

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 2051; 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.

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

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

I, [REDACTED] swear that the summary of [REDACTED] oral statement given to BG Richard P. Formica on 24 May 2004, is accurate and complete. It is not verbatim, but does contain the substance of all statements made by [REDACTED]

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I am the intelligence analyst for all the interrogators at [REDACTED]. One of my jobs is to pre-brief and post brief all the interrogations, find out who the detainees are, and get a feel for them. I pre-brief and post-brief the interrogators. Pre-brief would be for a detainee who comes in from, say, Mohammed's Army, or he was arrested for something like vehicle borne IEDs. My job is to know pretty much everything about vehicle borne IEDs, what groups are operating them, where the detainee was arrested, what group he might be operating with, what his religious background would be, what a good approach to interrogate the detainee would be based on this information. The interrogator is an expert on how to interrogate, and I am the subject matter expert coaching the interrogator on what kinds of intelligence he should be looking for. What line of questioning he might want to pursue, extract, confirm or deny whatever he might be looking for. My contact with detainees is limited. If I'm in a detainee's file, and I see inconsistencies with the report, or whatever he's come in with, I'll sit in the booth and listen to the interrogation, and I might also pose a question to the interrogator inside the booth.

Detainee number [REDACTED] complained about the conditions he was in at the unit who delivered him, who he was with prior. All the prior interrogation notes came from [REDACTED] so there was an assumption that that's who he was talking about. That was the capturing unit and the unit that delivered him here. That was the only other unit with him, to my knowledge.

[REDACTED] made my prior statement it was from after speaking to two interrogators, one who [REDACTED] and he had mentioned [REDACTED] was screening at Abu Ghraib, that they'd kept getting detainees that mentioned this gentleman, possibly this Kuwaiti-Arab or Iraqi, as a hard core interrogator type, that was coming from [REDACTED]. After speaking to [REDACTED] I spoke to [REDACTED] who spoke to [REDACTED] who was saying that he came from [REDACTED] and there's this guy down there being kind of harsh on him. When the detainee came in, all that was in his packet, was a four page paper, basically saying it was a confession and usually in a packet you have two sworn statements, a CPA form, and then all the SUR, which include interrogation reports during his, lack of a better word, incarceration. Normally confessions are written in Arabic, signed, along with the English transcription beside it. This one was strictly typed in English. It really made me suspect the authenticity of the guy's sworn statement. That, along with information I got from [REDACTED] as well as other interrogators, I came up with the idea that something's fishy here. So I gave that statement about it and two weeks later a representative from 554 came down here. a

They came here to clarify the lack of information that was in that guy's folder. I called them. I think [REDACTED] might have called them, because this guy was a high sensitive target, but based on what was in his folder, it was inconsistent. When they came down here, Jim mentioned "Look these are the guy's allegations. After speaking to them I realized there was a lot more paperwork on that detainee that never got to us. I've personally never seen any of it happen.

This second hand information completely. The reason I said this was when I was getting interviewed for this investigation, [REDACTED] who was conducting this, and the Major who was in there, were saying "if you know of something and are not telling us, you're going to get nailed", so all of us were like, we've heard lot's of stuff. I didn't know where the boundary was, so I said I heard of this happening, and they said fine. If I had to do this all over again I would not make this same statement I made to [REDACTED]. That statement is completely hearsay that I can't confirm or deny. Another detainee that came through that group, who is now at Abu Ghraib, when he came to us he was catatonic. There was drool all over himself, he was pissing all

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	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.

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Richard P. Formica

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STATEMENT OF [REDACTED]

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

STATEMENT (Continued)

... himself. It came out that he was tortured and everything else. Based on his physical appearance, there was no other [REDACTED] for it.

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... and they were basically saying yeah he's completely retarded. We weren't told that information, we were told that he was speaking fine prior to coming to us, and it wasn't until we did a background investigation on the detainee, the actual people that were working... that guy found out he was completely retarded. That statement was made out of a lot of stories that were pitched around that were pointing to one direction, but after doing further interviews and investigations about the subject a lot more things have come to light. This is the guy referred to in here that needed a psych evaluation. A counter intelligence team running sources in downtown Baghdad somewhere told me he was retarded. I probably wouldn't say this prior statement at all, based on hear say information. If they were asking specifically about this case I would say "I've heard from other interrogators". I wasn't the one who typed this, this was more about, other than the investigation, came back and dropped off another interrogator she came in, handed it to me, and said sign it. This is strictly coming from the conversation I had with SSA and more of an understanding of where they were coming from. The actual interrogator was down here, and we didn't mention the detainee's comments until after our conversation was done. He gave a lot more information about how his interrogation went with that detainee specifically, and what the detainee was telling him, and I said "Oh, I wish I never would have said this other statement based on..." I can't say that it wasn't true, and I can't say that they're not using another interrogator to do their dirty work. I can't say it either way. The interrogator who's conducting interrogations for that group is SF. He's an operator but he's prior CI and just talking to him about his knowledge of interrogations, nothing that they were doing seemed out of the ordinary. He told me that the detainee basically gave the information and when the detainee felt he was going down the road of getting imprisoned he basically retracted the whole thing saying "I didn't say that, and I'm not going to sign anything". The accusations of a detainee bleeding from the ears is hearsay information. Hearsay from the detainee as well as hearsay from our interrogators. There's a lot of hearsay information going around here. There's a lot of staff saying that a lot these units, the nonorganic units, hang on to detainees for a while so the wounds heal before they get here. They don't come with a medical screening here. They get medically screened here, so if anything could've happen to these detainees prior to coming here, if there are no marks, or no physical bruises, there's not. That's why we do medical screenings here, as almost a receipt, so we're not liable for what they look like when they get here. But then again we've had detainees with completely busted faces come from a raid, it just happened in the raid. I can't justify saying he's bleeding from the ears because he was tortured, or he got burnt stroked to the head because he was reaching for an AK in the house. Whatever the units are going to tell us, we're going to have to take as their word, when the detainee shows up. I don't sit in on the medical screenings, but I do see the medical screening reports because they're put in their files, but I can't justify and tell you that a guy's bleeding from the ears, that that must have been from, whatever. That statement about "bleeding from the ear" and some other things came from [REDACTED]. Like I said, based on the guy's packet when he first got here, and continuous stories from different interrogators telling the story, I thought it was the integrity of telling, that any of this could very well be going on, I can't say either way, but just to let you all know about it, an investigation like this might occur, just in case. Like I said, this is all information that's been told to me by interrogators.. I've been at this DIF, I think since February. Prior to that I was at Abu Ghraib. Whether it's fueled by hear say or otherwise, I do have a way to sense that some units may generally treat detainees better than others. When I was working at Abu, detainees would come up with wounds on them. If that happened in the field or during an interrogation, I don't know.

The only units that I physically saw getting roughed up came from the Italians and the Spanish. Other than that, no. I never saw u. Pulling a guy by his cuffs and slamming him against the wall - I never saw it; they came off as every other detainee. Since I've been here Sir, I have not seen any trends.

Detainees were coming into Abu Ghraib from all over the place, through the entire Corps operations. SF had more detainees than anyone else that were a little more bruised up, without attributing that to how that occurred or where in the process, I can't add to that at all. Just, visually, I saw detainees brought in. We all know that the Kurds in the north jack folks up. As well as the Spanish and the Italian. I'm saying that their detainees, Spanish, Kurds, Italian and Special Force, came in a little bit more bruised than other detainees. I'm not saying other detainees have not come in that way, I'm just saying the trend, it was quite obvious. By the end, SF didn't come by that often.

But I have nothing to substantiate, one way or another, abusive behavior in a detention facility. There isn't anything different that could notice in their activity prior to February and subsequent to February. At Abu Ghraib you saw detainees coming in a little more bruised up from the Units I mentioned above, but here, no. I cannot sit here and tell you that I've seen any group, by any trends that have detainees show up at with different levels of injury. I've been here since middle of February. This all came about from [REDACTED] statement, as well as this retarded gentleman that came down as well. Detainees have reported to interrogators who have reported to me. That was where I was going with that and I guess it was misrepresented based off my position and not understanding the flow of communication between a detainee, interrogator, and me. Personally I wouldn't characterize [REDACTED] as any better or worse. When this case was coming up, this was in the middle of a conversation we were having, this happened within the week this problem happened with [REDACTED]. We were all discussing [REDACTED] allegations and what we've seen in the past, and there was [REDACTED] telling me

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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STATEMENT OF [REDACTED]

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

STATEMENT (Continued)

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Yeah, I've seen [REDACTED] and their handiwork. I've seen this non-organic, or non-American interrogator interrogating a detainee on the floor. I had another interrogator tell me "Yeah, there was a [REDACTED] something out of [REDACTED] that was going up like a Kuwaiti and beating the shit out of detainees." That's what detainees were telling him. Then I had another interrogator tell me, "Yeah, my guy that's just come from [REDACTED] well, said "they transported me in the back of a car, he was being electrocuted, and he was bleeding from his ears. I got the old light bulb in the head and thought, well there's all this connection. That's basically what I do here; I make connections between information and where the gaps are try to point to a direction. I'm less confident now in those connections than when I made the statement before because before, I hadn't spoken to the rest of the units and the guys that actually did the interrogations and heard their side of the story. This is a one sided story coming from a detainee, unfortunately from the detainee's side and not from the guy who actually conducted the interrogations. [REDACTED] himself has come up. When I was at Abu Ghraib prison, the first couple of months I was a screener which meant all the detainees coming in went through screening [REDACTED], and I think I had three detainees specifically tell me, they were scared out of their minds to say that they were at [REDACTED], and it just clicked after speaking to these other folks. I had [REDACTED] in my mind from the November to December time frame as being a problem area. I've also heard a lot of detainees report stuff that was common with the Republican Guard. Common stuff the Republican Guard was known for back in the day, they would come in here and say we were doing it. I highly doubt a U.S. interrogator would stick a pin into water bottle up a detainee's ass. That was common with the Republican Guard, and we'd hear it all the time. So you had to take everything you heard with a grain of salt. The only key thing was [REDACTED], and I never knew who operated out of [REDACTED] and before we weren't getting the arresting unit, the unit was putting pretty much their signature on the arresting packet, until I got here, this guy's coming from there, the retard's coming from there. My assumption from the retard was that he was speaking to the interrogations prior and now he's not speaking, what is wrong with this guy? Then we found out that [REDACTED] funds retarded individuals so when they get caught, they basically do the same thing that this guy was doing. You can't get anything out of them either way.

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When I was at Abu Ghraib, and I kryed in on [REDACTED], or became aware of it, I wasn't aware of the specific unit that was operating out of [REDACTED] and I don't think [REDACTED] was operating there at that time. What I understood is there, I don't know this for truth, but the perception is, they're using an outside ENC, possibly, [REDACTED]

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The report is definitely not American, it's a guy dressed up in a Kuwaiti uniform or Iraqi type build. There's no indication reporting anything except that he might be wearing a Kuwaiti uniform or he's just a Middle Eastern type guy. There's a maneuver unit that owns [REDACTED] that complex the [REDACTED] happens to be at.

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The only reason I've been talking about [REDACTED] is that the entire time I've been here my job is to read the packets and do ground investigations of these packets, and one of them is finding out which unit detained and finding out where they're being out of. A big most of my investigation is where the guy was arrested to put towards each group that's operating in that area, and that's how I know that the detainees that have been complaining here are coming from the [REDACTED] area, along with their arresting unit, [REDACTED]. I'm going to say the arresting unit signature on the paperwork saying [REDACTED]. I'm not going to say it's [REDACTED] area. I know they operate on a large scale, vast area, so I can't tell you that these guys from this community or this tribe would be targeted. There very well could of been other units operating out of the [REDACTED] complex. I'm coming to a conclusion based on the fact that a detainee says, [REDACTED] and the only detainees that say that are coming from [REDACTED]. If I had detainees from [REDACTED] that were with another unit and were complaining, it would have definitely been in my report. The connection is distinctly clear, [REDACTED] and [REDACTED]. From my Abu Ghraib time, when [REDACTED] was in my mind, it wasn't [REDACTED] and a specific unit, it was just geographic. Could very well of been and IP, or ICDC, soldier.

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I am not aware of anybody named [REDACTED]. That's the guy [REDACTED] has been referring to, that's he's been hearing about. [REDACTED] had a reputation for, based on hearsay information, conducting interrogations way out of our scope. I have no indications of what [REDACTED] is doing today. I know him only by name and possible operating area, which is [REDACTED] area. As far as the hearsay notions on what he's doing in that area, I've only heard it happen here only twice to two detainees. [REDACTED] who's still here, and one about maybe three months ago. They have not said [REDACTED], just this gentleman who's there. The name itself came from [REDACTED]. I'm assuming, heard from Abu Ghraib. It's possible the guy three months ago, and number 40, are two different guys who had the same technique. I also heard, but I don't remember, there was a different name he was using, that came from another interrogator, but I don't remember what he said his name was.

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At Abu Ghraib, in the screening cell over there, those guys maybe talk to 40 detainees a day, they just have a vast amount of detainees coming from all different areas, that's why you hear a lot more of the stories than you would here. Here, it just came from two detainees and with me, it clicked;

It's safe to summarize this statement and to say that having reviewed this and thought about it, and given my experience from November until now, that upon reflection, I might be more concerned than not about the activities at [REDACTED] and [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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STATEMENT OF [REDACTED]

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

9. STATEMENT (Continued)

the 5th Group unit there, but that I have no specific information that I can attribute to it. I think saying that I have no specific information to make any real type of conclusion to this topic is definitely true. My reluctance to giving hearsay or rumor, attention to any group, now come from this Abu Ghraib thing. I've seen a lot of good guys either fired or getting rolled up because of hearsay information, and I don't want to attribute bad news coming towards somebody based on my rumor and lack of knowledge. I'd rather be very specific about this: that all of this is rumors and I cannot validly say I saw this happen. I don't believe in giving up. I believe in giving the truth about something and hearsay information can't be validated, I can't swear by this hearing. I don't feel right about it, and would hate to, for lack of better words, push a witch-hunt towards a unit, that probably can't seem to be looked at at all. I'm not saying that it's not happening; I'm saying I cannot validly tell you that this is happening. It's hearsay information coming from multiple different sources.

When I was at Abu Ghraib, Special Forces brought people directly to Abu Ghraib, and at times they filtered them through. It happens with this group to, I want to say they go through 39th BCT, they being [REDACTED]. What I was told was they have authorization to hold them for two weeks, that's what the interrogators were saying, but now they're down to 72 hours, and when they can't hold them any longer, they'll filter them through 39th BCT and their AO, who'll bring them down here.

[REDACTED] is definitely running an interrogation facility somewhere. I have no idea where it is located. They can't be reached by SIFR, NIFR, or DNVF, it's definitely off of a telephone. This is why we weren't getting the reports, because they don't write IRs, PIRs, or SIRs. They write INSUMs, intelligence summaries, off their interrogations, then the guy is telling me they're holding them for two weeks, 72 hours, they're definitely being held somewhere. [REDACTED] told me they were holding them for two weeks. At least that's what he told me his name was. I have no idea if [REDACTED] is holding them for 72 hours up to two weeks at the 39th PSB Detention Facility. I know why they bring them to 39th, because 39th must have a DIF or something. They transfer five prisoners at a time. [REDACTED] and these other SF units don't transfer prisoners here. They go through some BIF somewhere.

Other units, when 82nd was operating out of zone 18, 19, they were holding detainees and doing their own interrogations. A lot of sub-units are keeping detainees and doing interrogations. No, not in BIFs, but we've complained about it numerous times, to get detainees here as soon as possible, but they're doing it. IAD before, took a guy out of here, and brought him back to a lower echelon unit to be interrogated. It makes totally no sense, but it's definitely happening. I can't confirm that, but it's fairly obvious that sometimes the detainees are being captured and held in a noninterrogation type area, then being transported to a BIF, and then being transported up here. Some guys will be arrested, for example, a SF unit, or any other subordinate unit to the BCTs, and BCTs can only hold a guy for three days. Then you've got [REDACTED] who was held for two weeks before we got him, and he was only at the BIF for three days. He was definitely being held somewhere else, prior to that. Or he could have very well been at the BIF and the 39th guys could not have [REDACTED] records would not indicate where he was staying. But you could see the date of capture until the time he got here, that it was two plus weeks. We basically just account for when he gets here.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. 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 INDEMNIFICATION.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6th day of July 2004 at [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

(Signature) [REDACTED] Administering Oath

ORGANIZATION OR ADDRESS [REDACTED]

(Signature) [REDACTED] Authority To Administer Oaths

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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