would conduct interviews in April 2002?

A. I was told something back in April, there was a memorandum or letter that we had to read. SFC [REDACTED] showed me something he had to read and send back; I never got one.

Q. So the DOJ attorney never interviewed you or contacted you?

A. Last Friday (July 2002) the DOJ attorney sent a fax asking for information about another set of notes; I was the author of those.

Q. When did you first see the photograph?

A. I first saw the photograph of John Walker Lindh with the word "shithead" written across the blindfold, and five members of 5th Special Forces Group also in the photograph, at the end of February when the FBI was down policing up evidence. SGT [REDACTED] brought a CD into my office to check for classified items. I saw the photograph on the CD.

Q. What did you do with the CD?

A. I downloaded everything on the CD to my computer hard drive, then deleted the photograph. Then I burned a new CD without the photograph; we didn't have a read-write CD.

Q. What did you do with the original CD after you created the second CD?

A. I'm not sure what happened to the original CD. I may have kept it, or gave it back, I'm not sure - I'd have to check for it.

Q. Did you give the CD to the FBI agent?

A. I never met with the FBI agent. Somebody just told me they were there and to give them what we've got to help build the prosecution's case.

Q. How were you notified to begin collection of documents in April 2002?

A. I found out about the Motion for Discovery when I got back after a trip to Jordan. I learned that the photograph had already been turned over, so I didn't turn over another copy.

Q. Do you know who turned in the photograph in April 2002?

A. Someone else had a copy, I don't know who. I was told that LTC [REDACTED] had it.

Q. Can you recall whether you destroyed the original CD or not?

A. The CD from February was either destroyed or left in the office.

Q. Can you recall who brought you the CD?

A. SGT [REDACTED] brought the CD to my office, and we pulled up all the photographs to review for classification purposes. Once pulled up, you could easily read the word written on JW's blindfold.

b6-4/b7c-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 42 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013638

STATEMENT (Continued)
NOTHING FOLLOWS.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 42. 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 ANY OFFER OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED SIGNATURE]

WITNESSES: b6-4/b7c-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3RD day of September, 2002 at FORT CAMPBELL, KY.

ORGANIZATION OR ADDRESS
b6-2

ORGANIZATION OR ADDRESS
b6-4/b7c-4

[REDACTED]

CPT, JA
(Typed Name of Person Administering Oath)
10 USC § 936
(Authority To Administer Oaths)

013839

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Fort Campbell, Kentucky	DATE 2002/07/15	TIME 1100	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS

ORGANIZATION OR ADDRESS

b6-4/b7c-4

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. When did you return from Afghanistan?
A. Came back on 7 March.

Q. Were you ever interviewed by a Department of Justice attorney?
A. No. The first time I was ever interviewed about the photograph was by the Investigating Officer in the earlier AR 15-6 Investigation. I provided him a written statement.

Q. When did you first see the photograph?
A. I was the photographer.

Q. When did you next see it?
A. It was still in the camera.

Q. Did you ever see it after that time?
A. I never saw it again.

Q. Whose camera was used to take the photograph?
A. It was a detachment camera.

Q. Do you know who had the camera after the photograph was taken?
A. The camera went back to MSG [REDACTED]

Q. Do you know who or how the photograph was downloaded to any computer in the Support Center?
A. I don't know how it was downloaded.

Q. Did you ever use the same digital camera after that?
A. I don't believe we used that particular camera again.

Q. Did you delete the photograph from the digital camera?
A. I took no steps to delete the photograph.

Q. Do you know who the unit point of contact for the Department of Justice interviews in February or document collection in April 2002?
A. I'm not sure who was in charge of collection efforts in February or April.

Q. Are you aware that others outside 5th Group were shown the photograph?
A. I know MSG [REDACTED] told some people about it, and others had seen it, but I have no idea who would have had access to it.

NOTHING FOLLOWS.

b6-4/b7c-4

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

013690

STATEMENT (Continued)
NOTHING FOLLOWS.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

WITNESSES: bl-4/b7c-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3RD day of SEPTEMBER, 192002 at FORT CAMPBELL, KY

ORGANIZATION OR ADDRESS bl-2

[REDACTED]
[REDACTED] CPT JA
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

10 USC 936
(Authority To Administer Oaths)

013691

INITIALS OF PERSON MAKING STATEMENT bl-4/b7c-4

136

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Fort Campbell, Kentucky	DATE 2002/07/15	TIME 1205	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS	

ORGANIZATION OR ADDRESS

b6-4/b7c-4

_____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. Have you ever seen the photograph of John Walker Lindh with the word "shithead" written on his blindfold?
 A. I saw the photograph in December or January while we were still at [REDACTED]. I worked as the NCOIC of the Support Center in Afghanistan, and I saw it there.

b(2)-3

Q. Specifically where did you see the photograph?
 A. On a laptop computer in our section area. It was a laptop that was used for MWR purposes, so it had internet access. The MWR laptop was not networked, but was used for unclassified activities. I don't recall who showed me the photograph, it could have been a team guy or SGT [REDACTED].

b6-4/b7c-4

Q. What was your conversation at that time about the photograph?
 A. I think it was, hey check this photo out. It was nonchalant.

Q. Have you seen the photograph at any time since then?
 A. I only saw it that one day. Whoever showed it to me had the camera hooked up to the laptop.

Q. Was it downloaded to the hard drive?
 A. It was not on the hard drive to my knowledge.

Q. Did anyone make copies of the photograph?
 A. I know of no one reproducing or storing it, or any talk about distributing it.

Q. Did anyone email it home?
 A. I don't think anyone emailed it home.

Q. What format did you see it in?
 A. It was just on the monitor. I have never seen any other photos of JLW like it.

Q. Have you seen it since that time in December or January?
 A. I haven't seen it since.

Q. Was anyone else in the Support Center when you saw it?
 A. I think I was the only one present at the time.

Q. Did you make any copies of the photograph?
 A. I didn't make a copy

Q. Did you ever distribute it?
 A. No.

Q. Did you ever delete it?
 A. No.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

018692

STATEMENT (Continued)

Q. What did you think the impact of the photograph would be?
A. I didn't think about it at the time.

Q. Do you know if the photograph could still be on the laptop hard drive?
A. Two or three weeks after seeing the photograph, the MWR laptop computer hard drive crashed and had to be rebooted. This happened while we were still overseas.

Q. Were you interviewed by the Department of Justice about the photograph in March or April 2002?
A. DOJ didn't talk to me. There was some scuttlebutt like from the S2 maybe, has anyone seen this photograph? Then the Investigating Officer talked to us for the 15-6 investigation in April 2002.

Q. Are you aware that others outside of 5th Group have seen the photograph, other than the one that was on the news?
A. No one I knew of had seen a copy of the photo. I saw it on CNN and am not aware anyone outside Group has seen it.

NOTHING FOLLOWS.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

bl-4/bl7c-4

[REDACTED Signature of Person Making Statement]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3RD day of SEPTEMBER, 19 2002 at FORT CAMPBELL KY

[REDACTED Signature of Person Administering Oath]

ORGANIZATION OR ADDRESS

bl-2

[REDACTED Signature of Person Administering Oath] CPT, JA

ORGANIZATION OR ADDRESS

10 USC § 936 (Authority To Administer Oaths)

013693

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Fort Campbell, Kentucky	2. DATE (YYYYMMDD) 2002/07/15	3. TIME 1615	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN	7. GRADE/STATUS O6/COL	

8. ORGANIZATION OR ADDRESS
5th Special Forces Group (Airborne) b6-4/b7c-4

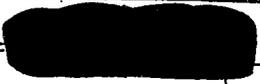
9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- Q. When did you return from Afghanistan?
A. I got back at the end of March 2002.
- Q. How were you notified of the Department of Justice interviews in February?
A. I really can't remember. LTC [REDACTED] was handling the February interviews, but I can't imagine that he didn't tell me about it. I know we spoke about them being here. b6-2
- Q. Were you ever interviewed by the Department of Justice attorney?
A. I never spoke to anyone at DOJ or FBI.
- Q. Do you know if there was any guidance as to the left and right limits of the DOJ interviews?
A. There were none that I am aware of.
- Q. Do you know who the point of contact was for the Group?
A. I think it was our IMA attorney, CPT [REDACTED] LTC Frank [REDACTED] would know better. b6-2
- Q. When did you first see the JWL photograph?
A. The day or day after they found it; I saw it here in my office. It was the first I'd heard about it. LTC [REDACTED] told me about it.
- Q. Do you know how it was found?
A. They were going through hard drive data and found it. The Team Sergeant thought twice about it, it was a dumb thing, and erased it. Electrons being electrons, it found its way into the Ops shop. No one even knew it was there.
- Q. Did you see the photograph in hard copy or digital?
A. I saw it hard copy.
- Q. Do you recall what you did with the photograph?
A. They classified it and sent it forward with the other stuff.
- Q. Did you ever discuss the photograph and its taking with anyone?
A. I certainly discussed the situation with all the Team Leaders and above.
- Q. Have you seen the photograph since it was first shown to you?
A. I haven't seen it since, or heard about it.
- Q. Did you show it to anyone else?
A. I was at Fort Bragg for another event shortly after, but did not show and discuss it with MG Lambert as I had intended, due to time considerations.

NOTHING FOLLOWS.

10. EXHIBIT	11. INITIALS [REDACTED]	STATEMENT	PAGE 1 OF 2 PAGES 013694
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] DATED [REDACTED]"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED. 139

STATEMENT OF 

TAKEN AT Fort Campbell, KY

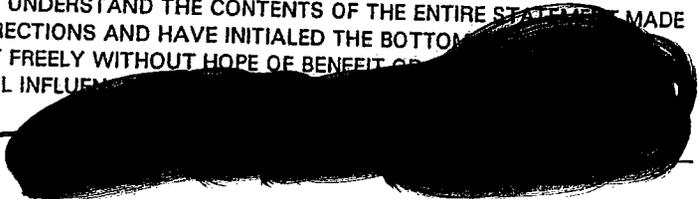
DATED 2002/07/15

STATEMENT (Continued)
NOTHING FOLLOWS.

b6-4/b7c-4

AFFIDAVIT

 HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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 CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL



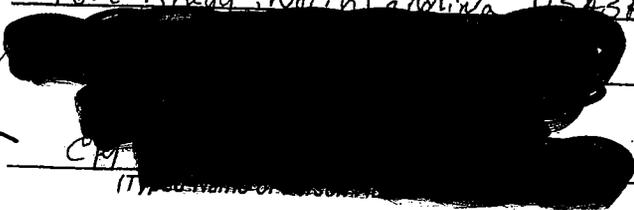
WITNESSES:

b6-4/b7c-4

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29 day of August, 2002 at Fort Bragg, North Carolina USAFSCA

ORGANIZATION OR ADDRESS

b6-2



ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

013695

INITIALS OF PERSON MAKING STATEMENT

BATES PAGES 13696-13698
HAVE BEEN WITHHELD IN THEIR ENTIRETY
- REFERRED TO THE EXECUTIVE OFFICE OF THE
UNITED STATES ATTORNEY, DEPARTMENT OF
JUSTICE FOR CONSULTATION.

Marie A. O'Rourke, Assistant Director
FOIA/Privacy Unit
Executive Office for United States Attorneys
Department of Justice
Room 7300, 600 E Street, N.W.
Washington, DC 20530-0001