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SWORN STATEMENT

For use of this form, see AR 190-48; the proponent agency is OCSOPS

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 Camp Victory, Iraq
2. DATE MYMMDDYY 20040630
3. TIME
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS 1 BCT, Camp Victory, Iraq
9.

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I am the Commander of 1st Brigade, 1st Armored Division. I took command on 1 July 2003. We had a Brigade detention facility at Proville Main, 501st Forward Support Battalion, and they were in charge of its operations. We had smaller facilities, and they were to hold prisoners as long as 30 days. We had an incident before I took command in which a prisoner was being disruptive and raised a five gallon water can over his head in a threatening manner and the guard inside the detention facility felt threatened enough that she shot a round from her M-16 rifle, which missed the prisoner, but the round skipped off the floor and ended up injuring two other people. I gave her a Brigade level Article 15. It made me rethink our detention procedures. I sent my DS MP company commander down there. We had some expertise in detention operations in our MP company. I had LTC [redacted] Commander of the 501st RSB, rework the entire SOP, and rework the facilities as well. The result was [redacted]. We had multiple inspections after that. The Red Cross inspected and we passed with no deficiencies. At the battalion level we, as a Brigade, went down and inspected them. They were supposed to be short term holding areas and not interrogation facilities. The only change I made was, in the December-January time frame, we started to get so many prisoners in Adhamiya because of the actions of Mohammed's Army, that it became clear to me that we needed to interrogate prisoners on site at the Adhamiya Palace, because of the perishable intelligence that they could provide. Some of them would agree to go on reconnaissance to point out locations, and we couldn't do that from the Brigade detention facility. To make sure that any interrogations done up there were in accordance with proper procedures, I sent a professional interrogator, [redacted], to live at [redacted]. He was the only one I authorized to conduct interrogations there. Then we'd keep the prisoner as long as needed to get the perishable intel, especially if they needed to go point out locations. And they were usually no longer than 48 hours. Then they would be sent down to the Brigade detention facility where we had an interrogation room. We would interrogate them again there and finally send them to the DMP or directly to Abu Ghraib after Camp [redacted] was closed down. The other change was that we went to nonlethal weapons inside the detention facility, tear gas.

The primary source of tension between the Brigade and [redacted] was they were getting information from detainee interviews that was not being sent to Brigade in a timely fashion, thereby hampering our targeting process. It never had anything to do with how detainees were being treated. It was my sense they were trying to get information that they could then use to turn operations quicker than they thought we could handle it through the Brigade targeting process. The Brigade targeting process is, in fact, a useful screen because it would prevent us from doing operations that were unnecessary or weren't mature yet.

[redacted], thinking that would engender sympathy and we'd consider releasing them. [redacted] was responsible for putting a lot of bad people in Abu Ghraib, and the people of Adhamiya know that. They have a vested interest in retribution against him. It is not inconceivable that they are accusing him of things to get back at him. I don't know if he did anything or not. There were no cases of brutality that we investigated that trace back to him. My understanding was that he was primarily used to identify individuals we were looking for during and after raids. I am not aware of any allegations of abuse raised by the [redacted] that occurred during their detention at Adhamiya Palace. The case I do remember is the one of the person who died, [redacted] who I didn't know was [redacted] at the time. It would be surprising to find out that [redacted], during his interrogation, claimed to have been sodomized and that was the reason for his confession. I have certainly not heard that before. That allegation should have gotten to me; we've investigated far less serious allegations. It's possible that I never read [redacted] SID if it was produced in late December 2003 due to the death of my CSM in combat and the distraction of his memorial ceremonies. I was absent from Baghdad from 1-11 JAN 2004 as a result. I met [redacted] once. I don't know what his motivation was; we weren't paying him. According to LTC [redacted] he was former Fedayeen, which was one of the reasons he was useful, because he knew all those people. I ordered A/501st MI to vet him as a source to establish his credibility and he turned out to be unusable in that capacity for a variety of reasons. After that we looked on any information that

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.

FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

~~SECRET//NOFORN~~

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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 ~~CONFIDENTIAL~~

TAKEN AT Camp Victory, Iraq DATED 30 JUN 04

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2. STATEMENT (Continued)

provided by him with a critical eye. I don't know if ~~CONFIDENTIAL~~ was present in the interrogation room during interrogations, but I know it wasn't the policy. My policy was only personnel of A/SO1st MI who were trained interrogators could interrogate. It may have been a possibility he would be in the room as a "control". I feel it would be extremely unlikely that a detainee would be taken from the 2-3 FA holding facility to another location and be subjected to abuse by ~~CONFIDENTIAL~~. I just don't see how something like that could occur without U.S. soldiers having some knowledge of what was going on. It boggles my mind why an ODA team with trained interrogators would turn over a detainee to an Iraqi national who is very unreliable. If any abuse were occurring on the FOB someone would know about it and report it. If it occurred at the safe house we would have no knowledge of it. I have no reason to disbelieve my soldiers, but I have every reason to disbelieve ~~CONFIDENTIAL~~. If ~~CONFIDENTIAL~~ claimed to have heard screaming, there is no way it could have occurred at the safe house, because the safe house is about 700 meters away from the 2-3 FA holding cell, unless she was at the safe house in another room, but a guard certainly would have known if she were moved. We had a good working relationship with ~~CONFIDENTIAL~~. I find the allegations by the ~~CONFIDENTIAL~~ credible, unless you can determine that ~~CONFIDENTIAL~~ was left alone with the prisoner. I don't know if excesses could have occurred and ~~CONFIDENTIAL~~ in retribution for ~~CONFIDENTIAL~~ death, but we never linked the ~~CONFIDENTIAL~~ that particular incident so I think that is unlikely.

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END OF STATEMENT

NOTHING FOLLOWS

NOT USED

NOT USED

INITIALS OF PERSON MAKING STATEMENT

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STATEMENT OF [REDACTED]

TAKEN AT Camp Victory, Iraq DATED 30 June 04

BC

9. STATEMENT (Continued)

NOT USED

NOT USED

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.

Sworn orally over phone [REDACTED]
(Signature of Person Making Statement)

BC

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30 day of June, 2004 at Camp Victory, Iraq: JRA

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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