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A
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FICI-ECC-JA

7 August 2004

MEMORANDUM FOR RECORD

SUBJECT: Statement of [REDACTED] b6

1. The statement enclosed in this AR 15-6 investigation is a summary of the oral comments made by [REDACTED] on 23 June 2003 at Fort Sill, OK. b6
2. The oral comments were recorded and summarized in writing on the sworn statement form. At this time, we have not yet received a signed copy of this form, but [REDACTED] in the Fort Sill Office of the Staff Judge Advocate, is coordinating to expedite our request for one. b6
3. Given the circumstances of the summarization, including the recording and summarization at the direction of [REDACTED] who was present for the interview, I conclude that the summarization has sufficient reliability to be included in and cited in this report pending receipt of the sworn version. When this sworn version arrives, we will insert it into this annex as a substitute for the current summarization.
4. POC is the undersigned.

Encl
as

[REDACTED] b6
MAJ, JA
AR 15-6 Legal Advisor

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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 2881; E.O. 13526 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
Disclosure: Disclosure of your social security number is voluntary.

1. LOCATION: Fort Sill, Oklahoma
2. DATE (YYYYMMDD): 2004/06/24
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: O4/AD

8. ORGANIZATION OR ADDRESS

9. [Redacted]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I am the Commander of Charlie Company, 2nd Battalion, 10 Special Forces Group. I have been the commander for since 26 June 03. I have been deployed to Iraq during my command from 10 February to 31 May 2004. My [Redacted] was [Redacted] close to [Redacted]. I am not familiar with the individuals making these allegations. [Redacted] was not present during their interrogations. [Redacted] know that they were detained in the temporary detention facility [Redacted] was never inside of the detention facility during the four to five times that I was at their compound. I never saw the G4s. From the description I received from [Redacted] Commander [Redacted]. I thought it was an adequate facility for the purpose of temporary detention. Short-term detention to me is anywhere from 0 to 72 hours. If someone was there for more than 5 to 7 days, I would think that it was excessive.

The only other [Redacted] that had a detention facility was in Samarra. The detention facility was approximately 20x12 and normally held three to four detainees. The [Redacted] Teams were authorized to keep personnel up to 72 hours for tactical interrogations with a 48-hour SITREP up to CJSOTF-AP through the AOB to the FOB. The SITREP included pretty much the five W's/H surrounding a detainee and included such matters as the state of health and any background evidence.

[Large redacted block]

The local commanders play a large role in what we do within our AORs. My counterpart was normally the 2nd BCT commander. My decision to keep someone longer than the 72-hour period was defined by a CJTF-7 and by a CJSOTF-AP. I had to answer to both policies. I could not keep someone beyond 72 hours if the 2nd BCT commander said "no" and the CJSOTF-AP said "yes."

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 1998 DA FORM 2823 JUL 72, IS OBSOLETE USAF V1.01

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[Redacted block]

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

B6

STATEMENT OF [REDACTED]

TAKEN AT Fort Sill, Oklahoma DATED 2004/06/24

B6

B. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT

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[REDACTED]

STATEMENT OF [REDACTED] ^{5b}

TAKEN AT Fort Sill, Oklahoma DATED 2004/06/24 ^{B6}

STATEMENT (Continued)

AFFIDAVIT

[REDACTED] ^{5b} 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 INCOUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, 24 day of June, 2004 at Fort Sill, Oklahoma

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

[REDACTED] ^{5b}
(Typed Name of Person Administering Oath)

Article 136, UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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