

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.
CLOSURE: Disclosure of your social security number is voluntary.

LOCATION: Camp Liberty Base, Iraq APO AE 09342-1400
2. DATE (YYYYMMDD): 2004/07/06
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: PFC
8. ORGANIZATION OR ADDRESS: HHB III Corps Artillery

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

I, [redacted] swear that the summary of CW3 [redacted] oral statement given to BG Richard P. Formica on 23 May 2004, is accurate and complete. It is not verbatim, but does contain the substance of all statements made by CW3 [redacted]

I'm administratively in charge of both the Navy and the FOB when they come down, I'm like the cadre, they put the guards and their interrogation staff... Yes Sir, I'm in charge of cadre at the facility and we have myself and two NCOICs. We take care of all administrative matters, and I do oversight on the interrogations and help them [redacted] coming down to CJSOTF. I'm the administrative OIC. I take care of all the paperwork, the transfers of detainees, and that type of thing. I help the FOB in the Navy with interrogations, and also to [redacted] that goes to CJSOTF. Sort of a Jack of all trades Sir. My MOS is 351B, counter intelligence. I'll go in and oversee if they have problems, help them out, thinking about how to do approaches. I'll take notes for them, sometimes I'll interrogate for them. Whatever they need. If they need me to come in there and move detainees into the place, because we didn't have enough guards on duty at the time. When we do in processing there's a lot of work to be done, so I'll stand and do some screening for them. We'll get their basic information, like if they're married and that type of thing. We've had a policy here that if you catch them you clean them, so if the FOB takes in detainees, they'll provide a guard force, and if the Navy takes in detainees they'll help provide a guard force. Sir I'm not sure being OIC of the detention facility and being involved with interrogations is a split function or not, but I'm a team player, so I try to help out the best I can. It could be a conflict of interests sir if we didn't have an NCORC to back me up. I mean if I were doing other duties and not able to handle it, and I was the only person there, I think you could be right. But we do a pretty good job Sir making sure all the administrative functions are handled. It's been feast or famine. I went on emergency leave for almost a month and before that, we [redacted] get some detainees in for a couple of days and we'd go a week, two weeks, and no one would come. So to staff a full-time [redacted] and people to sit for 2 weeks and people didn't even know if we were going to get detainees, the intent was to have a full-time [redacted] duty and more than likely that would've been established and the last couple of weeks we've been busy, so it's been more necessary and we've made sure we've got a 24 hour presence, and when we've got people there that's required, and we want to make sure we have oversight since you've got Navy and Army folks there. You want one person who can get some continuity. That way orders, discipline with troops doing the guard detail, they all know we can brief before the shift happens and those type of things, and that's why it's required, but when we have no one there, essentially we're wasting assets to have a whole bunch of guys down there for nothing. Like I said Sir, we've had weeks at a time where we've had nobody in there. Yes Sir we do have somebody in there now. I can't remember when we exactly started up. I know we got here in January. I don't believe we even had it in earnest until maybe late February, March. I'd have to check. We've had a Major, that was down there for a good period of time, that was the OIC when they first said officially an OIC of the facility, and that's when I think they started having more frequent operations, and it was more required to have more oversight when we had more people. When we opened in late February I don't think it was established as a full-time facility. We would have them come down, for example, when they brought in a couple of guys we'd go down, we'd have a guard force on those two guys, we'd make sure that they were in fact bad guys that came off the objective. If they weren't bad guys, we'd put them on the streets so they wouldn't get tied up in the system at Abu Ghraib. [redacted] So we had maybe 2 or 3 days where we'd have some guards on the guys, but the intent wasn't a facility so that it would require an OIC. It was a temporary spot where we could sort out who we had and send them to Abu G. I think the Commander's intent was to ensure that we had, if we were going to do this on a regular basis, which I originally don't think was the intent, that we would have a mechanism where by we could have more oversight and control, so we could make sure that everything runs properly and to standard, so we could put into place all the safeguards we needed to ensure that everyone was doing the right thing, and to make sure we had proper food, proper clothing, etc., etc., proper safeguards, and that's how we got established. We published a FRAGO and I'd have to look at the FRAGO as well, where they put me as the OIC of the facility. I'm not sure the date of the FRAGO Sir. It was closer to February Sir. [redacted] did some screenings at another building and I'm not sure how many they did or what they did in the building. I know we

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10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF [redacted] 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.

FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

FORM 2823

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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED]

TAKEN AT Victory Base, Iraq DATED 2004/07/06

STATEMENT (Continued)

Looked at a facility out by the front gate, then I initially [REDACTED] if we could do screenings there, and I thought it was unacceptable, the  
... as far as I know, I have no historical knowledge or references to  
for detention facility here and whatever they did, they did in this screening building?  
I am not aware of any DIF that they had Sir. I have not heard or are aware of any undercurrents about how detainees are treated  
here in this facility, or do you have any knowledge of any indication that they'd been abused? I have not heard any undercurrents  
of how things were here before [REDACTED] took over? As far as the interrogation goes we've had [REDACTED] guys, [REDACTED] guys, but  
any time anyone's come down to talk to detainees they're always escorted. We do log those people in now, but we don't, every  
time we do detainees, the [REDACTED] there doing their [REDACTED].

assigned to the FOB interrogators are [REDACTED] guys. Interrogators assigned to [REDACTED] has been here but there's  
been another FOB prior, and there's only been a handful of interrogators, we're short Sir. Titan employees don't interrogate Sir.  
They translate Sir. Interrogators are all military or FBI. I have never had a foreign national or Iraqi citizen come in and  
interrogate? I have never heard of a guy named [REDACTED] or [REDACTED] CFSOTF-AP issues a detainee a  
blanket, when he is inprocessed, several hours later. With 3 people Sir, it would be less than several hours, because we wouldn't  
be in a rush. They get in the facility and they're issued water. The detainee gets water, he always has water. If the detainee starts  
talking about information, the interrogator will allow him to give his narrative and start asking him questions, so if the guy's right  
there ready to talk, he'll sit there and do that. The other guys have to wait. The other guys are in a squad for however long this  
guy's interrogated. From the beginning they arrive, we put them in a holding pattern outside. [REDACTED]

know him down with soap and water, towel him off, put him in his jumpsuit, goes into holding facility. The next guy comes in,  
same thing. Inprocessing takes 1 person, roughly 45 minutes, 3 people, couple of hours. Probably after everybody is done with  
the screenings. Once they're settled in their cell, they get water. If they ask for water during their inprocessing, we'll give them  
water. At the end of their inprocessing we'll issue them a blanket and water. We'll issue food 0730, 0800h, so if they come in  
0300, which is the usual time, by breakfast we'll give them food and water. During the inprocessing they don't get a blanket.  
Some time the next day before night they get a blanket. 8 o'clock, thereafter, we usually wait until the end of the chow shift so  
that everybody eats, and we'll see how much we've got left over. If we've only got 3 guys, it's no problem, they'll get more food  
than they want, 8 o'clock, 9 o'clock. Each individual gets a plate of eggs, waffle, biscuit, juice, canned fruit, everyday. If we ran  
out of food, they wouldn't get chow hall food. We'd give them an MRE if that was the case. MRE lunch at about noon to 1  
o'clock. Dinner is typically 8 o'clock, depending on when he picks up the chow. He'll come back with big tin food. We'll take  
out of the serving containers and put them on individual plates and give them to the detainees. They go outside and use the  
room facility. There's a point and time when we all use the outside bathroom facility. They say unimer, I need to pee. We'll  
get them out, they take a pee. We'll let them wash their hands and they come back to their cell. At nighttime sometimes they'll  
prefer pee in the bottles rather than go out. We have 2 rooms on either side. Those rooms are restricted for people who are going  
to be released or are supplying information and we want to keep them segregated from the other prisoners. In those rooms they  
have been instructed to knock on the door, and are immediately taken out to use the bathroom. In my experience I've seen this  
where we've given them bottles of water and a detainee will urinate in the bottle instead of knocking on the door. It's not  
encouraged. I have never seen a detainee pee in his bottle inside his cell. There's always a guard there 24/7. That's one of my  
rules. That room will never go unguarded. When a detainee has to use the bathroom, he will say mister, and he'll immediately be  
taken out to use the bathroom. I have never seen an instance when a detainee has pee'd in his bottle in the holding facility.

One is unarmed and handles him, the other one is armed and watches him. My policy is that you never touch a detainee with a weapon on you when  
you're in the detainee holding area. There's always a possibility that a detainee could grab your weapon. The handler will bring  
him to the facility and will stand a few feet from the detainee. The other guy will stand back 15 to 20 feet from the detainee and  
observe the process. The guy handling the detainee never has to worry about getting shot by the detainee. There's always  
somebody in that room? We don't allow them to communicate with each other. Are they blindfolded when they leave the  
objective. There blindfolded instead of hooded, since the FRAGO came out. Sometimes there have been detainees who have been  
blindfolded their entire stay, except for when they use the bathroom, during interrogations, when they go to sleep. We keep them  
on during the day because we've got people coming in and out during the day for security reasons. I've changed the policy  
subsequently because I don't want them to have blindfolds on all the time. But there have been some who have had that happen. It  
was easier with the sandbags because they got plenty of light. They just weren't able to see. I'd say it's the norm that they're  
blindfolded all the time. Nobody's blindfolded today because I've changed it Sir. I've thought about it and said to myself,  
especially reading some of the new things, when it came down, that I should take the blindfolds off. The norm would be you'd see  
them blindfolded Sir. They're not blindfolded today because you're here. I established the policy that they should be blindfolded.  
The commander's policy that governs the operations of this detention discusses when they should be blindfolded Sir. At the arrival  
of the detainee... but we didn't discuss throughout the whole thing, it says... You touched on it earlier Sir, the reason we did this  
originally was because my concern is, what if they do decide to plan to escape. I wanted to make sure these guys didn't have  
vision to see, so they could bust on out of here, because earlier we only kept them for a short period of time. So we'd keep them in

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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STATEMENT OF ~~CONFIDENTIAL~~

TAKEN AT Victory Base, Iraq DATED 2004/07/06

9. STATEMENT (Continued)

in cells during the daytime and bring them out for interrogations and take their blindfolds off, and when they go the bathroom blindfolds come off, but for a good part of the day we put the blindfolds on so they wouldn't be able to escape. We have a [redacted] that we keep. We have to do a 48 hour report. We send it forward. Whenever they transfer it back with SFC [redacted] or

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[redacted]

(b)(1)-(6)

His interrogation report would know the name of the interrogator. If there's going to be an interrogation, there's going to be a translator with the detainee. There is not normally a guard in the room. The guard's outside unless the guy presents a security risk. The name of the translator associated with the interrogation on the TIR logs. Our log is he came in here. I have a good working relationship with the interrogators. Interrogating is a personal skill, especially when dealing with Iraqis. They love their family. You got to understand who they are, what they're about. We do not have records of our interrogations. If I've done one, it's going to be on a TIR.

(b)(1)-(6)

we'll sit down and [redacted] some repairs. You'll sit there as the detainee, interpreter will sit there, I'll sit here. We'll sit. I'll ask you "How are you doing, would you like some coffee", talk a little bit, find out about their family. You have to be sincere when talking to them. You have to really try to understand why they're here. My first question is "Tell me why you are here", and they'll normally say "I don't know". My objective right off the bat is to find out if these guys are cousin [redacted] that was sitting at the house of the terrorist or whether that [redacted] the terrorist, and you usually can figure it out because of the signs of deception, the guy's going to start to talk about something different. One of the guys who initially came in, he had a Mujahadeen resistance to interrogation manual. I said, "Tell me sir, what is this". He said, "I swear by God, I do not know". So three or four days later he explained to me where he was at and this guy ended up rapping out half of... and subsequently he had dozens of foreign fighters come through his house. The reason the guy talked to me was because he had some cuts on his leg, and I put some iodine on his wounds. The guy started to cry and said, "An Iraqi would never have done this for me". That's one of the small things that can be a breaking point for him. Being nice is the best thing to do. Or you could say, for example, there was this guy who loved his son and he had a computer in his house loaded with Al Qaeda Jihad stuff. We knew he had done these things, we had loads and loads of evidence relating him to terrorist activities and I said, "Where did you get the computer?" He said, "My dead brother, my brother bought it, then he died, it's been in the house, my son and I were messing with it". I said, "Which son is that? Were you talking to terrorists on the computer? Of course not, I don't even know how to use the computer". "Well who does?" I said, "He said, "Oh that's my son's". I said, "Perhaps we should go ask your son". Then he takes a deep breath and says "No, I don't want [redacted] my son in my activities", and he told me everything he wanted to tell me. So it depends on who the person is. We've [redacted] he guy accused of killing [redacted], and he's a total resister. That's the thing, we've got guys down here that you'll say [redacted] they're awful bastards", and you could ask anybody Sir, ask them how we do business down here, and every guard that comes in. They'll say "Jesus, we treat these guys better than we get treated half of the time." So there's emotion attached to the way you feel about people. Then we'll get some that say "I've not done anything" and we've got no reason to believe they've done anything, so we let them go. There's no reason to clog up the system. When they get to Abu Ghraib they'll stay for three or four months for what reason. How could you do that to people? That's what I'll tell these guys, you treat them with neutrality. You don't know if that guy did it. This has happened plenty of times when [redacted] doesn't like [redacted] and will rat him out to the Coalition and he gets rolled up for whatever reason. There's no reason to put new Jihadists on the street, so that's our policy. We make sure we screen them up first so we know who they are and we release them. We compensate them. If their clothes are ripped, or they need new shoes, I personally will go buy them new man-dresses. We give them some bucks to get on the taxi stand. We apologize, we're sincere. We'll say, "Sir I'm sorry this happened, someone's implicated you in a crime and we had to investigate it and it's our obligation to do so and we're sorry for the inconvenience. What can we do to help you?" I'm not the only interrogator here, and they all would do the same thing. We've only had one or two guys that were really uncooperative. One guy wanted to give a bath, and he screamed like a Kuwaiti girl, and flopping around. So we'll grab him and take control of him so he won't hurt himself. They'll be guys in their cell banging their head up against the wall. You go in there and try to restrain him. If he's jumping up and down, we'll restrain his hands behind his back. Or if they look like they're going to be dangerous, we'll put their hands behind their back, and we'll transfer them to Abu Ghraib. Let them take care of it. They have better facilities to handle it. They'll talk; you just got to keep talking to them. You just got to keep asking questions. The most aggressive posture and interrogator will take to get information is they'll yell at them, bang the table, scream and yell at them, get up in their face. That's the most aggressive you can get down here. Everybody knows that, briefed up on that. Nobody's going to hurt anyone. So that's what we do. If they're not going to talk to you, they're not going to talk to you if you do anything more than that. The best way, the only way, to get leverage on these guys is to talk to them about their families. You've got to convince them they won't see their family for a long, long time. If they don't want to talk to you and if they don't Sir, we just send them on up. You'll sit down to talk to them and they'll squat on their knees. As they start to be more cooperative, you put them in a chair. They start to become a little more cooperative and you give them some coffee. Sometimes they start off on their knees. It depends on how they are, whether they're cooperative, or what they're involved with. You want to start off right away and say, "Hey, we're in control here. This is the deal; we've got two ways we can go. You can say down there and talk to me like this, or you can talk honestly and sit like a man, and sit at the table together. It's your choice; it's always your choice." Then they'd say, "I'd like to sit like a

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INITIALS OF PERSON MAKING STATEMENT [redacted]

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STATEMENT OF [REDACTED]

TAKEN AT Victory Base, Iraq DATED 2004/07/06

B. STATEMENT (Continued)

man, let's talk." So you sit them down, get them something to drink, get them some coffee. But it depends on the person; it's got to change every time.

[REDACTED]

me, I'll raise my voice like any father would to his kid. It's an act, it's a play. A detainee generally doesn't get screamed at any worse than a basic training recruit. I am not aware of any physical abuse that has occurred here. There was one where one of the detainees was released and he complained that when the lights went out, we had a power outage, one of the guys came in and told him to quit talking, and kicked him. That was reported to me. We had the medic immediately check him out, no marks or bruises on him. I took statements, or talked to the guards, that did it. None of them admitted to doing anything like that. We talked to the detainee, he didn't say he got beaten or pushed back. He said somebody gave him the boot inside his facility. He didn't have any damage done. We released him. That was just recently, a couple of weeks ago. Sir, I'm retiring next year, I don't have time to mess around. They get a shower everyday with a hose. If they didn't take showers, that place in there would just reek, because they reek coming in. Right off the bat you can smell them. They know how to wash. Some want to wash before they pray anyway. We've got that water tank that runs dry real quick. So what we do is like a "Navy shower". We get them wet, we let them soap themselves down, we hose them off. The water's been warm out there. The normal detainee sits down in the chair. If he doesn't sit down in a chair, he sits on the floor what does he do. Gradually depending on if he's talking to us and if he's being cooperative, he gets up and we start to do it. It's easier that way to go direct. I heard that a FRAGO came out. I did not read the FRAGO, but as soon as anything came down... attorneys are always down here to make sure we know. Stress positions are not authorized. Our interrogation techniques are conversation, aggressive conversation, etc chewing.

*WASH. POST - JULY 2004*

**AFFIDAVIT**

[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:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6<sup>th</sup> day of July 2004 at

ORGANIZATION OR ADDRESS

[REDACTED]  
*(Signature of Person Administering Oath)*

ORGANIZATION OR ADDRESS

[REDACTED]  
*(Authority to Administer Oaths)*

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