

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; 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
RPC, Baghdad, Iraq

2. DATE (YYYYMMDD)
2004/06/30

3. TIME
1700L

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS
O-4/Active

8. ORGANIZATION OR ADDRESS
AOB 550, 2nd Bn, 5th SFG(A)

9.

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

My name is Major [REDACTED], company commander for [REDACTED] is one of my teams. I have five [REDACTED] At one time at the [REDACTED], we held a detainee for about six or seven hours and the [REDACTED] that captured him transported him to 2nd BCT DIF. That was at the beginning of March. It was [REDACTED] shut down their battalion BIB and moved out of the [REDACTED] complex. I have two other [REDACTED], and they have never held detainees at their location for any time. Any detainees that they capture are turned over to the Coalition battalion they work with. I process detainees through either IAD or ICAV system. [REDACTED] and [REDACTED], are [REDACTED] They work with the 36th ICDC Battalion, and when they have detained personnel, for the most part those detainees were turned over to 1-5 CAV.

There was a mission that 1-5 CAV asked [REDACTED] to prosecute, and they [REDACTED] The ICDC interview techniques were a little rougher than ours and there was a guy that got slapped, so the [REDACTED] commander made a decision not to leave ICDC alone with detainees. For the rest of the time we had detainees, they weren't left alone with the ICDC.

[REDACTED] have done the detention paperwork with the Coalition battalion they worked with. Before the Coalition battalion took control of the detainees on the objective and processed them from the start. [REDACTED] tell in the [REDACTED] compound, replacing [REDACTED]. The 2-3 FA was still at [REDACTED] when [REDACTED] arrived. 2-3 FA had a detention facility right there. They would capture a guy on the objective, bring him back to the Palace, and in process him into the Battalion DIF. When [REDACTED] was moving out of that location, they closed down the DIF. [REDACTED] then tried to turn their detainees into the [REDACTED] of the IAD, and the [REDACTED] S-3 said no. They said they were not going to take [REDACTED] detainees because it seemed like our guys were just driving up and dropping them off, and the 1BCT would end up having to do everything. When [REDACTED] would bring them back to them, they would fill out the form, and from there they would run them down to the DIF. At 72 hours I would expect [REDACTED] to turn over detainees to either 1BCT or a DIF.

To keep a detainee longer than 72 hours, the [REDACTED] would get approval either verbally or I would send a down a report once I got to the LTC. We did have some detainees that stayed longer than 72 hours. At 554's location, the longest anyone's ever stayed was [REDACTED] who was there for 17 days. [REDACTED] but it was also at the beginning of

April, and the conditions in Adamiya around the [REDACTED] were pretty dangerous. I actually didn't see those guys from [REDACTED] for three weeks. They holed up in their house and only operated with the unit right next to them. I knew that [REDACTED] was there for 17 days. I knew that they requested a 14 day hold on him and I believe it was approved through the process. I had five teams out there getting shot at. I've had three guys in my company wounded and sent home. We've had guys in the Battalion. At the beginning of April, [REDACTED] got killed. Two of my soldiers, they're working for C Company now, were in the hospital at the OSH at that time. It's reasonable for me to have lost visibility of the detainee for those three days but there is no excuse for [REDACTED] during this time period, initiated a point to include in the SITREP every detainee that you have and how long they had been there. As far as I know the [REDACTED] only had access to detainees. Of course they had interrogators with them when they went down there to see the detainees, but no one other than [REDACTED] personnel have been down there by themselves with detainees. As far as the team has told me they've never used their dog in interrogations. Certainly I would never let a dog near, or have physical contact with a detainee, but to be perfectly honest, a dog barking 50 feet away, if that's going to convince an Iraqi to give up another one of his IED making friends, than personally I don't see a problem with it. I can see that there could be circumstances where I wouldn't have a problem with having the dog in the same room with a detainee.

I don't have a policy on what detainees are to be fed and how often they are to be given water. The acceptable minimum standard would certainly be water, three bottles a day, as far as food, something to keep them alive. I'm aware of what [REDACTED] was fed and I don't think it was particularly adequate. I should have been checking on those guys to make sure they were doing what I thought was the right thing. The detainees were secured there by handcuffs that were cuffed in front of them, they were seated on the floor, and there was a handcuff locked to a chain which was bolted to the floor. I consider that a suitable method to

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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STATEMENT OF [REDACTED]

TAKEN AT RPC, Baghdad, IZ DATED 2004/06/30

9. STATEMENT (Continued)

cuffed in front of them, they were seated on the floor, and there was a handcuff locked to a chain which was bolted to the floor. I consider that a suitable method to secure a detainee. By the standards of civilized society it's probably not acceptable, but considering the people we're dealing with, and that I'm just holding them for a short period of time, I don't have any problems with it. Looking back I think 17 days of securing someone with a chain is too long. Their intent was tactical interrogation, for holding that detainee. [REDACTED]

[REDACTED] I know there are allegations of abuse against the team from him. I think that he said he was smacked around and he made an allegation that someone was trying to stick a water bottle up his rectum. I remember our LNO at the [REDACTED] Division Headquarters contacted me and said that there had been allegations of abuse against [REDACTED] but he said the medics had examined the guy and no physical med corroborated those claims. A few days later COL [REDACTED] called me over when I was at the [REDACTED] Headquarters and basically repeated the same thing. Just about everyone one of my [REDACTED] has reported that bad guys know what it takes to get out of jail especially after Abu Ghraib. There's a lawyer reported on the outskirts Adamiya between Sadr City, coaching these bad guys on how to get out. Additionally one of the interpreters overheard detainees talking saying, "all you got to do is keep your mouth shut, go through the system, they'll lose your paperwork, if they hold you longer then just claim abuse and they'll let you out." In terms of the SITREPS, I'm not sure when COL [REDACTED] directed that all detainees be listed on the SITREP. A lot of our message traffic is done on via SAT which is like an e-mail system, so there could have been discussions about holding detainees during that period, but it's not recorded.

These statements were compiled from the typed interview with BG [REDACTED]. It would help to have the questions included in the statement in order to read them in the proper context. *Nothing Follows*

AFFIDAVIT

I, [REDACTED], 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 BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL [REDACTED]

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED]
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of July 2004
at [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

1LT JA
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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