

SWORN STATEMENT

File Number :
Location : Hampton Inn, Bloomington, IN 47404
Date : 1 Feb 04 *m* Time: 1430 *m*
Statement Of: Betty J. Jones *m* Grade/Status: E-8
SSN :
Org/Address :

I, Betty J. Jones, 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. *m*

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

A: I arrived about 30 Aug 02 and left on about 9 Mar 03. I went to Germany for three or four days in October and December to get tattoos removed. I was the First Sergeant and went to meetings, took care of soldiers needs and visited with the soldiers. I did just about everything except for the prison itself. The commander told me to stay out of the prison because it was none of my business. The commander said it was not a part of operations so I didn't need to be there. The commander and I fought all the time. He limited my duties all the time of what I could and could not do. I was with the advance party to Afghanistan and the commander told the platoon leaders that they were in charge of the E-7's and I wasn't. He told them that they were in charge of the soldiers and not me. I told him if I couldn't do my job as a First Sergeant than I wanted to go home and he said, "No, we will work it out." I don't have nothing against him, he just did what he thought was right and we just didn't agree. *m*

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

A: No, the only reason I went to the facility is because that is where they served our dinner in an area there. To get to exercise machines, you had to walk past the cages. But to actually sit in the facility to do anything, I wasn't in there. *m*

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

A: No, I have never been in or around an interview. *m*

Q: What was acceptable corrective punishment of the detainees?

A: I seen some things that I didn't particularly like. The way

Exhibit: _____

INITIALS *m*

PAGE 1 OF 6

FOR OFFICIAL USE ONLY

file ICRC

THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JUL 14 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Handling of Reports from the International Committee of the Red Cross

Prompt evaluation and transmission of reports from the International Committee of the Red Cross (ICRC) to senior DoD leaders is of the utmost importance. Recognizing that information may be reported at various command levels and in oral or written form, I direct the following actions:

- All ICRC reports received by a military or civilian official of the Department of Defense at any level shall, within 24 hours, be transmitted to the Under Secretary of Defense for Policy (USD(P)) with information copies to the Director, Joint Staff; the Assistant Secretary of Defense for Public Affairs; the General Counsel of DoD; and the DoD Executive Secretary. ICRC reports received by officials within a combatant command area of operation shall also be transmitted simultaneously to the commander of the combatant command.
- The USD(P) shall be responsible for determining the significance of ICRC reports and immediately forwarding those actions of significance to the Secretary of Defense.
- For all ICRC reports, the USD(P) shall, within 72 hours of receipt, develop a course of action, coordinate such actions with the Chairman of the Joint Chiefs of Staff, the pertinent Combatant Commander, the General Counsel of DoD, and, as appropriate,



OSD 10190-04

the Secretaries of the Military Departments, the Assistant Secretaries of Defense for Public Affairs and Legislative Affairs, and other DoD officials. Actions of significance shall be submitted to the Secretary of Defense for approval.

- Combatant Commanders shall provide their assessment of the ICRC reports they receive to the USD(P) through the Director, Joint Staff within 24 hours of receipt.
- To ensure essential information is reported, oral reports shall be summarized in writing. The following information shall be included:
 - Description of the ICRC visit or meeting: Location? When? Has corrective action been initiated if warranted?
 - Identification of specific detainee or enemy prisoner of war reported upon (if applicable).
 - Name of ICRC Representative.
 - Identification of U.S. official who received the report. Also, identify the U.S. official submitting the report.
- All ICRC communications shall be marked with the following statement: "ICRC communications are provided to DoD as confidential, restricted-use documents. As such, they will be safeguarded the same as SECRET NODIS information using classified information channels. Dissemination of ICRC communications outside of DoD is not authorized without the approval of the Secretary or Deputy Secretary of Defense."

These temporary procedures are effective immediately and shall be reviewed in six months with a view to incorporating these changes into pertinent DoD issuances.

At the same time, the USD(P) shall establish an ICRC Interagency Group, consisting of representatives of the Defense and State Departments and the National Security Council Staff, and other appropriate agencies, that will meet, initially monthly, to review ICRC matters, coordinate responses, and ensure that all ICRC matters are appropriately addressed.

Your compliance with the procedures in this memorandum is a matter of DoD policy and is essential to enabling the Department to continue to meet its responsibilities and obligations for the humane care and full accountability for all persons captured or detained during military operations.



CLASSIFIED INFORMATION NONDISCLOSURE AGREEMENT

AN AGREEMENT BETWEEN

JOHN P. GALLIGAN

AND THE UNITED STATES

(Name of Individual — Printed or typed)

1. Intending to be legally bound, I hereby accept the obligations contained in this Agreement in consideration of my being granted access to classified information. As used in this Agreement, classified information is marked or unmarked classified information, including oral communications, that is classified under the standards of Executive Order 12958, or under any other Executive order or statute that prohibits the unauthorized disclosure of information in the interest of national security; and unclassified information that meets the standards for classification and is in the process of a classification determination as provided in Sections 1.1, 1.2, 1.3 and 1.4(e) of Executive Order 12958, or under any other Executive order or statute that requires protection for such information in the interest of national security. I understand and accept that by being granted access to classified information, special confidence and trust shall be placed in me by the United States Government.

2. I hereby acknowledge that I have received a security indoctrination concerning the nature and protection of classified information, including the procedures to be followed in ascertaining whether other persons to whom I contemplate disclosing this information have been approved for access to it, and that I understand these procedures.

3. I have been advised that the unauthorized disclosure, unauthorized retention, or negligent handling of classified information by me could cause damage or irreparable injury to the United States or could be used to advantage by a foreign nation. I hereby agree that I will never divulge classified information to anyone unless: (a) I have officially verified that the recipient has been properly authorized by the United States Government to receive it; or (b) I have been given prior written notice of authorization from the United States Government Department or Agency (hereinafter Department or Agency) responsible for the classification of information or last granting me a security clearance that such disclosure is permitted. I understand that if I am uncertain about the classification status of information, I am required to confirm from an authorized official that the information is unclassified before I may disclose it, except to a person as provided in (a) or (b), above. I further understand that I am obligated to comply with laws and regulations that prohibit the unauthorized disclosure of classified information.

4. I have been advised that any breach of this Agreement may result in the termination of any security clearances I hold; removal from any position of special confidence and trust requiring such clearances; or termination of my employment or other relationships with the Departments or Agencies that granted my security clearance or clearances. In addition, I have been advised that any unauthorized disclosure of classified information by me may constitute a violation, or violations, of United States criminal laws, including the provisions of Sections 641, 793, 794, 796, *952 and 1924, Title 18, United States Code, "the provisions of Section 783(b), Title 50, United States Code, and the provisions of the Intelligence Identities Protection Act of 1982. I recognize that nothing in this Agreement constitutes a waiver by the United States of the right to prosecute me for any statutory violation.

5. I hereby assign to the United States Government all royalties, remunerations, and emoluments that have resulted, will result or may result from any disclosure, publication or revelation of classified information not consistent with the terms of this Agreement.

6. I understand that the United States Government may seek any remedy available to it to enforce this Agreement including, but not limited to, application for a court order prohibiting disclosure of information in breach of this Agreement.

7. I understand that all classified information to which I have access or may obtain access by signing this Agreement is now and will remain the property of, or under the control of the United States Government unless and until otherwise determined by an authorized official or final ruling of a court of law. I agree that I shall return all classified materials which have, or may come into my possession or for which I am responsible because of such access: (a) upon demand by an authorized representative of the United States Government; (b) upon the conclusion of my employment or other relationship with the Department or Agency that last granted me a security clearance or that provided me access to classified information; or (c) upon the conclusion of my employment or other relationship that requires access to classified information. If I do not return such materials upon request, I understand that this may be a violation of Sections 793 and/or 1924, Title 18, United States Code, a United States criminal law.

8. Unless and until I am released in writing by an authorized representative of the United States Government, I understand that all conditions and obligations imposed upon me by this Agreement apply during the time I am granted access to classified information, and at all times thereafter.

9. Each provision of this Agreement is severable. If a court should find any provision of this Agreement to be unenforceable, all other provisions of this Agreement shall remain in full force and effect.

(Continue on reverse.)

REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY AIR DEFENSE ARTILLERY CENTER
AND FORT BLISS
1733 PLEASANTON ROAD
FORT BLISS, TEXAS 79916

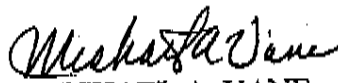
ATZC-CG

19 April 2005

MEMORANDUM FOR All Primary and Alternate Court-Martial Panel Members

SUBJECT: Pre-Trial Publicity

1. Alleged detainee abuse at Bagram Air Base, Afghanistan, has resulted in cases referred to trial by general or special courts-martial at Fort Bliss. This order applies to all potential court-martial members, including alternates.
2. This order is in the interests of the fair administration of justice and due process of law.
3. You are ordered not to read, view, or discuss any media account of events at Bagram Air Base, Afghanistan, during the period of October 2002 through March 2003.
4. Trial Counsel will cause a copy of this order to be served on all primary and alternate court members selected by the convening authority in Court-Martial Convening Orders Numbers 22 through 25, this headquarters, dated 14 October 2004.


MICHAEL A. VANE
Major General, U.S. Army
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
1733 PLEASANTON ROAD
FORT BLISS, TEXAS 79916

REPLY TO
ATTENTION OF:

ATZC-JA

19 April 2005

MEMORANDUM FOR Commander, US Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916

SUBJECT: Advice on Disposition of Court-Martial Charges Against PFC Willie V. Brand

1. Purpose. I have reviewed the enclosed charges (Encl 1), additional charges (Encl 2), report of investigation (Encl 3), and allied papers (Encl 4) in the case of PFC Willie V. Brand, 280-76-2066, Headquarters and Headquarters Battery, US Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916, previously assigned to 377th Military Police Company, Cincinnati, Ohio 45237, and render this advice in accordance with Article 34, Uniform Code of Military Justice (UCMJ), and Rule for Courts-Martial 406.

2. Legal Conclusions. I have reached the following legal conclusions:


- a. Each specification alleges an offense under the UCMJ;
- b. The allegation of each offense is warranted by the evidence in the report of investigation; and
- c. There is court-martial jurisdiction over the accused and each offense.

3. Chain of Command's Recommendations. The accused's chain of command recommends that you refer all original and additional charges and specifications to trial by general court-martial.

4. Investigating Officer's Recommendation. The Article 32, UCMJ, investigating officer recommends that you refer all original and additional charges and specifications—with the exception of Additional Charge I and its Specification—to trial by general court-martial.

5. Recommendation. I recommend that you refer all original and additional charges and specifications to a single trial by general court-martial convened by Court-Martial Convening Order Number 24, this headquarters, dated 14 October 2004 (Encl 5).

5 Encls
as


MARK A. RIVEST
COL, JA
Staff Judge Advocate

ATZC-JA

SUBJECT: Advice on Disposition of Court-Martial Charges Against PFC Willie V. Brand

DIRECTION OF THE CONVENING AUTHORITY:

The recommendation of the Staff Judge Advocate is approved except with respect to Additional Charge I and its Specification. All original and additional charges and specifications—with the exception of Additional Charge I and its Specification—are referred to a single trial by general court-martial convened by Court-Martial Convening Order Number 24, this headquarters, dated 14 October 2004. Additional Charge I and its Specification are dismissed without prejudice to the government.



MICHAEL A. VANE

Major General, USA
Commanding

STATEMENT OF 1SG Betty J. JONES, TAKEN AT Hampton Inn,
Bloomington, IN 47404; DATED 1 Feb 04; CONTINUED:

they had the detainees in standing restraints with hoods and screamed and talked to them like a dog, I didn't like. I never got into the SOP for the facility so I don't know exactly what was acceptable corrective punishment for the detainees. I was told by the commander that wasn't my job. *AM*

Q: Did you witness any detainees receiving any type of corrective punishment?

A: The only thing I ever saw was the sleep deprivation, but that was about it. I saw they had a guy chained with his hands above his head with a hood on in the airlock on the first floor for hours and hours. If I came in for breakfast or another meal, it seemed like the same person would be there. The person was under the hood, so I couldn't say for sure. SSG DOYLE was notorious for dealing out punishment a lot. He was the one that always got in their face a lot during the inbrief. I went to people in Afghanistan about the treatment of the detainees and nothing was ever done about. I talked to CSM BROWN and CSM MILLER about how the detainees were being treated and nothing was ever done about it. Most of the information I got about the treatment of the detainees came from SSG PLUMMER. She told me that some soldiers had one of the detainees that died in a standing restraint with his arms outstretched and DRIVER was punching him so hard that DOYLE came in to get DRIVER off of him and DRIVER went into such a rage that other MP's had to get DRIVER off of DOYLE. PLUMMER said SGT GRUBB was behind the detainee with his finger underneath the detainees nose to pull his head back. When the detainees had first died, everyone thought that the detainees died of natural causes and the commander told the soldiers that the whole issue would be forgotten. PLUMMER came to me and told me she was told about DRIVER and DOYLE and GRUBB beating on one of the detainees that died. I went to the commander and told him about the problem and at first he acted like he didn't believe me, but he knew how adamant I was and so we went to talk to CID. *AM*

Q: Other than the incident you just described, were any other detainees struck for any reason that you are aware of?

A: SSG PLUMMER said numerous detainees had been elbowed or kneed. PVT LORANTZ *TELEPHONE* stated he saw LT COLLINS pull a weapon on a detainee in a helicopter when they were taking the detainee out to be repatriated. *AM*

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

A: No, it was hushed. It was so hush-hush, that nobody talked

Exhibit: _____

INITIALS *AM*

PAGE 2 OF 6

STATEMENT OF 1SG Betty J. JONES, TAKEN AT Hampton Inn,
Bloomington, IN 47404; DATED 1 Feb 04; CONTINUED:

about anything. They weren't going to talk to me because anytime I found out anything, I reported it. *m*

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

A: The only thing I can say is that I saw how different groups of MP's reacted to the PUC's. The soldiers from Bloomington appeared to treat the PUC's like second class citizens as a whole. *m*

Q: Do you know how the MP's handled troublemakers?

A: No, I do not. *m*

Q: Other than what you have already described, did you hear or see anything pertaining to the treatment of detainees that you felt uncomfortable with?

A: Yes, when they would first bring the PUC's in, the detainees were thrown on the floor with their feet and hands bound and hoods and they would let the dogs with muzzles walk on the detainees with the dogs growling in their ear. It was a big joke. *m*

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

A: No. *m*

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

A: No, I was never close to a PUC. *m*

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

A: Just with what SSG PLUMMER told me, DRIVER was seen beating the one that I described. Beyond that, no. *m*

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

A: I feel bad and I don't think it's right. I couldn't live with it and that is why I turned them in. Those people had families and they didn't do nothing to anybody. *m*

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

A: I only know what I was told. I was told one person was hitting them, DRIVER. Other soldiers were there. *m*

Q: Is there anyone that you know well enough that you feel is above suspicion and would not have caused their deaths?

A: Me and SSG PLUMMER. Mostly, I think 3rd platoon was responsible for the deaths. *I DON'T THINK 1st + 2nd WERE RESPONSIBLE OR THE COMPANY SGT*

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

A: Yes, if what SSG PLUMMER told me is true, it was. *m*

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

A: The guards who was in the prison at that time. *m*

Exhibit: _____

INITIALS *BAA*

PAGE

3 OF 6

STATEMENT OF 1SG Betty J. JONES, TAKEN AT Hampton Inn,
Bloomington, IN 47404; DATED 1 Feb 04; CONTINUED:

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

A: I believe at Fort Dix they did training on those tactics and they did training at Afghanistan, too, but I didn't attend any of that training. *BM*

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

A: Just my own personal knowledge. Common sense. *BM*

Q: Did you ever review the commander's SOP for the facility?

A: Yeah, I looked it. It appeared adequate. I think this happened because people were stressed out. People couldn't handle it over there for whatever reason. *BM*

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

A: I have no idea. They were gone within two days of our arrival. *BM*

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

A: For seven years, I was an observer controller for Military Police company so I knew what was and was not allowed as far as treatment of the detainees. *BM*

Q: Did you ever observe any bruises or injuries on a PUC?

A: Never got close enough to see them. *BM*

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

A: Everybody. People would come to the prison all the time. Everyone at Bagram wanted to see the prison. Everyone that is anyone went through the facility at one time or another. *BM*

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

A: I just don't understand why no one reported the incident with DRIVER until I returned from my trip to Germany in December 2002. No one did anything to report that incident until I got back. *BM*

Q: Are you aware of any soldiers using steroids during the deployment?

A: No, I know they were taking supplements. *BM*

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

A: The only thing I know for sure, the company commander would get one prisoner and take him to the shower area and talk with the guy for hours and hours and buy the guy cigarettes. I don't know what that was all about, but I thought that was strange. I'm sorry *BM*

Exhibit: _____

INITIALS *BM*

PAGE 4 OF 6

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STATEMENT OF 1SG Betty J. JONES, TAKEN AT Hampton Inn,
Bloomington, IN 47404; DATED 1 Feb 04; CONTINUED:
this happened to our company. I really feel bad for people
involved in it. I feel bad myself for turning them in, to tell
you the truth. There were numerous times that SFC MILLER and some
of his soldiers were drunk to the point that they could not go to
duty. The commander and LT COLLINS would not allow me to punish
them and told the soldiers that no matter what you do, don't let
Top find out about nothing because she will turn you in. *mm*
Q: Do you have anything else to add to this statement?
A: No.///END OF STATEMENT/// *mm*

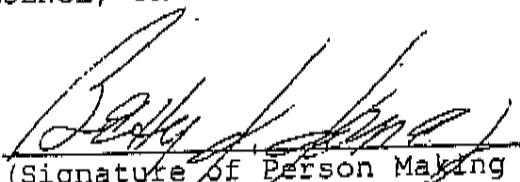
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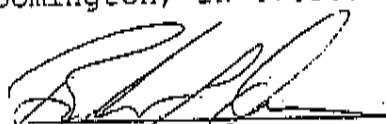
STATEMENT OF 1SG Betty J. JONES, TAKEN AT Hampton Inn,
Bloomington, IN 47404; DATED 1 Feb 04; CONTINUED:

AFFIDAVIT

I, Betty J. Jones, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. 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 1st day of February, 2004 at Bloomington, IN 47404.


(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 

PAGE 6 OF 6

FOR OFFICIAL USE ONLY

CERTIFICATE OF DEATH (OVERSEAS) Acte de décès (D'Outre-Mer)				
NAME OF DECEASED (Last, First, Surname) Nom du décédé (nom et prénoms)		GRADE Grade	ARMY Armée	SOCIAL SECURITY NUMBER (Numéro de l'assurance sociale)
ORGANIZATION Organisation P.W.C. 421		NATION (e.g., United States) Pays Afghanistan	DATE OF BIRTH Date de naissance	SEX Sexe Male Masculin Female Féminin
RACE Race Caucasian Caucasienn Negroide Négrotide	MARITAL STATUS Statut civil Single Célibataire Married Marié Widowed Veuf	RELIGION Religion Protestant Protestant Catholic Catholique Jewish Juif	Other (Specify) Autre (Spécifier)	
NAME OF NEXT OF KIN Nom du plus proche parent Afghan		RELATIONSHIP TO DECEASED Parenté du décédé avec le survivant		
STREET ADDRESS Domicile à (rue)		CITY OR TOWN AND STATE (Nommer la Ville) Ville (L'État postal est requis)		

013 1-02-410369-25327

CERTIFICATE OF DEATH (OVERSEAS)
Acte de décès (D'Outre-Mer)

NAME OF DECEASED (Last, First, Middle) DILAWAR	Nom du décédé (Nom et prénoms)	GRADE Grade CIVILIAN	BRANCH OF SERVICE Arme N/A	SOCIAL SECURITY NUMBER Numéro de l'Assurance Sociale
				SEY Date



DEPARTMENT OF THE ARMY
HEADQUARTERS, U. S. ARMY MEDICAL COMMAND
1216 STANLEY ROAD, SUITE 25
FORT SAM HOUSTON, TEXAS 78234-5053

REPLY TO
ATTENTION OF

5 August 2004

MCCHS-I

MEMORANDUM FOR Investigative Operations, Headquarters, US Army Criminal
Investigation Command, ATTN: SA Daniel G. Carton, 6010 6th Street, Fort Belvoir, VA
22060-5506.

SUBJECT: Authenticity of Medical Record - EPW Dilawar

1. The US Army Patient Administration Systems and Biostatistics Activity (PASBA)
certifies this is a true copy of the original document.

2. Our point of contact is Mrs. Carolyn Enloe, Data Input Section, PASBA,

Encl

Mark R. White
DEBORAH B. WESLOH

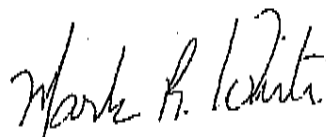
MAJ, MS

Acting Director,

Patient Administration Systems
and Biostatistics Activity

MCHS-ISD

SUBJECT: Authenticity of Medical Record



for
MAJ Deborah Wesloh
Deputy Director



Carolyn Enloe
Chief, Data Input Section

OFFICE OF THE CLERK OF COURT
US ARMY JUDICIARY
ARLINGTON, VIRGINIA 22203-1837

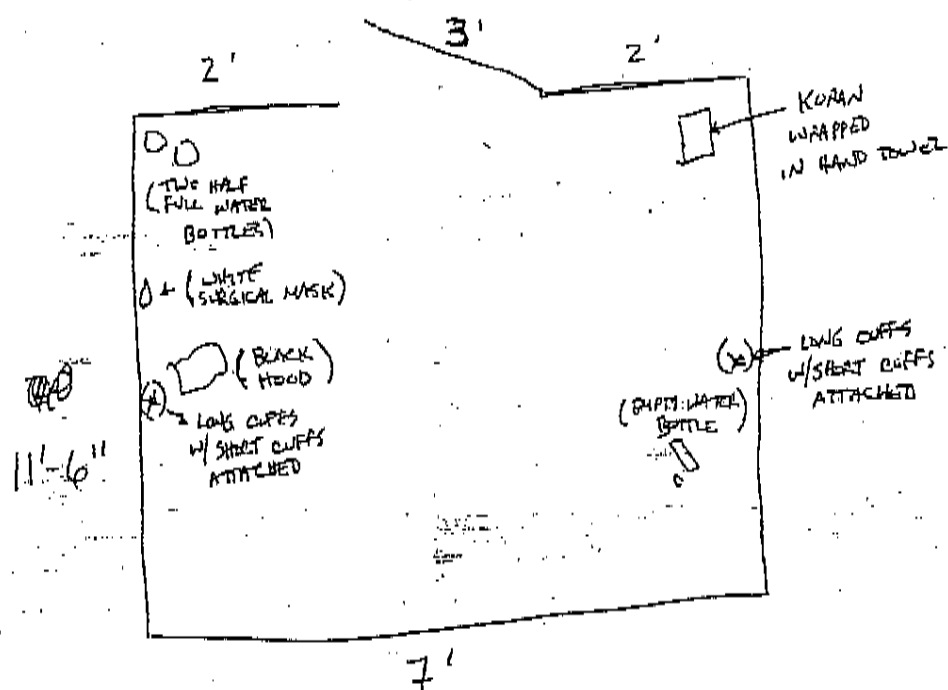
THE RECORD OF TRIAL HAS BEEN REVIEWED FOR RELEASE UNDER THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT. THE DOCUMENT[S] DESCRIBED AS FOLLOWS HAVE BEEN REMOVED FROM THIS COPY OF THE RECORD BECAUSE THE RELEASE WOULD BE IN VIOLATION OF THE DOD FREEDOM OF INFORMATION ACT PROGRAM, DOD 5400.7-R, EXEMPTION (7) (C), 5 U.S.C. 552(b) (7) (C):

Criminal Investigation Report

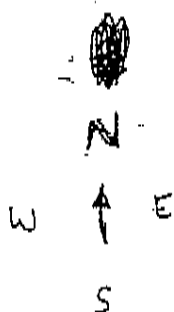
Contents cannot be released outside the Department of the Army without the approval of the Commander, United States Army Criminal Investigation Command, Fort Belvoir, VA.

37-02-CID369-23534

05202, 10 DE 02
055062, 14 DE 02
ISO #2, CELL #1

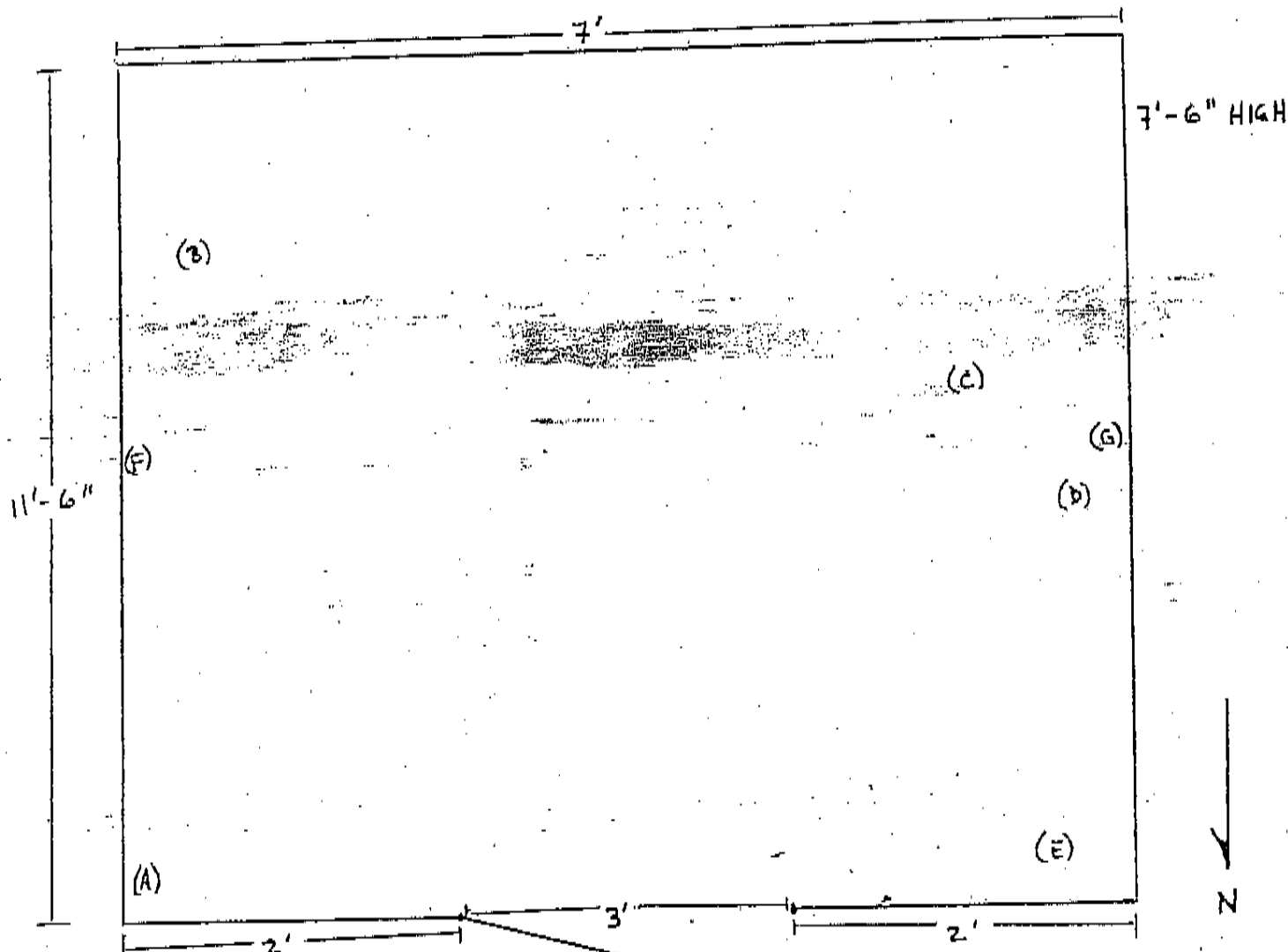


7'-6" HIGH



0137-02-CID369-23534

ROUGH SKETCH DEPICTING ISOLATION BLOCK #2, ISOLATION CELL #1, BAGRAM COLLECTION POINT (BCP),
BAGRAM AIRFIELD, AFGHANISTAN (RECREATED FROM BEST RECOLLECTION)

LEGEND

- (A) - Koran wrapped in hand towel
- (B) - Empty water bottle
- (C) - Black hood
- (D) - White surgical mask
- (E) - Two half full water bottles
- (F) - Set of long cuffs with set of short cuffs attached to roof
- (G) - Set of long cuffs with set of short cuffs attached to roof

TITLE BLOCK

CASE#: 0137-02-CID369-23534
OFFENSE: Negligent Homicide
SCENE PORTRAYED: Isolation cell #1, Isolation block #2, 2nd floor, BCP
LOCATION: BCP, Bagram Airfield, Afghanistan
VICTIM: DILAWAR (PUC 421)
TIME AND DATE BEGAN: 0520Z, 10 Dec 02
SKETCHED BY: SA DANIEL FLORES III
VERIFIED BY:

OFFICE OF THE CLERK OF COURT
US ARMY JUDICIARY
ARLINGTON, VIRGINIA 22203-1837

THE RECORD OF TRIAL HAS BEEN REVIEWED FOR RELEASE UNDER THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT. THE DOCUMENT[S] DESCRIBED AS FOLLOWS HAVE BEEN REMOVED FROM THIS COPY OF THE RECORD BECAUSE THE RELEASE WOULD BE IN VIOLATION OF THE DOD FREEDOM OF INFORMATION ACT PROGRAM, DOD 5400.7-R, EXEMPTION (7) (C), 5 U.S.C. 552 (b) (7) (C):

Criminal Investigation Report

Contents cannot be released outside the Department of the Army without the approval of the Commander, United States Army Criminal Investigation Command, Fort Belvoir, VA.

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

DATA REQUIRED BY THE PRIVACY ACT

0134-02-C10367-23533

AUTHORITY:

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

PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

1. LOCATION 87TH MP DET. (CID), APO AE 09354	2. DATE 21 DEC 02	3. TIME 0310 WVB	4. FILE NO.
5. NAME (Last, First, MI) BRAND, WILLIE E. V.	6. ORGANIZATION OR ADDRESS		
7. GRADE/STATUS SPC/RESERVES			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army CRIMINAL INVESTIGATION COMMAND and wanted to question me about the following offense(s) of which I am suspected/accused: AS A SPECIAL AGENT

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:

1. I do not have to answer any questions or say anything. WVB
2. Anything I say or do can be used as evidence against me in a criminal trial. WVB
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. WVB

(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 a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. WVB

5. COMMENTS (Continue on reverse side)

Section B: Waiver

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. WVB

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE <u>WVB</u>
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <u>Daniel Flores</u>
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR SA DANIEL FLORES III
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR 87TH MP DET. (CID) APO AE 09354
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-waiver

1. I do not want to give up my rights:
☐ I want a lawyer. ☐ I do not want to be questioned or say anything.
2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

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

- or -

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

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

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

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisement.

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

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

COMMENTS (Continued)

UNITED STATES

v.

BRAND, WILLIE V..
PFC, U.S. Army,
HHB,
USAADACEMFB,
Fort Bliss, Texas

Request for Instruction

August 1, 2005

RELIEF REQUESTED – JURY INSTRUCTION**SPOLIATION of EVIDENCE**

Currently pending before the Court is a Defense motion to dismiss the Charges and Specifications as a consequence of the Government's failure to produce the "logbooks" used at the Bagram detention facility to record significant events associated with suspected terrorist detainees. In the event the Court does not grant the aforementioned motion, the Defense respectfully asks that the following spoliation instruction be provided to the panel before they close to deliberate on findings:

"Members of the Court – During the course of the trial, you have heard or been presented with evidence that logbooks were maintained in the Bagram detention facility to maintain various entries associated with the suspected terrorist detainees. Although the Defense properly requested to be provided with a copy of those logbooks, they are no longer available.


The logbooks were in the exclusive possession of the United States Army at the time CID was actively investigating the underlying offenses in this case. The government has asserted that the logbooks were either lost or destroyed. From this, you may infer, though you are not compelled to do so, that the logbooks would be damaging to the prosecution's case. You may give this inference such force and effect as you think it should have under all of the facts and circumstances. You are permitted to make this inference even though there is no evidence at the US Army acted intentionally or negligently or in bad faith. You should not make this inference if you find that there is a fair, frank, and satisfactory explanation of what happened to the logbooks that were earlier in the possession of US Army law enforcement personnel

A hearing and oral argument on the Request for Instruction is requested.


JOHN P. GALLIGAN
Civilian Defense Counsel

Certificate of Service

I certify that I served or caused to be served a true copy of the above on the Trial Counsel on August 1, 2005, by email. Original copies, together with the referenced photos, will be placed in the US Mail on August 1, 2005.


JOHN P. GALLIGAN
Civilian Defense Counsel

UNITED STATES

v.

BRAND, WILLIE V.,
PFC, U.S. Army,
HHB,
USAADACEMFB,
Fort Bliss, Texas

Request for Instruction

August 1, 2005

RELIEF REQUESTED – JURY INSTRUCTION

The Defense believes that the uncontested evidence presented during the court-martial will disclose that numerous suspected terrorist detainees were subjected to the following: prolonged periods of sleep deprivation, chaining with arms overhead, stress positions and hooding. Accordingly, the Defense requests that the panel members be provided with the following judicial instruction before they close to deliberate on findings:

"Members of the Court – During the course of the trial, you have heard or been presented with evidence that numerous suspected terrorist detainees, including PUCS Dillawar and Habibullah, were subjected to prolonged periods of sleep deprivation, stress positions, chaining with their arms extended overhead, and hooding.

The aforementioned treatment was implemented and ordered executed at the direction of superior military authority. To the extent that you find, by the preponderance of credible evidence, that suspected terrorist detainees were subjected to such treatment, you may properly determine that they were being officially maltreated at the unlawful direction of superior military authority, separate and apart from any conduct attributed to the Defendant. Additionally, you may also properly determine that, to the extent the Defendant was either ordered or directed to hood or place suspected terrorist detainees in overhead chained positions, the Defendant was being directed to execute an illegal order. And finally, these circumstances may be considered by you in determining the Defendant's criminal intent, if any, with respect to the charged offenses.

A hearing and oral argument on the Request for Instruction is requested.


JOHN P. GALLIGAN
Civilian Defense Counsel

Certificate of Service

I certify that I served or caused to be served a true copy of the above on the Trial Counsel on August 1, 2005, by email. Original copies, together with the referenced photos, will be placed in the US Mail on August 1, 2005.



JOHN P. GALLIGAN
Civilian Defense Counsel

JUN 20 2005

NETC-CG

5002 018 NIT

MEMORANDUM THRU Office of the Staff Judge Advocate, Fort Huachuca, Arizona 85613

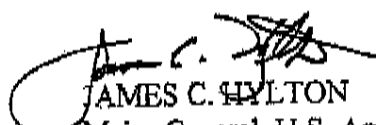
FOR Law Offices of John P. Galligan, 315 South Main, Belton, Texas 76513

SUBJECT: Grant of Testimonial Immunity for CPT Carolyn Wood

1. The request for a grant of testimonial immunity for CPT Carolyn Wood is hereby:

a. ☒ disapproved.

b. ☐ approved.


JAMES C. HYLTON
Major General, U.S. Army
Commanding

CF: SJA, Fort Bliss



**DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON, DC 20310-0111**

16 MAY 2005

SAMR-HR

MEMORANDUM THRU DIRECTOR OF THE ARMY STAFF

**FOR COMMANDER, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND
FORT BLISS**

SUBJECT: Request for Approval of Involuntary Order to Active Duty

1. Reference enclosed memorandum, Headquarters, U.S. Army Air Defense Artillery Center and Fort Bliss, ATZC-CG, April 19, 2005, subject: Request Secretary of the Army Approval of Involuntary Active Duty for PFC Willie V. Brand.
2. Under the provision of Article 2(d), Uniformed Code of Military Justice and Army Regulation 27-10, paragraph 21-3, I approve the involuntary order to active duty of Private First Class Willie V. Brand.

Enclosure


Daniel B. Denning
Acting Assistant Secretary of the Army
(Manpower and Reserve Affairs)

UNITED STATES

v.

Brand, Willie V.
 PFC, U.S. Army,
 HHB,
 US ADA Center and Fort Bliss, Ft Bliss

NOTICE OF FORUM, PLEA,
 AND MOTIONS

25 May 2005

NOTICE

Per the Military Judge's Pretrial Order, dated May 5, 2005, the following Notice is provided.

Parties are advised that the undersigned counsel will be out of state from early tomorrow morning, May 24, 2005, until 2 June 2005. During the undersigned's absence, attempts will be made to check email (galligan5646@sbcglobal.net) for any developments associated with this case.

After being advised of his elections regarding plea, forum, and motions, PFC Willie V. Brand elects the following:

FORUM: Enlisted Panel

PLEA: Not Guilty of All Charges and Specifications

MOTIONS: In addition to the pretrial motions previously filed with the Court, the Defense anticipates the following motions will be filed:

- Motion to Dismiss; or, alternatively, to Abate, Pending Approval of civilian defense counsel's access to classified evidence provided by the International Committee of the Red Cross (ICRC) and/or other sources;

- Motion in Limine to exclude autopsy photographs (note: thus far, the government has not indicated which photos, if any, it will seek to introduce at trial);

- Motion to Dismiss all Charges and Specifications based upon the apparent destruction of Bagram guard logbooks wherein the treatment of various terrorist detainees was frequently annotated;

- Motion to Dismiss; or, alternatively, to Limit Punishment due to the selective prosecution of the Defendant at a General Court-Martial;

- Motion to Suppress the pretrial statements of the Defendant to law enforcement agents as involuntary and based upon improper Article 31 rights advisement;

- Motion(s) to Compel Production of Witnesses (note: this is based upon the anticipated refusal of the government to produce various defense requested witnesses at trial (e.g. the interpreters, Major Bovarnick and Colonel David Hayden, General Thomas A. Gandy).

- Motion to Dismiss or Abate Due to Unlawful Command Influence

Moreover, the Defense requests that the court-imposed deadline for the filing of any formal briefs associated with motions filed be extended until COB 3 June 2005. As noted previously, the undersigned counsel will be out of state until the evening of 8 June 2005. Furthermore, the current filing deadline predates the Article 39a session docketed to litigate the pending Defense Motion for Appropriate Relief (New or Reopened Article 32). Disposition of the aforementioned Motion and other Motions pending before the Court may well give rise to other pretrial Motions not outlined above.

I certify that a copy of this was served, via email, on the trial counsel and the Military Judge on 25 May 2005.

John P. Galligan
Civilian Defense Counsel



DEPARTMENT OF THE ARMY
BRANCH 3, GOVERNMENT APPELLATE DIVISION
901 STUART STREET
ARLINGTON, VIRGINIA 79916

REPLY TO
ATTENTION OF:

20 March 2005

JALS-TCA

MEMORANDUM FOR Chief, Criminal Law Division, Office of the Judge Advocate General,
1777 North Kent Street, 10th Floor, Rosslyn, VA 22209

SUBJECT: Request for Authorization to Disseminate ICRC Communications to Civilian
Defense Counsel

1. References.

a. Secretary of Defense Memorandum, Subject: Handling of Reports from the International
Committee of the Red Cross, 14 Jul 04.

b. DoD 5200.1-R, DoD Information Security Program Regulation, 14 Jan 97.

c. Manual for Courts-Martial United States, 2002 Edition.

2. Purpose. To request authorization to disseminate CJTF 180 memoranda for record (MFR)—
which describe International Committee of the Red Cross (ICRC) visits to Bagram Collection
Point (BCP), Afghanistan—to civilian defense counsel representing Soldiers charged with an
offense related to US Army Criminal Investigation Command (CID) Report of Investigation
(ROI) 0134-02-CID369-23533 or 0137-02-CID369-23534, when the cases have been directed to
an Article 32, Uniform Code of Military Justice, pretrial investigation or referred to court-
martial.

3. Discussion.

a. As a result of a CID investigation into the December 2002 deaths of two detainees at the
BCP, 28 Soldiers were titled with offenses related to alleged detainee abuse in CID ROIs 0134-
02-CID369-23533 and 0137-02-CID369-23534. The titled Soldiers were military police guards
and military intelligence interrogators at the BCP at the time of the alleged detainee abuse.

b. On 19 October 2005, the Commander, US Army Training and Doctrine Command
(TRADOC), concurred with the request from the Commander, US Army Forces Command, to
transfer jurisdiction of all Soldiers identified as subjects in CID ROIs 0134-02-CID369-23533
and 0137-02-CID369-23534 to TRADOC for court-martial jurisdiction and the general
administration of military justice. The Commander, TRADOC, further directed attachment of
the titled Soldiers to US Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas.

JALS-TCA

SUBJECT: Request for Authorization to Disseminate ICRC Communications to Civilian Defense Counsel

c. Charges have been preferred against two of the titled Soldiers. Four other titled Soldiers are no longer under the jurisdiction of the US Army. Commanders and their legal advisors are further investigating allegations against the other titled Soldiers to determine the appropriate level of disposition in each case. Some of the allegations may result in potential court-martial charges.

d. The prosecution possesses MFRs from the CJTF-180 ICRC liaison describing ICRC visits to the BCP from 27 May 2002 through 26 January 2003. These MFRs may become relevant to Article 32 and court-martial proceedings for cases related to CID ROIs 0134-02-CID369-23533 and 0137-02-CID369-23534. Should the MFRs become relevant, it will be necessary to disseminate them to civilian defense counsel representing the accused Soldiers.

4. In light of the foregoing, I request authorization to disseminate CJTF 180 MFRs, which describe ICRC visits to the BCP, to civilian defense counsel representing Soldiers charged with an offense related to CID ROI 0134-02-CID369-23533 or 0137-02-CID369-23534, when the cases have been directed to an Article 32 pretrial investigation or referred to court-martial.



TIMOTHY C. MACDONNELL
LTC, JA
Trial Counsel