

SWORN STATEMENT

For use of this form, see AFM 320-452; its proponent agency is DODCOMS.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 361; Title 5 USC Section 2051; E.O. 13387 dated November 22, 1943 (ESW).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately recorded.

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and tracking.

DISCLOSURE: Disclosure of your social security number is voluntary.

LOCATION CSAA, Balad, Iraq	2. DATE / / 2002	3. TIME 1730	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. RIN	7. GRADE/STATUS O-6/AD	
8. ORGANIZATION OR ADDRESS CSAA, Balad, Iraq			
9.			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I assumed command of [REDACTED] on 24 June 2003 and relinquished command on or about 5 December 2003. On or about 28 January 2004, 10th SPG (A) assumed responsibility for [REDACTED]. During the time frame of September 2003 until December 2003, neither [REDACTED] nor any subordinate unit of this command operated a detainees holding facility. Subordinate units of this command would conduct tactical battlefield interrogations immediately after detaining an individual. This would last in almost every case for no more than a few hours, and then the detainees would be taken to a holding facility run by this command. Accordingly, on 1 September 2003, [REDACTED], Divisional Instructions for 12 Reconnaissance (attached). This FRAGO emphasized guidance from our higher headquarters re detainment operations, such as requirements for humane treatment, basis for detainment, and provided guidance re identifying detainees and preserving evidence. [REDACTED] also established subordinate unit reporting requirements to [REDACTED] and formally established training requirements.

I did not do believe the guidance given during September 2003 to December 2003 was sufficient to provide the individual soldier/bad chain of command appropriate understanding of the proper way to conduct detainment operations. In reference to interrogation policies, all guidance provided by higher headquarters was immediately passed to subordinate commands and then, to the user level. I note that most tactical battlefield interrogations rely on direct questioning, mainly because direct questioning coupled with the surprise and confusion of initial detention is the best method to gain reliable statements from detainees. Thus, LTG Sanchez's memorandum detailing appropriate and inappropriate interrogation techniques easily validated [REDACTED] subordinate units' battlefield interrogations. LTG Sanchez's memorandum was clear and to the point, and for these reasons there was no need for me to provide further guidance on this topic, other than to ensure the memorandum's requirements were met.

I would also like to note that I am unaware of any allegation of improper interrogation techniques against a detainee by any member of [REDACTED] or its subordinate units during this time period. It was not until February 2004 that [REDACTED] decided to open and operate a detainment facility.

As noted above, I relinquished command of [REDACTED] on or about 5 December 2003 to COL [REDACTED] [REDACTED] then relinquished command to COL [REDACTED] on or about 28 January 2004. As my deputy commander, I believe he was aware of the above information.

Members of [REDACTED] during September 2003 to December 2003 were briefed on the in-place rules concerning detainees and interrogations. Soldiers received these briefings either prior to deployment or once in theater. The briefings were continually updated as our higher headquarters issued further guidance in these areas. For example, 5th SPG (A) soldiers deploying from Fort Campbell received the following brief before deployment: the Rules of Engagement, the Law of Armed Conflict, Human Rights, and treatment of POWs. Once in theater these briefs were supplemented by specific briefs concerning treatment and handling of detainees to ensure detainment facilities had the proper information to justify continued detainment. Moreover, Advance Special Operations Techniques level II and III operators receive several hours of training re the proper way to elicit reliable information when interrogating a detainee.

NOTHING FOLLOWS

10. EXCISE

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

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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 Baish, Iraq DATED 2004/08/02

b(6)

9. STATEMENT (CONTINUED)

PAGE NOT USED.

INITIALS OF PERSON MAKING STATEMENT

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DA FORM 1-65

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STATEMENT OF [REDACTED]

TAKEN AT Baled, Iraq DATED 2004/08/02

b(6)

3. STATEMENT ACCORDING

PAGE NOT USED.

AFFIDAVIT

[REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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 THREAT OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR INDUCEMENT.

WITNESSES:

[REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Subscribed and sworn to before me, a person authorized by law
at [REDACTED] on [REDACTED] day of [REDACTED] August 2004
at LSAA, Baled, Iraq

b(6)

ORGANIZATION OR ADDRESS

[REDACTED]
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

[REDACTED]
Major, U.S. Army
(Typed Name of Person Administering Oath)
Judge Advocate
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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