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SWORN STATEMENT

For use of this form, see AR 190-48; the proponent agency is ODCBOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 8397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
CLOSURE: Disclosure of your social security number is voluntary.

LOCATION
Baghdad, Iraq

2. DATE (YYYYMMDD)
2004/06/21

3. TIME
1412

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME
[REDACTED]

6. SSN

7. GRADE/STATUS
O-6

8. ORGANIZATION OR ADDRESS
CISOTF-AP, [REDACTED]

9. I, COL [REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I have provided the published CISOTF-AP procedures to the AR 15-6 investigating officer, and that was my policy. If there were aberrations to those procedures then I'm not aware of them.

Battalion commanders were pretty good about telling me who was in detention and what was going on with them and what they were getting out of them, because I know with the CISOTF DIF, with the Task Group, any FOB that had people in there, I would want to know what we were getting out of the detainees and is anything coming out of them. If not, my opinion was, let's get them out of here. Either release them or get them over to Abu Ghariib.

When I first started this, at the 48-hour mark I was being asked for extensions to 14 days. I think the first couple I agreed to, but I got to thinking about it, and if we were not getting anything out of these guys, why was I extending them to 14 days? I wanted more justification, so I started throwing back on that. I'd give them 7 days sometimes 10 days. That was primarily in the CISOTF facility. I don't recall anybody asking me to extend anybody at a team house or anything like that. That never happened that I know of.

I had no idea what you were telling me or asking me about in reference to [REDACTED] in Adamiya when I first heard about it. The Tikrit business is a surprise to me. I knew about the facility in Samarra, but they have never asked me for any extension. I don't know how long they've had people out there, and I don't know if they have or have not exceeded 48 to 72 hours. I know for a fact that they have not asked me to detain people longer. The FOB commander, the [REDACTED] commander, the DCO and myself can sign that. So if an FOB commander up north signed an extension, I am not aware of that.

Three key points to this are facilities, seasoned leadership, and resources. In a macro- and micro- view, macro of CISOTF, [REDACTED] of what's going on with the [REDACTED], we need to take a look at that. The Samarra problem is significantly different than, let's say [REDACTED] which was next to 2-3 FA's DIF. If I went to one of the [REDACTED] up in Mosul, I'd say we got a facility next door and let's drive them over to the facility by the airfield, but to my knowledge they never had any detainees up at the [REDACTED]. I've got 30 [REDACTED] out there, and I've got 30 potential different situations. So the thought I had about two weeks ago was how were we going to reorient this program, how are we going to have a program, what do we need to look at? The conclusions I've drawn out of this so far are we need to specify minimum standards. And the minimum standards are the things relating to facilities and resources. The other set of minimum standards that we need to specify are data and documentation. We can't have a situation where a guy shows up and the medic looks at him and says "Oh, he looks fine". Give detainees full physicals and look for signs of trauma.

What is the expected payoff as opposed to the burden you incur? If you're going to do detainee holding, this is the burden you incur, and these are the minimum standards of care and providing food, resource facilities, etc. We can specify and enforce that. The expected payoff depends on who you've got sitting in front of you. I had a Major General here and the expected payoff was pretty high, but we didn't get much out of that guy. Let's take the case of [REDACTED] they were picking apart this IED cell that killed SGM [REDACTED] and a bunch of these other guys. There is not just payoff to [REDACTED] but also to the battle space owner in which they reside.

The core question is, [REDACTED] And I don't think we can sit here and say that across the board. At some point you have to say, [REDACTED] What I can do as a leader and as a commander is I can specify the minimum standards, I can enforce those standards, and those are my obligations as a leader. I recognize the dilemma there.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

DA FORM 2823, DEC 1998

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DATE: 2004

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INITIALS OF PERSON MAKING STATEMENT

CSISOTF-AP
ORGANIZATION OR ADDRESS

Article 136, UCMJ
(Authority To Administer Oath)

MAJ. JA
(Signature of Person Administering Oath)

CSISOTF-AP
ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

at Baghdad, Iraq
administered oath, this 21st day of June 2004
Subscribed and sworn to before me, a person authorized by law to

(Signature of Person Making 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 CONNECTIONS 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.

AFFIDAVIT

NOTHING FOLLOWS
to me. Clothing, a dash dash, or a jump suit. I don't think anybody should be naked.
was doing bread and water. I don't like that, had I known about it, which I did not, I would have fixed that. That's not acceptable
every guard that shows up at my facility. There should be minimum standards specified on food. You told me that.
here at CSISOTF now is. I don't have to go through a training program with
climate control. There needs to be a minimum standard specified on the security force that's involved. What we're trying to do
that. How do you detain somebody in that facility, as far as, he needs a blanket, access to water, etc. and there needs to be some
hygiene and health care. I think there needs to be a minimum standard on the facility as far as what are the protective aspects of
what is the frequency of medical inspections, I think you need to specify that. I think you need to specify minimum standards for
interrogate five guys at a time. I think you need to have a standard medical regime, not only what the guy is looking for, but
then I say yes, that's a burden and can bear. If you've got five guys, I'd say probably not. I don't know how you would
his physical status in there? Should a detainee be evaluated before and after each interrogation session? If you've got one guy,
is the minimum standard for frequency of medical checks? Is it four hours, six hours, eight hours? Is a detainee going to change
I would not accept or tolerate something that I would consider unsanitary or unhealthy, either physically or psychologically. What
on it, and that was not uncommon.

there now has been... and I don't know how they are going to do it. I've been on to that... when they've had about a...
In the case of the team in Tikrit, I can't imagine them not asking for help and getting it, because that's... up there, probably
I suggested them quite well. They were probably the... I had out there. The...
going to put up with anything less than that.

If I specify a minimum standard, you cannot go below that standard, you will not go below that standard. If you can't meet that
standard you have to request additional resources. That's the bottom line. That's called enforcement, leadership, and I'm not
going to put up with anything less than that.

Some of the guys out of my lane. I will tell you that it's a fact that the guys we've put in the Division facility, it's not just one, it's
many, to include Abu Ghraib, ...
STATEMENT (Continued)

TAKEN AT Baghdad, Iraq DATED 2004/06/21

STATEMENT OF COL. [REDACTED]

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