

~~SECRET~~
B6

FICI-ECC-JA

7 August 2004

MEMORANDUM FOR RECORD

SUBJECT: Statement of [REDACTED] B6

1. The statement enclosed in the AR 15-6 investigation is a summary of the oral comments made by [REDACTED] on 23 June 2003 at Fort Sill, OK.
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.
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.

[REDACTED] B6
 [REDACTED] B6
 MAJ, JA
 AR 15-6 Legal Advisor

Encl
as

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B6

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2861; E.O. 13527 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
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
Fort Carson, Colorado

2. DATE (YYYYMMDD)
2004/06/29

3. TIME

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME
[REDACTED]

6. SSN
[REDACTED] B1

7. GRADE/STATUS
OS/AD

8. ORGANIZATION OR ADDRESS
[REDACTED] Fort Carson, Colorado

b3

b3

... WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I am the Commander of the [REDACTED]. I have been in command of 3rd Battalion for almost a year. We deployed to Iraq in late January 2004.

My battalion headquarters in Iraq was based in Mosul [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b3

1.4C

The CJISOTF policy did give us clear guidance on the types of interrogations that we could use and the various approving authorities. We also had clear guidance on how long we could hold an individual and what authorities we required to hold them in excess of and the proper processing. I have found no clear guidance on detention facility requirements. There is very clear guidance on how they are to be treated and how they are to be maintained and processing procedures, but I have seen no guidance on the facility requirements themselves. I did not promulgate any battalion level implementing guidance to my companies.

In the CJISOTF Policy that I was using, it did specify the interrogating techniques that were approved and not approved. There were approximately twenty-one approved techniques approved by the CGTF Commanding General in the CJISOTF Policy. Within that policy, there were additional interrogation techniques that required elevated approval authority. The twenty-one approved techniques did not require any special approval. The detachment commander, detachment could execute the first twenty-one. There is an additional ten that require the battalion commander's approval. Some of these are just an extension of the first twenty-one that are listed.

1.4.C

1.4.C

10. SIGNATURE

11. INITIALS OF THE MAKING STATEMENT

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE PHRASE "STATEMENT OF

TAKEN AT DATED

THE INITIALS OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

DA FORM 2823, DEC 1999

DA FORM 2823, JUL 72, IS OBSOLETE

DA FORM 2823

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STATEMENT OF [REDACTED] b6

TAKEN AT Fort Carson, CO DATED 2004/06/29

B. STATEMENT (Continued)

The elevated techniques that they wanted approval for were incentive removal, fear up, which is a harsh technique, pride and ego down, [REDACTED] isolation, yelling, loud music, light control and stress positions. I know that [REDACTED] played music in order to prevent the detainees from talking to each other. I cannot say if it was to the point where it induced stress. The music was not played to prevent the detainees from sleeping.

To the best of my knowledge neither Iraqis nor Kurds were used directly in interrogation other than interpreters during questioning. We never had Iraqis interrogating guys.

We were allowed to detain for up to 72 hours unless approval was obtained from the CJSOTF-AP commander to retain longer. I don't recall ever seeking his authority to detain someone for more than 72 hours. [REDACTED] was there for longer than 72 hours, it would have exceeded my authority.

[REDACTED]

My expectation is that detainees would be provided with adequate food, clothing, and water. I expected that the detainees would be fed in the same manner we feed our Kurdish Guard Force, to include three meals a day. I do not think any of the detachments did bread and water diet. We may have given them MREs.

I expect my Soldiers to treat detainees properly. I do not believe that there was ever any intentional abuse or neglect other than my own neglect for not inspecting detention facilities. NOTHING FOLLOWS [REDACTED] b6

AFFIDAVIT

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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, [REDACTED] b6
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29th day of June, 2004 at Fort Carson, Colorado

ORGANIZATION OR ADDRESS [REDACTED] b6

ORGANIZATION OR ADDRESS [REDACTED] b6

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6

Article 136, UCMJ
(Authority To Administer Oaths)

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