

AFFIDAVIT OF SEAN D. BAKER, SR.

Comes the Affiant, Sean D. Baker, Sr., and after being duly sworn, avers as follows:

1. That although it has been 17 months since the January 24, 2004, incident when I was injured, what follows is my best recollection of the events that transpired early that morning and immediately thereafter.
2. That on January 24, 2003, I was on active duty with the 438th Military Police Company stationed in Guantanamo Bay, Cuba.
3. That at approximately 2 a.m., I, along with approximately 15 other members of the First Platoon, was working escort detail. Our job was to escort detainees from their cell block to interrogation, or from one cell to another.
4. That while we were assembled in a ready room in one of the buildings at Guantanamo Bay, my squad leader, Staff Sergeant David Howe, received a request for someone in our platoon to participate in a training exercise, and he made a general announcement to us: "Someone needs to go over for training." No one moved initially. At that point, Sgt. Howe looked around again and said, "Someone needs to go over for training." I then volunteered and proceeded to walk over to Camp 2, Oscar Block, for the training.
5. That when I arrived at Oscar Block, I reported to Second Lieutenant Shaw T. Locke and informed him I was Specialist Baker reporting for training duty. At that time, I had no idea what the detail was, or what the training detail was going to be. Next to Lt. Locke was another non-commissioned officer, but I believe he was a Sergeant First Class. I do not remember his name. Lt. Locke then directed me to put on an orange top and pants, which is the same uniform worn by the detainees at Guantanamo Bay. I was surprised by such an order because I had never worn this orange uniform, nor had I ever seen or heard of any other member of the military wearing the same uniform worn by the detainees. When I heard his command, I responded by asking, "Sir?" in the form of a question. Lt. Locke said, "Go ahead and put this on. We'll put you in a cell block. We're going to extract you." I informed Lt. Locke that I did not feel comfortable with that order, and he said, "Don't worry. You'll be fine. Everything's going to be fine."
6. That when I proceeded to remove my uniform, I took my top off and started to take my pants off, but Lt. Locke said, "Just go ahead and put the orange pants on over your BDU's. Just remove your blouse and put this on over your T-shirt." Thus, I had on an orange top and orange pants, but I was wearing my military boots, and I had my military fatigues underneath the orange pants.

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7. That Lt. Locke then said, "We're going to put you in Oscar 27 and extract you from the cell." My immediate question to Lt. Locke was, "Sir, you're going to tell the IRF team that I'm a U.S. soldier?" And he responded, "Yes. You'll be fine. Trust me. Nothing is going to happen to you, Specialist Baker. Get into the cell." I responded, "Yes, Sir." Lt. Locke said, "Just get in the cell, get underneath the bunk, face away from the door and away from the doorway." Then Lt. Locke said, "You're going to be playing the role of an uncooperative detainee, make some noise. We'll send the IRF team in there and extract you." He told me to resist all verbal orders. He told me that as soon as the IRF team entered the cell, I was to comply and allow them to apply the "three-piece suit."
8. That Lt. Locke then said that the index word, or the code word used to stop the exercise, or index the exercise, would be "Red." I repeated the word back to him. "The index word is 'Red', Sir?" He said, "Correct." I then asked Lt. Locke, "You're going to advise the IRF team what the index word is?" Lt. Locke said, "You'll be fine, Specialist Baker. You'll be fine."
9. That the cell I went to was a segregation cell, which is the highest security cell at Guantanamo and is reserved for detainees who act out by throwing urine or feces on MP's or for detainees who are otherwise unruly or get into serious trouble. It is a totally different cell block than the other cells at Guantanamo Bay, Cuba. I had never seen an extraction exercise, or heard of an extraction exercise, being conducted in a segregation cell block.
10. That the segregation cells consist of stamped steel completely around each cell, and you cannot see in or out of the cell except for a small "beanhole," where food is given to the detainee. This segregation cell I was in was very dark, with only a small light at the upper corner of the cell which gave off the same kind of light as a fading flashlight. The floor of the segregation cell was also made of steel.
11. That this training exercise was also unusual because it was conducted while another detainee was located across the causeway from my cell. Previously, all training was done outside the presence of other detainees.
12. That when I entered the darkened segregation cell, I immediately crawled under the bunk as ordered and faced the wall. I felt very uncomfortable, particularly since I had not participated in an exercise like this previously. In all of the previous training exercises involving military personnel acting as mock detainees, they were dressed in military fatigues; and when the extraction team arrived for the exercise, everyone knew it was a drill because the IRF team could see through the cell that it was a military person, the cell was well lit, and thus the drill was conducted at about a quarter-time speed of what it otherwise would be. It was

basically a role-playing exercise. The extraction training which was conducted on January 24, 2003, was totally different because it was in a dark segregation cell and I was dressed in an orange detainee uniform.

13. That I laid under the bunk for approximately 20 minutes on the steel floor. This is because the IRF team, once they are called, has 10 minutes to respond to the cell block in question. Then, it then takes another several minutes for them to get organized inside the cell block. The interpreter also has to be called. It takes time for him to arrive.
14. That I next heard an interpreter speaking to me in a language which I believe to be of Afghan origin. I had heard it previously being spoken at Camp Delta.
15. That the interpreter then departed and I heard the "beanhole" being opened, and I heard an OC cannister being shaken. The individual using the cannister made a hissing sound as if he was spraying OC on me. This particular form of OC is very strong and generally quickly subdues any person who is sprayed with it. However, the individual using this cannister only acted like he was spraying OC on me in front of the IRF team. This individual did say, "This is your last time. Come to the front of the cell. Place your arms outside of the cell" along with the other usual orders given to detainees before extraction commences. The interpreter was then called back to my cell, where he began talking to me again in what I believed to be Afghan language. Also, about this time, the detainee across from my cell began to scream and yell in his language, and I could hear the military personnel outside of my cell telling him to shut up and stop what he was doing. The interpreter began talking to me and as he finished in the foreign language, he closed his comments to me by stating, "Man, they are going to fuck you up."
16. That I then heard the IRF team come stomping down the causeway. This caused me additional concern because previously, when the IRF team knew it was a training drill, they generally marched quarter-time speed or otherwise just shuffled down to the particular cell where the extraction drill was going to take place. This time the stomping was just like it was when an actual extraction is going to take place.
17. That thereafter, the stomping stopped, and I knew the IRF team was assembled in front of my cell. I heard the words, "This is it. This is your last and final warning. Come to the front of the cell!" Then I heard, "All right. We're sending them in on you."

18. That immediately following the final warning, the door was unleashed and the IRF team descended on me immediately and aggressively. The shield of the Number 1 man was pressed against me while I was under the bunk, and the other members of the team began snatching and grabbing at my legs, pulling me out from under the bunk very aggressively and pinning and twisting my legs back and up and pulling my arms behind my back. All of this hurt tremendously, and I did try to kick away the shield and relieve their pressure because it was hurting so much. I tried to get on my stomach so that I could be compliant and so their pressure and aggression would lessen. However, the grabbing, bending and twisting only intensified. It never lessened.
19. That my legs were bent backwards up toward my back, which made it very difficult to breathe or talk. An individual on the IRF team placed his hand around my throat and began choking me and aggressively dug his thumb into the pressure point at my lower jaw. This hurt a lot. I tried to turn my head to speak. I then said the code word, "Red," with my head turned towards them. However, the individual kept on choking me, and the other members of the IRF team were still trying to put handcuffs and shackles around my wrists and legs. I uttered the code word "Red" again and when I did that, the individual behind me slammed my head down against the steel floor. I was trying to be as limp and compliant as possible, but it was not working. I said the code word "Red" two or three times, and the only response I got was that my legs continued to be twisted up towards my back, making it difficult to breathe, and my arms continued to be forced backwards into an unnatural position to be handcuffed. The IRF team members said, "Stop resisting, stop resisting." I was trying to not resist but I never had the opportunity to do so. They were on me immediately once they entered the cell, twisting and turning me and making it very difficult for me to breathe or to resist.
20. That the third time I said "Red," my head was again slammed down against the steel floor. This blow was much harder than the first one. An IRF team member was still choking me, and I barely had any air left to breathe except to utter, "I'm a U.S. soldier," and my head was again smashed against the steel floor. I was able to utter again, "I'm a U.S. soldier." I then heard one member of the IRF team say, "Whoa, Whoa, Whoa, Whoa, Whoa." I supposed one of them realized, hey, this was an American soldier. Also about this same time, my orange pants were apparently pulled down far enough so that my BDU trousers had to be noticed, plus I also had on my military jump boots.
21. That once they realized I was a U.S. soldier, the IRF team got off of me and unfastened the handcuffs and shackles on my legs.

22. That as I lay there, I kept my hand in contact with the IRF team member on my back who was smashing my head against the steel floor, and when I stood up, I remember stating, "I want this man right here," pointing to the individual who slammed my head against the steel floor several times, this same individual who before leaving the cell, while I was on the ground, also kicked me. I remember this individual's face.
23. That I heard the members of the IRF team cursing that they were not informed that this was a military person serving as an uncooperative mock detainee. It appeared to me that they believed this was a real mission and not a training exercise.
24. That when I got to my feet, my right temple was bleeding a lot and the blood was running down my face and neck. My head was hurting a lot. When I staggered out of the cell, I saw and heard one of the guard dogs in the causeway barking viciously toward me while his handler was trying to keep him under control. I was then treated by two medics who cleaned the blood off me. I then heard someone outside the cell block yelling, "Cut that suit off of him, cut that suit off of him!" and someone started cutting the detainee uniform off me with scissors from the medics' kit. I also heard someone say, "Clean that man up, clean that man up, I want him cleaned before he gets out of here!" The medics escorted me down toward where the IRF team had been assembled for an AAR (After action Review). The medics kept telling me that I needed to go to a naval hospital. Immediately after this incident I wanted to get back to my unit, and I walked back from Camp 2 and tried to follow along the fence line to Camp 1 where my unit was staged. I remember feeling very groggy and I threw up a couple of times before arriving at my building. I remember someone helping me part of the way.
25. That when I opened the door to my building, I remember everyone looking at me. I had a huge knot swelling over the right eye. I remember everyone standing up, rushing over to me, and hearing the words, "What the hell happened? What happened?" And my squad leader, Staff Sergeant Howe, and my team leader, Sergeant David Harrison, told everyone to sit down. They asked me what had happened and took me into another room. I told them. I also told them, "Go get the tape. Go get the tape." Staff Sgt. Howe opened up the door to another room and told Sgt. Harrison to take me in there and sit me down. As I went in and sat down, Staff Sgt. Howe said, "I'll be right back. I'm going to go over there and see what happened." I was in there with Sgt. Harrison for approximately 10 or 15 minutes before Staff Sgt. Howe returned. When Staff Sgt. Howe returned, Sgt. Harrison stood up and said, "Well?" And Staff Sgt. Howe responded, "There's nothing on the tape." And Sgt. Harrison said, "What do you mean, there's nothing on the tape?" And Staff Sgt. Howe said, "Exactly what I said. There's nothing on the tape. They said the camera malfunctioned." Staff Sgt. Howe said, "That's what took me so long. I was trying to get them to show me what was on

the tape, and they wouldn't. I had to get someone else, a senior NCO, an officer, someone, to force them to show me the tape. And when they showed it to me, there was nothing on the tape." Sgt. Harrison looked at Staff Sgt. Howe and said, "They erased the tape." Taping of IRF extractions was always a part of every extraction exercise. I also remember seeing an individual with a camera when I left the segregation cell after I was injured.

26. That Staff Sgt. Howe then brought me some sworn statement forms and asked me to write down what happened. I remember being sick as I was trying to fill out this form. I filled out a little of it at my building, and then I was moved over to an urgent treatment-type center near Camp 1, where I filled out the remainder of it. While I was at this medical treatment place, which was not the naval hospital, I saw and heard a physician or physician's assistant come in and look at me and as soon as she looked at me she said, "Oh, no. He needs to go to the naval hospital now!" Staff Sgt. Howe and Sgt. Harrison were with me at the time, and I remember that as Staff Sgt. Howe and Sgt. Harrison were escorting me to a vehicle to transport me to a naval hospital, I encountered my company commander, who looked at me and asked, "Are you okay?" or something like that, and I remember saying, "I'm ready to go, ready to rock, ma'am." She said something like, "You look like you're ready." She was being sarcastic. Staff Sgt. Howe and Sgt. Harrison then put me in a vehicle and took me to the naval hospital. The naval hospital was only a few miles away, and I remember them telling me they were only doing 20 to 25 miles an hour, but it seemed like we were flying, and I kept throwing up, and finally they had to stop because I was so sick. I remember having some kind of seizure. Then when we got to the hospital they put me on a guerny and rolled me into the hospital, and I remember immediately being stuck with a lot of needles and tubes everywhere, including a catheter.
27. That at some point during my hospitalization at Guantanamo, I remember Major General Miller and Brigadier General Payne coming to visit me for a few minutes while I was in the hospital. They inquired how I was doing and promised me that there would be a complete and thorough investigation and that they would get to the bottom of what happened, and that those involved would be held accountable. I never heard from them again.
28. That I was never questioned about this incident by any investigator at Guantanamo. I was not interviewed by the CID until June 16, 2004.

FURTHER THE AFFIANT SAYETH NAUGHT.

Sean D. Baker, Sr.
SEAN D. BAKER, SR.

STATE OF KENTUCKY

COUNTY OF FAYETTE

Acknowledged, sworn to and subscribed before me by SEAN D. BAKER, SR., on
this the 22nd day of June, 2004.

My commission expires: Jan. 15, 2005

Elizabeth R. Baker
NOTARY PUBLIC - STATE AT LARGE