

CHRONOLOGY SHEET

In the case of U.S. v. CORSETTI, Damien M., PFCDate of alleged commission of earliest offense tried: 1 AUG, 2002Date record forwarded to The Judge Advocate General: _____, 2006
RANDY T. KIRKVOLD, COL, Staff Judge Advocate

(Signature and Rank of Staff Judge Advocate or Legal Officer)

	ACTION	DATE	CUMULATIVE ELAPSED DAYS
<p>1. In a case forwarded to The Judge Advocate General, the staff judge advocate or legal officer is responsible for completion of the Chronology Sheet. Trial counsel should report any authorized deductions and reasons for unusual delay in the trial of the case.</p> <p>2. Or officer conducting review under Article 64(a) (MCM, 1984, RCM 1112).</p> <p>3. In computing days between two dates, disregard first day and count last day. The actual number of days in each month will be counted.</p> <p>4. Item 1 is not acceptable when accused is not restrained, (see MCM, 1984, RCM 304) or when he/she is in confinement under a sentence or court-martial at time charges are preferred. Item 2 will be the zero date if Item 1 is not acceptable.</p> <p>5. May not be applicable to trial by special court-martial.</p> <p>6. Only this item may be deducted.</p> <p>7. If no further action is required, items 1 to 8 will be completed and chronology signed by such convening authority or his/her representative.</p> <p>8. When further action is required under Article 64 or service directives.</p>	1. Accused placed under restraint by military authority 4	N/A	0
	2. Charges preferred (date of affidavit)	29 SEP 05	0
	3. Article 32 investigation (date of report) 5	7 DEC 05	69
	4. Charges received by convening authority	9 JAN 06	102
	5. Charges referred for trial	9 JAN 06	102
	6. Sentence or acquittal	1 JUN 06	245
	Less Days:		
	Accused sick, in hospital, or AWOL:	0	
	Delay at request of defense:	0	
	Total authorized deduction 6	0	
7. Net elapsed days to sentence or acquittal		245	
8. Record received by convening authority	N/A		
Action 7	N/A		
9. Record received by officer conducting review under Article 64(a)			
Action 8			

REMARKS: Soldier was acquitted of all charges and specifications on 1 JUN 06. Soldier was returned to duty.

20060497

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
FORT BLISS, TX 79916-6816

GENERAL COURT-MARTIAL ORDER
NUMBER 20

25 July 2006

Private First Class Damien M. Corsetti, U.S. Army, Alpha Company, 519th Military Intelligence Battalion, Fort Bragg, North Carolina, 28310, was arraigned at Fort Bliss, Texas, on the following offenses at a general court-martial convened by Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

Charge I. Article 92. Plea: Not Guilty. Finding: Not Guilty: Not Guilty

Specification 1: On divers occasions, between on or about 1 August 2002 to on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, violate a lawful general order, to wit: Paragraph 2(c), United States Central Command General Order Number 1A, dated 19 December 2000, by wrongfully possessing and consuming alcohol. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: On divers occasions, between on or about 1 August 2002 to on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, the accused who knew of his duties was derelict in the performance of those duties in that he willfully failed to conduct interrogations of detainees according to approved tactics, techniques, and procedures as it was his duty to do. Plea: Not Guilty. Finding: Not Guilty.

Specification 3: Between on or about 1 August 2002 to on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, the accused who knew of his duties was derelict in the performance of those duties in that he willfully failed to prevent his interrogation partner from throwing articles of garbage and soiled toilet paper onto the person of A.A.D. (a.k.a. BT 264), as it was his duty to do. Plea: Not Guilty. Finding: Not Guilty.

Charge II. Article 93. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: On divers occasions, from on or about 1 August 2002 to on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, or about 11 August 2005, did maltreat Persons Under U.S. Control ("PUCs"), persons subject to his orders during interrogation, by sitting on top of them during interrogation. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: Between on or about 1 August 2002 to on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, did maltreat A.A.D. (a.k.a. BT 264), a person subject to his orders during interrogation, by sitting on top of him, throwing articles of garbage onto his person, putting cigarette ash onto his person, walking across his handcuffs in order to inflict pain upon A.A.D., and forcefully pulling hairs out of A.A.D.'s chest. Plea: Not Guilty. Finding: Not Guilty.

20060497

GCMO No. 20, DA, HQ, USAADACENFB, Ft. Bliss, TX, 79916-6816, dated 25 July 2006
(Continued)

Specification 3: Between on or about 1 August 2002 to on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, did maltreat Persons O.A.F. (a.k.a. BT 179), a person subject to his orders during interrogation, by grabbing O.A.F. by the head and shoulders; by removing O.A.F. pants so that his genitalia were exposed to a female interrogator, SGT S.S.; and by bending O.A.F. over an interrogation table and waving a water bottle around in close proximity to O.M.F.'s buttocks. Plea: Not Guilty. Finding: Not Guilty.

Charge III. Article 112a. Plea: Not Guilty. Finding: Not Guilty.

Specification: Between on or about 1 August 2002 and on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, wrongfully use hashish, a Schedule I controlled substance, while receiving special pay under 37 U.S.C. § 310. Plea: Not Guilty. Finding: Not Guilty.

Charge IV. Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: Between on or about 30 November 2002 and on or about 10 December 2003, at or near Bagram Airfield, Afghanistan, unlawfully grab and pull the head and beard of a detainee known as Person Under U.S. Control ("PUC") 414 (a.k.a. BT 414). Plea: Not Guilty. Finding: Dismissed on motion of Defense Counsel.

Specification 2: Between on or about 1 August 2002 and on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, unlawfully strike A.A.D. (a.k.a. BT 264) in the leg, groin and chest with his hands and knees. Plea: Not Guilty. Finding: Not Guilty.

Specification 3: Between on or about 1 August 2002 and on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, assault A.A.D. (a.k.a. BT 264) by showing A.A.D. a condom and his penis and then stating: "This is special for you," "This is your God," and "I'm going to fuck you," or words to that effect. Plea: Not Guilty. Finding: Not Guilty.

Charge V. Article 134. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: Between on or about 1 August 2002 and on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, wrongfully commit an indecent act with A.A.D. (a.k.a. BT 264) by showing his penis to A.A.D., placing his penis near A.A.D.'s face, and placing his groin against A.A.D.'s buttocks. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: Between on or about 1 August 2002 and on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, while in an interrogation, willfully and wrongfully expose in an indecent manner to public view his genitalia. Plea: Not Guilty. Finding: Not Guilty.

Specification 3: Between on or about 1 August 2002 and on or about 1 February 2003, at or near Bagram Airfield, Afghanistan, orally communicate to A.A.D. (a.k.a. BT 264), certain indecent language, to wit: "This is special for you," "This is your God," and "I'm going to fuck you," or words to that effect. Plea: Not Guilty. Finding: Not Guilty.

GCMO No. 20, DA, HQ, USAADACENFB, Ft. Bliss, TX, 79916-6816, dated 25 July 2006
(Continued)

The accused having been arraigned, the findings were announced on 1 June 2006. All rights, privileges, and property of which the accused has been deprived by virtue of these proceedings will be restored.

BY COMMAND OF MAJOR GENERAL LENNOX:

DISTRIBUTION:

- 1-Accused
- 1-Military Judge (LTC Sposato)
- 1-Trial Counsel (CPT Ellis)
- 1-Defense Counsel (William E. Cassara)
- 1-Chief, Criminal Law Division
- 1-Legal Administrator
- 1-Cdr, A Co, 519th MI Bn, Fort Bragg, North Carolina 28310
- 1-Cdr, 519th Bn, Fort Bragg, North Carolina 28310
- 1-ATZC-DHR-AGR, ATZC-DRM-F, ATZC-PM
- 2-Cdr, USAADACENFB, ATTN: SJA
- 1-Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, Indiana 46249
- 10-Clerk of Court, ATTN: JALS-CC, 901 N. Stuart Street, Suite 1200, Arlington, Virginia 22203
- 1-Cdr, 76th MP DET (CID), 11th MP BN CID
- 1-Director, U.S. Army Crime Records Center, 6010 6th Street, Fort Belvoir, Virginia 22060-5506
- 1-HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, Virginia 22060-5506
- 1-HQDA, Office of the PMG, ATTN: MP Operations Division, 2800 Army Pentagon, Washington, DC 20310-2800
- 1-Record Set
- 1-Reference Set


RANDY T. KIRKVOLD
COL, JA
Staff Judge Advocate

COURT-MARTIAL CHARGES TRANSMITTAL FORM

PART I

TO:

Cdr, 76th MP Bn
Fort Bliss, TX 79916

FROM:

Cdr, HHB, USAADACENFB
Fort Bliss, TX 79916

DATE:

29 Sep 05

Court-Martial charges against the following named individual are forwarded as Enclosure 1. Witness statements, any evidence of previous misconduct (to include properly certified DA Forms 2627 and the accused's ERB) are attached as Enclosure 2. Soldier is not pending chapter action UP AR 635-200.

NAME:

CORSETTI, Damien M.

RANK:

PFC

SSN:

[REDACTED]

UNIT:

Company A, 519th Military Intelligence Battalion, Fort Bragg, NC 28310
Attached to HHB, USAADACENFB, Fort Bliss, TX 79916, for the general administration of military justice.

Recommend:

☐ Summary Court-Martial

☐ Special Court-Martial

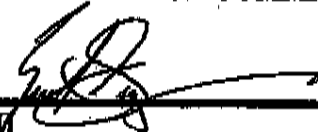
☐ BCD Special Court-Martial

☒ General Court-Martial

NAME OF COMMANDER

ERICK J. SEGARRA
CPT, AD
Commanding

SIGNATURE OF COMMANDER



PART II

TO:

Cdr, Garrison Command
Fort Bliss, TX 79916

FROM:

Cdr, 76th MP Bn
Fort Bliss, TX 79916

DATE:

29 Sept 05

I have reviewed the attached charges, documents, and Article 32 (if applicable) and recommend:

☐ Summary Court-Martial

☐ Special Court-Martial

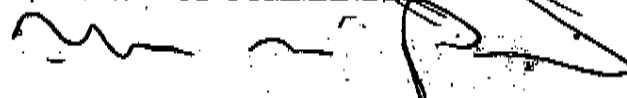
☐ BCD Special Court-Martial

☒ General Court-Martial

NAME OF COMMANDER

JOSEPH M. POTH
LTC, MP
Commanding

SIGNATURE OF COMMANDER



PART III

TO:

Cdr, USAADACENFB
Fort Bliss, TX 79916

FROM:

Cdr, Garrison Command
Fort Bliss, TX 79916

DATE:

4 JAN 06

I have reviewed the attached charges, documents, and Article 32 (if applicable) and (recommend)(direct):

☐ Summary Court-Martial

☐ Special Court-Martial

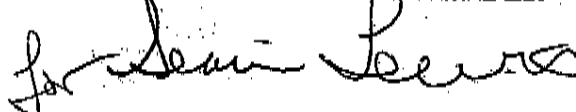
☐ BCD Special Court-Martial

☒ General Court-Martial

NAME OF COMMANDER

ROBERT T. BURNS
COL, AD
Commanding

SIGNATURE OF COMMANDER





DEPARTMENT OF THE ARMY
HEADQUARTERS, 435. ARMY GARRISON COMMAND
1. PERSHING ROAD
FORT BLISS, TEXAS 79815-5812

REF ID: A707202

1MSW:RLS:ZA

7 January 2006

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Assumption of Command

The undersigned assumes command of the HQ, USA Garrison Command (W6CLAA) effective 1000 hours, Tuesday, 3 January 2006, through 2100 hours, Thursday, 5 January 2006.

Sean J. Lewis
SEAN J. LEWIS
LTC, AD
Commanding

DISTRIBUTION:

COMMANDER, 62ND ARMY BAND
 COMMANDER, 64TH AREA SUPPORT GROUP
 COMMANDER, 36TH MILITARY POLICE BATTALION
 COMMANDER, 1ST DETACHMENT, 230TH ENGINE BATTALION
 COMMANDER, USA COMBINED ARMS SUPPORT BATTALION

DIRECTORATE OF MORALE, WELFARE, AND RECREATION
 DIRECTORATE OF CONTRACTING
 DIRECTORATE OF ENVIRONMENT
 DIRECTORATE OF INFORMATION MANAGEMENT
 DIRECTORATE OF HUMAN RESOURCES
 DIRECTORATE OF PLANS, TRAINING, MOBILIZATION AND SECURITY
 DIRECTORATE OF PUBLIC WORKS
 DIRECTORATE OF LOGISTICS

OFFICE OF THE STAFF JUDGE ADVOCATE
 OFFICE OF STAFF CHAPLAIN
 RESOURCE MANAGEMENT OFFICE
 FORT BLISS MUSEUMS
 CIVILIAN PERSONNEL ADVISORY CENTER
 PLANS, ANALYSIS & INTEGRATION OFFICE
 SAFETY OFFICE
 PUBLIC AFFAIRS OFFICE
 EQUAL EMPLOYMENT OPPORTUNITY
 INTERNAL REVIEW AND AUDIT COMPLIANCE OFFICE

OF
 CDR, USAADACENTB

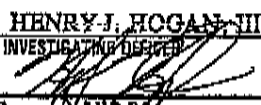
ARTICLE 32 INVESTIGATION

INVESTIGATING OFFICER'S REPORT

(Of Charges Under Article 32, UCMJ and R.C.M. 405, Manual for Courts-Martial)

1a. FROM: (Name of Investigating Officer - Last, First, MI) HOGAN, HENRY J. III		b. GRADE COL/O-6	c. ORGANIZATION HQ, USALSA	d. DATE OF REPORT 7 DEC 05
2a. TO: (Name of Officer who directed the investigation - Last, First, MI) BURNS, ROBERT T.		b. TITLE COMMANDING OFFICER	c. ORGANIZATION HQ, AIR DEFENSE ARTILLERY CENTER AND FORT BLISS, TX 79916	
3a. NAME OF ACCUSED (Last, First, MI) CORSETTI, DAMIEN M.		b. GRADE E-3	c. SSN [REDACTED]	d. ORGANIZATION Company A, 519th Military Intelligence Battalion, Fort Bragg, NC 28310
				e. DATE OF CHARGES 29 SEP 05
(Check appropriate answer)				YES NO
4. IN ACCORDANCE WITH ARTICLE 32, UCMJ, AND R.C.M. 405, MANUAL FOR COURTS-MARTIAL, I HAVE INVESTIGATED THE CHARGES APPENDED HERETO (Exhibit 1)				<input checked="" type="checkbox"/> <input type="checkbox"/>
5. THE ACCUSED WAS REPRESENTED BY COUNSEL (If not, see 9 below)				<input checked="" type="checkbox"/> <input type="checkbox"/>
6. COUNSEL WHO REPRESENTED THE ACCUSED WAS QUALIFIED UNDER R.C.M. 405(d) (2), 502(d)				<input checked="" type="checkbox"/> <input type="checkbox"/>
7a. NAME OF DEFENSE COUNSEL (Last, First, MI) OWENS, JOSEPH M.		b. GRADE O-3	8a. NAME OF ASSISTANT DEFENSE COUNSEL (If any) DOWDY, RYAN	
c. ORGANIZATION (If appropriate) US Army Trial Defense Service Fort Bragg, NC 28310		d. GRADE O-3		
d. ADDRESS (If appropriate) OSJA, TDS XVIII Airborne Corps & Fort Bragg Fort Bragg, NC 28310		e. ORGANIZATION (If appropriate) US Army Trial Defense Service Fort Bragg, NC 28310		
f. ADDRESS (If appropriate) OSJA, TDS XVIII Airborne Corps & Fort Bragg Fort Bragg, NC 28310		g. ADDRESS (If appropriate) OSJA, TDS XVIII Airborne Corps & Fort Bragg Fort Bragg, NC 28310		
9. (To be signed by accused if accused waives counsel. If accused does not sign, investigating officer will explain in detail in item 21.)				
a. PLACE N/A		b. DATE N/A		
I HAVE BEEN INFORMED OF MY RIGHT TO BE REPRESENTED IN THIS INVESTIGATION BY COUNSEL, INCLUDING MY RIGHT TO CIVILIAN OR MILITARY COUNSEL OF MY CHOICE IF REASONABLY AVAILABLE. I WAIVE MY RIGHT TO COUNSEL IN THIS INVESTIGATION.				
c. SIGNATURE OF ACCUSED N/A				
10. AT THE BEGINNING OF THE INVESTIGATION I INFORMED THE ACCUSED OF: (Check appropriate answer)				
a. THE CHARGE(S) UNDER INVESTIGATION				YES NO
b. THE IDENTITY OF THE ACCUSER				<input checked="" type="checkbox"/> <input type="checkbox"/>
c. THE RIGHT AGAINST SELF-INCRIMINATION UNDER ARTICLE 31				<input checked="" type="checkbox"/> <input type="checkbox"/>
d. THE PURPOSE OF THE INVESTIGATION				<input checked="" type="checkbox"/> <input type="checkbox"/>
e. THE RIGHT TO BE PRESENT THROUGHOUT THE TAKING OF EVIDENCE				<input checked="" type="checkbox"/> <input type="checkbox"/>
f. THE WITNESSES AND OTHER EVIDENCE KNOWN TO ME WHICH I EXPECTED TO PRESENT				<input checked="" type="checkbox"/> <input type="checkbox"/>
g. THE RIGHT TO CROSS-EXAMINE WITNESSES				<input checked="" type="checkbox"/> <input type="checkbox"/>
h. THE RIGHT TO HAVE AVAILABLE WITNESSES AND EVIDENCE PRESENTED				<input checked="" type="checkbox"/> <input type="checkbox"/>
i. THE RIGHT TO PRESENT ANYTHING IN DEFENSE, EXTENUATION, OR MITIGATION				<input checked="" type="checkbox"/> <input type="checkbox"/>
j. THE RIGHT TO MAKE A SWORN OR UNSWORN STATEMENT, ORALLY OR IN WRITING				<input checked="" type="checkbox"/> <input type="checkbox"/>
11a. THE ACCUSED AND ACCUSED'S COUNSEL WERE PRESENT THROUGHOUT THE PRESENTATION OF EVIDENCE (If the accused or counsel were absent during any part of the presentation of evidence, complete b below.)				<input checked="" type="checkbox"/> <input type="checkbox"/>
b. STATE THE CIRCUMSTANCES AND DESCRIBE THE PROCEEDINGS CONDUCTED IN THE ABSENCE OF ACCUSED OR COUNSEL N/A				

NOTE: If additional space is required for any item, enter the additional material in item 21 or on a separate sheet. Identify such material with the proper numerical and, if appropriate, lettered heading (Example: "7c."). Securely attach any additional sheets to the form and add a note in the appropriate item of the form: "See additional sheet."

12a. THE FOLLOWING WITNESSES TESTIFIED UNDER OATH: (Check appropriate answer)				
NAME (Last, First, MI)	GRADE (if any)	ORGANIZATION/ADDRESS (Whichever is appropriate)	YES	NO
HIGGINBOTHAM, JENNIFER N.	SSG	Operation Support Evaluation Group, Fort Belvoir, VA	X	
SMITH (NOT REAL NAME)	SA	Department of Defense	X	
b. THE SUBSTANCE OF THE TESTIMONY OF THESE WITNESSES HAS BEEN REDUCED TO WRITING AND IS ATTACHED.			X	
13a. THE FOLLOWING STATEMENTS, DOCUMENTS, OR MATTERS WERE CONSIDERED; THE ACCUSED WAS PERMITTED TO EXAMINE EACH.				
DESCRIPTION OF ITEM	LOCATION OF ORIGINAL (if not attached)			
IO #1: ERB of PFC Corsetti	Soldier's home unit	X		
IO #2: Orders for PFC Corsetti		X		
IO #3: GENERAL ORDER 1A	US DOD	X		
PE #1A: Statement of AYAZI, Waheed 18 Dec 02	USACRC, Fort Belvoir, VA 22060	X		
PE #1B: Statement of AYAZI, Waheed 21 Nov 03	USACRC, Fort Belvoir, VA 22060	X		
SEE CONTINUATION SHEET				
b. EACH ITEM CONSIDERED, OR A COPY OR RECITAL OF THE SUBSTANCE OR NATURE THEREOF, IS ATTACHED			X	
14. THERE ARE GROUNDS TO BELIEVE THAT THE ACCUSED WAS NOT MENTALLY RESPONSIBLE FOR THE OFFENSE(S) OR NOT COMPETENT TO PARTICIPATE IN THE DEFENSE. (See R.C.M. 909, 916(k).)				X
15. THE DEFENSE DID REQUEST OBJECTIONS TO BE NOTED IN THIS REPORT (If Yes, specify in Item 21 below.)			X	
16. ALL ESSENTIAL WITNESSES WILL BE AVAILABLE IN THE EVENT OF TRIAL			X	
17. THE CHARGES AND SPECIFICATIONS ARE IN PROPER FORM			X	
18. REASONABLE GROUNDS EXIST TO BELIEVE THAT THE ACCUSED COMMITTED THE OFFENSE(S) ALLEGED			X	
19. I AM NOT AWARE OF ANY GROUNDS WHICH WOULD DISQUALIFY ME FROM ACTING AS INVESTIGATING OFFICER. (See R.C.M. 403(d) (1).)			X	
20. I RECOMMEND:				
a. TRIAL BY <input type="checkbox"/> SUMMARY <input type="checkbox"/> SPECIAL <input checked="" type="checkbox"/> GENERAL COURT-MARTIAL				
b. <input type="checkbox"/> OTHER (Specify in Item 21 below)				
21. REMARKS (Include, as necessary, explanation for any delays in the investigation, and explanation for any "no" answers above.) See Appendix A, Investigating Officers Report				
22a. TYPED NAME OF INVESTIGATING OFFICER				
HENRY J. HOGAN, III		b. GRADE	c. ORGANIZATION	
		COL/O-6	HQ, USA-ISA	
d. SIGNATURE OF INVESTIGATING OFFICER			e. DATE	
			22 DEC 05	

CONTINUATION SHEET, DD FORM 457, PERTAINING TO CORSETTI, Damien M., 452-83-0492

Item 13a, continued:

DESCRIPTION OF ITEM:	LOCATION OF ORIGINAL (if not attached)	YES	NO
PE #2: Statement of HIGGINBOTHAM, Jennifer, 1 Aug 04	USACRC, Fort Belvoir, VA 22060	X	
PE #3: Statement of SALCEDO, Selena M., 15 Sep 05	USACRC, Fort Belvoir, VA 22060	X	
PE #4A: Statement of Al-Darbi, Ahmed, 15 Jun 05	USACRC, Fort Belvoir, VA 22060	X	
PE #4B: Statement of Al-Darbi, Ahmed, 17 Jun 05	USACRC, Fort Belvoir, VA 22060	X	
PE #4C: Statement of Al-Darbi, Ahmed, 22 Sep 05	USACRC, Fort Belvoir, VA 22060	X	
DE #A1: Grant of Immunity and Order to Testify, SALCEDO, Selena M.	Bagram Prosecution Team, Building 50, Fort Bliss, TX 79916	X	
DE #A2: Use Immunity, SALCEDO, Selena M.	U.S. DOD, Washington DC 20530	X	
DE #B: Statement of WOOD, Carolyn 17 Jan 03	USACRC, Fort Belvoir, VA 22060	X	

Appendix A**Item "21"****Investigating Officer's Report****Dated: 7 December 2005****RE: Corsetti, Damien. M ; PFC****I. Discussion of Charges and Specifications and Evidence****Charge I**

Specification 1-Violation of Article 92 Failure to Obey Order (possessing/ consuming alcohol) This specification of the charge is in appropriate form.

There is sufficient evidence based upon: General Order Number 1A(GO-1A) Paragraph 2(c) dated Dec 19,2000 (Investigating Officer's Exhibit 3); and evidence from the Statement of Salena Marie Salcedo taken 15 Sep 05 (Prosecution's Exhibit 3) to satisfy the elements of Article 92 Failure to Obey Order (possession and consumption of alcohol)

Specification 2- Violation of Article 92 Dereliction in the Performance of Duties (failure to conduct interrogations according to approved procedures)

This specification of the charge does not allege the specific prescribed duties of the accused. There was an absence of clear and express standards of performance provided to the accused while serving as a detainee interrogator. This lack of command and control was exacerbated by the assignment of the accused, an MOS Qualified Counter Intelligence Agent 97B (Enlisted Record Brief-IO Exhibit 1), to act as a Military Intelligence Interrogator 97E. The prosecution is obliged to prove the existence of a duty which may be established by , regulation, lawful order, or SOP. Further I have considered the Statement of Salena Marie Salcedo taken 15 Sep 05 (Prosecution's Exhibit 3) and the Testimony and Statement of SGT Jennifer N. Higginbotham (Prosecution's Exhibit 2). SGT Higginbotham stated that there was an SOP which she was required to sign in December 2002. Both of these witnesses stated that there was no training provided to the MI Agents who were tasked to serve at MI Interrogators.

Specification 3- Violation of Article 92 Dereliction in the Performance of Duties (failure to prevent interrogation partner from throwing garbage, soiled toilet paper onto a Person in Custody)

This specification of the charge does not allege the specific prescribed duties of the accused. There was an absence of clear and express standards of performance provided to the accused while serving as a detainee interrogator. This lack of command and control was exacerbated by the assignment of the accused, an MOS Qualified Counter Intelligence Agent 97B (Enlisted Record Brief-IO Exhibit 1), to act as a Military Intelligence Interrogator 97E. The prosecution is obliged to prove the existence of a duty which may be established by , regulation, lawful order, or SOP. Further I have

considered the Statement of Salena Marie Salcedo taken 15 Sep 05 (Prosecution's Exhibit 3) and the Testimony and Statement of SGT Jennifer N. Higginbotham (Prosecution's Exhibit 2). SGT Higginbotham stated that there was an SOP which she was required to sign for in December 2002.. Both of these witnesses stated that there was no training provided to the MI Agents who were tasked to serve at MI Interrogators. Further the acts of throwing garbage and soiled toilet paper onto Ahmed Al Darbi was the misconduct of another described as the "tall guy" for which the accused in the absence of a specific duty to prevent misconduct on the part of another; cannot be held accountable. I have considered the Report of Investigative Activity dated 15 June 05 concerning the Interview of Ahmed Muhammed Ahmed Hazai Al Darbi (Prosecution's Exhibit 4A) as well as an Interview of Ahmed Muhammed Ahmed Hazai Al Darbi dated 17 June 05 (Prosecution's Exhibit 4B) and an Interview of Ahmed Muhammed Ahmed Hazai Al Darbi dated 22 Sept 05 (Prosecution's Exhibit 4C).

Charge II

Specification 1 Violation of Article 93 Maltreatment of Persons under US Control (sitting on top of a person during interrogation)

The Specification does not identify the person who was the subject of the maltreatment by the Accused. I recommend the insertion of the name Ahmed Muhammed Ahmed Hazai Al Darbi (aka BT 264) as the victim of the maltreatment based upon the Testimony and Statement of SGT Jennifer N. Higginbotham (Prosecution's Exhibit 2) and the Testimony of Special Agent Anthony Britt (referred to in public hearing as Special Agent Smith) There is sufficient evidence to prosecute this Specification of the Charge.

The act of sitting on top of the person of Ahmed Al Darbi is multiplicitous with the Specification 2 of Charge II

Specification 2 Violation of Article 93 Maltreatment of Persons under US Control (sitting on top of a person during interrogation, throwing article of garbage onto his person, putting cigarette ash onto his person, walking across handcuffs in order to inflict pain, forcefully pulling hairs from Ahmed Al Darbi's chest.)

There is sufficient evidence based on the Interviews of Ahmed Muhammed Ahmed Hazai Al Darbi (Prosecution's Exhibit 4B-C) and the Testimony and Statement of SGT Jennifer N. Higginbotham (Prosecution's Exhibit 2) and the Testimony of Special Agent Anthony Britt (referred to in public hearing as Special Agent Smith) to prosecute this Specification of the Charge.

The act of sitting on top of the person of Ahmed Al Darbi is multiplicitous with the Specification 1 of Charge II

Specification 3 Violation of Article 93 Maltreatment of Persons under US Control (maltreat Omar Al Faruq grabbing head and shoulders, removing his pants so that genitalia was exposed to a female interrogator, bending Al Faruq over a table, waving a water bottle around in close proximity to Al Faruq buttocks.

There is sufficient evidence based on the Statement of Salena Marie Salcedo taken 15 Sep 05 (Prosecution's Exhibit 3) to prosecute this Specification of the Charge.

Charge III

Specification Violation of Article 112a (Wrongful use of Hashhish)

There is sufficient evidence based on the Statement of Salena Marie Salcedo taken 15 Sep 05 (Prosecution's Exhibit 3) to prosecute this Specification of the Charge.

Charge IV

Specification 1 Violation of Article 128 (Unlawfully pull the head and beard of PUC 414)

There is sufficient evidence based on the Testimony of Special Agent Anthony Britt (referred to in public hearing as Special Agent Smith) and the Sworn Statements Waheed Abdul Ayazi taken 18 Dec 2002 (Prosecution Exhibit 1-A) and 21 Nov 2003 (Prosecution's Exhibit 1-B) to prosecute this Specification of the Charge.

Specification 2 Violation of Article 128 (Unlawfully strike Al Darbi in the leg, groin, and chest with hands and knees)

There is sufficient evidence based on the Interviews of Ahmed Muhammed Ahmed Hazai Al Darbi (Prosecution's Exhibit 4B-C) and the Testimony and Statement of SGT Jennifer N. Higginbotham (Prosecution's Exhibit 2) and the Testimony of Special Agent Anthony Britt (referred to in public hearing as Special Agent Smith) to prosecute this Specification of the Charge.

Specification 3 Violation of Article 128 (Assault by showing Al Darbi a condom, his penis and stating I am going to fuck you)

There is sufficient evidence based on the Interviews of Ahmed Muhammed Ahmed Hazai Al Darbi (Prosecution's Exhibit 4B-C) and the Testimony of Special Agent Anthony Britt (referred to in public hearing as Special Agent Smith) to prosecute this Specification of the Charge.

The act of stating the words "this is special for you. This is your God, and I am going to fuck you" is multiplicitous with the Specification 3 of Charge V.

Charge V

Specification 1 Violation of Article 134 (Commit an indecent act with Al Darbi placing penis near face, placing penis near buttocks)

There is sufficient evidence based on the Interviews of Ahmed Muhammed Ahmed Hazai Al Darbi (Prosecution's Exhibit 4B-C) and the Testimony of Special Agent Anthony Britt (referred to in public hearing as Special Agent Smith) to prosecute this Specification of the Charge.

Specification 2 Violation of Article 134 (Wrongfully expose in an indecent manner to view his genitalia)

There is sufficient evidence based on the Interviews of Ahmed Muhammed Ahmed Hazai Al Darbi (Prosecution's Exhibit 4B-C); the Testimony and Statement of Salena Marie Salcedo taken 15 Sep 05 (Prosecution's Exhibit 3) and the Testimony of Special Agent Anthony Britt (referred to in public hearing as Special Agent Smith) to prosecute this Specification of the Charge.

Specification 3 Violation of Article 134 (Communicate indecent language to Al Darbi by stating this is special for you, this is your god and I am going to fuck you)

There is sufficient evidence based on the Interviews of Ahmed Muhammed Ahmed Hazai Al Darbi (Prosecution's Exhibit 4B-C) and the Testimony of Special Agent Anthony Britt

(referred to in public hearing as Special Agent Smith) to prosecute this Specification of the Charge.

The act of stating the words "this is special for you. This is your God, and I am going to fuck you" is multiplicitious with the Specification 3 of Charge IV.

II. Discussion of Defense Requested Objections

The Defense has objected to the introduction into evidence at time of trial of both the written Statement of SGT Jennifer N. Higginbotham (Prosecution's Exhibit 2) and her testimony.

The Defense has objected to the introduction into evidence at time of trial of both the testimony and Statement of Salena Marie Salcedo taken 15 Sep 05 (Prosecution's Exhibit 3)

HOGAN AND McDONALD
ATTORNEYS AT LAW
179 Geat Road
Acton, MA 01720
Phone: (978) 263-4642

FAX Message/MEMO

TO:	CW2 Forman	FAX:	915 569-5416
TEL #	915 569-5447		
DATE:	22 December, 2005		
TOTAL PAGES::	3		
FROM:	COL Henry J. Hogan		
RE:	US vCorsetti		

Comments:

Mr. Forman:

- ☐ Attached is a copy of the DD Form 457 signed you will include the documents I previously provided plus the originals you have for submission to COL Burns re: above Art 32.
- ☐ I have mailed the original of this DD Form 457 today for insertion with the original package.
- ☐ Please provide mailing instructions and postage for return of substantial documents you provided to me. I will see to return to you for retention or disposition

Thank you
COL H

THE ORIGINAL OF THE TRANSMITTED DOCUMENT WILL BE SENT VIA:
() FIRST CLASS MAIL
() MESSENGER
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RECORD OF HEARING

The Article 32(b) Investigation in the case of United States versus PFC Damien M. Corsetti, _____, Headquarters and Headquarters Battery, U.S. Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916, opened in accordance with Article 32 (b) UCMJ and DA Pam 27-17, at 1256 hours, 6 December 2005.

The following persons were present:

Investigating Officer (IO)	COL Henry J. Hogan
Recorder	CPT Christopher E. Ellis
Assistant Recorder	CPT John B. Parker
Defense Counsel (DC)	CPT Joseph Owens
Assistant Defense Counsel (ADC):	CPT Ryan Dowdy
Accused	PFC Damien M. Corsetti
Reporter	PFC Sambriddhi Rimal

The defense waived the reading of the charges.

The recorder was sworn.

The Investigating Officer informed PFC Corsetti of his rights and the administrative matters relating to the Article 32 investigation.

The Investigating Officer stated that his sole purpose in this case is to determine thoroughly and impartially with the relevant facts of this case, and evaluate those facts to make my recommendation.

The Investigating Officer advised PFC Corsetti of his rights to make a statement.

The investigating officer stated that he intended to call the following witnesses:

Special Agent Smith (Not Real Name)
Mr. Waheed Ayazi
SSG Jennifer N. Higginbotham

The Trial Counsel did not make an opening statement.

The Defense Counsel did not make an opening statement.

Special Agent Smith (Not real name) was called as a witness for the prosecution, was sworn, and testified in substance as follows:

Questions by the TC

My current duty position is criminal investigator with the Department of Defense. I received four to eight months of interviewing and interrogation training down in Georgia. In June of 2005 I interviewed Ahmad Al-Darbi at GITMO and he basically said that while in Bagram there were numerous times of abuse. He talked about sexual words being said to him, being beaten, a private part taken out and shown to him saying this is your god, trash and ashes thrown on him, soiled toiled paper being thrown on him, he also said a female rubbed on him, about being shackled up, being made to stay up without sleep, and carry water. He said that an interrogator threatened to rape him and that he pulled out a condom and said he was going to have sex with him. Al-Darbi had seen a picture of the interrogator that had threatened to rape him and the interrogator pushed him to his knees and got behind him and humped him. He also said that two interrogators threw him against the wall and that one pulled out his penis and said this is your God. He described him as a fat Italian guy. He identified him as the one that punched him in the stomach and chest, the one that showed him the condom, and said he was going to have sex with him. Al-Darbi told me that he hit him in the head and put his knees on his chest and pulled hair from his chest. I wouldn't be able to say that it was Corsetti because he never gave me a name but he identified his picture; based on the CID report. Al-Darbi never signed these reports because of a lack of legal counsel on whether he should sign, and the reports were never translated to his native language.

Questions by the DC

In his statement he said he was hooded during some of these events; and if he was hooded he would probably not know who was committing some of these events. I would not know if pulling his hair doesn't violate his rights. He did admit to abusing another prisoner who was retarded and does speak a little bit of English. My knowledge is based on what is on the CID Reports and I did not do any independent investigation because CID was handling the case. I did speak to Al-Darbi and he spoke a little English.

Questions by the ADC

I used an interpreter and he was with me at all times. Al-Darbi could speak a little English but I used an interpreter. CID are the ones that used the line-up it had 3 to 4 picture on the top and bottom but I'm not familiar on how the line-up was created. Based on the CID report Al-Darbi picked out Corsetti. I only have knowledge of the line-up from the CID report. When I first interviewed Mr. Al-Darbi he had already been there for three years and he did ask me if I could get him get out of GITMO. I interviewed him face to face, I was not wearing a suit and did identify myself. He told me that he actually saw the penis but we did not get into any details about it. He did not say if he had a hood on or how he knew a penis touched his buttocks. He did not give me any written statements in his language and everything was said to me by an interpreter. I can not identify the interpreter but he was a civilian but I did document it. I do not know who FBI Agents Gary or Rob are and I did not make any effort to find out what they had to say. I never attempted to interview Corsetti or anyone else. CID did not tell me specifically why he was there and I did not take his word for everything.

Questions by the TC continue as follow

I do not know if they are hooded 100% of the time and Al-Darbi did speak some English. But I don't think he can understand the English language and he did stay consistent in all his statements.

Questions by the IO

When he initially told us of the abuse CID had conducted a prior investigation and we reviewed the report and that's when I saw the line-up in the report. The sequence of events was that he told us that he had talked to CID prior to talking to us. This interview was not a question and answer interview, he told the interpreter what happened and the interpreter told us. That's why we didn't go into detail because of the translation. We just asked what happened and documented what happened. We had no problems with the translation of words like fuck or pussy.

Question by the DC continue as follow

I believe there is an equivalent word for fuck and pussy, but I don't know for sure. I took statements from Al-Darbi but CID were the lead agents in the investigation my role was only to take the statement and I didn't speak to the interpreter about the how he interpreted the words because it was CID's responsibility to find out if the entire allegation of abuse was true.

Question by the TC continues as follow

Al-Darbi consistently stated he was abuse.

The witness was permanently excused.

The Article 32 Investigation recessed at 1338 hours, 6 December 2005.

The Article 32 Investigation reconvened at 1358 hours, 6 December 2005.

Defense objected to SSG Higginbotham's statement being allowed in.

Prosecution requested that the IO consider all statements.

The IO allowed the statement.

Defense objected to Salcedo's statement sighting that she had not been considered reasonably available.

Prosecution stated that her immunity agreement in the civilian sector has not been signed.

The IO allowed the statement due to her non-availability due to her immunity not being approved.

Prosecution submitted Prosecution Exhibits 1a-b and 4a-c.

Defense submitted Defense Exhibits A1, A2-B.

The Article 32 Investigation recessed at 1409 hours, 6 December 2005.

The Article 32 Investigation reconvened at 1410 hours, 6 December 2005.

SSG Jennifer N. Higginbotham, Operations Support Evaluation Group, Fort Belvoir, VA, was called as a witness for the prosecution, was sworn, and testified in substance as follows:

Questions by TC

I was deployed to Afghanistan in 2002 with the A Co 519th and worked in the Bagram Confinement Facility. I worked in the interrogation room on the 2nd floor and operations office. There were about 7 rooms, which were 8x10 rooms, and they usually had a table and three chairs but if there wasn't enough chairs the detainee would sit on the floor. I worked about 12 hour shifts rotating from day to night and used the rooms daily. An interrogation would last about 1 to 2 hours and I typically worked with partners. PFC Corsetti is about 6 "2" 250 lbs, has Monster tattooed across his stomach, a turtle on his back and the Virgin Mary on one of his forearms. We usually had a course of action on how we were going to do interrogations and ran our plan through our NCOIC, but we were not supervised while we were interrogating. Some of the approaches we used were friendly approach, fear, good cop bad cop, exercise, love of family, and king of the world. There was no approach that authorized us to use force and we had a standard of humane treatment. We would use stress positions to make the detainee uncomfortable and when we would want to make them cooperate, but we were never allowed to inflict harm. If the detainee refused to cooperate we were not allowed to strike or hit them unless it was self-defense. In 2004 I gave a statement to CID and I stand by it. I witnessed PFC Corsetti pull several detainees' beards during interrogations, but it was not authorized. I also saw him sit on detainees and I did confront him about it after the interrogation. I worked with him for several months and conducted many interrogations with him.

Question by DC

There was no regulation that told us we had to perform humane treatment on the detainees but we did have an SOP. We were allowed to pair up with other females but it didn't happen to often. We are allowed to place our hands on an individual to defend ourselves. I worked for CPT Brown at one point and CPT Hopper but CPT Woods was not the commander. PFC Corsetti was someone who knew what it took to be a Soldier but didn't know how to separate his personnel life. He would sometimes be irresponsible, sexually immature, but could be counted on to get the job done.

Questions by ADC

No, we didn't always have an interpreter present but we did have one when I worked with PFC Corsetti and he would remain there during the entire interview. I don't recall the

names of the interpreters or the name of the PUC that had his beard pulled. I did deploy with PFC Corsetti and received the same briefing he did. We did individual training at Fort Polk, LA and deployed to Afghanistan; we didn't receive any training in Afghanistan. We only had a few days of training in our MOS that was from our NCOIC, but I don't remember. They didn't tell us that we had to report anything that we saw that was wrong but being a Soldier I knew we had to. However I never reported the incident to anyone. In the harsh treatment we basically yell at the detainee but we were never given any training on it or any rules on what language we could or could not use. When we used love of the family it was basically reminding him that he would not be able to see his family again unless he cooperated. Once we finished we had to back brief our superiors on what happened, I don't remember reporting PFC Corsetti on anything. When I gave my statement my rights were read to me but I was never told why my rights were read to me. Since coming back I have not gotten in trouble and I have not gotten any negative counseling from 1SG McBride.

Questions by TC continues as follow

I do not know if he was acting in self defense when he grabbed a detainee and I never saw him being attacked. The fear approach would not allow you to attack a detainee but you could threaten harm.

Questions by DC continues as follow

I never touched or told Al-Darbi that I wanted him or told him I wanted to have sex with him. I am about 5'6, 145 lbs, and medium built. No one else in my unit has the same characteristics as me but maybe the same height. I don't know if PFC Corsetti was defending himself I just told him I didn't want for it to happen again, but if he was defending himself he was in the right.

Questions by IO

I never saw him drink or have alcohol or drugs. The standard I used when conducting interrogations was the golden rules, which is, treat others, as you would want to be treated. I don't know why I never reported what PFC Corsetti did to the detainees.

The witness was permanently excused.

The Article 32 Investigation recessed at 1442 hours, 6 December 2005.

The Article 32 Investigation reconvened at 1448 hours, 6 December 2005.

The defense does not object to the admission of Mr. Ayazi's statement.

The defense and prosecution both agree not to call Mr. Ayazi as witness.

TC gives closing argument.

DC gives closing argument.

The IO reread PFC Corsetti his right to make a statement; PFC Corsetti did not make a statement.

The Article 32 Investigation adjourned at 1504 hours, 6 December 2005.

Oct. 05 2004 04:23PM P2

FAX NO. : 3964445

09:41

MCCLATCHYDC

P.23/41

Investigating Officer Exhibit #

1

DEPARTMENT OF THE ARMY
Headquarters, US Army Air Defense Artillery Center and Fort Bliss
Fort Bliss, Texas 79916-6812

Orders 063-446

4 March 2005

CORSETTI, DAMIEN M.

PFC A CO, 519TH MI BN, FT BRAGG, NC 28310

You are attached or released from attachment as shown.

Action: You are attached to HHB USA ADA CNTR (W0VH01) FT BLISS, TX 79916

Effective date: 25 February 2005

Period: Indefinite

Purpose: general administration of military justice

Accounting classification: Not applicable

Additional instructions: (a) Authority AR 27-10 paragraph 5-2, and Memorandum from Commanding General, USAADACEN FT Bliss, TX dated 25 February 2005 Subject: Attachment of Soldiers. (b) The 76th Military Police Battalion and US Army Garrison Command, Fort Bliss will serve as the summary and special court-martial convening authorities, respectively. Nothing in this attachment shall be construed as a directive to any subordinate commander to take or refrain from taking any action, including no action, deemed appropriate in the interests of good order and discipline.
Format: 440

FOR THE COMMANDER:

* OFFICIAL *
* HQ, USAADACEN & FT. BLISS *
* FORT BLISS, TX *

C. D. YOUNG
ADJUTANT GENERAL

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CDR, A CO, 519TH MI BN (1)

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CDR, 76TH MP BN

DEC 19 2000

CCJA

GENERAL ORDER NUMBER 1A (GO-1A)*

TITLE: Prohibited Activities for U.S. Department of Defense Personnel Present Within the United States Central Command (USCENTCOM) AOR.

PURPOSE: To identify conduct that is prejudicial to the maintenance of good order and discipline of all forces in the USCENTCOM AOR.

AUTHORITY: Title 10, United States Code, Section 164(c) and the Uniform Code of Military Justice (UCMJ), Title 10, United States Code, Sections 801-940.

APPLICABILITY: This General Order is applicable to all United States military personnel, and to civilians serving with, employed by, or accompanying the Armed Forces of the United States, while present in the USCENTCOM AOR *except* for personnel assigned to: Defense Attaché Offices; United States Marine Corps Security Detachments; sensitive intelligence and counterintelligence activities that are conducted under the direction and control of the Chief of Mission/Chief of Station; or other United States Government agencies and departments.

1. STATEMENT OF MILITARY PURPOSE AND NECESSITY: Current operations and deployments place United States Armed Forces into USCENTCOM AOR countries where local laws and customs prohibit or restrict certain activities which are generally permissible in western societies. Restrictions upon these activities are essential to preserving U.S. / host nation relations and combined operations of U.S. and friendly forces. In addition, the high operational tempo combined with often-hazardous duty faced by U.S. forces in the region makes it prudent to restrict certain activities in order to maintain good order and discipline and ensure optimum readiness.

2. PROHIBITED ACTIVITIES:

a. Purchase, possession, use or sale of privately owned firearms, ammunition, explosives, or the introduction of these items into the USCENTCOM AOR.

b. Entrance into a Mosque or other site of Islamic religious significance by non-Moslems unless directed to do so by military authorities, required by military necessity, or as part of an official tour conducted with the approval of military authorities and the host nation. This provision may be made more restrictive by Commanders when the local security situation warrants.

c. Introduction, possession, sale, transfer, manufacture or consumption of any alcoholic beverage within the countries of Kuwait and Saudi Arabia. In all other countries of the USCENTCOM AOR, U.S. military and civilian personnel will conform to their respective component restrictions on alcohol, and follow appropriate deportment in respecting host-nation laws and customs. Because of the high operational tempo and the various threats faced by U.S. forces in the region, it is prudent to exercise active control over certain activities in order to maintain good order and discipline and ensure optimum readiness. Accordingly, in all locations where alcohol is not prohibited by this General Order, Commanders and unit chiefs are directed to exercise discretion and good judgment in promulgating and enforcing appropriate guidelines and restrictions, regularly reviewed to ensure they are commensurate with current or foreseen operations and threats.

d. Introduction, purchase, possession, use, sale, transfer, manufacture, or consumption of any controlled substances, or drug paraphernalia. Prescription drugs must be accompanied by the original prescription label of the prescribing medical facility or authority.

e. Introduction, possession, transfer, sale, creation or display of any pornographic or sexually explicit photograph, video tapes, movie, drawing, book, magazine, or similar representations. The prohibitions contained in

* This General Order supercedes General Order Number 1, dated 7 November 1996.

this subparagraph shall not apply to AFRTS broadcasts and commercial videotapes distributed and/or displayed through AAFES or MWR outlets located within the USCENTCOM AOR. This prohibition shall also not apply within the areas exclusively under the jurisdiction of the United States, such as aboard United States Government vessels and aircraft.

f. Gambling of any kind, including sports pools, lotteries and raffles, unless permitted by host-nation laws and applicable service or component regulations.

g. Removing, possessing, selling, defacing or destroying archeological artifacts or national treasures.

h. Selling, bartering or exchanging any currency other than at the official host-nation exchange rate.

i. Adopting as pets or mascots, caring for, or feeding any type of domestic or wild animal.

j. Proselytizing of any religion, faith or practice.

k. Taking or retaining individual souvenirs or trophies, except as noted below:

(1) Private or public property may be seized during exercises or operations only on order of the Commander, when based on military necessity. Such property will be collected, processed, secured and stored for later return to the lawful owner. The wrongful taking of private property, even temporarily, is a violation of Article 121, Uniform Code of Military Justice.

(2) Public property seized by U.S. Armed Forces is the property of the United States. The wrongful retention of such property is a violation of Article 108, Uniform Code of Military Justice.

(3) No weapon, munitions, or military article of equipment obtained or acquired by any means other than official issue may be retained for personal use or shipped out of the USCENTCOM AOR for personal retention or control.

(4) This prohibition does not preclude the lawful acquisition of souvenirs that can be legally imported into the United States.

3. PUNITIVE ORDER: Paragraph 2 of this General Order is punitive. Persons subject to the UCMJ may be punished thereunder. Civilians serving with, employed by, or accompanying the Armed Forces of the United States in the USCENTCOM AOR may face criminal prosecution or adverse administrative action for violation of this General Order.

4. INDIVIDUAL DUTY: All persons, military and civilian, subject to this General Order are charged with the individual duty to become familiar with and respect the laws, regulations, and customs of their host nation insofar as they do not interfere with the execution of their official duties. Acts of disrespect or violations of host nation laws, regulations and customs may be punished under applicable criminal statutes and administrative regulations.

5. UNIT COMMANDER RESPONSIBILITY: Commanders, Security Assistance Office Chiefs, and military and civilian supervisors are charged with ensuring that ALL PERSONNEL are briefed on the prohibitions and requirements of this GENERAL ORDER. Commanders and supervisors are expected to exercise discretion and good judgment in enforcing this General Order. Component Commanders may further restrict their forces as they deem necessary.

6. CONFISCATION OF OFFENDING ARTICLES: Items determined to violate this General Order may be considered contraband and may be confiscated by command or law enforcement authorities if found in the USCENTCOM AOR. Before destruction of contraband, Commanders or law enforcement personnel will coordinate with their servicing judge advocate.

7. EFFECTIVE DATE: This General Order is effective immediately. Individuals or commanders may arrange for safekeeping of personal firearms with their unit's military law enforcement activity. Military customs and other pre-

clearance officials will enforce this General Order in their inspections of personnel and equipment prior to departure to the AOR and return to CONUS.

8. EXPIRATION: This General Order will expire when rescinded by the Commander in Chief, U.S. Central Command, or higher authority. Although this General Order is published during peacetime conditions, it will remain in effect in the event of hostilities or armed conflict. Should such conditions prevail, this General order may be supplemented by additional guidance.

9. WAIVER AUTHORITY: Authority to waive or modify the prohibitions of Paragraph 2 of this General Order is delegated to the Deputy Commander in Chief, USCENTCOM.

//ORIGINAL SIGNED//
TOMMY R. FRANKS
General, U.S. Army
Commander in Chief

NOTE: The original of this document is maintained at USCENTCOM/CCJA.

DISTRIBUTION:

A



DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
1733 PLEASANTON ROAD
FORT BLISS, TEXAS 79916-6816

REPLY TO
ATTENTION OF:

ATZC-CG

5 August 2005

MEMORANDUM FOR Sergeant Selena M. Salcedo, , Company A,
519th Military Intelligence Battalion, Fort Bragg, NC 28310

SUBJECT: Grant of Immunity and Order to Testify

1. As an officer empowered to convene general courts-martial and IAW the provision of RCM 704 (c), Manual for Courts-Martial, United States, I hereby make the following findings:

a. Sergeant Salcedo possesses relevant information regarding the criminal investigation of the treatment of detainees (a/k/a persons under control), both during intelligence operations and otherwise, at the Bagram Collection Point, Bagram Airfield, Afghanistan.

b. Sergeant Salcedo has received a court martial conviction for misconduct with regard to these offenses. The adjudged punishment was reduction to E-4, forfeiture of \$250.00 per month for four months, and a reprimand.

c. If questioned during the course of the criminal investigation regarding the treatment of detainees, both during intelligence operations and otherwise, only at the Bagram Collection Point, under UCMJ Article 31, Sergeant Salcedo would have the right to refuse to answer questions, and would likely invoke her right to remain silent under Article 31, UCMJ.

d. It is likely that Sergeant Salcedo's cooperation in the continuing criminal investigation by providing information about her involvement in, and knowledge of, the treatment of detainees, both during intelligence operations and otherwise, only at the Bagram Collection Point, Bagram Airfield, Afghanistan, during the period of Sergeant Salcedo's deployment there, from approximately 1 September 2002 to approximately 30 January 2003 will significantly aid the criminal investigators, and is therefore necessary to the public interest.

(1) On the basis of these facts, pursuant to RCM 704, I order Sergeant Salcedo to cooperate with the government and to provide it with complete and truthful statements and any other relevant information regarding her involvement in, and knowledge of, the treatment of detainees, both during intelligence operations and otherwise, only at the Bagram Collection Point, Bagram Airfield, Afghanistan, during the period of her deployment there, from approximately

ATZC-CG

SUBJECT: Grant of Immunity and Order to Testify

1 September 2002 to approximately 30 January 2003. I further order Sergeant Saicedo to provide complete and truthful information regarding her involvement in, and knowledge of, any effort by any individual to conceal the truth, impede investigations, or mislead commanders, staff officers, investigators, or any other person in any manner whatsoever regarding treatment of detainees at the Bagram Collection Point, Bagram Airfield, Afghanistan, during her deployment there. The grant of immunity does not extend to statements or information regarding treatment of detainees at any other time or in any other country or area of operations.

(2) You are hereby granted testimonial immunity pursuant to RCM 704 (a)(2), MCM. No testimony or other information you provide to the government or defense pursuant to the order, which is related to the treatment of detainees, both during intelligence operations and otherwise, only at the Bagram Collection Point, or any other information directly or indirectly derived from such testimony or information, shall be used against you in a trial by court-martial or proceeding pursuant to Article 15, UCMJ, except in a prosecution of perjury, giving a false statement, or otherwise failing to comply with the order.



ROBERT P. LENNOX
Brigadier General, USA
Commanding

REPLY TO
ATTENTION OF:

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

ATZC-CG

31 October 2005

MEMORANDUM THRU Criminal Law Division (DAJA-CL/COL Darpino), Office of The Judge Advocate General, 1777 North Kent Street, Rosslyn, VA 22209

FOR U.S. Department of Justice, Criminal Law Division/Witness Records Unit (Attn: Ms. Kathleen Coleman), 1301 New York Ave NW, Rm. 1223, Washington, DC 20530


SUBJECT: Use Immunity—Salcedo, Selena Marie

1. I am the General Court-Martial Convening Authority with jurisdiction over cases involving US Army personnel alleged to have committed acts of detainee abuse at Bagram, Afghanistan during 2002. Pursuant to Army Regulation 27-10, paragraph 2-4, and Title 18 United States Code, Section 6004, I hereby request a grant of use immunity to Ms. Selena Marie Salcedo, Social Security Number 557-65-9181, date of birth 17 August 1980. Ms. Salcedo is a former interrogator and is leaving active duty with the US Army, effective 12 November 2005.
2. While serving at the Bagram Collection Point, a detention facility located on Bagram Airfield, Ms. Salcedo witnessed several alleged violations of the Uniform Code of Military Justice, and specifically acts of detainee abuse committed by a fellow interrogator, Private First Class Damien Corsetti. Specifically, Private First Class Corsetti has been charged with Dereliction of Duty; Cruelty and Maltreatment; Wrongful Use of a Controlled Substance; Assault Consummated by Battery; and Indecent Acts with Another.
3. Testimonial immunity will be necessary to secure the cooperation and testimony of Ms. Salcedo. Her testimony is necessary to the public interest, in that it would be vital to the finder of fact in the pending court-martial prosecution against Private First Class Corsetti. I have already granted immunity Specialist Salcedo while she is in the military, and have ordered her to testify. However, now that her status is changing to that of a civilian, this grant and order will be invalid. Further Department of Justice coordination and approval is now necessary.
4. The trial of the pending charges against Private First Class Corsetti would probably occur within 90 days of the grant of immunity.
5. In August, 2005, Specialist (former Sergeant) Salcedo plead guilty to dereliction of duty and maltreatment of a detainee at the Bagram Collection Point. The military judge sentenced her to receive a reprimand, to be reduced in rank to Specialist, and to forfeit \$250.00 per month for four months. I have identified no further criminal liability on the part of Specialist Salcedo for her actions in Afghanistan. To the best of this command's knowledge and belief, no state or federal charges are pending against Specialist Salcedo, nor is she incarcerated.

ATZC-CG

SUBJECT: Use Immunity—Salcedo, Selena Marie

6. For additional information or assistance, please contact either Major Christopher Carrier at christopher.carrier1@us.army.mil or (915) 569-5544, or Captain Christopher Ellis at christopher.ellis@forscom.army.mil or (404) 464-0319.



ROBERT P. LENNOX
Brigadier General, USA
Commanding

134-02-CID369-23533

SWORN STATEMENT			
For use of this form, see AF 130-46; the proponent agency is DDCSOPF			
PRIVACY ACT STATEMENT			
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2851; E.O. 8387 dated November 22, 1943 (SSA). 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	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Cpt Carolyn A. Wood		6. SSN	7. GRADE/STATUS CPT/CDR
8. ORGANIZATION OR ADDRESS MI Det BCP			
9. <u>Carolyn A. Wood</u> WANTS TO MAKE THE FOLLOWING STATEMENT UNDER OATH: <p>How many people are assigned to your MI section? 20.</p> <p>What are the MOS's? 97E (Interrogator), 97B (Counter Intel), 351E (Interrogator Tech)</p> <p>What is the rank structure of your unit? 1 CPT, 1 WO, 4 SSO's, 4 SGTs, 10 SPC.</p> <p>What are components are your soldiers from? 6 RC, 14 AC. The RC soldiers are from the UTAH ARNG.</p> <p>Was this an MTOB section or was it composed of different sections/units? Unit made up of several platoons within the 525 MI BDE with the addition of the UTAH ARNG soldiers.</p> <p>Any unit member that has been assigned to the BCP, redeployed, and then returned? NO.</p> <p>What real world experience have your soldiers had conducting interrogations prior to deploying to Afghanistan? Only one or two of the soldiers have been assigned anywhere else interrogating and that was in Kosovo.</p> <p>Does the MI section have an SOP besides the BCP SOP? No, working on a TTP at this time. It is currently in draft format.</p> <p>When did your unit arrive in Afghanistan? July 2002.</p> <p>How are new interrogators assimilated into the unit? The Utah ARNG troops arrived in the unit three weeks prior to deploying. We took soldiers from four different units within the 525 MI BDE. Several of the soldiers had just returned from BNCOC. We used POI's from that course. Had asked for assistance from the MI School but didn't get much assistance. Part of the problem is the school teaches interrogation techniques to be used on enemy soldiers, order of battle, weapons, equipment, etc. Not totally applicable to the situation here in Afghanistan where we are interrogating terrorists as opposed to military detainees.</p> <p>What methods do you use to measure the proficiency of an interrogator? Interrogators are paired. Platoon Sergeant and myself were with new interrogators. Given the number of interrogations each of the soldiers have conducted, everybody has an equal experience level.</p> <p>Are interrogators monitored? Do the rooms have two-way mirrors or are they wired for sound? No, interrogators take notes during the interrogations. These are used for continuity when another interrogation team interrogates the same PUC at a later time. These are for internal use only.</p> <p>Explain the sequence of an interrogation.</p> <p>1). Prep of interrogator. Team leaders use a tracking system for their sections. This is used to schedule interrogations. They also look at whether they are getting information (Hot) or not getting information (Cold). If it is cold, the section leaders look at switching interrogation teams. Interrogators do back-up checks on the PUC's (notes, photos, observe PUC while they are in the cell). They do a question plan. This plan may be used, it may not determined by the flow of the interrogation.</p> <p>2). Set up of the room. Lighting is standard due to the overhead fluorescent lightening in each of the interrogation rooms. There is a table with chairs. No windows. Each room is the same. As mentioned earlier, there are no two way mirrors or recording.</p>			
10. EXHIBIT <u>J</u>	11. INITIALS OF PERSON MAKING STATEMENT <u>CAW</u>		PAGE 1 OF <u>2</u> PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING 'STATEMENT <u>CAW</u> TAKEN AT _____ DATED _____			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE DETAILS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.			

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USDA WT 01

134-02-CID369-23533

STATEMENT OF <u>CPT Carolyn A. Wood</u>	TAKEN AT <u>0800Z</u>	DATED <u>2002/12/26</u>
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B. STATEMENT (Continued)

3). Composition of interrogation team. There are two interrogators, one interpreter. MP's are present if using a harsh approach or the PUC is perceived as a threat to the team or himself.

4). Is interrogation monitored? No. Have requested the polygraph room be set up with a two-way mirror. This has not been done at this time.

5). How is the PUC placed in the room during an interrogation? Depending on the approach the interrogation team has decided on, the PUC may be sitting, kneeling, standing.

Interrogation Techniques. How do interrogators determine their style or method they are going to use? This will depend on what has been determined during the preparation phase. Initially, the direct approach will be used. While the interrogation is ongoing, the interrogator may determine that an opening is being made to use another approach. Threats, leniency, disorientation, intimidation may be used again depending on the circumstances and the PUC at a particular point of time.

a). Is sleep deprivation used? Yes. It is suggested by the interrogators and enforced by the MP's. How much sleep is required for a PUC? Four hours per day. Is this continuous sleep? No. Not necessarily continuous.

b). Are rewards used? Yes, we have used this for long term residents. We start with direct approach. Work off a field screening. Build a rapport/baseline. Types of rewards offered: smoking (away from the other PUC's), sodas, fruit in the interrogation booth.

Is there any physical contact with PUC's during interrogation? Yes, in a non malicious manner. For instance putting hands on his shoulders to move him on way or another or to have him sit.

Where are the PUC's placed between interrogations? They can be either in the general population or in isolation.

When PUC's are moved from the cell to the interrogation room how are they secured? They are gagged or hooded. They have on leg and arm short and long cuffs. During the interrogation they may take off some of the short cuffs but are still restrained. Hoods/jongles are taken off once in the interrogation box.

What is the purpose for not allowing the PUC's to talk while in the general population? We want the only outlet for them to speak to be with the interrogators.

What is the average interrogations done daily? 16-18.

What recommendations would you make to improve the operation? Would like to get additional legal guidance. We would like to know what our left and right limits are in respect to stress positions and sleep adjustment for instance.

Six months may be too long for our interrogators especially given the average amount of daily interrogations. Also, since there is no R&R program, the interrogators have a set routine that gets tedious with little time off at flagrant.

Concerned with the ramifications of IOXIV may have on the interrogators. Due to the density of interrogators, we may leave here and go to that theater.

AFFIDAVIT

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

Carolyn A. Wood
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of January, 2002

in NO. CJTF-102 Myanmar, AFB

[Signature]
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [Signature]

PAGE 2 OF 2 PAGES

PAGE 3, DA FORM 3833, DEC 1998

USDA-01-00

0137-02-CID369-23534

Sworn Statement

0134-02-CID369-23533

LOCATION: Bagram Airfield, Afghanistan, APO AE 09354

DATE: 18 Dec 02 WA

TIME: 0750 WA

NAME: AYAZI, Waheed Abdul

SSAN:

RANK: CIV

ORGANIZATION: Bagram Collection Point, Bagram Airfield, Afghanistan, APO AE 09354

I, Waheed A. AYAZI, want to make the following statement under oath: I have been at the BCP this time about 3 weeks. I was an interpreter in Khandahar before this. I do not remember any contact with BT 421 at all. I had contact with BT 412 one time, but I can't recall anything about that session. I don't remember anybody hitting him or abusing him in any way. If anyone had done that I would remember it. However, I do remember Damien grabbing PUC 414 by the beard and yanking his head back and forth. He also forcefully grabbed his head and turned it quickly. I don't know about anyone else, but this would definitely have hurt me if someone did that. Damien and Jen also kicked PUC 414 on the buttocks with their feet, but the blows were not hard and would not hurt. They did make him spread his knees and raise his hands over his head. This obviously hurt him, because he said it hurt his knees and he was sweating a lot. There were beads of sweat on his head. I went to Steve and told him about this abuse in the middle of the interrogation, and Steve said I had to go back in because it was an important interrogation. I said if they were going to do that kind of abuse, I was not going to do it. I did go back in and they wrapped it up. Steve told them to finish it and they were only in there one more minute. A few detainees have complained about the sleep deprivation. They think it is excessive. When I was in Khandahar they did not let the guy sleep, but they did not hang him up by his hands for 24 hours without anyone checking him. They didn't hang them up in Khandahar. Other than that I do not remember other specific abuse. I just think that this new group of interrogators, whether it be from inexperience or what, does not do it correctly.

Q: Other than what you have described here. Have you seen any other specific abuse?

A: No.

Q: Is the doctor readily available for the PUCs that complain of pain or illness?

A: No. A lot of them have said they have a problem where they say they hurt or feel sick, and the interrogator will said, "Oh they are just lying. They don't need it."

Q: How often does that occur?

A: I have been here for 3 weeks now and it has happened 3 or 4 times.

Q: Do you see the guards routinely abusing the PUCs?

A: Sometime the guards grab the front of the hood and turn it with their hand so that it gets tight on their face.

Q: Do you know who specifically has done that?

A: No. There are so many guards that I don't remember the faces.

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

Initials of Person Making Statement WA

Page 1 of 3 Pages

DA Form 2823

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Exhibit: _____

0137-02-CID369-23534

0134-02-CID369-23533

Statement of Waheed A. AYAZI, taken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02,
continued:

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

Initials of Person Making Statement WA

Page 2 of 3 Pages

DA Form 2823

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J137-02-CID369-23534

0134-02-CID369-23533

Statement of Waheed A. AYAZI taken at Bagram Airfield, Afghanistan, APO AE 09354, on 18 Dec 02,
continued:

AFFIDAVIT

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

WITNESS:

(Signature)_____
(Printed Rank, Name)_____
(Unit)

WITNESS:

(Signature)_____
(Printed Rank, Name)_____
(Unit)


 (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of December, 2002, at Bagram Airfield, Afghanistan, APO AE 09354


 (Signature of Person Administering Oath)

SA RANDY M. LIGHTY
 87th Military Police Detachment (CID) (FWD)
 Bagram Airfield, Afghanistan
 APO AE 09354

Article 136, UCMJ
 (Authority to Administer Oaths)

Initials of Person Making Statement WA

Page 3 of 3 Pages

DA Form 2823

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0137-02-CID369-23534

0134-02-CID369-23533

SWORN STATEMENT

File Number : 0134-02-CID369-23533
Location : Bagram BO (CID), Bagram Air Base, Afghanistan
Date : 21 Nov 2003 WA Time: 15:45 WA
Statement of: AYAZI, Waheed Abdul
SSN : Grade/Status: Civ/Interpreter
Org/Address : Titan Services, Bagram Control Point, Bagram Air
Base, Afghanistan

WA I, Waheed A. AYAZI, want to make the following statement under oath: This statement is intended to clarify to certain aspects of the earlier statement I made to CID on 18 Dec 2002.

QUESTIONS BELOW ASKED BY SA CARTON AND ANSWERED BY Mr. AYAZI:

Q: When did you start working for Titan and when were you assigned to Bagram?

A: I began working for Titan Services in Feb 2002, I was assigned as a translator for detainee operations at Kandahar Air Base, Afghanistan. I worked there until mid May 2002, when I went to Bagram Air Base. While at Kandahar, I observed detainee living conditions, MP movement and handling of detainees and MI interrogation of detainees on a daily basis. I worked in Bagram BCP for about one month, then I was assigned to Kabul where I worked until early Aug 2002. I went home to the US for 2 1/2 months and returned to Afghanistan in Nov 2002. I returned to Bagram BCP in Nov 2002, I only worked in the facility three weeks, before I made a complaint that got me transferred.

Q: How did MI prevent detainees from sleeping at Kandahar?

A: This happened rarely at Kandahar, but when it did, they would awake the detainee in the middle of the night and bring them to a tent in shackles. There they would lay down and were watched by someone, any time they tried to go to sleep, that watcher would shake them or speak to them. The most this happened for was a couple hours at a time, at Kandahar.

Q: When you arrived at Bagram were you briefed on procedures?

A: No, because most of the people at Bagram came from Kandahar and the procedures were the same.

Q: When you worked at Bagram were you assigned with a particular MI interrogator(s)?

A: No, they did a roster each morning and I worked with many interrogators.

Q: Did you have occasion to speak with PUC 421 (whom CID has told me was named DILAWAR)?

A: No, never.

Q: Did you have occasion to speak with PUC 412 (whom CID has told me was named ULLAH)?

INITIALS WA

Page 1 of 5

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EXHIBIT

PROSECUTION EXHIBIT # 13

U137-02-CID369-23534

0134-02-CID369-23533

STATEMENT OF Waheed A. AYAZI, TAKEN AT Bagram Air Base,
Afghanistan, DATED 21 Nov 2003, CONTINUED:

WA A: In my earlier statement, I said I spoke with him once, but I didn't recall anything about the session. Today I recall even less, but if I said I talked with him in my first statement, then I must have known then I did. My memory was fresher then.

Q: What caused you to be dismissed from translating at the BCP?

A: I reported to "Steve" (SSG Steven LORING) a few incidents of misconduct by his interrogators which I felt were excessive force and improper, based on my previous experience. I think this friction caused me to be moved.

Q: What types of misconduct did you observe?

A: Some things were disrespectful of the culture and the people. One interrogator asked the detainee "Who is taking care of (sexually servicing) your wife, while you are in here?" This is not proper in our culture. I refused to translate it and told the guy, you cannot say that to him. The interrogator insisted and I refused. We went to Steve, he told me that my job was to translate precisely what was said and nothing else. I thought this was wrong and ignorant, because it is very disrespectful and it does nothing to advance the position of Americans in the eyes of the Afghani people. I came here to help the US, but doing things like this hurt more than help.

The practice of strip searching and shaving of heads and beards is also degrading from a cultural and religious point of view. I'm not sure this could ever be changed because of security, but it should be avoid. The administration of a rectal exam is also very disturbing to Afghanis, none of this done in a sober, respectful and professional way, many times the Americans were laughing, joking and it really upsets Muslim people.

Q: Do you remember who asked the question you mentioned above?

A: No, I don't recall. Once an interrogator at Kandahar said something I thought was improper, but after we talked about it he did not do it any longer. At Bagram BCP, in Nov 2002, Damien (SGT Damien CORSETTI) told me to tell one detainee that MI would bring the detainees' wife in and they would take turns sexually abusing her in front of him.

Q: Did you translate this for him?

A: No, I refused.

Q: Did any of the detainees understand English?

A: No, 95% of them were uneducated and could not read or write. Since I refused to translate, I don't think this man knew what Damien said.

Q: Do you recall when this occurred?

INITIALS WA

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0137-02-CID369-23534

0134-02-CID369-23533

STATEMENT OF Waheed A. AYAZI, TAKEN AT Bagram Air Base,
Afghanistan, DATED 21 Nov 2003, CONTINUED:

WA A: I'm guessing, but I think I recall starting working at BCP
on or around 17 Nov and ended on 10 Dec 2002.

Q: In your previous statement, you talked about Damien grabbing
PUC 414, what you can recall about this incident?

A: PUC 414 was brought in and sat down, he was asked questions
and did not answer to Damien and Jen (SPC Jennifer NELSON)'s
satisfaction. So Damien reached out and grabbed PUC 414's beard
with his right hand (underhanded). He yanked the man's beard
back and forth in an up and down motion. Damien was sitting on
a chair and PUC 414 was sitting on the floor. He then pulled
the man forward by pulling down on his beard, forcing his mouth
open while asking him questions. They then had me tell the man
to get on his knees and not sit back on his heels and lift his
arms over his head. PUC 414's legs and hands were still
shackled, so this was very hard for him to do. He was visibly
tired and was sweating and shaking from physical exertion. They
alternated standing behind him and both (at different time)
kicked him in his butt when he sat down on his heels, they stuck
their feet between his knees and spread his legs apart as far as
they could. That was enough for me, I told them I would not
tolerate this any longer and left the room. I went to see
"Steve" (SSG Steve LORING) and told him about it.

Q: Was there anyone above Steve that you talked with about the
issues you disagreed with?

A: There was a CPT, but I did not talk with her. Steve and I
did not get along. The only time I talked with the CPT was to
tell her about a billeting issues, over which Steve and I had a
disagreement and he said some ugly things about me. I talked
with the CPT and she talked with Steve, after which he
apologized.

Q: Do you any reason to believe the CPT knew about the
interrogators physically abusing the detainees? Did she ever
watch or participate in interrogations? Was she in the BCP
much?

A: I don't know. I'm not sure how she could not know because
she was there everyday for 10-12 hours, writing reports and
stuff. She did not participate in interviews, but I am sure
Steve knew. The CPT was a very nice lady who would always try
to fix any problem you brought to her and I know I did not talk
with her about these incidents.

Q: When you talked to Steve about the treatment of PUC 414 by
Damien and Jen?

INITIALS WA

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0137-02-CID369-23534

0134-02-CID369-23533

STATEMENT OF Waheed A. AYAZI, TAKEN AT Bagram Air Base,
Afghanistan, DATED 21 Nov 2003, CONTINUED:

WA: I left the room and found Steve. Damien had also left the room and sought Steve out. Steve was sleeping and one of us woke him up and we told him our concerns. He said I had to go back to the room and translate for them. I told Steve that I could not tolerate the abuse and to show me where it said in the policy that abusing them (kicking them and pulling their beard) was allowed. I told him if he'd show this to me that I'd go back and finish. If he could not I would not go back and finish. Steve said that sometimes they had to be rough in order to get information. He told Damien to wrap the interrogation up, so I went back for a matter of minutes and we sent the detainee back to his cell with a couple MP(s). The MPs were not there for the interview.

Q: Was that the last time you worked in the facility?

A: No, I worked a couple more times.

Q: Were there any other incidents?

A: Yes, one detainee complained about the sleep deprivation. He told me that he hadn't slept in 24 hours and he felt he was going to die. I told Steve about this. Steve explained that a normal person could go 36 hours without sleep. I explained Afghans were not normal. They had been at war for 23 years and were malnourished and weighed maybe 100 lbs each. If they kept them awake like they did at Kandahar it might be more by shaking and talking with them it might be survivable. But at BCP, they shackled the detainees hands over their heads to the ceiling, using chains from the ceiling, forcing them to stand up. These men cannot take that.

Q: What would interrogators do about medical complaints from the detainees?

A: It depended on the person, some would write it down and tell the doctor. Others dismissed medical complaints as made up or fake. The doctor did make rounds in the facility every morning.

Q: Did you ever observe the MPs striking any detainee?

A: No I haven't.

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

A: No. That's all, that's it.

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

WA

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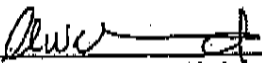
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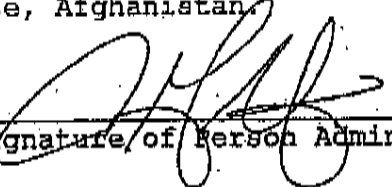
STATEMENT OF Waheed A. AYAZI, TAKEN AT Bagram Air Base,
Afghanistan, DATED 21 Nov 2003, CONTINUED:

AFFIDAVIT

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


(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to
administer oaths, this day 21st of November 2003 at Bagram Air
Base, Afghanistan.


(Signature of Person Administering Oath)

SA Angela G. Birt, 3615

(Typed Name of Person Administering Oath)

Article 136 (b) 4 UCMJ

(Authority to Administer Oath)

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