

FILED IN OPEN COURT  
ON 6/17/04 Clerk  
US District Court  
Eastern District of NC

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:04-CR-211-1

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 DAVID A. PASSARO, )  
 )  
 Defendant )

INDICTMENT

The Grand Jury Charges:

**GENERAL ALLEGATIONS**

1. At all times relevant to this Indictment, Defendant **David A. Passaro** was a contractor working on behalf of the United States Central Intelligence Agency (CIA). He was working on behalf of the CIA, engaging in paramilitary activities in support of United States military personnel at a military base near the town of Asadabad in Kunar Province, in the nation of Afghanistan. The military base was called Asadabad Base.

2. The Asadabad Base was frequently subjected to rocket attacks. On June 18, 2003, a local Afghani named Abdul Wali, who was suspected of participating in these attacks, surrendered himself voluntarily at the front gate of Asadabad Base. Defendant **David A. Passaro** assisted military personnel in detaining Abdul Wali. Military personnel placed Abdul Wali in detention in a cell on Asadabad Base.

3. On June 19, 2003, and June 20, 2003, Defendant **David A. Passaro** interrogated Abdul Wali about the rocket attacks. During these interrogations, Defendant **David A. Passaro** beat Abdul Wali, using his hands and feet, and a large flashlight. Abdul Wali died in a cell on Asadabad Base on June 21, 2003.

COUNT ONE

The General Allegations section of this Indictment is incorporated herein, as if set out in full in this count.

On or about June 19, 2003, at a place in the special maritime and territorial jurisdiction of the United States, as provided by Title 18, United States Code, Section 7(9)(A), namely, at a United States Army base near the town of Asadabad, in Kunar Province, Afghanistan, and outside the jurisdiction of any particular State or district, with the defendant's last known address being in Lillington, North Carolina, in the Eastern District of North Carolina, as provided by Title 18, United States Code, Section 3238, the defendant **David A. Passaro**, being a national of the United States, did willfully, knowingly and intentionally assault Abdul Wali with a dangerous weapon, namely, a flashlight, with intent to do bodily harm to Abdul Wali; all in violation of Title 18, United States Code, Section 113(a)(3).

COUNT TWO

The General Allegations section of this Indictment is incorporated herein, as if set out in full in this count.

On or about June 19, 2003, at a place in the special maritime and territorial jurisdiction of the United States, as provided by Title 18, United States Code, Section 7(9)(A), namely, at a United States Army base near the town of Asadabad, in Kunar Province, Afghanistan, and outside the jurisdiction of any particular State or district, with the defendant's last known address being in Lillington, North Carolina, in the Eastern District of North Carolina, as provided by Title 18, United States Code, Section 3238, the defendant **David A. Passaro**, being a national of the United States, did knowingly, and intentionally assault Abdul Wali, and such assault resulted in serious bodily injury to Abdul Wali; all in violation of Title 18, United States Code, Section 113(a)(6).

COUNT THREE

The General Allegations section of this Indictment is incorporated herein, as if set out in full in this count.

On or about June 20, 2003, at a place in the special maritime and territorial jurisdiction of the United States, as provided by Title 18, United States Code, Section 7(9)(A), namely at a United States Army base near the town of Asadabad, in Kunar Province, Afghanistan, and outside the jurisdiction of any particular State or district, with the defendant's last known address being in Lillington, North Carolina, in the Eastern District of North Carolina, as provided by Title 18, United States Code, Section 3238, the defendant **David A. Passaro**, being a national of the United States, did willfully, knowingly, and intentionally assault Abdul Wali with a dangerous weapon, namely, a flashlight, with intent to do bodily harm to Abdul Wali; all in violation of Title 18, United States Code, Section 113(a)(3).

COUNT FOUR

The General Allegations section of this Indictment is incorporated herein, as if set out in full in this count.

On or about June 20, 2003, at a place in the special maritime and territorial jurisdiction of the United States, as provided by Title 18, United States Code, Section 7(9)(A), namely at a United States Army base near the town of Asadabad, in Kunar Province, Afghanistan, and outside the jurisdiction of any particular State or district, with the defendant's last known address being in Lillington, North Carolina, in the Eastern District of North Carolina, as provided by Title 18, United States Code, Section 3238, the defendant **David A. Passaro**, being a national of the United States,

did knowingly, and intentionally assault Abdul Wali, and such assault resulted in serious bodily injury to Abdul Wali; all in violation of Title 18, United States Code, Section 113(a)(6).

A TRUE BILL

*Bruce Hyman*

FOREPERSON

6-17-04

DATE

FRANK D. WHITNEY  
United States Attorney

*J. A. Candello*

BY: JAMES A. CANDELMO  
Assistant United States Attorney

*M. P. Sullivan*

BY: MICHAEL P. SULLIVAN  
Special Assistant United States Attorney

I certify the foregoing to be a true and correct copy of the original.

Clerk  
United States District Court  
Eastern District of North Carolina

Deputy Clerk