

on Joint Manning Document (JMD)

SJA Section

SJA - Col Haydean
LAO/claims - CPT Martin
NCIC - SGT Bonno
NCIC, claims - SPC Merrill

OPS Law (under J3)

DSJA - LTC Cotell
Ch, ops law - MAJ Bovaunick
Ops Law Plans/MJ - CPT Dodson
Fiscal Law - CPT McGovern

3 folders on CD

- Detainee Ops
- Historical Report - contains ICRC AARs
- ICRC - contains ICRC ~~Report~~ Info Sheets

[REDACTED]

SWORN STATEMENT

File Number :

Location : Building 225, Camp Atterbury, IN

Date : 4 Feb 04 BCB Time: 1505 BCB

Statement Of: Buelterman, Brett Carl

Grade/Status: O-2

SSN :

Org/Address :

I, Brett C. Buelterman, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002. Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes. BCB

Q: What dates were you there and what were your duties?

A: I got there in September 2002 and left in March 2003. I was a platoon for 1st platoon. I also assisted with supply and doing supply missions. I guess I was on orders as a Supply Officer. I made walkthroughs of the detention facility while I was there to make sure my platoon was functioning properly. I was in the facility quite a bit, but I didn't work a set schedule in the facility. My platoon rotated into the facility two months after we got there. BCB

Q: Did you guard either detainee that died during the period of time between October and December 2002?

A: Me personally, no. BCB

Q: Did you have any interaction with either detainee that died at all?

A: I never really saw them and I couldn't pick them out of a line up. I don't recall any specific interaction with them. The night that the first one died, they brought the detainee down to a inprocessing room and the guys came and told the RTO that they needed to call an ambulance. I asked what was going on and I went into that room where they were and saw them doing CPR on the PUC. BCB

Q: Did the detainee appear to have any signs of life to you?

A: No, I remember telling SFC HAWKINS that it didn't look good because the guys eyes were opened and they looked glassed over he had bile on his mouth on half of his face. I remember SGT BOLAND told me he looked into the cell and could tell that something was definitely wrong with the PUC and that was why he entered the cell to begin with. BCB

Q: Do you believe the detainee was already dead when they brought

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INITIALS BCB

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Encl 41



STATEMENT OF Brett C. Buelterman, TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:
him into the room?

A: I don't know. When I went into the room and saw him I thought that if he was alive then, it would have been barely. I didn't participate in any of the life saving measures. I grabbed a notebook and started taking notes of what was going on. *BCB*

Q: Do you recall any of the soldiers taking any blood pressure measurements or pulse measurements?

A: I don't recall. I think I would have remembered if they were doing that and I don't. *BCB*

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: No. *BCB*

Q: Did you witness either detainee that died receive any type of corrective punishment?

A: No. *BCB*

Q: Were any detainees struck for any reason?

A: We had some that were restrained. We had a guy that attempted to commit suicide and was restrained. We worked night shift and for the most part at night when we were on, the detainees were asleep. We did have one detainee lunge after a doctor during inprocessing and we did a one arm takedown of that guy. There were no blows during that time. I know that common pronial strikes were used extremely sparingly. *BCB*

Q: Did either PUC that died cause any trouble during the shifts that you worked?

A: I recall one of the PUC's that died was kicking on the cell door on one occasion. He was restrained more towards the back of the cell so that he couldn't kick on the door. I don't recall any other problems. *BCB*

Q: How exactly was he restrained?

A: There was wire on the ceiling of the isolation cell. He was cuffed to the ceiling with leg irons to his wrists with his arms above his head. I believe he had leg irons on his feet, too. I think he may have had a belly chain around his waist that was attached to his leg irons somehow so that he couldn't kick the door. *BCB*

Q: Did you see the first PUC alive at any point during your shift the night he died?

A: I don't know; I know I made my rounds, but I don't always look in all the cells in isolation. *BCB*

Q: Was that the only time that either detainee was restrained in isolation?

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INITIALS *BCB*

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STATEMENT OF Brett C. Buelterman, TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:

A: No. Military Intelligence had some people that they wanted to stay awake. The MP's made sure that the detainees stayed awake by standing. MI's SOP indicated that if the guy would not stand on his own, he would be restrained in such a way so as to make them stand. I would guess that both detainees were in standing restraints for five or six hours total in 24 hours. *BcB*

Q: Did you ever see MI's SOP?

A: No. I think our company commander and their company commander got together and worked that out. We were told to assist them as much as possible. *BcB*

Q: Were soldiers required to check on the condition of detainees on a periodic basis?

A: I think the minimum for isolation was twenty minutes. They should check at least every twenty minutes. *BcB*

Q: Do you believe soldiers actually checked on the detainees every twenty minutes?

A: Yes. When I would do spot checks, I would peak in and just about every time I walked in the isolation cell guard would be on one end or the other of the row of cells walking. *BcB*

Q: Did you do any spot checks on the night either detainee died?

A: I must have, but I don't specifically recall. If I was in the facility, myself or SFC HAWKINS would walk around at least once an hour. *BcB*

Q: Did any MP's complain that either of the PUC's that died were troublemakers?

A: I think HANDORF told me one of them was, but I don't recall which one of the two. He said that the PUC was always being noncompliant by yelling or trying to talk to the other cells. I know one of them did a lot of spitting, and would try and spit on the MP's as they walked by the isolation cell. *BcB*

Q: Did any of the MP's appear to dislike the PUC's?

A: Nothing that I saw. They weren't happy they were deployed for the most part, but they weren't necessarily unhappy with the PUCs.

Q: How did the MP's handle troublemakers? *BcB*

A: We had an escalation of discipline for the different types of noncompliance. They started at the low end which was the detainee would be made to stand for a certain amount of time (10 to 30 minutes); the next time would be stand for double the amount of time (20 to 60 minutes); the third time they could be handcuffed to be made to stand if that was necessary, but in order to do that they had to contact the sergeant of the guard to get his go ahead as a measure of checks and balances. I don't know that anybody *BcB*

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STATEMENT OF Brett C. Buelterman, TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:

ever went past that. Down in general population, if they had to stand, they had to stand with hoods on so they couldn't be looking on. We switched that from hoods to blacked out goggles on one point. On a couple of occasions when I did a walkthrough, they had guys standing in the sallyport of the general population restrained through the airlock, and I made a comment to a sergeant of the guard that I wanted that changed. *BCB*

Q: Did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?

A: Before the deaths, no. I felt that we were doing everything that we needed to do and I was comfortable with what we were doing. After the deaths, I heard about some of the guys from third platoon that had problems. Either 2LT COLLINS or SFC MILLER told me that SGT DRIVER had done two or three common pronial strikes on the same inmate and I was uncomfortable with that. Once the CID investigation started, we were told not to talk about the incidents, so I didn't hear anything else. *BCB*

Q: Have you been trained on common pronial strikes and pressure point control tactics?

A: At the unit, yes, and in my civilian job. I am a Deputy Sheriff for Clermont County, OH. *BCB*

Q: Did you ever utilize those tactics on a PUC?

A: No. *BCB*

Q: Did you ever have to use any force on a PUC?

A: I assisted on walking new PUC's in several times during inprocessing, but I didn't really use force. The guys would be blindfolded so they had to be assisted when they walked. *BCB*

Q: Do you know who had anything to do with the eventual death of either detainee?

A: No. *BCB*

Q: Did anyone tell you who might have had anything to do with the death of either detainee?

A: I heard several times that SGT DRIVER was really concerned about a common pronial strike he had administered on one of the detainees. I heard BOLAND was real upset, too, because he was in isolation both of the times the detainee died. He was the one who ended up doing CPR on the first guy that I saw. *BCB*

Q: How do you feel about the deaths of those two detainees?

A: It shouldn't have happened. I thought quite a bit about it wondering if I could have done something different, but I can't think of anything. I walked around a lot, but we also had MP's that should have known what could and could not be done. I never *BCB*

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INITIALS *BCB*

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STATEMENT OF Brett C. Buelterman, TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:

saw anything that gave me any indication that something improper was going on because I wouldn't have stood for it. I wouldn't have allowed anything improper to happen. *b6b*

Q: Who do you think caused the death of the detainees?

A: I honestly wouldn't believe that any of my guys would do something like that. I don't have any idea who would do that. I never thought much about it because I assumed the guys died of natural causes. *b6b*

Q: Do you think that the death of either of those detainees was deliberate?

A: No. *b6b*

Q: If someone said that you physically abused either of those detainees is that person lying?

A: Yes. *b6b*

Q: Who do you think would have had the best opportunity to physically abuse either detainee?

A: Whoever was working in isolation would have had an opportunity. *b6b*

Q: Why do you think someone would abuse a detainee?

A: Frustration, maybe. It boggles my mind. If my guys were abusing detainees, I should have been able to see something and didn't. *b6b*

Q: What was your assessment of SPC CAMMACK's duty performance and well-being?

A: I thought that he was doing well. He wasn't a super achiever, but he did what Specialists should be able to do. He never complained to me about anything. *b6b*

Q: Was SPC CAMMACK ever involved in any type of misconduct?

A: Not that I'm aware of. *b6b*

Q: What was your assessment of SPC BOLAND's duty performance and well-being?

A: His duty performance was good. I believe he went home on emergency leave while we were there. He seemed to be constantly concerned with what was going on at home. He wasn't overly preoccupied with it, but I think he was having some problems, but I don't remember what it was. *b6b*

Q: How well do you know 2LT COLLINS?

A: Not really. *b6b*

Q: Did you ever hear of or see 2LT COLLINS interact with detainees?

A: I don't recall him interacting with detainees. He seemed to be always working on admin tasks in the facility like NCOER's and thing. *b6b*

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INITIALS *b6b*

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STATEMENT OF Brett C. Buelterman, TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:

Q: Were you aware of 2LT COLLINS being involved in any type of misconduct with detainees?

A: I remember thinking he had a low opinion of the detainees but I can't think of any specific comment he made. I don't recall hearing anything about 2LT COLLINS being involved in any use of force type issue. *BCB*

Q: Did 2LT COLLINS ever mention any incidents that occurred when he was involved in a repatriation mission with detainees?

A: I remember he said that they had to change their weapons policy because it used to be that when you were getting ready to land the helicopter wherever these guys were going to be let loose at, the soldiers would lock and load their weapons and put the weapon on safe in case they landed in a hot zone. 2LT COLLINS said they had to change their policy because on one occasion a detainee wet himself because he saw all the soldiers locking and loading and he thought he was going to be executed. *BCB*

Q: Did you ever think about abusing a detainee, even though you didn't go through with it?

A: No. *BCB*

Q: Why wouldn't you abuse a detainee?

A: They are people just like everyone else. For the most part, those guys were farmers that were in the wrong place at the wrong time and most of them were repatriated. *BCB*

Q: What do you think should happen to a person who mistreated or caused the death of a detainee?

A: They need to be prosecuted. *BCB*

Q: Under what circumstances were you given direction that a common pronial strike or pressure point control tactic could be applied?

A: To gain compliance or regain compliance from a detainee. *BCB*

Q: Where did you learn what was and was not acceptable treatment of the detainees?

A: We had classes at Fort Dix, I believe, on the Geneva Convention. When we got into Afghanistan, we got information from the offgoing company from the relief in place. By the time, I got in country, though, the other company was already gone. I would periodically ask my guys and they could back-brief me on what their duties were on their positions. *BCB*

Q: Was the facility SOP readily available for your soldiers?

A: Yes, there was copy in the TOC that they could get and there was an SOP for every duty position at the duty station. *BCB*

Q: Did the SOP dictate when common pronial strikes could be applied?

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INITIALS *BCB*

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[REDACTED]

STATEMENT OF Brett C. Buelterman, TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:

A: No. *BCB*

Q: Do you know if the unit prior to yours utilized standing restraints, PPCT or common pronial strikes?

A: I know they used standing restraints because that is where we learned how to do the restraints. I don't know if they used PPCT or common pronial strikes. *BCB*

Q: What was your professional training and background outside of the military before deploying?

A: Bachelor's degree in Police Administration; an Associate's Degree in Military Science; I attended the Corrections Academy for the state of Ohio; I went to the Ohio Police Officer's Training Academy. Counting corrections and law enforcement I have five years of experience. *BCB*

Q: Did you ever see the PUC's legs underneath their clothing?

A: Just during inprocessing when they disrobed. *BCB*

Q: Do you recall seeing either PUC's that died during inprocessing?

A: I don't recall. *BCB*

Q: Did you ever observe any bruises or injuries on either PUC that died?

A: No. I went to the hospital when the first PUC died and I did see a bruise about the size of my palm on the guy's thigh. *BCB*

Q: Did either PUC that died appear ill to you at any time?

A: Not that I was aware of, no. *BCB*

Q: Did you observe either PUC that died in pain?

A: No. *BCB*

Q: Were you present when the second PUC that died was receiving emergency medical treatment?

A: No, I was in my tent sleeping and a soldier ran into the tent, turned on the light and said that another PUC was sent to the hospital and he looked dead or didn't look good. I believe SFC HAWKINS went to the hospital on that one. *BCB*

Q: Did you observe either PUC that died eat or drink anything during your shift?

A: I wasn't around very often when they were distributing food. I wasn't around when either of those detainees were eating or drinking. *BCB*

Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common pronial strikes?

A: The commander knew of all those things. Everybody knew about standing restraints. The two Provost Marshals of the Joint *BCB*

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INITIALS *BCB*

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[REDACTED]

STATEMENT OF Brett C. Buelterman, TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:

Operations Center (JOC) was aware of that, I'm sure. They would come around the facility from time to time, and guys would be in standing restraints at the time. I believe they knew about common pronial strikes, too, but I think they believed as I did, that they were only used sparingly. There was a SJA officer, MAJ BAVARICK, who had a desk with the rest of the MP's at the JOC that would come down and visit from time to time and he was fully aware of all things going on in the facility. I specifically remember a conversation with the SJA officer about standing restraints and he said that was the only discipline we could administer if they refused was some type of standing restraints. *BCB*

Q: Were you aware of any MP's using excessive force with detainees?

A: No. *BCB*

Q: Are you aware of any plan to conceal or alter details surrounding either detainee's deaths?

A: No. After the second death, a CID agent told us that they didn't want this issue discussed amongst anyone in the facility, so I put out in guardmount that the soldiers should not talk about either incident and if they had anything to say about it, they should talk to a CID agent. *BCB*

Q: Were any MP's using steroids during the deployment?

A: I know that NICHOLS was using some stuff that he ordered out of a magazine and several guys that were lifting weights were doing that. But I don't think anyone was using steroids. *BCB*

Q: Do you think the Bagram Control Point was run effectively?

A: I would have thought so before we started talking. *BCB*

Q: Do you believe your soldiers received adequate training in detainee operations?

A: No, we didn't have hardly any training in detainee operations. The training we got was geared towards Bosnia and Kosovo. They didn't have anything pertaining to Afghanistan. *BCB*

Q: Did you have clear guidelines on how the facility should be run? ←

A: No, I don't recall ever hearing from anybody on how the facility should be run. The SOP was vague pertaining to everything. A lot of how the place should be run came from Military Intelligence. *BCB* ←

Q: Are you aware of any soldiers being counseled for mistreatment of a detainee?

A: I never had to do that. I remember talking to SFC HAWKINS about what to do about a soldier who was forcing detainees to move *BCB*

Exhibit: —

INITIALS BCB

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STATEMENT OF Brett C. Buelterman, TAKEN AT Building 225, Camp Atterbury, IN; DATED 4 Feb 04; CONTINUED:

faster than what they needed to be moving. I told him to put it in a counseling statement. I think he ended up counseling two of our guys on it, but I don't remember who the soldiers were. *Bcb*

Q: Was there a status board maintained near the isolation cells?

A: There was one in each of the isolation areas, yes. The status board showed the detainee number; if he was out of his cell, where he was at; if he was being restrained at the direction of MI, it would have a start time and an end time on the status board. *Bcb*

Q: Was the status board wiped clean before any outside personnel or agencies arrived?

A: I don't know. I am not aware of any policy to wipe the boards clean. *Bcb*

Q: Do you have any photos, notes or records pertaining to the Bagram Control Point?

A: No, all of it was left there. *Bcb*

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

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

Exhibit: _____

INITIALS *Bcb*

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STATEMENT OF Brett C. Buelterman, TAKEN AT Building 225, Camp
Atterbury, IN; DATED 4 Feb 04; CONTINUED:

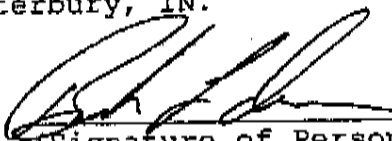
AFFIDAVIT

I, Brett C. Buelterman, HAVE READ OR HAVE HAD READ TO ME THIS
STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 10. 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)

Subscribed and sworn to before me, a person authorized by
law to administer oaths, this 4th day of February, 2004 at Camp
Atterbury, IN.



(Signature of Person Administering Oath)

SA Brandon L. Owens

(Typed Name of Person Administering Oath)

ARTICLE 136 (b) (4) UCMJ

(Authority To Administer Oaths)

WITNESS:

Exhibit: _____

INITIALS BCB

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37-02-CID369-23534

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPLE PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security is used as an additional/alternative means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

LOCATION: CINCINNATI, OH**DATE:** 3 FEB 04 **TIME:** 0811**FILE NUMBER:** 0134-02-CID369-23533-SH9B**NAME (Last, First MI):** BRAND, WILLIE V**SSAN:****GRADE / STATUS:** SPC**ORGANIZATION OR ADDRESS:** 377TH MP CO, USAR, CINCINNATI, OH, 45237**RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: **NEGLIGENT HOMICIDE; ASSAULT; FALSE STATEMENT**
 Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights: *WMB*

1. I do not have to answer questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. **COMMENTS:** Have you been advised of your legal rights and requested legal counsel in the past 30 days? *No*

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

Witness# 1

Signature of Witness

*SA ANGELA C BIRT**HQ, LEADON, INV OPS DIV, FT BELVOIR, VA***Witness# 2**

Signature of Witness

Signature of Interviewer

Signature of Investigator/Special Agent

George CHIGI

11th Military Police Battalion (CID)

Fort Hood, TX 76544

NON-WAIVER CERTIFICATE

I do not want to give up my rights: I want a lawyer: ☐ I do not want to be questioned or say anything: ☐

Signature of Interviewee: _____

DA Form 3881-E

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Final 6

0137-02-CID369-23534

SWORN STATEMENT

FILE NUMBER: 0134-02-CID369
LOCATION: 78th MP DET (CID), BLDG 406, Pershing Court, Fort Riley, KS 66442
DATE / TIME: 30 Jan 04 *10:00 / 10:00 AM*
STATEMENT OF: Jeremy M. CALLAWAY
SSN:
GRADE/STATUS: SPC E-4/ AR
ORGANIZATION/ADDRESS: 342nd Military Police Company, Fort Riley, KS 66442

I, Jeremy M. CALLAWAY, want to make the following statement under oath:
I enlisted into the Army Reserves in August of 2000; planning on entering as a Combat Medic but was instead selected to attend Military Police (MP) School. Upon graduation from MP school I was assigned to the 377th MP Company (Co), Cincinnati, OH 45237. Since joining the Army Reserves I have been deployed to Egypt, Afghanistan, and most recently to Fort Riley, KS for a one-year tour of duty. *True*

Shortly before I entered the military I became Emergency Medical Technician (EMT) certified through Fayette County, IN. During this same timeframe I was employed with VALOE, an auto parts manufacturer out of Greensburg, IN. Through Wayne county Sheriff's office I received certification as a Jail Officer, in Dec 2003. *True*

Initially the 377th MP Co., Cincinnati, OH 45237, was alerted in January of 2002. The 377th MP Co., Cincinnati OH, 45237 was supposed to go deploy to Cuba, but the deployment was cancelled in the middle of January 2002. On 25 May 02, the 377th MP Co, Cincinnati, OH 45237 was once again put on alert for deployment to the Afghanistan theatre of Operations. On 16 Jun 02, the 377th MP Co., Cincinnati, OH 45237 departed via bus from Cincinnati, OH en-route to Fort Dix, NJ, for mobilization and train-up prior to deployment. The 377th MP Co., Cincinnati, OH 45237 arrived at Fort Dix, NJ on 17 Jun 02. The 377th MP Co, Cincinnati, OH 45237 was temporarily placed in Fort Dix, NJ until Mid Aug 02, during which time we received various training in common soldier tasks; unarmed self defense (USD); Facility Security; Convoy Escorting; Vehicle and personnel Searches; Basic first aid and Weapons training. *True*

The 377th MP Co, Cincinnati, OH 45237 departed Fort Dix, NJ en-route to Germany on 22 Aug 02 and arrived in Germany on 24 Aug 02. While awaiting transportation to the Afghani theatre of operations we conducted more common soldier task training. The 377th MP Co, Cincinnati, OH 45237 left Germany in segments, I left Germany on 26 Aug and arrived at Bagram Air Base on 28 Aug 02. The first couple of day in Afghanistan the 377th MP Co, Cincinnati, OH 45237 dedicated its time to establishing living quarters and relocating personal and company gear from the air field to our company area. I was assigned to 2nd platoon, and on the 1st of Sep 02, I started working in the Bagram Collection Point (BCP) on night shift. The 377th MP Co, Cincinnati, OH 45237, received on-the-job training for about one and a half weeks from the unit we were replacing. I cannot recall the name of the unit. *True*

The first incident of detainee abuse I can recall occurred while the 377th MP Co., Cincinnati, OH 45237, was being trained on detention facility operations by the unit it was replacing. Some of the members of the unit the 377th MP Co, Cincinnati, OH 45237, was replacing were taking shaving cream and making drawings over the hooded detainees. In particular, I recall witnessing

EXHIBIT

INITIALS *JMC*

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STATEMENT OF Jeremy M. CALLAWAY, TAKEN AT 78th MP DET (CID), Building 406 Pershing Court, Fort Riley, KS 66442, DATED 30 Jan 04, CONTINUED.

a member of the unit, go into an isolation cell and begin to slap the detainee on the back of the head for no apparent reason. I cannot recall the soldier's name but he was of average height, with blond hair, who constantly wore a headscarf. I recall the scarf to be red and white in color with a checkered pattern and a black band going around it. I recall seeing most of the soldiers (whose names I cannot recall) of that unit verbally antagonize the detainees, as if trying to make the detainees become irate and combative. It appeared to me as if they were looking for a reason to physically punish the detainees. *Jmc*

During the third week the 377th MP Co., Cincinnati, OH 45237 was operating the BCP at which time I recall hearing SPC Darin BROADY speaking to a group of soldiers from 377th MP Co, 3rd platoon, Cincinnati, OH 45237. I specifically recall SPC BROADY say he had "beaten the crap out of a detainee," because the detainee had spit on him. I also recall the soldiers of the 3rd platoon responding as if to congratulate SPC BROADY for not taking any crap from the detainees. *Jmc*

About one month later the 377th MP Co., Cincinnati, OH 45237, received a mentally handicapped Afghani detainee. The detainee was unable to comprehend English and was unable to perform as a competent individual. I think this frustrated him because I recall seeing him mutilate himself by cutting himself with the barb wire; eat his own feces; and kick the cell door for no apparent reason. Again, the soldiers of 3rd platoon, 377th MP Co, Cincinnati, OH 45237, instead of trying to rationalize his mental capacity, would physically punish him. I saw BROADY, Nathan JONES, DRIVER, and GRUBB deliver common peronial strikes to the detainee's legs on various occasions. I also recall witnessing BROADY; Nathan JONES, DRIVER, and GRUBB chain the detainee with his arms straight up in the air. I recall his nickname was "Timmy" and one of the same soldiers who I witnessed striking him taught him to do a screech like the character "Timmy," on the television show, South Park. Every time I witnessed the detainee being struck with a common peronial strike it was at a minimum three strikes in a row. I distinctly recall DRIVER, Nathan JONES, BROADY, and GRUBB all strike him repeatedly. *Jmc*

About a week after the last incident involving the mentally handicapped detainee, I recall an incident when I delivered a common peronial strike to the left leg of a detainee. The detainee was told several times through the aid of an interpreter not to make loud disturbing noises, because he was disturbing the other detainees who were trying to pray or sleep. After he failed to comply with the verbal orders, I entered isolation cell number 4, and told him to be quiet one more time. When the detainee failed to obey the command I struck him once on the left leg using a peronial strike. I feel I was wrong in delivering the peronial strike because, I think that I should have gone through the interpreter first to find out if there was in fact a problem and made a further attempt to calm him down before resorting to the use of physical force. I do not recall the detainees' PUC number or his name. I do not remember if I logged the incident on the isolation control book. But I don't think that I logged the incident. The detainee that I struck was not one of the two detainees that died. *Jmc*

Around this same time frame I heard members of the 377th, MP Co., Cincinnati, OH 45237, were using steroids. In particular I witnessed BROADY, Nathan JONES, and DRIVER taking supplements while on shift at the BCP. They took something all the time, mixed with their

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STATEMENT OF Jeremy M. CALLAWAY, TAKEN AT 78th MP DET (CID),
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drinks, similar to a protein shake. I heard rumors that several soldiers, however in particular BROADY, DRIVER and Nathan JONES were using steroids. SPC BOWER told me he had heard BORADY somehow snuck steroids in his luggage and he; DRIVER and Nathan JONES were using the steroids while conducting their workout routines. I cannot remember who the other soldiers mentioned were. *Jmc*

On 1 Dec 02 while working gate 1A, I was struck by a pick-up truck driven by a local national. As I directed the driver to move to get out of the area I turned to direct traffic and was struck from behind. The driver was stopped and detained for questioning by SPC MENNE and other MPs who I cannot recall. At this point I was transported via High Mobility Multi-Wheeled Vehicle (HMMWV) escorted by CPT BEIRING and 1LT BUELTERMAN to Bagram ER, CASH. After an examination I was placed on light duty restricted to Radio Telephone Operator (RTO) duty at the BCP. *Jmc*

In the beginning of December 2002, I recall hearing of the incident pertaining to the death of the first detainee. I do not remember his PUC number or his name. I recall hearing SPC MORDEN and SPC CAMMACK attempted to resuscitate the detainee after finding him unresponsive in his isolation cell. On the day this incident occurred, 2nd platoon, 377th MP Co., Cincinnati, OH, 45237, was rotating into the BCP and 3rd Platoon, 377th MP Co., Cincinnati, OH 45237, was rotating out of the BCP to man the gates. I distinctly recall coming in for guard mount and the 1st platoon leader, 1LT BUELTERMAN came in and gave the 2nd platoon, a quick overview of the incidents that had occurred the night prior. 1LT BUELTERMAN directed the 2nd platoon not to ask too many question pertaining to the incident because there was an ongoing investigation from the Bagram CID office. 1LT BUELTERMAN further told us that SPC MORDEN and SPC CAMMACK were shook up by the incident and he did not want the 2nd platoon to make them more upset over the incident. I don't recall hearing anything else on this particular incident. *Jmc*

Approximately one week later the death of the second detainee occurred. SPC CAMMACK was working in the isolation cells on the first floor. I heard from SPC BRAND, SPC CAMMACK was working the isolation cells, and found the detainee unresponsive in his cell. I recall being told SPC CAMMACK heard what sounded like a body falling, and went to investigate what the noise was. Supposedly, SPC CAMMACK walked over to the detainee's cell and found him lying on the ground unresponsive. It appeared to be pretty much the same routine as in the first death. 1LT BUELTERMAN and SFC HAWKINS came in and gave the 2nd platoon a brief. SFC HAWKING said there had been a second detainee death. SFC HAWKINS also stated the investigation was going to be widened and the incident should not be discussed as, CID would want individual stories and not mixed or coached details. About two or three days later everyone, the entire 377th MP Co., Cincinnati, OH, 45237 found out the death of the second detainee was caused by trauma to the leg which knocked a blot clot loose. Due to the discussion 1LT BUELTERMAN had with the medical personnel at the Bagram Emergency Room (ER), Combat Army Surgical Hospital (CASH), it was also suspected the cause of death of both detainees were of the same nature. *Jmc*

Gradually my injuries became worse and I was transported to Landshtuhl, GE on 15 Jan 03. I was there for three weeks. On 5 or 6 Feb 03, I was transported to Walter Reid Army Medical

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Hospital, Washington, D.C. where I remained for one month and three weeks. I was released
from Walter Reid and moved to Fort Dix, NJ, for demobilization *JmC*

In Jun 03 while conducting weekend drill with the 377th MP Co., Cincinnati, OH 45237, SPC
CAMMACK asked me if I had heard about the joke pertaining his "loaded knee." I asked him
what the term was in reference to and he responded everyone was asking him if he had a "loaded
knee," because he was present at both deaths. *JmC*

Q: SA TELLO

A: SPC CALLAWAY

Q: Did you administer any common peronial strikes to any of the detainees?

A: Yes.

Q: Why did you feel the need to administer common peronial strikes to a detainee?

A: They were noncompliant with verbal commands, and were resistant when being directed in
what to do.

Q: Did you ever discuss either of the detainee deaths with anyone else from the 377th MP Co.,
Cincinnati, OH 45237 after you returned to the United States?

A: Yes, in Jul 03, the majority of 1st and 2nd platoon were discussing the deaths at the Reserve
facility in Cincinnati, OH 45237. I know TAYLOR, MENNE, COMBS and LILLIARD, were
not present during the conversation. During the conversation everyone proposed a theory of how
the detainees died. No one made actual accusations, but rather opinions how the detainees died
as a result of the common peronial strikes and how a blood clot could have caused their deaths.

Q: How many detainees did you administer common peronial strikes to?

A: I'd say probably twelve at the most.

Q: Of these twelve detainees to whom you delivered common peronial strikes to, how many
times did you strike each detainee?

A: Once, never more than two times.

Q: Do you feel your actions were justified by the circumstances?

A: All except the one time I described in my detailed narrative.

Q: Were any of the detainees you struck using the common peronial strike either of the two
detainees that died?

A: No.

Q: Were you aware or did you know any soldiers who were deployed with you that were taking
steroids or dietary supplements?

A: I was aware through rumors of SPC BROADY, SGT DRIVER, and Nathan JONES. I know
there were more names but I cannot recall them at this time.

Q: Did you ever take any steroids or dietary supplements while deployed to Afghanistan?

A: No.

Q: Were you aware of any order that said that no one shall consume any dietary supplements
while in Afghanistan?

A: Yes.

Q: Whom did the order come from?

A: CPT BEIRING. He put it out to the Platoon Sergeants who in turn put the order out to the
platoon.

Q: Did everyone follow this order?

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A: No. I witnessed about half of the entire 377th MP Co., Cincinnati, OH 45237, soldiers still taking the body mass builders and protein shakes well after the company commander issued the order prohibiting it.

Q: Name some of the soldiers you witnessed violating the commander's policy?

A: SGT DRIVER, SSG WYATT, SSG LILLIARD, SGT NICHOLS, SPC WATHEN, and SPC BROADY, SPC JONES, I believe those are the one's I saw actually doing it.

Q: Where you ever told the order came from someone else as well?

A: No.

The U.S. Army is currently investigating the death of two detainees at Bagram Airbase, Afghanistan during December 2002.

The following questions pertain directly to the two detainees who died during Dec 02.

Q: Were you deployed or assigned to Afghanistan between October and December 2002?

A: Yes.

Q: What dates were you there and what were your duties?

A: I was there from 29 Aug 02 to 15 Jan 03. My duties included Guard at the BCP, Law Enforcement Operations at the PMO, gate guard and RTO.

Q: Did you guard either detainee during the period of time between October and December 2002?

A: Yes. I guarded both detainees.

Q: Did you interview or were you present during any interviews with either detainee during this time frame?

A: No.

Q: Did you witness either detainee receiving any type of corporal punishment?

A: Yes, I witnessed several times when they were struck, but with all the detainees I cannot remember who struck them or when they were struck.

Q: Define corporal punishment.

A: Any kind of physical contact as a reaction towards someone else's actions.

Q: Were either of the detainees struck for any reason?

A: Yes, I know a couple of times they were struck for spitting or attempting to make a swinging motion with their arms as if to strike the guards, however, this was unlikely as they were chained up with their arms above their heads.

Q: Did either detainee that died cause any trouble during the shifts that you worked?

A: Other than making noise, no.

Q: Were either of the detainees placed into standing restraints while you were on shift?

A: No, they were always on already when I got there.

Q: Did other MPs complain that either of the detainees that died were troublemakers?

A: Not that I heard of.

Q: Did any of the other MPs appear to dislike the detainees?

A: Yes, I'd say about half of the 377th MP Co., Cincinnati, OH 45237.

Q: Did you hear or see anything pertaining to the treatment of the detainees that you felt uncomfortable with?

A: Yes, I felt uncomfortable with some of the punishments that I felt weren't right for the situations, such as common peronial strikes for talking or trying to get the guards attention. I also felt uncomfortable with other agencies particularly those in the intelligence community *JAC*

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STATEMENT OF Jeremy M. CALLAWAY, TAKEN AT 78th MP DET (CID),
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giving the MPs direct orders to mentally and physically break the detainees to obtain information from them. I guess you can call it torture.

Q: Have you been trained on the common peronial strike and pressure point control tactics (PPCT)?

A: Yes, I received the training at Basic training by cadre of the installation, again at Fort Dix, NJ by the installation cadre, 377th MP Co., Cincinnati, OH 45237, 2nd platoon (SSG COMBS and SSG LILLARD), the Wayne County Sheriff's Office by USD tactics instructor, and most recently here at Fort Riley, KS by CPT HOLT and SFC CHAPPELL. From what I've seen, the training I received at Fort Dix, NJ was not proper training because the two courses with the Sheriff's department and the instructors at Fort Riley seemed to go into detail on how to properly administer and when to properly administer PPCT tactics. In Fort Dix, NJ it was never taught when and why PPCT tactics should be administered.

Q: Did you apply either of those tactics on either of the detainees that died?

A: Yes, I applied pressure point control techniques to the clavicular notch on both of the detainees because they were noncompliant with verbal command on two separate occasions for each of the detainees to get them to sit down.

Q: Do you know who had anything to do with the eventual death of either detainee?

A: No.

Q: Did anyone tell you who might have had anything to do with the death of either detainee?

A: There was a whole lot of speculation as to the Special Forces repeatedly striking them and then our personnel striking them thus knowing the blood clot loose.

Q: How do you feel about the deaths of those two detainees?

A: I feel that it was unnecessary.

Q: Who do you think caused the death of the detainees?

A: I think it's a combination of us (the MPs) and the other agencies that had control of them.

Q: Do you think that the death of either of those detainees was deliberate?

A: No.

Q: If someone said that you physically abused either of those detainees is that person lying?

A: Yes.

Q: Who do you think would have had the best opportunity to physically abuse either detainee?

A: Military Intelligence, because when they had them it was usually two to three on one behind closed doors and none of the MPs were present.

Q: Why do you think someone would abuse a detainee?

A: Retribution for September 11, 2001.

Q: Did you ever think about abusing a detainee, even though you didn't go through with it?

A: Yes.

Q: Why wouldn't you abuse a detainee?

A: The repercussions weren't worth the risk.

Q: What do you think should happen to a person who mistreated or caused the death of a detainee?

A: I think they should be punished to the fullest extent of the law, just because they are MPs doesn't mean that they are above the law.

Q: Have you ever heard of a compliance blow?

A: No, maybe in different terms, but not the term compliance blow.

Q: Under what circumstances were you given direction that a common peronial strike or pressure point control tactic could be applied?

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STATEMENT OF Jeremy M. CALLAWAY, TAKEN AT 78th MP DET (CID),
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A: At the point before the two deaths, there were no real guidelines. It wasn't until after the second death that the chain of command implemented rules of engagement as they applied to the handling of noncompliant or combative detainees. ←

Q: Where did you learn what was and was not acceptable treatment of the detainees?

A: through the command after the second death, primarily from SSG COMBS

Q: Did you know your commander had a Standard Operating Procedure for the facility?

A: Yes.

Q: Do you know if the unit working the BCP prior to your unit utilized standing restraints, PPCT or common peronial strikes?

A: Yes.

Q: What was the maximum amount of force that could be applied to a detainee who was being non-compliant?

A: As far as I know it all depended on what level of force you had to use. In other words you match force with force.

Q: What did you believe caused the death of the first detainee when you came to work the day after his death?

A: I honestly thought it was due to positional asphyxiation, because I know that they were chained up and therefore had an improper flow of air.

Q: What do you now believe caused the death of the second detainee?

A: the blood clot.

Q: What was your professional training and background outside of the military before deploying?

A: I was a state certified Emergency Medical Technician (EMT).

Q: Did you ever see either of the detainee's legs underneath their clothing?

A: No.

Q: Did you ever observe any bruises or injuries on either detainee?

A: No.

Q: Did either of the detainees ever appear ill to you?

A: No.

Q: Did you ever observe either detainee in pain?

A: No.

Q: Do you have any idea what type of emergency medical treatment either detainee received on the day they died?

A: Besides SPC CAMMACK trying to resuscitate them, I am not aware of any other attempts to treat them.

Q: Did you observe either detainee eat or drink anything during your shift?

A: No.

Q: Beyond the platoon level, who was aware that the detainees were being subjected to standing restraints, sleep deprivation, PPCT and common peronial strikes?

A: 1SG Betty JONES, CPT BEIRING, the entire MI community, a select few other Government agencies, the 82nd Airborne VIPs, the Post commander COL PRICHARD, and other personnel who came through escorted by MI.

Q: Are you aware of any plan to conceal or alter details surrounding either of the detainee's death?

A: No I was not aware of any plan to hide or conceal any details. *Smc*

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STATEMENT OF Jeremy M. CALLAWAY, TAKEN AT 78th MP DET (CID),
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Q: Do you have anything else to add to this statement?

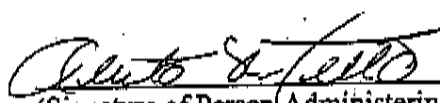
A: No. //End of Statement//

AFFIDAVIT

I, Jeremy M. CALLAWAY, have read or have had read to me this
statement which begins on Page 1 and ends on page 8. 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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day
of January 2004, while at 78th MP DET (CID), Building 406 Pershing Court, Fort Riley, KS
66442.


(Signature of Person Administering Oath)

SA ALBERTO R. TELLO, 5976

(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ

(Authority To Administer Oaths)

WITNESS:

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SWORN STATEMENT

File Number :
Location : CID Office, Walter Reed ^{DC} Washington, D.C.
Date : 5 Feb 04 ^{1315-1657 hrs}
Statement of: SFC Jeffrey A. DAVIS ^{JD}
SSN : Grade/Status: SFC/E-7
Org/Address : Human Resource Command, Walter Reed, Medical
Facility, Washington, D.C.

I, SFC Jeffrey A. DAVIS, want to make the following statement under oath:

When I first came into the military I joined the Air Force around 1973. I was a canine patrol for four years. During the four years, I received training in antiterrorism and my primary mission was to protect nuclear weapons. I left the military in 1977 and joined the U.S. Army in 1978. I went to 15H, Artillery, school and was stationed in Korea. In 1992, I left the military and drove a truck for an oil company. I had several other duties with the oil company, which is based out of Ohio. I joined the Army Reserves in Apr 2001 and was assigned to the 377th, Military Police Company, Cincinnati, OH. Since I had the Military Police MOS from the Air Force, the Reserves used it as my primary MOS. I didn't have any further training in the Military Police arena to be awarded the MOS of 31B.

My primary mission with the 377th MP Co was to support personnel. During annual training at Fort Riley, KS, around Aug 2001, the 377th MP Co, received training on guarding and securing a water treatment facility. A few months prior to being deployed to Afghanistan, the 377th MP Co, received training on cuffing techniques, take-downs, pressure points, peronial strikes, and cell extraction procedures. Different NCO's within the 377th, taught the courses. The training was held on both a company and platoon level, but Bloomington, IN, was not present during the training provided to the members of the Cincinnati, OH area. I personally have no idea what type of training was provided to 3rd platoon, Bloomington, IN, but they were supposed to be providing training consistent with the training provided to 1st and 2nd platoons, Cincinnati, OH. I was not involved in the training for 1st and 2nd platoon, but I observed the training they received. The pressure point and peronial strike training was provided by the police officers from the platoons that were NCO's. I did not observed what the trainers put out on when the tactics could and could not be administered.

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STATEMENT OF Jeffrey A Davis, TAKEN AT Walter Reed, CID
DATED 5 Feb 04, CONTINUED:

I was activated sometime in the middle of June 2002, where we went to Fort Dix, NJ, for training. During the training we received from Fort Dix, we received Common Task Training (CTT) training from the cadre at Fort Dix. The cadre also provided training on how to search vehicles for gate guard missions. On one occasion, we did a mock-up of a detention facility, where the Military Policeman was responsible for the security and daily task of a detention facility. This training occurred for two days while at Fort Dix, NJ. I was running the Tactical Operations Center (TOC) for the operation at Fort Dix.

I arrived in Afghanistan around the end of Aug 2002, because I stayed behind in Germany to make sure all of the equipment was delivered properly. I was not present during the hand over by the National Guard unit out of North Carolina or South Carolina. I don't remember the name of the unit, but it was either out of North Carolina or South Carolina. From the time I arrived until Mar 2003, I had the same job while at the Bagram Collection Point, Afghanistan. My job was to man the TOC and provide support for in processing of the detainees.

Q: Do you remember either of the detainees that died?

A: Yes, I saw them both before and after their deaths.

Q: What type of interaction did you have with the two detainees?

A: I never had any interaction with the two detainees personally, but I would gather information from all of the sources that would either in-process the detainees or bring the detainees into the facility. I remember talking to the doctor on both HABIBULLAH and DILAWAR, at which time the doctors said that both detainees had no medical concerns. I would also check the cells of all of the detainees anywhere from two to four times a night. During my rounds I saw several detainees cuffed to the ceiling isolation cells. This was a form of punishment, until Head Quarters said not to administer this type of punishment. It was also used to keep detainees awake for interrogation purposes. Both HABIBULLAH and DILAWAR stayed in isolation cells the entire time they were in the facility.

Q: Did you document any of the in processing procedures while at the collection point?

A: Yes, when we arrived to the Bagram Collection Point (BCP), the area was a mess and there was no order. We re-arranged the

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STATEMENT OF Jeffrey A. Davis, TAKEN AT Walter Reed, CD
DATED 5 Feb 09, CONTINUED:

in processing area and began documenting the detainees that came into the facility. I would document biographical information, injuries, and information concerning their capture. I documented the information on a computer located in the TOC. The information was saved to the SIPR computer under the C: drive.

Q: Describe the SIPR computer?

A: I believe that it was either a Compaq or Dell computer, Black and gray in color, it was a tower configuration, attached to a 15" monitor. The computer had a DVD drive, one CDR drive, and a 3 1/2 disk drive. The computer was wiped out by the relieving MP Co. I know this because the Commander of the relieving MP Co, called and asked if the 377th MP Co, had a back-up disk with the information on it. I did not save the information, because it was classified, but as I mentioned I saved it on the hard drive of the computer described above.

Q: Was there any other documentation of the in processing?

A: After the information was collected and input into the SIPR computer, I printed out copies and placed them in the detainee records area. The records from about detainee 240 up to around 512 had significant information concerning their behavior and in processing. As I worked on collecting the information on the detainees, I improved and gathered more detailed information on them. Both Mr. DILAWAR and Mr. HAIBULLAH have in their folders capture information, health data, photographs, finger print cards, and the inventory sheet on their property. The detainee's records are maintained in the TOC of the BCP. There was another computer in the TOC off to the left in the northwest corner of the room. It was unsecured and was used mainly for troops to email home. The computer I was describing above, which had the detainee data on it was located directly in front, after entering the front door. It was located in the northeast corner of the TOC.

Q: Where in the TOC are the files on the detainees?

A: When you walk into the TOC the file cabinets are on the left side of the room, in the southwest corner. The file cabinets are four drawer, metal construction, regular office filing cabinets. I believe they were off white in color.

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STATEMENT OF Jeffrey A Davis, TAKEN AT Walter Reed, CD
DATED 5 Feb 04, CONTINUED:

Q: Did you ever update the information on the detainees during their stay at the BCP?

A: Yes, I would constantly update the information if new medical concerns arose. The hospital also maintained records on the detainees, I believe.

Q: Did you ever have to update Mr. HABIBULLAH's or Mr. DILAWAR's records?

A: I don't know.

Q: Do you remember either Mr. HABIBULLAH or Mr. DILAWAR receiving medical attention for injuries?

A: Yes, I think Mr. HABIBULLAH received medical attention for his cuffs that were digging into his wrist and one of them received medical attention during rounds for bruising. Medical rounds became more important after the two detainees died.

Q: Did you hear or see anything pertaining to the treatment of any detainee that made you feel uncomfortable?

A: Yes, not one of the detainees that died, but another detainee was brought in who was a "real big shot." They were making him do the "Macarena," the dance.

Q: Did you see or hear of any detainees being physically harmed?

A: No.

Q: Did you hear or see of any detainees who received common peronials?

A: Yes, when Mr. HABIBULLAH was fighting the MP's when he was being brought into the facility. When he was fighting the MP's, they delivered several common peronials to control his behavior.

Q: What was your impression of 1st platoon?

A: They were pretty professional and they seemed to have good moral.

Q: What was your impression of 2nd platoon?

A: They complained a lot, but for the most part I thought they were good.

Q: What was your impression of 3rd platoon?

A: I think the best way to explain them is "Cowboy's." There was professionalism about them, but it seemed they were looking

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STATEMENT OF Jeffrey A Davis, TAKEN AT Walter Reed, CID
DATED 5 Feb 04, CONTINUED:

for excuses to wail on someone. Their mannerism and the way they carried themselves was aggressive.

Q: Did you have anything to do with documentation of the interactions between the MP's and the detainees in the facility?

A: Yes. In the general population area there was a military notebook and in the isolation cell areas there was a military notebook. The logbooks were not always accurate, because the MP's were not documenting all of the interactions with the detainees. Prior to the deaths of the detainees, I was documenting every major incident with the detainees and MP's. After the deaths of the two detainees, I began to document every move between the detainees and the MP's. The military notebooks that were used for documentation purposes were placed in a field safe in the TOC area. The relieving unit took over the items, so I have no idea of their current whereabouts.

Q: Describe the field safe and its whereabouts?

A: The field safe is an Olive Drab (OD) color, which contains one drawer in the middle. The field safe is about a foot and a half in height and about two feet deep. It was located in the TOC area on the right, against the east wall of the room.

Q: Did anyone act unusual after the deaths of the detainees?

A: SPC CAMMACK came up to me, after the death of the two detainees and asked me if I thought he was in trouble, because he was present during the death of both detainees. Also, SGT DRIVER did not like the first detainee, Mr. HABIBULLAH, because he kicked SGT DRIVER in the groin area. This incident occurred during the in processing of the Mr. HABIBULLAH.

Q: Did you see either Mr. HABIBULLAH or Mr. DILAWAR right before or after their deaths?

A: Yes, I saw Mr. HABIBULLAH when I was doing my rounds for the night. I saw him shackled to the ceiling in the isolation cell. I don't remember whom exactly, but there were two MP's present when I saw Mr. HABIBULLAH hanging from the ceiling. I know SPC CAMMACK was one of them, but I can't place the second. They told me that Mr. HABIBULLAH was unresponsive and I told them to get the Sergeant of the Guard (SOG). I went back to the TOC and a few minutes later someone told me to call an ambulance. I contacted the hospital and told them that we needed an ambulance at the BCP for an unresponsive detainee. Mr. HABIBULLAH was

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STATEMENT OF Jeffrey A Davis, TAKEN AT Walter Reed, CD
DATED 5 Feb 04, CONTINUED:

then brought out of the isolation cell on a litter and down to the in processing area. When I saw him lying on the litter he looked dead to me. His eyes were rolled back in his head, but someone said that he still had a pulse. The ambulance arrived and the paramedics said that he was dead, when they loaded him into the truck. The hospital called about twenty to twenty-five minutes later and confirmed that Mr. HABIBULLAH was dead.

On Mr. DILAWAR, one of the MP's came up to me and said that we have to call an ambulance, because we have another one. I ran up to the isolation to confirm that another detainee had died. I saw Mr. DILAWAR lying on the floor, motionless. I ran back to the TOC and called an ambulance. The next time I saw Mr. DILAWAR he was on a litter in the in processing room. The MP's were giving him CPR. The ambulance arrived and the paramedics said again, before he was even loaded, he was dead.

Q: Is there anything else significant you would like to add to this statement?

A: Yes, both SPC CAMMACK and 3rd platoon were very nervous after the death of both detainees. They were visibly shaken over the ordeal.

Q: Is there anything you wish to add to this statement?

A: No.

//////////////////////////////////End of Statement//////////////////////////////////

JAD

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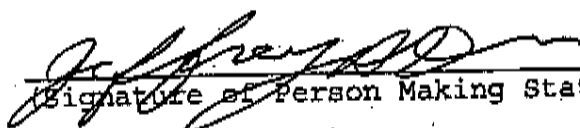
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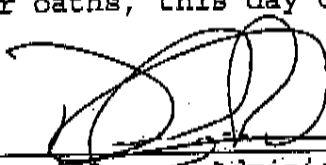
STATEMENT OF Jeffrey A Davis, TAKEN AT Walter Reed
DATED 5 Feb 09, CONTINUED:

AFFIDAVIT

I, SFC Jeffrey DAVIS, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE ~~87~~ 1 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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this day of November 2002 at West Point, NY 10996.


(Signature of Person Administering Oath)

SA Darren C. PETRI, 5538

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

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SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : US Army Reserve Center, 1600 Seymour Ave,
Cincinnati, OH 45237
Date : 23 Jan 2004 *JB* **Time:** 2125 *JPB*
Statement of: BOLAND Jr., James P.
SSN : **Grade/Status:** SGT/USAR
Org/Address : 377th MP Company, US Army Reserve Center, 1600
Seymour Ave, Cincinnati, OH 45237

JB I, James P. BOLAND Jr., want to make the following statement under oath: I am providing this statement to provide clarification of information which I have previously provided to CID related to the investigations of two detained persons who died while being held within the Bagram Collection Point (BCP), Bagram, Afghanistan.

I entered the US Army Reserves in 1993. I attended my basic and advanced initial training (AIT) at Fort McClellan, AL, where I was trained as a Military Policeman. I was then assigned to the 377th Military Police Company, US Army Reserve, Cincinnati, OH. I left the reserves in 1996 and went into the Individual Ready Reserves until 1996 when I re-entered the US Army Reserves and was a member of the 611th Light Engineer Company. I remained with the unit until about 1998 when I returned to IRR status with the reserves. I received orders, which directed that I complete my obligation for my eight (8) year enlistment and I returned to the 377th MP Company in 1999. I am currently assigned as a Team Leader for Third Squad, 1st Platoon. Since my return to the 377th MP Company I attended Overseas Deployment Training (ODT) at Fort Riley, KS, which was in preparation for a scheduled training deployment to Operation Bright Star 2001. I deployed with the unit for Operation Bright Star 2001 during Oct 2001 and we remained in Egypt until the end of Oct 2001. We redeployed to the United States about 28 Oct 2001. During January 2002, the 377th MP Company received notification that we were going to deploy as a unit in support of Operation Enduring Freedom. I believe the unit was informed we would be deploying to Guantanamo Bay Naval Base, Cuba (GTMO). While the unit was packing equipment preparing for the movement, we received orders, which stopped the deployment. During June 2002, the unit was called up in support of Operation Enduring Freedom. I believe the unit was informed we would be deploying to Afghanistan. The unit deployed to Fort Dix, NJ for pre-deployment training between June 2002 through August 2002. When we arrived at Fort Dix, NJ, there was a scheduled two-week

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STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

JAB

"Lanes" training to prepare us for the deployment. The "Lanes" training consisted of weapons qualification, standard operating tasks, medical aid, and radio procedures. We went through specialized training related to MP tasks, which included car searches, personnel searches, gate guard operations and EPW (Enemy Prisoner of War) training. After the two weeks of training was completed, we initiated platoon training because transportation was not available for the unit to deploy to Afghanistan. The Platoon Training consisted of classroom and practical exercises, which we set up at a company level. The training was based on our EPW deployment mission and included tasks such as handcuffing and movement techniques for prisoners. After the formal portion of the classroom training in which the MP doctrine was taught, we informally gathered into a group. There are many members of our unit, which are civilian police Officers. I cannot recall exactly who, but they showed us additional techniques which they said were used by police agencies for people who would not comply with what they were told or were resistant. One of these techniques was a common pronial strike. That is when you use your knee and strike the outside thigh of an individual. The blow is designed to strike a nerve in the leg, which causes the leg to collapse, giving you the opportunity to subdue the individual. I knew when the instruction was given that it was not what I was taught at the MP School in 1993. During the discussions it was even brought up that this was not what MP's were taught. The use of the strike was not ordered by anyone within the company, but was provided so that we would have more options if our formal training did not work for some reason. One of my team members, SPC William BOHL, was a member of my team and was employed as a civilian police officer. He told me that he would not use the pronial strike, as it would "tear up" the legs of the individual you struck. When I thought about the training, I decided that I was not going to use the pronial strikes because it was not what I was taught by the Army at MP School and also because of what SPC BOHL had told me. During August 2002, the unit was transported from Fort Dix, NJ to Bagram, Afghanistan. When we arrived in Afghanistan, my platoon was assigned to work the external security of the access gates to the Bagram Air Base. We rotated platoons within the company to give people an opportunity to work a different mission. The company was divided with platoons responsible for working the gate security,

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STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

JAB
and two platoons assigned to facility operations. My platoon rotated to work within the facility about half way through October 2002. Within the facility I worked various duties, but worked much of my time on the main floor dealing with the detainees within the main confinement cells. I also worked on details, which were responsible for the movement of detainees to interviews as well as handling the detainees within the isolation cells. I can only recall having contact with BT-412, which CID has told me was named Mr. HABIBULLAH, on one occasion, which was on the same day that he died. I was assigned to escort duty on that day. SPC CAMMACK was assigned to Isolation Cell Duty for the downstairs Isolation Cells. Mr. HABIBULLAH was being held within the Isolation cells, I think it was the 5th cell, but I cannot be sure. SPC CAMMACK called me on the radio and requested assistance because he was going to try to feed Mr. HABIBULLAH. When I arrived at the cell area we entered the cell and I observed Mr. HABIBULLAH restrained within the cell. The only time people were restrained was when they were being combative or aggressive. Mr. HABIBULLAH had leg shackles, a belly chain to which a pair of short handcuffs were fastened, which kept his hands at waist level, so he could not raise them. There were also belly chains, which had been fastened to the front and rear of the chain around Mr. HABIBULLAH's waist. These belly chains were fastened to the ceiling of the isolation cell, which kept him in a standing position, without being able to sit down. He was also wearing a hood over his head. When we initially went into the cell, I observed Mr. HABIBULLAH with his hands at his waist, his head was down and he was slumped forward. There was tension on the chain, which indicated to me he was not standing on his own. When I entered the cell, SPC CAMMACK was carrying a clear plastic bag, which had food items inside. SPC MORDEN was also with us, as he was working with me as part of the escort team. I took a position on the left side of Mr. HABIBULLAH towards the rear. SPC CAMMACK stood to the right front of Mr. HABIBULLAH and SPC MORDEN stayed behind SPC CAMMACK, near the door of the cell. SPC CAMMACK removed the hood from Mr. HABIBULLAH by grabbing the top of the hood and pulling it upward. SPC CAMMACK later told me that he had been told that Mr. HABIBULLAH was known to be aggressive and combative. When the hood was removed, Mr. HABIBULLAH's head did not move. SPC CAMMACK bent over and showed the bag of food to Mr. HABIBULLAH, at which time Mr. HABIBULLAH's head moved

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0184-02-CID369-23533

STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

JPB

towards the right side and SPC CAMMACK said, "Oh, spit". I never saw Mr. HABIBULLAH spit at SPC CAMMACK and I never heard him make any spitting type of sounds. He did not make any sounds at all. SPC CAMMACK then administered a common pronial strike with his knee to the right thigh. Mr. HABIBULLAH swayed in the chains towards me and I put my hands onto the shoulder and arm of Mr. HABIBULLAH to keep him from swaying. SPC CAMMACK made a statement to the effect of, "Hell with him, I'll feed him later", and we proceeded to leave the cell. We did not place the hood back onto Mr. HABIBULLAH. I went out into the hallway of the isolation cells and walked part way down the hallway. That is when I saw SSG WHITE, who was the Sergeant of the Guard (SOG) coming to the area carrying an orange I his hand. He told me that he had been able to get Mr. HABIBULLAH to eat some fruit the night before and he would try again. I returned to the cell with SSG WHITE and we entered the cell. I walked to the previous position I was standing, which was to the left rear of Mr. HABIBULLAH. I noted that Mr. HABIBULLAH was in the same position as he had been in when SPC CAMMACK tried to get him to eat. I told SSG WHITE that I believed there was a problem, because by looking at the side of Mr. HABIBULLAH's head, there was no movement at all. There was not even an acknowledgement that SSG WHITE was standing in front of him. I placed the fingers of my right hand to the side of Mr. HABIBULLAH's neck and I could not feel a pulse. I am not very good at finding a pulse like that in the neck. I know when SPC MORDEN and SPC CAMMACK came into the cell, they tried to find a pulse also and they could not. SFC HAWKINS who was the NCOIC of the facility came to the isolation cell. When he arrived he instructed Mr. HABIBULLAH to be taken out of the chains and laid onto the floor of the isolation cell. I was instructed to go to the front of the facility and await the ambulance. I went to the front desk area of the facility and the MP's on duty knew there was a medical problem with Mr. HABIBULLAH from hearing the radio traffic. There was a request to move a detainee from an interview room back to his cell, and I told the MP's at the front desk that the medics were on the way from the hospital. I went and escorted the other detainee from the interview room back to his cell. I cannot recall who helped me move the detainee and I cannot recall exactly where SPC MORDEN was at that time. I believe at this time the medical personnel had

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STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

JAB

arrived and Mr. HABIBULLAH was moved from the facility to the installation hospital.

Q. As a Team Leader and Non-Commissioned Officer, do you believe you are responsible for the actions of the soldiers who are assigned under you?

A. Yes.

Q. During your deployment in Operation Bright Star 2001, were any of your assigned duties or training tailored to handling or care of detained individuals or EPW's?

A. No.

Q. When you used the term "Lanes" training, what does that mean?

A. It's training tailored to your mission that is done in stations arranged in a progression.

Q. During your training at Fort Dix, NJ, were you trained on the handling and care of detained individuals?

A. Yes, but the training Fort Dix provided was inadequate for our mission.

Q. Did the unit provide any additional training, preparing you to handle and care for detainees?

A. Yes, the company divided up into smaller groups and did training on first aid, calling for medivac, cuffing procedures, self-defense. After the self-defense class was over, several civilian police officers in the unit started discussing other techniques they used and that is when we learned common pronial strikes and pressure point control techniques.

Q. While at Fort Dix, NJ, or during your deployment in Afghanistan, were you provided a copy of a book with a blue cover which the 377th MP Company Chain of Command had compiled related to your mission and execution of that mission?

A. Yes.

Q. Did you read the manual?

A. Yes, I may have skimmed some pages, but I did read it.

Q. What did the manual dictate related to using force with detained individuals?

A. I can't remember what was in the book

Q. Based on the rules of engagement and use of force policy effective at the time of your deployment to the BCP, when could you use force?

A. If your life was threatened, I can't remember other times, but there were other instances where it was authorized. There was a briefing by JAG that told us what was and was not allowed,

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STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

SPB
once we were in Afghanistan. And I think use of force was in the blue leader's book.

Q. When you gathered into informal groups after classroom training to discuss the training presented, was this done at the direction of the Chain of Command?

A. No, it wasn't. It was downtime after or between classes.

Q. If you were not comfortable with the training and instruction related to administering pronial strikes, did you inform your chain of command of your concerns?

A. Yes, during the discussion it was brought up that the Army didn't teach this and it was agreed the practice would be checked on. I don't remember whom I told or who said they would check. It was someone within the company. When we did this training, no Fort Dix instructors were there.

Q. Were there any other techniques demonstrated or discussed during the training, which you believe may not have been approved by Army doctrine?

A. The pressure points, other strikes besides the common pronial, like bringing your arm across by their neck to incapacitate the person.

Q. Were any members of the Fort Dix Mobilization Training Staff present when the training and discussions related to pronial strikes was given?

A. Negative.

Q. Did you practice administering a pronial strike during the training?

A. No, I did not.

Q. Have you ever received a pronial strike?

A. Jokingly, once or twice, really light, but it hurt.

Q. What is your civilian occupation?

A. Motor repair, mechanic

Q. Had you heard of a pronial strike prior to your deployment training at Fort Dix, NJ?

A. No.

Q. Were there any other terms used for the administering of a pronial strike?

A. No, a knee to the side, maybe.

Q. Have you ever heard of a compliance blow?

A. No.

Q. Besides what you have documented within the statement, did you administer a pronial strike or in any other way strike any

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0134-02-C1D369-23533

STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

JPB
individuals under US control, while assigned as an MP to the BCP?

A. No.

Q. Besides what you have documented within the statement, do you have any knowledge of anyone else administering a pronial strike or in any other way striking any individuals under US control, while assigned as an MP to the BCP?

A. No.

Q. What did SPC BOHL tell you pronial strikes would do to an individual's leg?

A. Tear up their legs, bruise them and if you hit them hard enough, BOHL said a guy he worked with broke a suspect's leg

Q. When you transitioned from gates to the working within the BCP, was there any training provided?

A. Just OJT within the facility.

Q. What were you briefed upon your platoon assuming the mission within the BCP related to the handling of Persons Under Control (PUC)?

A. It was a briefing by JAG; basically they gave us rules of engagement, talked about showers, feeding and medical attention.

Q. What were the rules of engagement, when was force authorized?

A. You could use force to defend yourself and you could use force to carry detainees from cell to cell, but you could not physically strike them.

Q. What was the policy related to the medical care for the PUCs?

A. There was a medic in the facility. The medical condition was noted on the status board and it was easy to read which detainee had medical problems. If the detainee asked to see a doctor, we had the medic come to him. And in emergencies you took them to the medic room inside the BCP. That's what we were supposed to do, but one platoon didn't do what the other did. They each had their own way of doing things.

Q. Did either of the men who died have medical conditions noted on the status board?

A. I don't remember, but I don't think they did.

Q. Did either of the men who died ask to see a doctor?

A. They didn't ask me.

Q. Were you told by anyone that either detainee who died asked to see a doctor?

A. No.

Q. Did HABIBULLAH respond in anyway, when you entered his cell?

A. No.

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0134-02-CID369-23533

STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

JPB
Q. Did HABIBULLAH respond in any way when the hood was removed from his head?

A. No.

Q. Describe the facial expression of HABIBULLAH when the hood was removed.

A. I could only see his left side; I saw no facial movements or anything.

Q. During the shift you worked on the night of HABIBULLAH's death, did you enter the cell or have knowledge of anyone entering the cell, prior to when you entered with CAMMACK to offer him food?

A. No. CAMMACK is supposed to check on them and note it in the logbook, but I never checked to see if CAMMACK did it.

Q. Was it normal for detainees within the Isolations Cells to slump in their restraints?

A. Not many of them were chained. This was the first time I ever saw anything like this. I've never seen anyone else chained like HABIBULLAH was chained up. I've never seen anyone hanging from their chains, like HABIBULLAH was.

Q. When HABIBULLAH's head turned to the right, towards CAMMACK, did you observe any other muscle movement?

A. No.

Q. Did HABIBULLAH lift his head to look at you or anyone else within the room?

A. No.

Q. Did CAMMACK ask permission of anyone prior to striking HABIBULLAH?

A. No.

Q. Based on the circumstances you have described, was CAMMACK justified in administering pronial strikes to HABIBULLAH?

A. No. He spit at him, he didn't throw a punch, and it doesn't justify what he did.

Q. How many times and where on his body did CAMMACK strike HABIBULLAH?

A. I remember once, in the right thigh with CAMMACK's left leg or knee.

Q. Did HABIBULLAH react any other way, besides swinging in his chains when CAMMACK struck him?

A. No. At the time, I thought I heard him grunt.

Q. Did you strike HABIBULLAH in any way?

A. No.

Q. Did you strike any other PUC in any way?

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0134-02-CID369-23538

STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

JPB
A. No.

Q. Why didn't you replace HABIBULLAH's hood, as is standard practice, after the incident when CAMMACK struck him?

A. I don't know, I didn't really have time to think about it. The detainee swung back at me and I stuck my hands out to stop him. CAMMACK said "to hell with it, I'll feed him later" and we left. It was totally out of character for CAMMACK and I was pretty shocked by it. It disturbed me then and it still does.

Q. How much time elapsed between the event you witnessed with CAMMACK and when you re-entered with SSG WHITE?

A. About twenty minutes

Q. Did you inform SSG WHITE that HABIBULLAH was administered pronial strikes by CAMMACK?

A. No, I told SSG BERKLEY, my squad leader, but not WHITE and I'm not even sure why not.

Q. Why were you concerned about HABIBULLAH's welfare during the second visit to his cell, when you stated there was no change in his physical condition from your earlier visit to his cell with CAMMACK?

A. Because the first time, I thought he spit, the second time SSG WHITE was right in front of him and there was absolutely no response.

Q. When did you suspect/know HABIBULLAH was dead?

A. The second time I entered the cell, when I entered with SSG WHITE. I watched SSG WHITE show him the orange and remembered how he spit at CAMMACK. There was no movement and I thought "there's something wrong here".

Q. Why did you leave HABIBULLAH restrained in chains, when he had no pulse?

A. I'm not a medic, nor the ranking person in the room. It wasn't my call. I felt kind of dumb founded. I don't know why we didn't take him down.

Q. How long did it take SFC HAWKINS to arrive at the cell and directed HABIBULLAH be removed from restraints, from the time you and SSG WHITE entered together and found him?

A. I don't remember.

Q. Why did you withhold the details of the incident from CID when they questioned you on 21 Dec 2002?

A. I didn't realize I had. I thought I told them everything they wanted to know. I don't know why there is such a difference in my first statement to CID.

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STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

JPB
Q. Did you tell CID on 21 Dec 2002, during your interview, that CAMMACK kneed HABIBULLAH?

A. No.

Q. Did you intentionally provide information within your original statement, which you knew to be false?

A. I have no excuse for it. I don't remember what I said before. There are whole parts of the deployment I can't even remember.

Q. Did you discuss with anyone what you would or would not say when questioned about the deaths?

A. No.

Q. Do you know who caused the death of HABIBULLAH?

A. No, I do not.

Q. Did you cause the death of HABIBULLAH?

A. No, I did not.

Q. Did you have any contact with the second detainee who died (DILAWAR - PUC 421)?

A. SGT HUMPRHEY and myself went to the upstairs Isolation Cell to take DILAWAR to the latrine. He was chained in a standing position with his arms chained separately to the ceiling far enough apart so he could not pull his hood off. I don't remember who took him down from restraints, but SGT CURTIS, who was the Isolation Guard, would have waited till he had at least two people to go into the cell. He did not resist at all. I asked him "tashnob" which means bathroom and he responded "tashnob" which I took as a yes, he needed to go. We escorted him downstairs to the latrine, one of us positively controlling him and making sure he didn't fall, because he was cuffed. He was walking under his own power, he was in leg shackles so his gait was not normal, but he walked okay. When we got down there, we took the short cuffs (handcuffs) and left the long cuffs (leg irons) on - so could wipe himself. The latrine was a can with a seat and there was a curtain (an Army wool blanket on a piece of rope). He had limited privacy but I don't think he even pulled his pants down or closed the curtain; he just sat down and rubbed his legs. I kept asking him "tashnob" and he waived his left hand and said "nay, nay" as if to indicate that he needed a minute, this went on for about a few minutes. He was rubbing his legs. Finally I indicated he either went to the bathroom or I was taking him back upstairs. I motioned with my thumb over my shoulder, upstairs and he understood what I meant. I think he sat on the toilet for 5 to 10 minutes. My impression was his INITIALS *JPB*

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STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

JPB

legs were sore from standing so I let him have a couple minutes to get the movement back in his legs. After standing for that long, I wasn't sure he could go until he got the feeling back in his legs. After between 5 and 10 minutes I suspected he failed to use the latrine, so we took him back upstairs. He was still sitting down, he got him up and put the handcuffs and hood back on and started walking him back upstairs. He got to the first step and he refused to walk and or take a step and just went limp. I thought he didn't want to go back upstairs, because he'd be made to stand. HUMPHREY and I grabbed him by the legs and arms and carried him at least part of the way, maybe all of the way back to the cell. It's kind of hard to remember now, but the next thing I recall was we had taken off the short (hand) cuffs to put him back up with his arms apart affixed to the ceiling. I was on the right side and HUMPHREY is on the left. HUMPHREY had the left wrist up and so I had the right wrist at his waist. I didn't see what happened, but I heard HUMPHREY say, "get off my hand" and HUMPHREY struck the detainees left knuckles with his to get him to release his HUMPHREY's hand. I then put my hand (DILAWAR's right) back into the cuff and there was no further incident. We exited the cell and told SGT CURTIS, the Isolation Guard, to log the event. Logbooks were a priority based on the earlier death and things being omitted from them over the course of the deployment. ✓

Q. Were the logbooks handwritten?

A. Yes.

Q. To your knowledge, was there another place the information was recorded from the logbooks?

A. In the TOC, in the BCP, SFC DAVIS was supposed to put the information from the logbooks into a computer.

Q. Based on how DILAWAR was walking, did you suspect his legs were injured?

A. No, some of the older guys took 45 minutes to get up and down the stairs, he seemed all right.

Q. Did you have any other contact with DILAWAR (PUC 421)?

A. After reviewing my statement from 21 Dec 2002, I do recall another time I had contact with him. If MI wants a detainee brought to interrogation, they tell the Isolation Guard, bring detainee number whatever to room number whatever. Isolation Guard calls on the walkie-talkie to control or relief to come up and get the detainee. We take them down and take him to the interrogation I just don't recall the specifics of this trip.

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0134-02-C10369-23533

STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

JPB
MORDEN stayed for the interview and I can't recall why, but when it was over MORDEN radioed me and I went back. I waited outside the room; we weren't supposed to go unless they opened the door. MI could still be interviewing and did not like to be interrupted. What I do recall was walking into the room, everyone was standing, Josh, the detainee, everyone. I was supposed to receive information about what they wanted done with the detainee after the interview, standing restraint, how compliant he had been, sleep deprivation, etc. Josh (SPC CLAUS whom I identified by a photograph) said he was "being an ass" and I observed Josh force-feeding DILAWAR water. He took a small (1/2 liter) bottle of water and shoved it in the detainee's mouth and squeezed water into his mouth, whatever water didn't squirt out, the detainee spit back out. I don't recall much else, we took him back and I think he still had his long and short cuffs on. I don't remember cuffing him again. I remember walking him, not having to carry him. We usually give the Isolation Guard the number of the returning PUC and he goes back into the same cell. After reviewing my earlier statement, I recall that Josh said to "leave him up" meaning put him back in standing restraint. We re-shackled his arms to the ceiling and he gave us no trouble. It was my impression he was glad to be out of the interview. SGT CURTIS would have relocked the door and logged the event in the logbook and I went back to my control duties.

Q. What does the control guard position mean?

A. Escorts detainees to and from interviews, latrines, showers. There were two control and two relief guys per shift.

Q. Did you have any other contact with DILAWAR?

A. I wasn't in the room, I remember the radio call, I remember going up there and seeing MORDEN with him on the floor. DILAWAR was on his back and he was doing CPR, but he wasn't alone in the room. There was just a flurry of activity, CURTIS, BERKLEY, BROADY come to mind, but a lot of people were there.

Q. When you heard the radio call what did you believe happened?

A. I thought immediately of the earlier death.

Q. Did you ever see anyone strike DILAWAR?

A. Just HUMPHREY rap his knuckles, like I described earlier.

Q. Were you told by anyone that someone struck detainees?

A. The rumor was the guys in 3rd platoon (on dayshift) were abusing the prisoners. It was all the prisoners, not just the two who died.

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0134-02-010368-23533

STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

JPB

Q. Was there anything else in the facility that made you uncomfortable?

A. Hanging people up from chains, I think is borderline torture and you can't expect to treat people like that and then get information. ✓

Q. Is there anything you wish to add to or delete from this statement at this time?

A. No.

//////////////////////////////////End of Statement//////////////////////////////////

JPB

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0134-02-010039-23533

STATEMENT OF James P. BOLAND Jr., TAKEN AT US Army Reserve Center, 1600 Seymour Ave, Cincinnati, OH 45237, DATED 23 January 2004, CONTINUED:

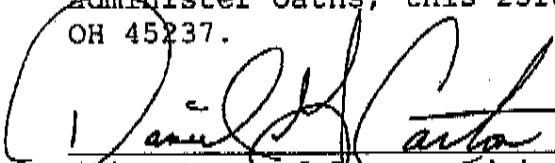
JPB

AFFIDAVIT

I, James P. BOLAND Jr., HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 14. 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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23rd day of January 2004 at Cincinnati, OH 45237.

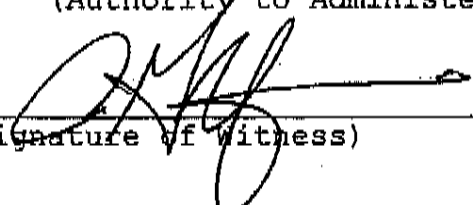

(Signature of Person Administering Oath)

SA Daniel G. Carton, 3609

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)


(Signature of Witness)

SA Angela G. BIRT, 3615
HQ, USACIDC, Fort Belvoir, VA 22060

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