

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSA)

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)
2004/07/01

3. TIME
1000

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS
E7/Active

8. ORGANIZATION OR ADDRESS
GSC, 5th SFG(A)

9.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I am the senior interrogator assigned to [redacted]. Normally, I am assigned to GSC, [redacted], but am currently attached to [redacted]. My MOS is 97E (Interrogator). My duties at 5th SFG include interrogation of prisoners of war (IPW), counter-intelligence, and acting as interpreter with locally employed persons.

I began Operation Iraqi Freedom in JAN 03 and redeployed back to Ft. Campbell, KY in SEP 03. I was located at Radwaniya Palace Complex (RPC) from MAY to SEP 03. During that time there was no detainee facility of any sort at RPC. I returned to RPC on 20 APR 04 to begin interrogation duties for FOBS2.

During my rotation in 2003, I interrogated several detainees that were brought to [redacted] despite the lack of a facility. Those individuals were usually brought to Checkpoint One which had some empty buildings nearby where interrogations took place. As those buildings became occupied, interrogations would be conducted outdoors behind buildings and walls where the detainees could not be readily seen by other locals. These interrogations were actually screening sessions and would last from as short as 15 minutes to as long as one hour or more. After questioning, I would decide to release some detainees and intern the others. I took those interned to Camp Cropper on BIAP. I had made arrangements with the interrogators working at Camp Cropper to use their facilities to conduct further interrogations. No detainees were kept at RPC during that time for more than a few hours before being released or sent to Camp Cropper.

The Temporary Holding Facility (THF) currently used [redacted] is a place where detainees are held as well as interrogated. Once detainees arrive, they are searched, screened for interrogation purposes, medically screened, and photographed as per the THF SOP.

Following the interrogation screening, I will collect everything available concerning each detainee. This includes sworn statements, intelligence reports, captured documents and equipment, etc. I will then decide in what order I will begin interrogating detainees. This decision could be based on who appears to be most cooperative or who appears most likely to have the information we are seeking.

I typically conduct interrogations with the detainee, myself, and an interpreter (if present) all standing. There is always a table present, and I keep notebooks, the detainee file, the camera, etc. on the table. If the detainee is being cooperative and giving actionable intelligence, we will sit down at the table. Most interrogation sessions last only one hour, but even those few that have lasted up to three hours may require all participants, myself included, to remain standing if the detainee is uncooperative. Detainees are never interrogated naked; they wear the clothes they were brought in with, or the jumpsuits provided. When the interrogation is finished, the detainee is returned directly to his cell.

During questioning [redacted] If the detainee claims to be innocent, but the intelligence packet indicates otherwise, I will use other techniques. I will explain that they are facing time in Abu Ghraib. The detainees have all seen the photographs from Abu Ghraib. I do not have to explain any more than that, their own imaginations will generally be more effective than anything I could say.

During interrogations I will invade a detainee's personal space, get face to face with him, and start yelling if needed. Almost all detainees have proclaimed their innocence, but one of my common approaches to tell them to shut up if all they have to say is they are innocent. I tell them I am not interested in hearing a confession, I already know they are guilty. I want to hear where the other people are located, what their plans are, etc. I use an approach where the detainee believes he can make his situation better by informing on those who are still operating freely. I use Abu Ghraib mainly as it is the actual location we send detainees for longer internment, not because of its history under [redacted] regime and the recent scandal. If the detainee wants to make an association between those events and his internment, I will not stop that. I do not mention torture, execution, sexual humiliation or anything else along those lines as a consequence of internment at Abu Ghraib. When detainees continue to profess their innocence, I may tell them that I am done talking to them and the next person they will speak to will be at Abu Ghraib. In some instances, the detainees have asked for another opportunity to speak with me. This is the most I will exploit the detainee's fears of Abu Ghraib.

I do not use stress positions as an interrogation approach technique as I do not believe they are effective. I have spent my entire career as an interrogator. As a PPC at the Interrogation course in Ft. Huachuca, I was taught that torture, in addition to being illegal, was unreliable. I personally think that stress positions border on torture. I have a bad knee and have had to kneel for several

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

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 1988

DA FORM 2823, JUL 72, IS OBSOLETE

JEP/PA V1.00

~~SECRET/NOFORN~~ Formica Report - Annex 51

STATEMENT OF [REDACTED]

TAKEN AT RPC, Baghdad, IZ DATED 2004/07/01

9. STATEMENT (Continued)

hours at a time and found it to be extremely painful. I have never considered using forced physical training as an interrogation approach technique.

From 1989 to 1994, I was an instructor at the Interrogation Course at Ft. Huachuca. Among other blocks-of-instruction, I taught the Approach techniques class and the Law of Warfare class. In 1990, as primary instructor of the Approaches class, I was part of an investigation resulting from the actions of two interrogators who used sleep deprivation as an approach technique during Operation JUST CAUSE. When investigated, they claimed they had been taught to use those techniques at the Interrogation course. Department of the Army JAG investigated those allegations, and as the primary instructor for approaches at that time, I had to bring in the current and historical Approaches lesson plans. The investigation revealed that the Interrogation course did not teach sleep deprivation as an approach technique and never had. The investigating officer made it very clear that sleep deprivation was considered illegal. I have worked under that assumption ever since. When I arrived here in APR 04 and saw that [REDACTED] authorized sleep management, I could not believe it. I believe sleep management to be nothing more than sleep deprivation disguised under a new name. I argued with the OIC of the THF that despite [REDACTED] approval, the Army considered sleep deprivation to be torture and coercion. The OIC informed me that the decision to approve sleep management as an interrogation approach technique had been made at the highest levels of the Department of Defense. I informed the THF OIC that I considered sleep management to be sleep deprivation, and I would not use that technique. When told that sleep management would still continue, I made it very clear that I would not take part in it, and if an investigation was conducted, I would make sure my concerns were well documented. I define sleep deprivation as keeping someone awake specifically to break their will to resist. I have never used sleep deprivation, sleep management, or any method of disrupting a detainee's sleep with the intention of making him more compliant. I have never requested guards keep detainees awake, nor do I know of any interrogators who have done so. On a similar note, although I am aware that stress positions were authorized as an interrogation approach technique, I do not know of anyone who actually used them. I was specifically asked if I am aware of anyone being forced to stand for 20 hours at a time; I am not. I do know that when detainees are initially brought into the THF, they are told to stand in their cell and remain that way until they can be screened. When a large number of detainees are brought in, it can be several hours before the last ones get their turn at screening.

When I arrived here in APR 04, I was told that a determination had to be made on the status of each detainee. That determination would dictate which approach techniques would be allowed for that particular individual. As previously mentioned, some of the techniques involved stress positions and sleep management. All of the interrogation techniques I use are mental in nature, not physical. I do not use the detainee's cell as part of an approach technique, nor do I have guards assist me with a technique. Detainees sleep on the floor in their cells. I do not consider having them sleep on the floor is a form of punishment or coercion. It is the SOP for the facility. Detainees who are cooperative or determined to be innocent are provided with cots. Some detainees turn down the cots, preferring to sleep on the floor. Not all detainees get blankets while at the THF.

I have never heard of a detainee being refused access to water or the latrine. Showering is done on a regular basis or whenever a detainee is noticeably smelly. In at least one instance, a detainee refused to shower, and was forcibly stripped and hosed down. While forcing someone to shower is not pleasant or convenient, I do not consider it to be abuse. Detainees are not hosed down as a form of punishment, they are hosed down for hygiene reasons. The water is turned off and they soap themselves up. When it is time to rinse off, they are hosed down again, and then put back into their clothes.

When detainees arrive at the THF, they are required to be bound. A detainee who is being very cooperative may get his binds removed, but this is very rare. Detainees usually arrive with their hands bound behind their backs. During screening, I bind their hands in front of them. If a detainee is seen lifting his blindfold/goggles, the guards have been instructed to bind the hands behind the detainee's back to prevent it from happening again. Likewise, the detainees are instructed that they are not allowed to talk with other detainees. If they do, they will have their hands bound behind their backs as a punishment. If they continue to talk with one another after that, they will have their mouths taped shut. To date, we have never had to resort to using tape, although we have bound detainees' hands behind their backs.

I have been asked how continuous blindfolding and handcuffing/flex-cuffing corresponds with Interrogation doctrine. Interrogation doctrine does not address those issues specifically. Prisoner handling outside of the interrogation booth is not addressed at the Interrogation course except in the broadest terms. I have seen detainees at other facilities where they are not restricted other than within the confines of the camp. While this is the first time I have seen detainees kept blindfolded and cuffed, this is also the first time I have been at a facility like this one. Normal detainee camps are much larger than the THF. Not all detainees at the THF are required to keep their goggles on at all times. Some detainees have been brought in by accident; they were detained because they were in the same proximity of the target. Once they arrive, it is up to us at the THF to determine why they were in the vicinity of the target. Were they in the wrong place at the wrong time, or are they involved with the target. If we determine a detainee was grabbed by mistake, we sometimes authorize him to not have to wear the goggles at all times. All detainees wear goggles while moving from one place to another. While undergoing interrogation, I have all detainees remove their goggles so I can watch their eyes.

When I first arrived here, the guards would take a circuitous route to and from the detainees' cells. I followed their example: in a day or two, but then decided that I had so many detainees I did not have time to continue doing that.

I am aware of one accusation of detainee abuse at the THF. One day, prior to releasing two detainees, I brought them into the interrogation room individually to do a mini I.O. campaign prior to their release. During the talk, the first detainee told me that during the previous night, after the electricity had gone out, one of the guards had entered his cell and kicked him. I brought the second person in and gave him the I.O. speech. I asked if he had any questions. He said, "No, but I wanted to tell you, last night

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

~~SECRET//NOFORN~~ Formion Report - Annex 61

B6

STATEMENT OF [REDACTED]

TAKEN AT RPC, Baghdad, IZ DATED 2004/07/01

9. STATEMENT (Continued)

a guard came in and kicked me while the lights were out." I recorded and reported both statements. I am aware of no other abuse, sexual or otherwise.

Last year, I had two detainees brought to me by the local villagers who claimed the men were caught trying to steal a car. Both had been beaten and were bound with wire. Before taking them to Camp Cropper on BIAP, I replaced the wire with flex-cuffs. One of the two detainees had been struck in the back of the head, and the resulting scalp wound bled profusely. The bleeding had stopped by the time the detainees had been brought to RPC. Similarly, a detainee had been brought in to the THF in MAY 04 with a head laceration. He received the wound when the detaining unit breached the target house and he began fighting them. The detaining unit knocked him to the ground, but he got up again and resumed his attack. At that point, the unit hit him on the head, possibly with a butt stroke. When he went down the second time, they flex-cuffed him. While I would classify neither of these incidents as abuse, they were the only other instances of wounds on detainees of which I am aware.

One of my duties upon arrival of a detainee is to fill out a questionnaire that helps determine the status of the detainee. This in turn then identified which interrogation approach techniques would be authorized against that particular detainee. Despite the potential differences in PW and criminal status, I do not treat the detainees any differently once they are in the THF. Differences in the treatment of detainees are based in differences in their behavior and cooperation. When they arrive, every detainee is on the same sheet of music as far as I am concerned. Even though a wide variety of interrogation approach techniques were made available to me based on the determination that the detainee was a criminal, I used very few of them.

I do agree with the use of background music within the THF as a method of prohibiting detainees talking with one another. I have suspected that detainees in adjacent cells have been able to communicate in the past. I do not agree with music being played so loudly as to keep detainees awake.

It is unusual for anyone to be in the interrogation room with me other than an interpreter. FOB52 had no interrogators before my arrival; the 97B Counterintelligence agents bore the brunt of the interrogation responsibility. Once I arrived, they did a few interrogations when I was overwhelmed by the number of detainees present in the THF. In some cases they were in the room with me trying to pick up pointers from a trained and experienced interrogator. On one occasion, the 97B did the majority of the questioning while sat back and jumped in only when needed. There have been other intelligence soldiers who have expressed an interest in watching an interrogation. There was a period before my arrival at FOB52 when other soldiers were being told to prepare to go into the booth to interrogate detainees. A small number of officers have requested to sit in and watch an interrogation, ostensibly to determine if I am in violation of a detainee's rights. I have never had an Iraqi or other third-country national in the interrogation room with me. I do make use of an interpreter, but he is an American citizen. Since my arrival here, I have worked with two interpreters. The first, named [REDACTED] worked with me for a few weeks before returning to the U.S. The interpreter currently working with me is named [REDACTED]. I have never heard of an interpreter name [REDACTED] before.

I have raised my voice and used the obscenity 'fuck' and its variants with detainees. It is my experience that even non-English speakers are aware of the word and its meaning as an obscenity. I usually use the word in conjunction with a raised voice as a method of conveying barely-controlled rage. I would estimate that the tone of my yelling is commensurate with that of a drill instructor yelling at a recruit.

End of Statement

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.

[REDACTED]
Signature of Person Making Statement

WITNESSES:

[REDACTED]
[REDACTED]

ORGANIZATION OR ADDRESS
[REDACTED]

ORGANIZATION OR ADDRESS
[REDACTED]

Subscribed and sworn to before me, a person authorized to lawfully administer oaths, this 1st day of July 2004 at [REDACTED]

[REDACTED]
Signature of Person Administering Oath

1st Douglas
(Typed Name of Person Administering Oath)
1st JA
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 3, DA FORM 2823, DEC 1998

PAGE 3 OF 3 PAGES

~~SECRET//NOFORN~~ Formica Report - Annex 51