

B3  
B6

# SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is ODCSOPS

## PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2961; E.O. 9397 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.  
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION 3rd ACR Detention Facility, Baghdad, Iraq 2. DATE (YYYYMMDD) 2004/07/08 3. TIME 1900L 4. FILE NUMBER  
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 6. SSN [REDACTED] 7. GRADE/STATUS O-5/Active  
8. ORGANIZATION OR ADDRESS HQ, 2nd Bn, 5th SFG(A)  
9.

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

This statement is based on a lengthy interview, which was transcribed and provided to me by [REDACTED]. The transcription provided to me did not contain the questions to which my comments were in response. Therefore, in order to give the statement context and make it understandable while attempting to remember the questions asked, I have rearranged responses and added portions to this written statement that were not included in the original oral answers to questions.

I am the commander of 3rd ACR Detention Facility. [REDACTED] is one of my companies, and [REDACTED] is one of their teams. Through the course of this investigation I have become aware of the fact that [REDACTED]. I recall now that they had sent message traffic reporting IBCT was reluctant to take detainees from them and that 2-3 FA's facility was closing. [REDACTED]. I do not believe I sent guidance to [REDACTED] concerning a detention facility in message traffic other than to provide with [REDACTED] and [REDACTED].

All FOB [REDACTED] have been issued every policy published by JTF-7 and CJSOTF-AP regarding treatment of detainees. I did not issue separate or policies or letters. I do not think there's any requirement to do so. I did include the CJSOTF detention policy as part of our deployment OPORD and issued Commander's guidance on the topic during [REDACTED]. [REDACTED] held one detainee for transport to CJSOTF DIF. I believe the detainee was kept for 24 to 48 hours.

Prior to deployment, I issued guidance to every one of my teams regarding the treatment of detainees, because [REDACTED]. A detainee died at the 3rd ACR detention facility and [REDACTED]. Therefore, I told all of my guys to be extremely careful with the treatment of detainees because they could be charged by investigators who do not understand our methods or techniques of legally getting detainees to talk. I advised them to take pictures when they received detainees from anyone, and also when they turned them over. My men have received training on how to conduct interrogations, they receive [REDACTED] they talk to the team they're switching out with on [REDACTED] they don't have to get guys to talk. The FOB conducts all the annual training and briefing requirements, including The Hague and Geneva Conventions. I conducted no additional training for detention facility operations.

By policy, the FOB and [REDACTED] could hold someone for 72 hours. An extension for up to 14 days total was available with the permission of COMCJSOTF-AP. An [REDACTED] would request an extension in message traffic to the [REDACTED] then the message traffic would be forwarded to the FOB then on to the CJSOTF JOC.

10. EXHIBIT 03 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 3 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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Formica Report - Annex 45



B6

B6

STATEMENT OF [REDACTED]

TAKEN AT RPC, Baghdad, IZ DATED 2004/07/08

## 9. STATEMENT (Continued)

tactical value on objectives, will also take place at these facilities and you will electronically record them. Also ensure that you record the names individuals present at interrogations including interpreters. Protect yourselves men. I recall instructing you during briefbacks to photo these individuals when they arrive and leave IOT preclude this."

Indigenous forces don't play any role in interrogations. We don't turn over detainees to the 36th ICDC for detention. I have become aware that in March detainees were taken to the 36th ICDC compound after their capture. During this time [REDACTED] caught the 36th Commander and S-2 interrogating a detainee and put an end to it immediately. [REDACTED] put the detainee under US guard until the time he was transferred. I was on emergency leave in the United States when this occurred. There is no other instance of unaccompanied access to detainees by indigenous forces that I am aware of. [REDACTED] and/or an interpreter would not have unaccompanied access to a detainee, and I don't believe that he ever did have unaccompanied access to a detainee. I don't believe [REDACTED] ever had unaccompanied access to a detainee.

All of the [REDACTED] except those operating with the ICTF use coalition detention facilities. Detainees taken from ICTF operations are brought to the former CJSOTF facility which is now run by [REDACTED]. I have an interrogator who conducts interviews. [REDACTED] The team can come out here and review the interrogation with the interrogator. We lose some portion in travel time and incur increased risk for [REDACTED] to travel here or to a Coalition facility, but I believe the risk to [REDACTED] is less than that they would face by pending investigations.

The evidence bar has been raised. JAGs at some BCTs will no longer send someone to Abu Ghraib based on two sworn statements. I have at least one [REDACTED] which has informed me of that. [REDACTED] are likely to ask themselves if the risk to apprehend these individuals is acceptable even though the evidence they have collected is not enough to keep the person off of the street. Investigations of [REDACTED] are likely to make them feel their personal and professional livelihoods and reputation's are at stake because some guy like [REDACTED], an IED maker, says "hey somebody burned me with a cigarette".

Our record keeping, anybody can find fault with. The tactical benefit of interrogation remains, but detainees and [REDACTED] now go elsewhere to achieve it.

## AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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.

## WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8 day of July, 2004

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

PAGE 3, DA FORM 2823, DEC 1998

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Formica Report - Annex 46